



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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LEGISLATIVE ASSEMBLY

Tuesday, 7 April 1998

Legislative Assembly

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

GLOBAL DANCE FOUNDATION - MOTION

Division Error - Statement by Speaker

THE SPEAKER (Mr Strickland): I advise the House that an error occurred in the numbers reported in the division taken on Wednesday, 1 April 1998 on the motion moved by the member for Pilbara regarding the Global Dance event.

Division Correction

On motion by Mr Barnett (Leader of the House), resolved -

That in relation to the division on the motion moved by the member for Pilbara on Wednesday, 1 April 1998 regarding the Global Dance event, the number of members voting for the ayes be recorded as 19.

WATER CORPORATION'S STATEMENT OF CORPORATE INTENT

Statement by Speaker

THE SPEAKER (Mr Strickland): I have received a request from the Minister for Water Resources to amend the Water Corporation's statement of corporate intent 1997-98, which was tabled in the House on 10 March 1998. The statement contained a printing error on page (ii) in the date shown below the Minister's signature. Accordingly, under Standing Order No 233, I advise the House that I have authorised the necessary correction to be made to the tabled statement.

BETTING CONTROL AMENDMENT BILL

Statement by Deputy Premier

MR COWAN (Merredin - Deputy Premier) [2.06 pm]: In the second reading speech on the Betting Control Amendment Bill made in this House on 19 March 1998, I stated that the Bill introduced provisions into the Betting Control Act to enable the Betting Control Board to undertake periodic criminal record checks on bookmakers and bookmakers' employees. The Executive Director of the Office of Racing, Gaming and Liquor has advised that in finalising the drafting of the Bill, parliamentary counsel was of the view that section 7(4) of the Betting Control Act presently provided sufficient power for the board to undertake periodic criminal record checks without the need to gain the prior consent of a bookmaker or bookmaker's employee. Consequently, these provisions were not included in the printed copy of the Bill. Unfortunately, the second reading speech notes were not adjusted to reflect this change, resulting in an incorrect statement to the House. The executive director apologises to the House for this oversight, and so do I.

PILBARA ENERGY PROJECT AGREEMENT ACT

Statement by Minister for Energy

MR BARNETT (Cottesloe - Minister for Energy) [2.08 pm]: The Pilbara Energy Project Agreement Act facilitated the development of a gas fired power station at Port Hedland, a gas pipeline from the Burrup Peninsula near Karratha to Port Hedland, and a power station at Newman. The purpose of the Pilbara Energy Project Agreement was the establishment of the basic infrastructure required for secondary processing of resources at Port Hedland. The infrastructure has been installed, and BHP Minerals Pty Ltd has committed to secondary processing with the construction of the hot briquetted iron-direct reduced iron plant at Port Hedland. BHP recently embarked upon a program of selling non-core assets, including the gas pipeline that has been sold to Epic Energy (Pilbara Pipeline) Pty Ltd.

To facilitate the sale, the State entered into a variation agreement on 31 March 1998, first, to delete the pipeline from the agreement Act and, second, to allow for the transfer of the construction and operating rights for the pipeline to Epic.

Pilbara Energy Pty Ltd and BHP Minerals Pty Ltd have entered into a sale agreement dated 27 March 1998 for the sale of the pipeline to Epic. The variation agreement, which I will table shortly, provides for the pipeline to be owned and operated by Epic under the normal laws of the land from 27 March 1998.

Upon the variation agreement becoming effective, after the 12 sittings days in both Houses, the various tenures that

are granted pursuant to the Pilbara Energy Project Agreement Act will be transferred to Epic. The tenures will be amended to reflect that as from the date of transfer they will be subject to the laws of the land and will no longer have any of the rights or obligations created under the agreement Act. I now table the variation agreement.

[See paper No 1304.]

SCHOOL CHARGES PANEL

Statement by Minister for Education

MR BARNETT (Cottesloe - Minister for Education) [2.11 pm]: I table a report dealing with school charges. In July 1997, following the release of the draft School Education Bill for public comment, I announced that a school charges panel would be established, containing representation from school principals, parents, the community and the Education Department, to make recommendations on the following matters: First, concerning upper limits to school charges for government primary and secondary education; second, strategies for relief of financial hardship; and third, any other relevant matters for implementation of the School Education Bill.

At the time of that announcement, I indicated that I considered the existing \$9 voluntary charge at the primary level to be too low, and that a charge of approximately \$25 might be more appropriate. I also indicated that the recommendations of the school charges panel would be made public, and that, accordingly, I would table the panel's report which addresses the first two issues.

The panel is continuing work on the third matter, including the desirability of setting maximum charges for years 11 and 12, payment options and the collection of school charges. The Western Australian Council of State School Organisations was initially represented on the panel. I am disappointed that WACSSO withdrew prior to the completion of this report.

The report notes that although the annual charge at the primary level is a voluntary contribution of \$9, many parents in fact contribute significantly more - on average around \$50 to \$60 per year. Charges at the lower secondary level have been set at \$225 per year since 1996, although some secondary schools also request a voluntary \$9 contribution. The report makes nine recommendations, which in summary are -

That at the primary level, schools be authorised to levy a charge for 1999 of up to \$60 per head and at the lower secondary level up to \$235 per head, and that these upper limits be adjusted annually against the consumer price index;

that all principals and school councils work closely together to ensure charges are kept as low as possible; and

that the Government implement a scheme to support primary school parents in financial hardship. The scheme's eligibility requirements would be similar to those of the secondary assistance scheme already in place to assist needy lower secondary students.

Although I consider an annual primary school charge of \$25 to be reasonable, most parents are already paying around \$50 to \$60, and to set the charge below that level would result in a decrease in revenue for some schools. It may be more equitable and appropriate to set an upper limit closer to what is currently being paid, and provide a scheme to support primary school parents in financial hardship.

These issues will now be considered as part of the Committee stage of parliamentary debate on the School Education Bill. I look forward to vigorous discussion on the levels of charges considered appropriate and the form of support which should be provided to parents in need. I table the report.

Mr Ripper: We will not support a new education tax!

Mr BARNETT: That is an intelligent comment.

[See paper No 1305.]

RESPONSE TO THE AUDITOR GENERAL'S MEDIA STATEMENT

Statement by Minister for Primary Industry

MR HOUSE (Stirling - Minister for Primary Industry) [2.14 pm]: I respond to a prematurely released press statement by the Auditor General in which some selective wording has emotively highlighted a less than satisfactory financial performance by Agriculture Western Australia.

I had discussions on Friday of last week with the Auditor General and his staff about the outcomes of his report and

Agriculture Western Australia's current and ongoing financial position. The Auditor General's comment to me was that satisfactory progress was presently being made. The seriousness of the reported matters came to my attention in advance of the Auditor General's opinion being finalised and led me to direct the agency's chief executive officer to rectify the situation as a priority.

The concerns expressed by the Auditor General in relation to Agriculture Western Australia in no way relate to either a suspicion or an indication of any misappropriation or loss of funds. Put simply, the recognised difficulties relate to -

The complexity of an agency with over 90 sites, including 30 account processing sites, and hundreds of funding sources;

the transfer of financial accountability and responsibility away from Treasury to individual line agencies; and

the inability of a newly installed financial management information system to deliver the required results at the push of a button.

By way of explanation, contractors installed a new system into the agency on 1 July 1996, and all indications were that this would be a turnkey operation. However, throughout the financial year to June 1997 this system performed well short of the required standards, exhibiting communication failures affecting system data, slow processing times and duplication of transactions. During this time when preparing accounts, Agriculture Western Australia recognised the difficulties with the system.

In terms of a key response to the audit report, a multi-point plan has been developed between the Office of the Auditor General and Agriculture Western Australia. It includes the secondment of Office of the Auditor General staff to work with Agriculture Western Australia staff in its implementation; the increase of financial management section staff and resources to ensure issues raised by the Office of the Auditor General are treated as a priority; a team of accountants which has reviewed all 1996-7 invoices; and the repackaging of the financial system and its testing. In addition, a new executive director of corporate services was appointed in August 1997. Substantial changes have since occurred, among them the appointment of a new manager of financial services.

Over the past six months a number of items have been completed to the satisfaction of independent auditors, including the development of an assets register, the creation of a new vendor control system, accounts receivable control, outstation banking systems, a register of collections, a control system for payments to vendor, and an update of an accounting manual. These and a number of other completions were positively recognised by the Auditor General in my discussions with him and his staff last week.

I am absolutely committed to rectifying the remaining matters as a priority, to ensure an open and accountable agency.

STATE PLANNING STRATEGY

Statement by Minister for Planning

MR KIERATH (Riverton - Minister for Planning) [2.17 pm]: I make a statement concerning the launch of the State Planning Strategy, in order to provide a long term planning vision for Western Australia over the next 30 years. The launch of the strategy occurred in December 1997, but judging by certain public statements, there appear to be some members of this House who are still unaware of the strategy. It is aimed to paint a broad brush picture to handle the State's growing population, expected to total 2.7 million people by 2029.

The role of the strategy is to ensure that the growth of the metropolitan area and development of towns outside the metropolitan area, particularly those that are and will become regional centres, is properly managed. It sets out a program to ensure that development does not destroy the environment. It recognises that resource management and sustainable development are vital to the State and ensures careful resource management, conservation, social and economic considerations are all taken into account. It recognises the need to maintain existing forests with enlargements through plantation and reforestation programs, tackling salinity and improving air quality in urban areas.

The strategy is broad and long-term, addressing the major changes facing Western Australia and, as such, is not set in stone. Thirty years is a long time to forward plan and as the population changes, as we change, so will this document. The main points of the strategy are -

Regional planning schemes for the Peel and greater Bunbury regions, followed by Albany, Busselton/Margaret River and the Avon arc;

more attention to managing natural resources;

measures to improve air, water and land quality; and

implementation of the south west urban system, which includes towns from Gingin to Beverley, Byford to Brunswick, Busselton to Augusta, and inland to Manjimup.

The environmental impact in this last area needs to be accurately identified and action taken to ensure larger centres are as desirable as smaller communities.

As an immediate follow up to the strategy, the Government will establish a program to identify and address the more fundamental environmental issues associated with the continual growth of Perth. The strategy envisages the extension of rapid transit to Mandurah, on to Pinjarra, and down to the south west, and new highways connecting Bunbury and Geraldton directly eastwards, and from Leonora to Uluru as important links in the State's transport and tourism networks.

The final strategy is the result of extensive consultation and represents a consensus of opinion on some very important issues relating to the development of the State and the need to plan for significant change. This will involve some costs in terms of planning and management, and costs in terms of stricter environmental and land use controls, but those are small compared to the greater benefit of the wider community.

I now table a copy of the strategy and I have made sufficient other copies available for members who want one.

[See paper No 1306.]

COMMONWEALTH-STATE DISABILITY AGREEMENT

Statement by Minister for Disability Services

MR OMODEI (Warren-Blackwood - Minister for Disability Services) [2.19 pm]: I announce that negotiations between the Western Australian and Commonwealth Governments on the Commonwealth-State Disability Agreement have been successfully completed.

As members may be aware, the first Commonwealth-State Disability Agreement, known as the CSDA, expired in June 1997, and has been extended on a monthly basis since that time, pending the renegotiation of a new agreement. I am pleased to inform the House that as a result of the discussions surrounding the CSDA, Western Australia will receive an additional \$10.2m from the Commonwealth over the next four years. This will be over and above the Commonwealth's funding to WA in 1997-98 under the CSDA of \$22m, representing 14.6 per cent of WA's total disability budget of over \$151m. In renegotiating a new agreement, my prime concern was to get the best outcome for people with disabilities and their families, and therefore to obtain a funding commitment from the Commonwealth -

which kept pace with population growth in the number of people with severe and profound disabilities and provided realistic indexation of Commonwealth funds so that services could be maintained; and

which responded to the unmet need for accommodation and respite services and day programs.

As members know, over the past 12 months Western Australia has taken the lead among States and Territories in seeking a commitment from the Commonwealth to respond to the unacceptable level of unmet need for disability services. The new Commonwealth funding package includes growth funds and indexation, totalling \$5.94m; an additional \$1.5m for the redevelopment of inappropriate hostel facilities and the improvement of services in rural and remote communities and for people with acquired brain injury; a total of \$1.27m for post-school options, \$1.2m of which is for the continuation of the interface program for school leavers with high support needs; and \$1.5m for accommodation support for adults with disabilities who are living at home with ageing parents or family carers, as announced by the Prime Minister last Friday.

This funding builds on the Western Australian Government's significant achievements in providing services and support to people with disabilities and their carers, which include an additional \$40.4m growth funding in the "Count Us In" Disability Services five year business plan to 2000; \$3m for respite care services; and \$6.9m further growth funding for 2001 and 2002, thus extending the business plan two more years.

Finally, the commonwealth Minister for Family Services has agreed, as part of the CSDA, to convene a ministerial conference within 12 months specifically to develop a strategic plan to address the balance of unmet need for services. Western Australians can be assured that I will continue to vigorously pursue further funding from the Commonwealth to address residual unmet need in this State.

[Questions without notice taken.]

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY

Personal Explanation

DR HAMES (Yokine - Minister for Housing) [2.54 pm]: When I responded to question on notice 1921 of 1997, I tabled details of 38 properties sold by the Industrial and Commercial Employees Housing Authority, ICEHA, in paper No 879/97. That paper contained mistakes which were caused by typographical and clerical errors within ICEHA. Those errors have been amended and I now table a new paper setting out amended details which I understand are based on available records. The corrections are shown in bold.

[See paper No 1308.]

ACTS AMENDMENT (ABORTION) BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Ms Warnock, read a first time.

HOSPITALS

Matter of Public Interest

THE SPEAKER (Mr Strickland): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That the House express its concern at the inadequate funding provided for government hospitals, the reduction in state government real per capita expenditure on hospitals and the impact this is having on the lives and wellbeing of thousands of Western Australians.

Further, that the Minister for Health account to the House for the financial mismanagement in the Health Department including -

- (a) the extent of the further blow-out in the budget of metropolitan hospitals;
- (b) the size of the budget deficit, or surplus, for each metropolitan health service and the projected total deficit for all hospitals; and
- (c) details of steps taken at each metropolitan hospital and major regional hospitals to reduce expenditure and any reallocation of funds between hospitals or from other health services.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes to the Independent members, should they seek the call.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.58 pm]: I move the motion.

The state of the Western Australian health system, but more particularly of Western Australian public hospitals, is clearly the number one issue in the administration of government in Western Australia today.

Over the past number of years we have seen that the Government has been unable to come to terms with the waiting lists for elective surgery. We have the worst performance of all the mainland States in respect of waiting times for elective surgery. Our health system has been reeling under the impact of continual change. We have had three major changes in the health system over the past five years. Indeed, as the member for Fremantle will indicate later in the debate, another administrative change is on the way in the health system. All of those changes mean that priority in the system is shifted from direct care of people and the provision of preventive health services, to the whole question of organisation and administrative change.

We have been coming into this Parliament since the election of the coalition Government arguing all of these things about health. What has been happening is that the difficulties in the system have been getting worse and worse as each year comes and goes. We have been able to present to this Parliament and to the community case studies of real pain and suffering as a result of the problems that exist in our health system. For the first time, tragically, we have evidence in the paper today of one Western Australian citizen who did not get treatment in time to prevent him from passing away. I refer to the case of William Harris from Byford, which was reported in today's *The West Australian*.

It has been clear to us that the problems are there. About 18 months ago the Western Australian Government made a decision which I believe was certainly one of the most appalling decisions ever made in Western Australian politics

in recent years. The members of the Government decided to lay all of the blame for the problems in our health system on the Federal Government in Canberra. This was a political strategy. The difficulty is that they are using the pain and suffering of Western Australians today to back up their political strategy. Rather than do anything about the problems that exist in the health system today, be it at Osborne Park Hospital, Swan District Hospital, Royal Perth Hospital or Sir Charles Gairdner Hospital, government members have said that they will focus totally on the Medicare agreement with Canberra.

Let us get to the facts. The argument that the Government put up to justify putting all of its eggs into the basket of federal-state relations fails the test of evidence. We see the Government cynically using the suffering of its citizens in the battle against Canberra.

Mr Nicholls: Where would you suggest that the money comes from?

Dr GALLOP: I will come to that. Let us look at a statement made by the Premier of Western Australia at a recent meeting of Premiers. He said that, contrary to the Commonwealth's claims, Western Australia has not reduced its effort in funding hospitals, as shown by the graph. He said that indeed over the five years to 1997-98 growth in Western Australia's expenditure has kept pace with the Commonwealth's - 13 per cent real per capita growth. The Premier of Western Australia deliberately misled the people of Western Australia and the people of Australia on the contribution of the State Government to the public hospital system. The Opposition has been pursuing this issue for many, many months. Earlier this year we finally managed to get from the Treasury Department of Western Australia the real figures about what the State Government contributes to our public hospitals and what the Commonwealth contributes. The figures upon which I rest my case are provided by Treasury. Those figures show that real per capita contribution to public hospitals from State Government sources has fallen by 8 per cent since 1992-93.

Mr Court: No, my friend.

Dr GALLOP: That is what they show. The Premier is attempting to fiddle the figures.

Mr Court: That is where you are quite dishonest.

Dr GALLOP: The Premier says that I am dishonest. I say to the Premier that he lied to the Prime Minister and he lied to the people of Australia.

The SPEAKER: Order! I ask the Leader of the Opposition to withdraw that.

Dr GALLOP: I withdraw. The Premier deliberately withheld the truth from his own colleague, the Prime Minister, and the people of Australia.

Mr Court: I will explain what has been -

Dr GALLOP: These figures do not need explanation; they are there for everyone to see. What is it about the figures that the Premier needs to explain? The Premier does not have to explain figures; they are facts. They show without any contradiction that the Government, despite an increase in revenue of \$1.5b since 1992-93 in a Budget of about \$7.5b, has reduced its real per capita contribution from \$334 in 1992-93 to \$307 in 1997-98. That is what his Government has done to the public hospital system.

Let us get on to the issue of commonwealth-state relations. We do have an argument with the Howard Government; there is no question about that. In the first three years of the Court Government, which were the last three years of the Keating Government, money from the Commonwealth by way of general revenue grants to Western Australia went up by \$8m and money under special purpose payments went up by \$266m. That was an extra amount of \$274m, of which \$166m went to our state public hospitals. During that same period revenue to this Premier and his Government went up by \$1 007m. During that period the State Government's contribution to our public hospitals fell by \$17m and the Commonwealth's contribution increased by \$166m.

We then had a change of government. We do have a very legitimate argument against John Howard for what he has done in respect of Western Australia's health system. In the first two years of the Howard Government general revenue grants from the Commonwealth are down by \$36m and the special purpose payments by \$10m. Payments to public hospitals in that same period from the Commonwealth are up by \$26m. John Howard has savaged the State's Budget; there is no question about that. Guess who acquiesced in that? He is now going back to John Howard saying, "Sorry, Mr Prime Minister, we did not really mean it when we said that we supported you two years ago. We want the money back again." The money the Premier is asking John Howard to give back is money he allowed John Howard to take away for two years of the Howard Government.

Tax revenue to the State of Western Australia in the past two years has increased by \$587m. In the past couple of years extra money has been put into public hospitals as a result of the underfunding crises that emerged towards the

end of the financial year. The amount the Commonwealth has put in during the past two years has gone down relative to what the State has put into the system. The story is that the Premier of Western Australia has no credibility when he goes to Canberra and says, "You are to blame for the crisis." This Government created the crisis. It has had an extra \$1.5b in revenue and extra money from the Commonwealth of Australia for public hospitals. This Government has chosen as a matter of priority to take money out of public hospitals from their own sources to the tune of 8 per cent in real per capita terms. The Government of Western Australia chose to do that. The Government set those priorities.

The result is obvious to everyone: Waiting lists are lengthening; hospitals are not tackling the problem of the long waiting times for elective surgery; and real pain and suffering is being experienced by many citizens of this State, particularly senior citizens.

Let us get to the nitty-gritty of this cynical political strategy. We are approaching the end of the financial year. Everyone knows that a crisis exists in the health system that must be dealt with. The Government of Western Australia has just sold the Dampier to Bunbury gas pipeline, which will result in an extra \$100m of stamp duty that will go into consolidated revenue. We are not talking about the money from the sale, which should be used for debt reduction and new capital works programs, but about money that will go into the coffers of the State Government of Western Australia.

The response of this Government to that situation was to send a memorandum to all public hospitals stating that they must cut back their expenditure between now and the end of the financial year. Over the weekend, the Opposition revealed that as a result, Princess Margaret Hospital for Children and King Edward Memorial Hospital for Women will experience real problems in delivering their services. The chief executives of those hospitals have admitted that it will result in longer waiting times and longer waiting lists for elective surgery. Of course, they would not admit that standards of service would be reduced, but we know from the evidence that comes to the Opposition continually, day in and day out, that our public hospitals are not delivering the same quality of service as they were delivering previously, and that is a direct result of the pounding that they have received from this Government, which has no commitment to those public hospitals that are delivering services.

This Government is putting end of year accountancy ahead of the real needs of the people. This Government is putting a political argument with Canberra ahead of the real needs of the people. The words "real needs" have real meaning, because we are talking about people who need surgery not just to make their lives a bit more comfortable but to stay alive. This Government has said that the measures it has taken will not result in people being denied the treatment they need. The article on the front page of today's *The West Australian* disproves that very point.

Mr Court: Be fair and be realistic. Are you saying that the nurses can run an industrial dispute and close one in three hospital beds without the need for hospitals to reschedule operations?

Dr GALLOP: Who is to blame for the industrial dispute? The nurses told this Government two years ago to bury its workplace agreements along with all the other documents that it keeps from the people of Western Australia as a result of its approach to open and accountable government. The nurses are not interested, full stop. They want to be treated in the same way as police, teachers and prison officers. They are not being treated in the same way by this Government; if they were, we could start to solve this dispute.

The lack of credibility of this Government has led to an 8 per cent reduction in real per capita terms in state contributions to health. That is the first fact. I do not need to give any more explanation than that; those figures are from the Western Australian Treasury Department.

The second fact is that our current system is under such pressure that people are being denied life saving care. The Government's solution is to tell us that we have to wait for the Budget or we have to wait until the Government has had its political argument with John Howard. The public sector in Western Australia is reeling and collapsing as a result of this Government's lack of commitment to service delivery and its inability to administer its departments properly. We can find no better illustration of that fact than what is occurring today in our public health and public hospital system. The Premier and his Health Minister should be held to account for this appalling situation. We want a solution now. We want a commitment now. We do not want a commitment some time down the track when the Premier has solved his problems with Canberra and brought down his state Budget.

MR McGINTY (Fremantle) [3.14 pm]: Western Australians were shocked this morning when over their breakfast they read of the death of Mr Harris as a direct consequence of the cancellation of the surgery for which he had been scheduled. I think most of us thought we would never see in Australia, and particularly in Western Australia, people die because of the failure of our public health system. I hope that death will have a profound effect on the way this Government is addressing this funding issue.

The Leader of the Opposition has just spelt out clearly what people who have looked at this matter closely have

known for some time: This State Government has not pulled its weight and made a fair contribution to the funding of this State's hospitals but has taken money out of the funding of this State's hospitals. That is the root cause of the problem which besets our public hospitals today. In fact, it is a lot more than a problem. It can be described appropriately as a full blown crisis.

The death of Mr Harris was a tragedy. I am told that last week, another death occurred which was also related to Fremantle Hospital and involved similar circumstances. If this Government does not impress itself with a sense of urgency and take action now to fix this problem, more Western Australians will die needlessly. That is not a situation that any Government, Premier or Health Minister would countenance for one moment. It is not a situation that the Western Australian public would accept under any circumstance.

I will relay to the House the extent of this problem. Twelve to 18 months ago, the issues that were being raised in the public arena and the issues that I am sure all members had people come into their electorate office to raise were ones that could not be said to be life threatening but nonetheless involved inconvenience, pain and loss of mobility. People were saying they were waiting too long to have their operations. However, people knew that if their cases were urgent, they would be operated on immediately. They knew also that if their cases were non-urgent or routine, they would be operated on eventually, although perhaps with some delay.

That cannot be said about our health system today. This morning while I was driving my car, I listened with some interest to the Premier say on radio that urgent cases were still being looked after and those people would automatically have their operations. However, the problem is that that is not true. Mr Harris was an urgent case; he is dead. Other people who are desperately ill and suffering life threatening conditions are not receiving the operations that they need.

I know the Minister is aware of the case of Stacey Foster, a 32 year old woman who is sitting in the Speaker's Gallery today. Stacey was due to have an operation tomorrow for cervical cancer, but that operation has been cancelled when it should not have been cancelled under any circumstances. Stacey's cervical cancer was detected in May of last year when she was six months pregnant with her second child and a Pap smear showed the existence of bad cells. The treatment, as we would all expect, was deferred until after the birth of her baby, who was born in the middle of last year. In January of this year, Stacey had a biopsy which indicated the need to remove that cancer of the cervix. That cancer has been described by her doctors and the hospital doctors variously as "advanced", "high level CM3" and "cancer on the move". The need for surgery has been described by her doctors as "urgent", "serious", "life threatening if not removed", and "should have been done a long time ago".

As Ms Foster has a back problem, the doctor advised - it was agreed to - that the procedure should be carried out under a general anaesthetic, which can be a day procedure. Ms Foster was scheduled for surgery tomorrow, 8 April, at King Edward Memorial Hospital for Women. However, the hospital rang yesterday, Monday, 6 April, to advise that the operation had been cancelled indefinitely as no indication was given of a rescheduling.

Mr Court: Did they say why it was cancelled?

Mr McGINTY: They gave two reasons. First, funding cuts and, second, the nurses' dispute. That is what Ms Foster was told when King Edward Memorial Hospital rang to say the operation would not proceed. Such cases, unfortunately, are becoming commonplace.

Members will recall that I congratulated the Minister for Health for his involvement in a case I raised in the House one month ago; namely, a four month old baby born with one kidney was turned away from Fremantle Hospital. The Minister intervened and ensured that the necessary procedure was carried out the next day at the hospital. Hospitals should not be making decisions to turn away people in cases like Stacey Foster's. I appeal to the Minister to again become involved to ensure that Ms Foster receives treatment.

Mr Prince: I am.

Mr McGINTY: I take the Minister's word for that. I hope something can be done as a matter of grave urgency for obvious reasons. Anybody who has spoken to Ms Foster will realise that she is extremely concerned about her situation. These cancellations cannot be allowed to continue. I hope we do not see too many more deaths and life threatening cases before we get a response from the Government to enable the problem to be fixed. It must be fixed with money being put into the system. The current response is not good enough.

A touch of detachment and aloofness is evident with a Premier who, faced with the headline in the newspaper this morning that people are dying because of the health care system crisis, said he will not bring forward the allocation of funds to prevent those occurrences in the first place. Money is available. The Leader of the Opposition asked the Premier in question time why the Government will not put the stamp duty raised from the sale of the pipeline into the area of most pressing need - that is, the public hospital system where the wheels are falling off.

Mr Court: We are negotiating with the Federal Government a five-year Medicare agreement. Do you believe we should sign that agreement?

Mr McGINTY: The Premier must get the best deal for the system. Walking out of the Premiers' Conference was not appropriate - it was a stunt.

Mr Court: Are you happy with the agreement? Would you sign it?

Mr McGINTY: The Premier should get the maximum number of dollars possible for the State. Everybody on this side of the House will support the Premier in extracting every last possible dollar from the federal Minister.

Mr Court: We have been given a proposition, and we will not sign it.

Mr McGINTY: We will support the Premier in getting what he can from the agreement.

Mr Prince: I know that you have been talking to Andrew Refshauge, the New South Wales Minister for Health, so you know the situation we face. Do you support what the Federal Government says we should sign?

Mr McGINTY: No.

Mr Prince: Good! Will you support us in trying to persuade Canberra to recognise the facts of the case and what should be in the Medicare agreement?

Mr McGINTY: I do not know whether I support the Minister in what he is doing: He is exposing Western Australians to life threatening situations by using them as pawns in this game.

Mr Prince: We are trying to increase the base funding.

Mr McGINTY: The Opposition supports the Minister 100 per cent in every additional cent he obtains from the agreement. He should have no illusions about that. However, he should not use that as an excuse for not putting money into health today to enable operations to take place.

Mr Prince: I am not.

Mr McGINTY: Secondly, a further blowout has occurred in the budgets of our government metropolitan hospitals. It is incumbent on the Minister for Health, as the motion calls on him to do, to report the information provided to the Metropolitan Health Services Board; namely, that a blowout of between \$10m and \$20m has occurred on top of the blowout which occurred last October. Members will recall that in October last year the Health budget blew out by \$85m.

Mr Prince: That was the estimate for the full year!

Mr McGINTY: The Government put in \$30m to reduce the estimated blowout to \$55m. The amount of \$85m did not reduce, and there has now been a further blowout of between \$10m and \$20m - I have heard figures of \$12m or \$15m for metropolitan hospitals only; that is, the figure does not include any hospitals in rural Western Australia. The Minister should report that information to the House. The public has an interest in knowing the extent of financial mismanagement which has been allowed to take place yet again.

Mr Prince: It is not financial mismanagement. It is demand!

Mr McGINTY: Two massive budget blowouts in one year result from either not enough money being provided by the Government or financial mismanagement. The Minister can take his pick. On either count, he is condemned.

Mr Prince: It is demand; it is people.

Mr McGINTY: In light of the effluxion of time, we might move to the point.

The Metropolitan Health Services Board has decided, or is in the process of deciding, to penalise the hospitals which have been frugal and performed well. These hospitals will be burdened by having part of their budgetary allocation taken from them to prop up the profligate; namely, those spending money on discretionary expenditure.

On the figures I have heard, and on which I would like confirmation, Royal Perth Hospital has blown its budget by approximately \$5m. Earlier this week, the newspaper reported that a blowout of approximately \$2m has occurred at King Edward and Princess Margaret hospitals. We know that Osborne Park Hospital is a significant contributor to the problem as a decision has not been made about the extent of further reductions at that hospital. We know also that Armadale is a problem, and other problems exist around the place. The Minister should account to the House for the extent of the recent budget blowouts and tell us on which figures his bureaucrats are making decisions.

Fremantle Hospital, which has been targeted to make a contribution to prop up the profligate hospitals which have

overspent their budgets for the second time this year, is the most efficient of the teaching hospitals. Its costs per weighted case are less than those for King Edward, Royal Perth and Sir Charles Gairdner hospitals. Significantly, it is the most efficient hospital. It has been frugal and kept its expenditure within limits, at times to the detriment of people who need the service of that hospital. A blowout has occurred at Fremantle Hospital, which has the worst facilities, the greatest growing demand and the largest waiting list of any hospital in the metropolitan area. However, as it has held its budget intact, it is proposed to take about \$1m from it and allocate it to hospitals which have blown their budgets. That is a disgrace. It is rewarding the inefficient and incompetent.

The Minister should demand that hospitals which have blown their discretionary expenditure and spent over their budget should pay; not hospitals like Fremantle which are doing their best to provide a service and at the same time meet the budgetary requirements. It is a disgraceful way to behave and brings no credit to the Government. The motion calls for the Minister to answer a number of questions; I hope he will do so.

MR COURT (Nedlands - Premier) [3.29 pm]: The Leader of the Opposition said that Treasury figures indicate an 8 per cent per capita cut by the State Government in expenditure on our public hospitals. I record that Treasury officers briefed the Leader of the Opposition, I believe prior to Christmas, about this funding.

Dr Gallop: There is a distinction between the facts and the explanation. I am interested in the facts.

Mr COURT: I present the facts. Treasury gave the Leader of the Opposition the facts, and then on 16 January this year he released a press statement using the 8 per cent figure. The release was headed "The Truth About Public Hospital Funding". That was only a few weeks after the Leader of the Opposition had been fully briefed on these matters by Treasury.

Dr Gallop: I am capable of reading figures on my own.

Mr COURT: I do not think the Leader of the Opposition is.

Ms MacTiernan interjected.

Mr COURT: The Leader of the Opposition has proved to us that he is incapable of understanding the figures.

Dr Gallop: You are getting desperate now.

Mr COURT: No, I am not at all. I will outline to this House the Treasury briefing that was provided to the Leader of the Opposition. If this is not the briefing he was given, he should say so.

Dr Gallop: These are the figures; you explain the figures to us.

Mr COURT: I will read out the figures that the Leader of the Opposition was provided.

Dr Gallop: It is funny that John Howard agrees with me on this.

Mr COURT: I bet he does! I will tell the Leader of the Opposition why in a minute. This is why he is playing into the hands of the Federal Government when we are trying to negotiate a fair deal. He is prepared to sell the State short just for a short term political gain.

Several members interjected.

Mr COURT: We are talking about the hospital expenditure figures over a five year period. Opposition members should listen to this because they know what sort of tricks the Leader of the Opposition can get up to. When the Commonwealth Government introduced the new agreement, it gave us a considerable increase in our health funding. In 1993-94 the hospital funding grants increased by \$135m.

Ms MacTiernan: That was when there was a Labor Government.

Mr COURT: But what the Leader of the Opposition does not say is that at the same time the Commonwealth took a big cut from our financial assistance grants directly related to the increase. So yes, the Leader of the Opposition can say we got an increase.

Dr Gallop: What happened the next year?

Mr COURT: We received an increase, which is the new base. That is from where the Leader of the Opposition starts his figures; however, he conveniently forgets to tell us that. When one adjusts the figures, one sees a fall in the financial assistance grants directly related to the increase; in other words, the Commonwealth took it out of one area and put it into another. The Leader of the Opposition is using that as the base funding, which Treasury explained to him he could not do. What does that mean? I will explain what happened.

I have publicly said on many occasions -

Dr Gallop: No, Premier.

Mr COURT: The Leader of the Opposition is wrong.

Dr Gallop: Is the Prime Minister of Australia dishonest? That is what you said I was. You will not answer that question. You are a wimp; you are pathetic. He will not answer that question. Why will you not answer that?

Mr COURT: I have answered the question and I said no. The Leader of the Opposition has been briefed by Treasury and he has explained -

Dr Gallop: Is the Prime Minister of Australia dishonest?

Mr COURT: Can I get a word in, Mr Acting Speaker?

Dr Gallop: You have not got the guts!

The ACTING SPEAKER (Mr Sweetman): I formally call the Leader of the Opposition to order for the first time.

Mr COURT: This is the most amazing debate.

Dr Gallop interjected.

The ACTING SPEAKER: Order!

Mr Marlborough interjected.

The ACTING SPEAKER (Mr Sweetman): I formally call the member for Peel to order for the first time.

Mr COURT: This is the most amazing debate. I have a limited time to speak and I cannot even get a word in edgeways. The Leader of the Opposition has become very sensitive to the fact that I have now explained to the House that Treasury briefed him. He cannot use the 8 per cent figure, as I will explain in more detail.

Adjusting for the fall in the financial assistance grants, the Commonwealth contributions to hospitals rose by only \$72m from 1992-93 to 1997-98, while the State's contribution grew by \$185m. Over that period, the State also suffered cuts in FAGs for other reasons. If the Leader of the Opposition wants to use a figure that is relative to all of the revenues available to the State - that is, both Commonwealth grants and the state taxes over that period - we have basically spent the same percentage. It went from 15.9 to 15.6 per cent. The Leader of the Opposition mentioned the increase in revenues. There has been a considerable increase in the real funding that has gone in. In real per capita terms the state contributions increased by 9.6 per cent over that five year period, whereas Commonwealth contributions fell by 1.7 per cent.

Mr Kobelke: Can you justify that figure?

Mr COURT: I will table it, because a briefing was provided to the Leader of the Opposition and he conveniently chose some figures which left out the fact that at the time we had that increase, there was a drop in the financial assistance grants.

Dr Gallop: What happened to commonwealth general revenue grants to Western Australia in 1994-95?

Mr COURT: I have included all the grants.

Dr Gallop: No, general revenue grants. You know what happened. In 1993-94, general revenue grants went down by \$58m, but special purpose payments went up by \$208m. In the next year, general revenue grants went up by \$57m, thereby cancelling the reduction in the year before, and special purposes payment went down by \$6m.

Mr COURT: The Leader of the Opposition cannot have it both ways. I table the two graphs.

[See papers Nos 1309 and 1310.]

Mr COURT: Contrary to what the Leader of the Opposition is saying about an 8 per cent real per capita cut, there was actually a 9.6 per cent real per capita increase. He is simply ignoring the briefing and the advice that was provided to him by Treasury. Treasury gave the Leader of the Opposition a detailed briefing as it does on request by the Leader of the Opposition. It is interesting that weeks after that briefing, when it was explained to him that he could not use the 8 per cent figure because it failed to take into account the corresponding cut that occurred in the financial assistance grants -

Dr Gallop: It does not suit your purpose.

Mr COURT: I will tell the Leader of the Opposition whom it does suit. It does not help our case when we are trying to negotiate a deal with Canberra and he continually uses those figures, knowing and having been briefed by Treasury that they were wrong. At least the member for Fremantle is prepared to support us in trying to get a better deal out of Canberra, but he has not asked the question. Does the Leader of the Opposition believe we should sign the Medicare agreement?

Dr Gallop: We should fight hard with the Commonwealth to improve the deal and we should use the Senate inquiry to do that: A simple answer to the question.

Mr COURT: Why does the Leader of the Opposition not stop the tactic that he is using whereby he is selling the State short? He is saying that we have received \$100m more for health funding than we got. Why would he want to run around using that argument? It is because it suits his short term cause!

The other issue is the question of one of the longer term issues, not just the five year agreement that we are being asked to sign, but the tremendous fall off that has occurred in private health insurance which is putting the pressure back on the public hospital system. It appears that the Leader of the Opposition believes we should not be encouraging people to take out private health insurance.

Dr Gallop: They have the right and the choice. I would not be spending commonwealth tax revenue the way your colleagues in Canberra have. That money should have gone into our public hospitals.

Mr COURT: The Leader of the Opposition has said today, "Those of us on the Labor side believe in Medicare. We believe in the public hospital system and we do not believe that actively encouraging people to take out private health insurance is a solution."

Dr Gallop: It is not, and it is obvious that it is not. It is a factual statement.

Mr COURT: That comment indicates a complete lack of understanding of the health funding issue.

Point of Order

Mr KOBELKE: I believe that the Premier has misled the House. I seek your guidance, Mr Acting Speaker (Mr Sweetman), whether this is an appropriate time to move a censure motion against the Premier. He cited an 8 per cent increase, which I questioned. The Premier said that he would table a document in support of that increase. The document shows nothing. He said that he would explain the figures. He has not. He has misled the House.

The ACTING SPEAKER (Mr Sweetman): That is an opinion. It is not an appropriate time to move such a motion.

Debate Resumed

Mr COURT: I have explained -

Several members interjected.

The ACTING SPEAKER: Order!

Mr COURT: Members want to have a rational debate on health matters, but they continue to interject. It is hardly worth standing to speak! I have tabled the adjusted figures on the financial assistance grants and the unadjusted figures.

Several members interjected.

Mr COURT: Members do not understand. Treasury officers have given a detailed briefing to the Leader of the Opposition. If all members want a detailed briefing, they can have one. At least then they might start to use the correct figures.

The stance taken by the Leader of the Opposition on health insurance highlights the problems involved. A cost shift has occurred, and that needs to be addressed because a health insurance scheme with a membership of only 30 per cent of the population cannot be a true scheme. The Leader of the Opposition continually quoted a figure of 8 per cent real reduction when in fact there has been a considerable per capita increase in Western Australia. That was misleading.

MR BRIDGE (Kimberley) [3.43 pm]: The core issue which needs to be addressed in this debate is that for the past decade in this State successive Governments of both political persuasions have continued to embrace a philosophy generally known as economic rationalism. The result of that process has been a proposition by people in authority and in decision making roles that the marketplace will take care of any situation. In reality, that does not happen. Therefore, privatisation has gone mad. I am talking in the context of health, but that argument can be applied to the

decline in and concern expressed about prisons and the Ministry of Justice in general, the education system and the provision of infrastructure. I refer also to concern about water issues. Not only in Western Australia but throughout the entire nation, the situation has been thrown out of kilter. Due to the mentality that the marketplace will be a means to all ends we have moved away from traditional responsibility. We no longer rely on practical people to deal with these issues in a better way. We have replaced people possessing immense knowledge and experience, those with practical know-how to deal with the issues, with a new breed who have an administrative and economic mentality. As a result, we have lost some very practical people who - notwithstanding some of the financial constraints faced by Governments - would draw on their experience and knowledge to make a better fist of things.

Currently we have the worst of all things: Privatisation is impacting adversely. It is moving the Government away from traditional areas of duty, obligation and responsibility. In addition, well-intentioned people have moved into the system but they do not possess any practical knowledge or know-how. Therefore, not only are we affected by financial constraints, but also people less capable of dealing with the shortcomings of the financial system have moved into our institutions. Our hospital and education systems are in a sorry state, and we certainly face many problems in the prison system. For many years we have been grappling with the deficiencies and inefficiencies in the provision of infrastructure. Each issue is critical for the wellbeing of our nation; yet we continue to entrench that philosophy into various systems, rather than make some adjustments and tread the pathway of reasonable serviceability and offer the services much needed in the community.

I do not think we need to talk about the most recent Budget or even the one before last. We must get down to the basics; that is, the philosophy which has become enshrined in this State. Successive Governments have been to blame; this is not a one off situation. We heard all about the J curve philosophy promoted by the previous Federal Government; we have heard about micro-economic reform, which no-one understood - not even the economists. Foolish people have been allowed to pick up that philosophy and tamper with it with the assistance of computers and financial data. That tampering has resulted in some important elements of the system being discarded. One of the most fundamental in this debate has been the loss of practical, skilled and competent people who could have handled various situations in a much better way.

Mr Baker interjected.

Mr BRIDGE: The member can talk all he likes about consultants. That is another issue. The member cannot argue that a consultant would measure up to a dedicated matron who has been working in hospitals for 20 or 30 years!

MR PRINCE (Albany - Minister for Health) [3.48 pm]: I wish to respond to the matters raised by members of the Opposition. However, first, I refer to the case of the lady who is sitting in the Speaker's Gallery. The operations director of the Health Department, who has also been in the gallery and who is a medical professional, has been in touch with King Edward Memorial Hospital. He is endeavouring to make arrangements for the lady concerned. I do not want to canvass her condition, because it is not appropriate to do so. However, as the member for Fremantle has asked me to do so, I have acted on that matter, and I hope the lady will be attended to soon.

Mr McGinty: I thank you for that.

Mr PRINCE: With regard to the two deaths resulting from aneurisms, it is very difficult to make any sensible comment without either being a vascular surgeon or having seen the people concerned and being involved in the decisions. The decisions to defer surgery, of course, were made by the clinicians and doctors - the people who know the patients. The decisions were made because they had to be made as a matter of priority. I am told that there is a less than 10 per cent chance that an aneurism will burst. However, of course, that means that about one in 10 do. There is also a risk in undergoing the operation.

The decisions made by the clinicians are made against the background of the current nurses' dispute. I want to make it absolutely clear that I am not blaming any individual or group of nurses for this, and I have not. I have not said anything at any time that could be interpreted as provocative to the nurses, nor have I blamed them for anything. I have said over and over again to the union leadership that it does not need to take this industrial action; we can negotiate a result. The teachers' union negotiated a 6 per cent increase without industrial action. The nurses achieved pay rises just over two years ago and they can be negotiated again. However, 15 per cent is an extra \$40m and the Health budget does not have it. The nurses know that, as does the union.

There have been some very good attempts to resolve this dispute. I give the Industrial Relations Commissioner his due: He tried very hard to conciliate a result last Friday. Unfortunately, the union executive was not able to follow his lead. We are awaiting a decision from him about an order to call off the industrial action. The Government has sought that order because it believes that the industrial action is prejudicing patient care. The commissioner has finished hearing evidence and is currently considering his decision.

I say to the nurses' union: The point has been made; this action did not need to be taken; we can negotiate a pay rise.

Those who want to sign a workplace agreement and change the way they work, will receive more money. We can negotiate a pay rise and an offer of 7 per cent has been made. That is the stage we have reached. It is not a matter of intransigence on the Government's part. It has only a limited amount of money, and that is all that can be found.

With regard to other matters, I will refer generally to health care financing. I table a paper prepared for me by the Commissioner of Health. The paper has been generally circulated; it is not confidential.

[See paper No 1311.]

Mr PRINCE: It clearly states what has happened during the term of the current Medicare agreement, particularly with regard to the relative contributions from State and Federal Governments. We have had Medicare in its current form for 10 years - two five year agreements. If one peruses those 10 years, one sees that there is absolutely no doubt that the commonwealth contribution to hospitals, not to health generally, has increased by 0.6 of 1 per cent. Over those 10 years, the state contribution to hospital funding has increased by just under 7 per cent.

The biggest driver of increased costs is the dropout from private health insurance cover, followed by advances in medical technology. That is a shorthand term for the variety of procedures and tests that can now be undertaken by doctors on a wider number of people. In part it is equipment, in part it is new knowledge and in part it is simply being able to do more things than could be done previously. That should be self-evident to members if they think about the way their general practitioner dealt with them 10 years ago when they went to them with a relatively minor ailment. They would have been examined, treated and sent on their way. These days, the general practitioner is more likely to order a test of some description because tests are more readily available and more effective. Whether it is done by a GP in a surgery, in the private sphere or in a public hospital, more tests and so on can be done, therefore more are done.

The Australian Ministers for Health estimate that the cost of that medical technology to the hospital system across the country is an extra \$494m a year. The Ministers estimate that the cost to public hospitals across Australia of the dropout from private health insurance cover is \$620m a year. Added together, that is over \$1b. We have told the federal authorities that we need an extra \$1.1b in the base hospital funding for the next five years; that is, \$5.5b in total. Therefore, we want back what the Commonwealth has taken away by way of cost shifting penalties amounting to \$81m.

There is a limit to how much money any State or Territory can raise, because we do not have taxing powers. We presently raise about 20¢ of every tax dollar that every individual pays. Everyone pays tax no matter what their level of income, whether they be a pensioner or a member of Parliament. If they are not paying it by direct means through payroll tax deductions, they pay it when they turn on the light, when they drive a motor vehicle, when they take public transport and in many other ways. They pay it when they buy goods because of the wholesale sales tax regime. There are many taxes and 80¢ of every dollar collected goes to the Federal Government.

The point I have been making strongly for a considerable time is that it is not Canberra's money; it is not federal money: It is the people's money and they have the right to expect it to be returned to them through their health system and through what they otherwise regard as essential services such as education. It is the Federal Government's function to ensure that that happens.

Medicare and the commitment to free and open access to public hospitals is a Commonwealth Government commitment. I am not passing the buck. States and Territories do not have the capacity to fund that commitment and we have never had that capacity. As people have dropped out of private health cover, the States and Territories have had less and less ability to fund it.

In the past three years, we have seen a 15.5 per cent growth in the number of cases admitted to the public hospitals of this State. That is not a flat line of about 5 per cent per annum, but is curved and rising. Why? Because more people are dropping out of private health care. I disagree with the Federal Government's initiatives to encourage people back into private health cover, because they have not worked. That is not the path to follow.

Dr Gallop: That is what I said on the radio yesterday.

Mr PRINCE: No, it is not. I disagreed with the incentives. The private health insurance system must be changed so that it is an attractive product and so that people can insure for 100 per cent of the cost - so that there is no gap. That involves looking at the whole issue of community rating and other things.

I believe I should be insured. I will not be so crass as to ask members individually whether they are insured, but they should be. Why? Because they can be; they can afford it. If they use it, they will pay more. They can afford that and should. I do not believe that people on a pension can afford it. Consequently, they should get free treatment in a public hospital. That is what they are for. We have a good private hospital sector that should be used by the people who can afford to use it, freeing up the public hospital sector for those who cannot. That is a matter of principle and

one on which members of the Parliament should take the lead. They should make a declaration collectively and individually that they are insured and they should use the private system. Perhaps that will give the lead to others in the community who have a decent income.

Mr McGowan: You are saying that we have put all this money into the health system. In question time yesterday the Prime Minister repeated his claim that the State Government is reducing its contribution. Is he lying or are you?

Mr PRINCE: I will not accuse people of lying. That is far too emotive a word. The paper I have tabled shows a reduction of \$70m in the financial assistance grants used by the Commonwealth to fund the Medicare bonus board in 1993-94. It went out of unallocated money into a special purpose fund for public hospitals. That led to an illusion that commonwealth funding had increased by \$70m, and the States' contribution had dropped by a like amount. Money was taken out of the hospital system to plug the \$70m hole. There was no other way it could be handled, and Hon Keith Wilson said so before the change of government.

At the same time, the Commonwealth reduced the assistance grants for Western Australia by \$23m to contribute to the Medicare guarantee payments. They went to New South Wales and Victoria, and nowhere else. At that time, this State took up an option to receive a forward payment of some commonwealth Medicare money; that is, \$21m. That enabled the State to spend less in 1983-84. I do not want to get into the debt we inherited in this State, other than to say that we did inherit it and we had to handle it.

Under the heading of "Key Events" in the paper I tabled, there is a similar explanation for 1984-85, 1985-86, 1986-87 and 1987-88. We are dealing with a situation in which the Commonwealth Government of the day took with one hand and gave with the other. The result was monetarily balanced; there was no change. The figures being used by the Prime Minister show a reduction for this State. The funding for Victoria did reduce, and it has said so. The funding for other States has gone up and down. That sleight of hand - Hon Keith Wilson pointed to it before he went out of this place as something that was untenable and should never be quoted in that way - happened.

Returning to the 15.5 per cent growth, there has been a drop-out in private health cover in this State to just under 35 per cent, somewhat better than the figure for the rest of Australia which is down to under 31 per cent. The effect is still as Graham Richardson, when he was Minister for Health, said it would be: As soon as private health cover in Australia drops below 40 per cent, the system will not cope - and it cannot cope anywhere in Australia.

On 27 November last year I said that the estimate, not the blow out, of the hospitals for the full financial year was that \$85m or thereabouts over and above their budgetary allocation would be required if they were to maintain the same activity level - that is, to deal with the same number of people. That figure was reduced by just under \$30m which came in by supplementation for various items. That reduced the overrun to \$55m. The latest information I have from the Commissioner of Health, which I seek to table, shows exactly that.

[See paper No 1312.]

Mr PRINCE: Since then, the hospitals have been directed to run their services within their budgets. There is nothing more. There is no pot of money sloshing around in the health system of this State that can be used that is not being used already. Every dollar is being used or allocated. Towards the end of the financial year I hope some programs that have not gone as far as they were expected to will leave a little to be used elsewhere. As happened last year, I expect those small amounts of money to be moved around. That is always good management.

What the Metropolitan Health Services Board is doing now is good management. It is managing within the amount of money that is available, because that is all that is available. The health services are restraining discretionary expenditure, such as staff travel, particularly interstate travel, the filling of administrative staff vacancies and so on. They are limiting some elective surgery by confining activity to urgent cases. Where possible, services to all categories of patients are being maintained by making some minor reductions in activity linked to routine patients.

The industrial action by the nurses' union has impacted on the last category. The health services wanted to maintain services for all but routine or lowest priority elective surgery patients. They have not been able to do that because of the restrictions imposed upon them within their operations by the actions of the nurses' union. I am not trying to pass any sort of responsibility onto anybody else; I am the responsible Minister, and I take that job very seriously.

Mr McGinty: Have you confirmed the deficit? I have not heard you say that yet.

Mr PRINCE: No; I have not. Dr Gareth Goodier, the chief executive officer of Princess Margaret Hospital for Children and King Edward Memorial Hospital, has told me today that the figure is about \$1.5m. In a budget of \$133m, that is acceptable.

Mr McGinty interjected.

Mr PRINCE: Since I got notice of the matter of public interest at 12 o'clock today, I have not been given a total figure. Royal Perth Hospital is saying that it is about \$3m. In a budget of \$264m, that is acceptable.

Mr McGinty: You might like to check the figure as of last Friday with the Metropolitan Health Services Board.

Mr PRINCE: I will. I do not have it. I have asked for information as the matter of public interest requested. I have tabled what has come to me. I am not trying to hide anything. I know estimates are calculated all the time. When there is a firm figure, I will give it to the member and table it, as I have in the past.

Question put and a division taken with the following result -

Ayes (20)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Carpenter	Mr Grill	Mr McGowan	Mrs Roberts
Dr Constable	Mr Kobelke	Ms McHale	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Pendal	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Riebeling	Mr Cunningham (<i>Teller</i>)

Noes (32)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mr Shave
Mr Baker	Dr Hames	Mr Masters	Mr Sweetman
Mr Barnett	Mrs Hodson-Thomas	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Mrs Holmes	Mr Minson	Mr Tubby
Mr Board	Mr House	Mr Nicholls	Dr Turnbull
Mr Bradshaw	Mr Johnson	Mr Omodei	Mrs van de Klashorst
Mr Court	Mr Kierath	Mrs Parker	Mr Wiese
Mr Day	Mr MacLean	Mr Prince	Mr Osborne (<i>Teller</i>)

Pair

Mr Brown

Mr Cowan

Question thus negatived.

BOTANIC GARDENS AND PARKS AUTHORITY BILL

Second Reading

MRS EDWARDES (Kingsley - Minister for the Environment) [4.10 pm]: I move -
That the Bill be now read a second time.

Background: Kings Park and Botanic Garden is one of this State's first class tourist attractions. It is a haven for local residents and a centre of research which contributes to the conservation of our floral heritage. The proper management of the park is an important issue for all Western Australians.

This asset is being managed under an Act that is more than a century old. While that Act has been amended on various occasions, it is now time for a complete overhaul through new legislation. In 1995, recognising its similar nature, the Government made a commitment to vest Bold Park in the existing Kings Park Board. This Bill will enable the board to manage the park once transfer of the land is effected.

Kings Park is a popular place for exhibitions, concerts and a wide range of other events. It is a superb venue, particularly for the spectacular wildflower festival held in spring each year. If we are to protect and manage this park properly, a number of significant changes are required from the current legislation.

The current Parks and Reserves Act is limited in that it is silent on the functions and powers of the State's botanic garden; it provides very limited and unclear protection for the bushland; it does not address the importance of Kings Park as a tourist and cultural heritage attraction; it severely inhibits the ability to raise revenue and to deliver quality services and facilities; and it provides no statutory basis for important research work into the conservation of our floral heritage.

Kings Park is emerging as one of the world's leading botanic gardens. It won a gold medal at the 1997 international Chelsea Flower Show on its first attempt at displaying live Western Australian wildflowers overseas. At the same time, the Kings Park research team has been widely acclaimed for discovering new ways of conserving endangered plants, in germinating wildflowers using smoke, and in restoring bushland on mine sites and urban reserves.

The functions of the State's botanic garden and the important services it provides to the community need statutory protection. When the garden within Kings Park was established in the mid-1960s, no enabling legislation was proclaimed to protect it. Now is the time to rectify this.

Kings Park and Botanic Garden is also recognised as a leader in urban bushland management. Current legislation provides very limited protection of the bushland in Kings Park. It is silent on the important urban bushland research and conservation functions of the agency today. This will be rectified under the new Act. Kings Park and Botanic Garden is the State's most heavily visited tourist location and recreational parkland. To ensure world class services, the agency must be able to operate under efficient administration and sound business principles. The new Bill will enable this while maintaining the highest standards of accountability and access.

The Botanic Gardens and Parks Authority Bill provides for modern management of not only Kings Park but also other land where designated in a schedule attached to the Act. In addition to Bold Park, the Bill will enable the addition of other lands as appropriate in the future.

Relationship with existing legislation: This Bill proposes that the Kings Park Board be dissolved and replaced by the Botanic Gardens and Parks Authority Board of Management. The Parks and Reserves Act will be amended to remove specific sections and references with regard to Kings Park. However, the remainder of that Act will continue in force and will apply to many unvested reserves in this State administered by the Department of Land Administration.

Minor amendments will be made to five other Acts. These are primarily as a result of name and title changes. The consequential amendments are to the Constitution Acts Amendment Act, the Financial Administration and Audit Act, the Government Employees Superannuation Act, the Public Sector Management Act and the Sentencing Act.

New authority: This Bill will provide for the establishment of a new authority to control and manage Kings Park and other designated land. It will also provide for efficient and effective management policies to be followed by the authority. Foremost amongst these is the requirement for publicly reviewed management plans. These will ensure wise conservation and enhancement of designated lands. The management plans will be fully accountable to the Minister and transparent to the public.

The title of the authority - the Botanic Gardens and Parks Authority - has been deliberately worded. The name proposed for the authority recognises that Kings Park is the State's botanic garden. Worldwide, botanic gardens often include urban bushland as well as traditional garden beds and landscaped parkland. Furthermore, most botanic gardens have a major involvement in conservation through scientific research, horticultural activities, education programs and active bushland restoration. It is entirely consistent, therefore, that the valuable bushland of Kings Park and Bold Park be managed by an agency titled the Botanic Gardens and Parks Authority.

It is the Government's view that the new authority must have a clear focus on managing the State's most visited tourist, recreation and cultural heritage facility - Kings Park. Also, its unique focus in conservation is in learning to grow native plants, protecting endangered species through biological research and long term storage, and combining its horticultural and research capabilities to help restore and re-establish bushland. Some of the authority's key roles are in plant research and in managing centrally located urban bushland which is subject to very high levels of public visitation. This Bill will continue the policy of maintaining a specially focused agency with the appropriate scientific and horticultural capabilities to provide specialist care and display of the State's wonderfully diverse wildflowers and other flora.

Consultation: This legislation has been drafted with a great deal of consideration and consultation. Many of the provisions in the Bill came from extensive public consultation associated with the Kings Park bushland management plan and the Kings Park framework plan. The Bill has been drafted after consideration of similar legislation governing the management of other botanic gardens - in particular, the Victorian Royal Botanic Gardens Act and the New South Wales Royal Botanic Garden and Domain Trust Act.

Bold Park: Agreement has been reached with the Town of Cambridge for the creation of Bold Park as a major new A class reserve managed by the State. It is proposed that once the land title for Bold Park has been transferred, the land will be added to the definition of designated land in the Botanic Gardens and Parks Authority Act. It will be designated as land reserved under the Land Administration Act and vested in the authority by order under that Act.

Fees, charges and sponsorship: Western Australians have shown through large attendances that they are happy to pay an entrance fee to exhibitions, concerts and other events held in the park. Under the Parks and Reserves Act, the charging of fees for entry to any exhibition, concert or other event requires the approval of the Governor in Executive Council. This is an unnecessary, cumbersome and, indeed, outdated requirement. This proposed legislation will eliminate such requirements. It will give the authority the power to charge an admission fee to a particular display or event being conducted in part of Kings Park for purposes consistent with the authority's

functions. A similar provision will apply to other designated land, or to any land or facility being used in connection with such a display or event. However, Kings Park and Bold Park themselves are state treasures. They belong to the people of Western Australia, who love and cherish these botanic garden and parkland showpieces. This legislation will, therefore, specifically exclude the power to charge for entry to Kings Park, guaranteeing free public access. The Bill will also enable other designated land, such as Bold Park, to be excluded from entry fees.

The Botanic Gardens and Parks Foundation: Western Australian corporations are significant supporters of Kings Park and the other land to which this proposed legislation applies. However, clear rules and regulations, the guidelines and the manner of operation of any formal support, such as sponsorship, currently lack legislative support or control. The ability to attract sponsorship for the development of major projects requires much greater clarification in legislation than that provided under the Parks and Reserves Act. The Botanic Gardens and Parks Authority Bill will deliver that clarity through the establishment of the Botanic Gardens and Parks Foundation. This foundation will have a number of responsibilities, including the raising and managing of funds, in addition to ongoing government financial allocations. It is proposed that the foundation will attract and retain continuing public interest and financial support for the authority. It will also encourage donations to improve services, enhance facilities and contribute to the performance of the authority. Any funds received by the foundation shall be credited to an account called the Botanic Gardens and Parks Foundation Account at the Treasury, or, with the Treasurer's approval, at a bank.

The foundation will be a body corporate with perpetual succession. It will have a council appointed by the Minister, which will be the governing body of the foundation.

Core business and functions: The authority will have extensive powers, tempered by stringent checks and balances including ministerial approval processes, publicly reviewed management plans, ongoing reviews and annual reporting. The core business of the authority is the care, control and management of the designated land as botanic gardens and parks. The new legislation will enable the authority to -

- provide, improve and promote recreational and tourism facilities and services;
- conserve and enhance the flora and fauna;
- conserve and enhance the natural environment, the landscape features and amenity of the designated land;
- develop, manage, display and undertake research into collections of Western Australian and other flora; and
- enhance and promote the understanding and conservation of the flora and fauna of the designated land and of flora and fauna generally.

While Kings Park and Bold Park have undoubted environmental values, their cultural significance is also important to all Western Australians. It will be an important role of the authority to conserve, enhance and promote the Aboriginal, colonial and contemporary cultural heritage of the designated land. The tracts of land covered by this legislation also present unique opportunities for education. The authority will also promote the use of flora for the purposes of horticulture, conservation and education. The authority will undertake and promote research and investigation across all its activities as required.

Powers: To carry out these functions and to perform in line with modern business practices, the authority needs to have appropriate powers to do what is necessary, efficiently and effectively as a world-class botanic garden and park management agency. The authority needs to be able to maintain pace and style with the corporate community and the public in general. Under the proposed legislation the authority would have a number of powers including -

- the right to acquire land and dispose of land with ministerial approval; the Bill specifically excludes designated land - that is, Kings Park and Bold Park - from this power; and
- the right to grant a lease or licence consistent with its functions and on the terms and conditions it sees fit. Periods of lease or licences exceeding five years will require ministerial approval and this can be given only if the proposed lease or licence conforms to the relevant publicly reviewed management plan for the designated land.

This approval process is more comprehensive and efficient than the provisions of the current Parks and Reserves Act.

Under the proposed legislation the authority will have the power to erect permanent or temporary structures, and to undertake roadworks and other works on the designated land which are necessary for the good management of that land. Again, two safeguards: Any major works - that is, over a prescribed amount of \$100 000 - will require ministerial approval, and such approval will be given only if such major works conform to the relevant publicly reviewed management plan.

Research and intellectual property: The State's botanic gardens play a key role in the local, national and international efforts to conserve endangered plants and to understand plant life. In line with that work, the authority will have the power to give or take - to loan or exchange - botanical specimens with scientific or educational institutions. As part of its public accountability, research and education activities, the authority will produce and publish information on matters related to its functions. In carrying out its core business as the State's botanic garden manager, the authority may also sell or dispose of plants, parts of plants, seeds and fungi, or similar organisms. As is only proper in an era of innovation and in light of the world class research and horticultural activities being undertaken, the authority may also apply for, obtain and hold any patent, patent rights, design rights, copyright or similar rights. It may be that the authority holds these rights alone, or jointly with other people or parties. A wonderful and exciting example of this kind of innovative scientific research was the recent discovery and development of the beautifully vibrant and aptly named Kings Park Federation Flame Kangaroo Paw.

Management plans: The work of the foundation and the authority's significant powers will be used in the context of management plans put together with considerable public consultation. The Bill specifically seeks public involvement in the development and revision of management plans. To facilitate this, the authority must advertise and provide a copy of each of the management plans applicable to the designated land free for public examination and submissions over a period of two months or more.

Good planning is crucial to the future protection of Kings Park, and other designated land. It is proposed that when this Act takes effect, the existing publicly reviewed plans known as the Kings Park Bushland Management Plan 1995-2005 and the Kings Park and Botanic Garden Framework Plan for the Developed Areas 1996-2006 are, together, to be regarded as the management plan applicable to Kings Park.

When land is designated under this Act, the authority must prepare and submit to the Minister a management plan for that land within two years. The management plan will state the policies or guidelines to be followed and summarise the operations proposed for that land. These management plans must be reviewed after five years and amendments which might be required should be prepared. Importantly, the community will have access to information and opportunities to make comment on this information. Under this legislation, the public must be notified by newspaper advertisements of any revised management plan or amendments to the existing plan. The public will also be notified if and when the existing management plan is to be continued without amendment. Submissions from the public on the revised management plan, or amendments, or the proposal to continue an existing management plan can be made by any individual, group or organisation.

Ministerial approval and review of the Act: As I have outlined, the proposed Botanic Gardens and Parks Authority would have the considerable powers required for it to perform effectively and efficiently, with proper checks and balances, and proper processes of accountability. As well as stringent reporting requirements, and public involvement in the development and review of management plans, the legislation demands that the authority seek ministerial approval before exercising a number of its powers. In particular, ministerial approval is required if and when the authority wishes to exercise its powers relating to the disposal or acquisition of land.

Ministerial approval is also required for:

- granting leases or licences for longer than five years;
- erecting permanent structures;
- roadworks; or
- other major capital works exceeding \$100 000 in value.

Moreover, such approval can be given only if the work conforms to the relevant management plan.

The Minister may direct the authority in writing and any such direction must be reported annually.

As is entirely appropriate, it is proposed that the Botanic Gardens and Parks Authority Bill undergo a comprehensive review after five years of operation. The review will examine the effectiveness of the operation of the authority, the need for the continuation of the functions of the authority, and any other matters relevant to its effectiveness. In keeping with the open and accountable processes which have been put into place by this Government, we propose the Minister must then prepare a report which would be submitted to each House of Parliament.

Staff and powers to delegate: The provisions of the current legislation in relation to staffing arrangements still relate to management structures relevant in 1895. For the present and future operations of the authority, it is essential to provide for a chief executive officer and to empower the agency to work cooperatively with other government departments, agencies and instrumentalities. Consequently, the Bill requires the appointment of a chief executive officer to administer the day to day operations of the authority and to engage its staff. It also enables the authority

to engage the services of other government staff, subject to collaborative agreement, and, by arrangement, to make use of any facilities of other departments, agencies or instrumentalities. Rangers are renamed "park management officers", reflecting the scope of their contemporary duties.

Under the current Parks and Reserves Act, the Kings Park Board can delegate responsibilities only to a subcommittee of itself, not to staff nor to expert committees which may be created by a Minister. The new legislation would rectify this so that the board of the authority will focus on policy and broad strategic issues, while the CEO and staff will have delegated powers for day to day operations and to develop new policy and strategies for deliberation by the board of management. Also, in keeping with the modern requirement of a small agency to seek outside specialist advice and management assistance on specific issues, the Bill enables the board to delegate to committees and persons appointed by the Minister.

Control of inappropriate behaviour and wilful damage: The legislation permits regulations addressing the issues of arson, graffiti and vandalism which inflict damage on these beautiful botanic gardens, parkland and bushland areas and the facilities within them. There is clearly an ongoing need for park management officers to deal with the public safety and conservation risks associated with such dangerous behaviour. Regulations may provide penalties up to \$2 000.

The Botanic Gardens and Parks Authority Bill also gives park management officers the right to remove a person from the designated land, if that person is committing an offence against the regulations, or if he or she believes that an emergency situation, such as bushfire, exists on the land. Penalties for resisting, delaying or obstructing park management officers as they go about their business may be up to \$5 000 or six months' imprisonment or both.

Control of vehicle activities: As applies in current legislation, under this legislation, an owner of a vehicle may be issued with a notice if the vehicle is alleged to have been involved in an offence and the driver is not known or cannot be immediately identified. Unless the owner can provide details of the driver or show that the vehicle was stolen at the time, the owner will carry the responsibility of the offence. This provision is important for controlling unauthorised parking which occurs within the park.

The Botanic Gardens and Parks Authority Bill seeks to ensure that Kings Park and Botanic Garden and Bold Park in particular are managed and protected, for the benefit of not only this generation, but also generations to come. It demonstrates this Government's willingness to -

- ensure ongoing conservation and enhancement of Kings Park and Bold Park;

- ensure world class tourism and recreation services are provided through efficient administration and sound business practice;

- provide statutory protection for the State's Botanic Garden and the important research, horticultural and educational services it provides to the community; and

- provide statutory protection for the bushland in Kings Park and Bold Park as well as the significant urban bushland research and conservation functions of the present agency.

The legislation has been constructed with a great deal of care, consideration and consultation, and I assure the people of Western Australia that ongoing consultation about the future of their parks and botanic gardens is a high priority. This Bill provides the legal framework to achieve these objectives. I commend the Bill to the House.

I table a summary comparison of the current legislation - the Parks and Reserves Act - with the Botanic Gardens and Parks Authority Bill.

[See paper No 1313.]

Debate adjourned, on motion by Mr Cunningham.

BOOKMAKERS BETTING LEVY AMENDMENT BILL

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [4.31 pm]: I move -

That the Bill be now read a second time.

The Bookmakers Betting Levy Act sets the rate of levy payable by bookmakers on their betting turnover. Currently, a levy of 2 per cent is imposed on all bookmakers' betting turnover, including sports betting. This Bill seeks to lower the rate of bookmakers' betting levy payable on sports betting conducted from a racecourse under section 4B of the Betting Control Act from 2 per cent to half of 1 per cent.

Sports betting first commenced in Western Australia in 1992. Section 4B of the Betting Control Act authorised bookmakers fielding at a racecourse to conduct sports betting during a race meeting. In 1993, sports bookmakers became the first in Western Australia to be permitted to receive bets by telephone. Later, in 1996, section 4B was amended to allow sports bookmakers to operate at any time from a racecourse, not just during a race meeting.

Despite these initiatives sports betting in Western Australia has struggled, with only moderate turnover levels of around \$2m to \$3m a year being achieved. By comparison, sports betting has flourished in other parts of Australia, particularly the Northern Territory where sports betting turnover exceeded \$63m in 1995-96. This is because sports betting in those States is taxed at lower levels. In the case of the Northern Territory the tax rate is half of 1 per cent.

While this difference may not seem significant, bookmaking on sporting events is different from bookmaking on racing. Often only two competitors participate in a sporting event such as a football match and this is known as head to head betting. With this type of betting gross profit margins tend to be low, at around 5 per cent, and bookmakers must pay their turnover tax or levy from this profit.

In this scenario, Western Australian sports bookmakers must pay a levy equivalent to 40 per cent of their gross profit compared to 10 per cent in the Northern Territory. This places our sports bookmakers at a competitive disadvantage in the odds they are able to offer punters and in their ability to market their product. Anecdotal evidence suggests that this disadvantage is resulting in local sports betting business being lost interstate. A reduction in the levy on sports betting conducted under section 4B to half of 1 per cent will remove this competitive disadvantage and provide the sports betting industry in Western Australia with an opportunity to develop on an equal footing. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

PLANNING LEGISLATION AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Planning) [4.34 pm]: I move -

That the Bill be now read a second time.

This Bill amends planning legislation to achieve three separate outcomes. Firstly, the Town Planning and Development Act is amended to provide two new rights of appeal. Secondly, the Town Planning and Development Act is amended to provide a head of power for local government fees and charges for planning services. Finally, the Bill amends the WA Planning Commission Act to provide the Western Australian Planning Commission with the same planning tools for country region schemes as it now has for the metropolitan region scheme.

The first of the two new rights of appeal being introduced under the Town Planning and Development Act relates to the initiation of town planning scheme amendments by local governments. This new right of appeal can be found in clauses 5, 6, 11(a) and 12 of the Bill. This right of appeal is to the Town Planning Appeal Tribunal against a decision of a local government to not initiate an amendment to its town planning scheme or against any conditions or requirements a local government seeks to impose upon such a decision. The purpose is to make discretionary decisions of a local government with respect to the amendment of its planning scheme subject to review, and to provide consistency with other discretionary decisions of both local government and the Western Australian Planning Commission. This right of appeal in practice will control unreasonable demands upon landowners in the land development process and, as a consequence, will facilitate the provision of land required to accommodate the growth of the State.

Although the WA Municipal Association is aware of the fact that the development industry has been actively lobbying for the introduction of a right of appeal against local government decisions on proposals to rezone land, the introduction of this right of appeal is still likely to be contentious with local government. It should be noted, however, that the right of appeal will only be to the Town Planning Appeal Tribunal and not to the Minister for Planning.

In fairness to local government, the Western Australian Municipal Association has established a planning peer review panel to work with and advise local governments on planning matters of concern to State Governments, particularly inappropriate demands made of landowners in exchange for initiating rezoning amendments to town planning schemes.

The planning peer review panel has not yet had the opportunity to prove its success or otherwise. I have promised local government the opportunity to try to self-regulate and it would therefore be appropriate for proclamation of these provisions to be deferred so as not to cut short that opportunity. Clause 2 allows for various parts of the Bill to commence at different times by proclamation.

The second new right of appeal being introduced by this Bill can be found in clauses 4, 7, 8 and 9. It is a second right of appeal against decisions of the WA Planning Commission on subdivision applications. The existing right of appeal arises following the refusal of a subdivision application or the imposition of conditions on a subdivision approval. The new right of appeal will be at the stage of seeking endorsement of a diagram or plan of survey.

It had long been believed that a second right of appeal existed but in the case of *Accommodation International v the State Planning Commission*, the Town Planning Appeal Tribunal concluded that there was no second right of appeal. The Town Planning Appeal Tribunal acknowledged that its decision in that case did not fit easily with practice and the general understanding of practitioners in this regard. As one option, the tribunal concluded that "to overcome the obvious inconvenience that this decision will create, it will be necessary to remove doubts by creating a separate appeal right within the Act itself".

This second right of appeal will overcome the problem where, in the case of a conditional subdivision approval, the complexities associated with satisfying conditions may not be known within the 60 day period which is allowed for the lodgment of an appeal following receipt of a decision.

In clause 10, the Bill addresses local government fees and charges for planning services. Many local governments currently charge fees for planning services under powers contained in the Local Government Act. There is, however, no uniformity in the system of fees and charges and wide disparity in the fees charged by local governments for similar planning services. It is proposed to introduce a standard system establishing maximum limits to fees and charges which local governments levy for planning services in regulations made under the Town Planning and Development Act. The Bill provides a head of power for the Governor to be able to make regulations setting limits to the scope and level of local government fees and charges for planning services. On the advice of the Crown Solicitor, it is necessary to put beyond doubt that regulations can be made with regard to fees and charges for the range of planning services provided by local government. Regulations are necessary to ensure that fees and charges are reasonable and related to the service provided.

The remainder of the Bill provides for amendments to the Western Australian Planning Commission Act to support the introduction of country region schemes. I remind the House that the WA Planning Commission Act was amended in 1995 to allow for the introduction of country region planning schemes. A coalition commitment for the current term of office is to pursue, through the WA Planning Commission, a program of preparing statutory region schemes for major regional centres. Now that some of these region planning schemes are under preparation, it is necessary for certain planning powers to be made available to the WA Planning Commission prior to the first of the schemes being advertised for public submissions.

In clause 16, the Bill addressed the coverage of region planning schemes. Section 18(1) of the WA Planning Commission Act, which lists the function of the commission, is proposed to be amended by clause 16(1) of the Bill to insert a paragraph covering the functions of the commission with respect to regional planning schemes. These proposed functions exactly mirror the commission's function in section 18(1)(e) of the Act in relation to the Perth metropolitan region.

Section 6 of the Town Planning and Development Act states exactly what a local government town planning scheme can cover and that same section was invoked for the metropolitan region scheme by way of section 30(2) of the Metropolitan Region Town Planning Scheme Act. This Bill invokes the same section of the Town Planning and Development Act for region planning schemes.

Section 34 of the Metropolitan Region Town Planning Scheme Act requires local government schemes or local laws to be consistent with the metropolitan region scheme. The WA Planning Commission Act needs a provision equivalent to section 34 of the MRTPS Act to ensure that local government schemes and local laws are consistent with a region planning scheme. That is provided for in the Bill.

Clause 17 of the Bill provides the WA Planning Commission with the same array of planning tools for country region schemes as it has available to it, or did have available to it, for the metropolitan region scheme covering the Perth region.

The following new provisions being inserted in the WA Planning Commission Act provide planning tools which mirror those available in the Metropolitan Region Town Planning Scheme Act and the Town Planning and Development Act.

Part IIA provides for interim development control. Section 7B of the Town Planning and Development Act enables the Minister to make interim development orders to allow a local government to control the development of land in an area for which a town planning scheme is being prepared.

Interim development control powers such as those currently available to local governments were once available to

the then Metropolitan Region Planning Authority for the metropolitan region scheme under the Metropolitan Region Town Planning Scheme Act. Those provisions were repealed after the scheme had been operational for a number of years and interim controls were no longer needed.

The Bill will give similar powers to the WA Planning Commission to allow it to control major developments which could impact upon a region planning scheme while the scheme is being prepared. Such orders will be called regional orders.

The WA Planning Commission Act is to be amended to allow for the making of regional orders by the Minister upon the WA Planning Commission resolving to prepare a region planning scheme and for the commission to administer the order. Regional orders will operate in the same way as those made for local governments.

These provisions will provide for interim development control and land acquisition during the statutory process of adoption and finalisation of a region planning scheme. This will ensure that the proposals in the scheme are not compromised pending finalisation and will offer a remedy to landowners whose land may be blighted by those proposals.

Part IIB provides for land acquisition and the payment of compensation. Section 36 of the Metropolitan Region Town Planning Scheme Act enables the commission to compensate landowners injuriously affected by the metropolitan region scheme or alternatively to elect to purchase the affected property. Prior to any region planning schemes being finalised, the commission needs to have the same ability to purchase land and compensate landowners affected by such planning schemes. To achieve this the Bill duplicates section 36 of the Metropolitan Region Town Planning Scheme Act in the WA Planning Commission Act.

Part IIC provides for planning control areas to be declared. The Metropolitan Region Town Planning Scheme Act in part IVA contains provisions which enable the commission to declare planning control areas where land is being considered for reservation. The effect of such a declaration is that the commission can then control development and deal with claims for compensation arising from the restriction of development rights. Similar provisions are required with respect to region planning schemes and the Bill provides for them in part IIC of the WA Planning Commission Act.

Part IID deals with miscellaneous powers of the commission and the Minister. Proposed section 37G of the WA Planning Commission Act is the equivalent of section 37(3) of the Metropolitan Region Town Planning Scheme Act and it allows the commission to acquire land by agreement with the owner where the land is proposed to be reserved under a region planning scheme.

Proposed section 37H is the equivalent of section 37(6) of the Metropolitan Region Town Planning Scheme Act and it allows the commission, within certain constraints, to dispose of land held under a region planning scheme.

Section 37I provides for the commission to prepare improvement plans. Section 37A of the Metropolitan Region Town Planning Scheme Act provides for the preparation of improvement plans for advancing the planning, development and use of any land within the Perth region.

Under an improvement plan the commission is able to purchase and dispose of land. The Bill includes a similar provision in the WA Planning Commission Act for region planning schemes.

Sections 37J and 37K provide powers for the enforcement of development control decisions. I have already said that the Bill will provide interim development control over areas to be covered by region planning schemes. Interim development control will include the power to remove, pull down, take up or alter development to enforce development approvals or development which has been commenced and carried out without approval. However, interim development control powers will cease when the region planning scheme, incorporating development control powers, is introduced. Alternative ongoing enforcement provisions need to be in place for use after the introduction of the region planning scheme. Section 43 of the Metropolitan Region Town Planning Scheme Act gives the commission enforcement powers against development which does not have the proper approval under the metropolitan region scheme and section 43A of that Act gives the power to use injunctions. The Bill incorporates the equivalent of these sections in the WA Planning Commission Act for the commission to use where necessary for the enforcement of region planning schemes.

Section 37L provides powers for the enforcement of environmental conditions. At the time of integrating the land use planning and environmental consideration of town planning schemes in August 1996, a provision was placed in each of the relevant planning Acts to give the Minister for Planning specific power for enforcing environmental conditions attached to schemes. The specific powers were the same as those available to the Minister for the Environment for enforcing the same types of conditions imposed on proposals approved under the Environmental Protection Act. The Bill provides powers, the equivalent of section 43B of the Metropolitan Region Town Planning

Scheme Act, to the Minister for Planning under the WA Planning Commission Act for use if and when necessary with respect to region planning schemes.

The provisions of this Bill are relatively simple to effect and will not create substantial difficulties in administration. Nevertheless, each offers a significant improvement to the planning system of the State in terms of equity to landowners and implementation of region planning schemes. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

LIQUOR LICENSING AMENDMENT BILL

Second Reading

Resumed from 23 October 1997.

MS WARNOCK (Perth) [4.46 pm]: I am pleased to speak first for the Opposition on this Bill. The Bill has taken some time to reach us - for very good reason, one might say. I cast no aspersions on my esteemed colleague in the other place who is my opposite number on these matters; however, we are an amazing pair to be representing this area. Neither of us is a punter, and the Minister is not a drinker; but I think I can claim a little more rapport with this area than can my esteemed colleague. I am the granddaughter of a publican. For the benefit of the member for Dawesville, that was the same publican who was a very successful horse trainer later in his career, and who had three Perth Cup winners. His first career was as a publican in the north west. I am also the daughter of a man who was born in that pub, and who lived his early life in another pub. He built his first house with the remains of yet a third pub. Throughout my young life, the entire entertainment for people who lived in my part of the country was a weekly visit to the local pub, 24 miles away, to watch the train come in with the mail, and to have a few glasses of cola, in the case of those under age like myself, or a few stronger drinks, in the case of adults. Racing was always going on in the background, and there were probably a few SP bookies, but I was so innocent I probably knew nothing about them in those days! In a sense, that is the rapport I claim with this issue. For most of my life, I have been surrounded by people who spent a lot of their time in pubs.

This Bill has been a long time arriving in this Parliament, having arisen from the Mattingley report on liquor licensing and the review of the previous Government's Liquor Licensing Act 1988. The Minister for Racing and Gaming in the other place made a report to Parliament on the Mattingley report in June 1995. A long period of consultation and lobbying by various interest groups has brought us to this Bill. It has been a long journey. The Bill involves some interesting and even profound changes to the concept behind liquor licensing in this State. It remains to be seen whether the changes will affect behaviour surrounding the sale and service of liquor in Western Australia, and whether the mechanism set in place here will actually work. I will discuss that matter a little later.

The Opposition supports the Bill and its new, principal thrust of harm minimisation and public health concern. However, we will make some strong comments about some clauses in the Bill. I begin with a brief history of liquor licensing, because it has a rather fascinating history for those of us who have claimed some interest in the subject for most of our lives. I wish to quote some material on the history and role of liquor laws. For almost five centuries, Governments of various kinds have attempted to control the abuses of alcohol through a wide and complex range of restrictions on alcohol's availability, and its sale to the general public. The evidence of the effectiveness of those restrictions is far from clear. However, it is clear that Governments have tried to do that for some time.

Our liquor laws are derived from the British laws. Severe measures, such as those imposed during the First World War in Britain and to some extent prohibition imposed in the United States in the 1920s, achieved some purpose in reducing drunkenness and various evils associated with excessive intake of alcohol. As most members know, prohibition led to the rise of the mob. That is a sobering thought when one considers restricting the sale of liquor.

In Britain, the attempt to restrict the sale of liquor goes back to 1495. Those early laws related to soldiers and other displaced persons following the end of the Wars of the Roses. Apparently, contemporary reports at the time referred to ex-soldiers frequenting alehouses and leading a life based on violence and crime. Several centuries later it sounds familiar.

Among other provisions at that time, the law gave justices of the peace the power to determine in what part of the town the alehouses should be located and empowered them to collect sureties from the keepers of the alehouses to ensure their good order. Therefore, the first laws relating to liquor licensing regulated where it could be sold and who should run the premises.

A system of licences for places selling beer was established in 1551. A century later, further changes were introduced to deal with the advent of spirits. Brandy came from France, gin came from the Netherlands and whiskey came from Ireland. Woe betide any members from Scotland who believe it was invented there. The Irish invented whiskey.

I can expect an argument about that with some members of my family. Various liquors were introduced at different times in Britain and the authorities of the day sought to restrict their use, largely because of the way the populace behaved after consuming them. Soon bars selling spirits were under the same control as those selling ale.

By the end of the eighteenth century almost all of the principal features of liquor licensing as we know it today were in place. No-one was allowed to sell liquor on a premises unless they had been granted a licence. Licences were granted annually by justices of the peace and restrictions were imposed on the holder, principally relating to the hours they could open for business. Therefore, we have had licences and restricted hours since the passing of the first regulations.

Controls on the sale and supply of liquor in Australia date from the beginning of European settlement. All members know about the Rum Rebellion and rum being used as currency in the convict colony of New South Wales. One of Governor Phillips' first acts on the arrival of the First Fleet in January 1788 was to order a prohibition on the sale and supply of liquor in the colony. Fat chance! That situation changed very quickly. The demand for liquor by convicts and marines was such that the prohibition order was doomed to failure. Licence arrangements similar to those in Britain were put in place. It was not until 1796 that the first full licences were issued - 10 tavern-style public houses were licensed.

Since the foundation of this State in 1829, over 100 pieces of legislation have dealt with liquor. Those measures have been designed to control its production, sale and consumption. Generally speaking, the system has been similar to that operating in Britain. The legislation regulates who can sell liquor, in what premises and during what hours.

Liquor licensing has two principal objectives: The raising of public revenue from licences and duties and the prevention of drunkenness. We can see echoes of that in the many Acts passed to regulate liquor since the beginning of European settlement in 1829. It is debatable as to how much liquor laws have helped in the prevention of drunkenness. This Bill deals with that matter and I will refer to it later.

In the 1920s, a curious period similar to that in the United States, people tried to put pressure on the Government to tighten the liquor laws. There was an attempt to introduce some form of prohibition. However, that was not successful and liquor licensing continued in much the same way. Every few years a few regulations are introduced expanding or contracting the opportunities for selling liquor or providing for who shall sell it and where.

Members of my vintage will remember the Adams report, which made a number of recommendations, many of which were incorporated in the 1970 Liquor Act, which is primarily responsible for the shape of the liquor industry in this State today.

Members will also remember gallon licences and the arguments that followed. Liquor stores emerged from those licences and Australian wine licences. There was a great deal of discussion about that in the Adams report. Members who have researched this issue will know that those licences were opposed by hotels.

In a major change, the Government has signalled that liquor legislation is not just about who can sell liquor, how they should sell it and where but also about trying genuinely to limit the harm caused by this powerful drug without preventing legitimate sellers making a living or ordinary citizens having a drink if they are so inclined. We are considering in this Bill not only public order but also public health. That is a very important change.

I will refer briefly to public health and draw the attention of the House to the importance of these changes. *The West Australian* of 6 February contained an article about liquor taxing in which a Dr Lopez refers to a World Health Organisation report and is quoted as stating -

Globally, alcohol causes between 3 and 5 per cent of all death and disability . . . But in Australia it's between 10 and 12 per cent.

We have a problem with the consumption of alcohol.

I also have a brief paragraph from the British *The Guardian Weekly*, which states -

SO MANY people detained by police are under the influence of alcohol or drugs that the use of detoxification centres should be considered, the Audit Commission reports. Fifty-four per cent of police surgeon call-outs relate to drugs and alcohol.

It is a problem and we as a community must decide how best we can assist in solving that problem while at the same time allowing those who feel like having a drink to have one and those who want to make their living selling alcohol to do so. We must also be aware that some people have serious problems with alcohol and we must determine how best we can assist them.

The Opposition, like the medical profession and the alcohol and drug protection community, is very glad to see the

new objects in the Bill which, hopefully, will prevent some of the harm caused by alcohol and will give various groups in the community, particularly those in outback communities, the power to protect themselves from the excessive sale of liquor, over-serving, bad patron behaviour and some of the violence that results from too much alcohol.

To give the House an idea of the views of the people whose daily jobs deal with the harm caused by alcohol, I will quote a briefing paper from the Alcohol Advisory Council which states -

The State Government's amendments to the Liquor Licensing Act are a good step in the right direction to minimising alcohol related harm but the Alcohol Advisory Council has concerns about the availability of resources to enforce its good intentions.

That is a concern I have, and I shall refer to it more than once in this speech. This briefing note continues -

The Police Liquor Squad has been disbanded and Liquor Licensing officers are currently restricted to operating from nine to five, yet problems from pubs and clubs rarely happen on a convenient nine to five basis.

It is commendable that for the first time Western Australia will have a Liquor Act that puts the public interest ahead of the commercial interests of the liquor industry. The inclusion of harm minimisation as one of the primary aims of the Act is excellent and well overdue.

The people whose regular work is to try to minimise the harm in the community are also pleased to see that the new legislation gives real power to the director of liquor licensing and to the members of the community, who can now intervene where the sale of alcohol is causing serious problems in a particular community. They are concerned about the available resources and wish to make sure that the Government is well aware of that. They refer briefly to the issue of taxation and say that it is a prerogative of the Federal Government, but they are keen to see the State Government support a tax regime that encourages the consumption of low alcohol products by the imposition of lower taxation levels on them. I agree with that, and I made a submission to that effect to a federal hearing earlier this year.

The Alcohol Advisory Council and others who are associated with trying to minimise the harm caused by alcohol are pleased with the new and additional object stated in the Bill; that is, to minimise harm or ill health caused to any group of people due to the use of liquor. It is not just a question of regulating the sale and supply of alcohol, as was the case in all the previous Acts to which I referred in the brief history of liquor licensing, or of restricting where alcohol can be sold, by whom and within which hours; it has another purpose. That is a very important part of this legislation.

Another factor that strengthens the legislation from the health perspective is that the Executive Director of Public Health may intervene on matters before the licensing authority in relation to the harm caused by alcohol to which I referred. I shall draw attention to a document from people in another public health organisation. They say that they are generally very happy with the amendments because of the focus on the public interest as a consideration, and I support that. They talk about a number of issues, including the inclusion in the legislation of provisions that empower the licensing authority to impose conditions to ensure liquor is sold and consumed responsibly and that persons involved with a licence are suitably trained; to minimise the harm caused by the use of alcohol; to examine, limit or prohibit the sale of liquor on credit; and to impose conditions prohibiting practices, such as drinking competitions, which encourage excessive or binge drinking.

These people refer to a new aspect of the Bill; that is, the redefining of what constitutes drunkenness. Over several months in the lead-up to this Bill it has often been said that the previous Act made it almost impossible to convict on the basis of the legislation because of the definition of drunkenness, which could rarely, if ever, be proved in court. They approve of the provisions relating to juveniles; the application of infringement notices; the introduction of a system of demerit points; and the increase in the period prohibiting the resubmission of unsuccessful applications from 12 to 36 months. They believe all of these measures are welcome changes as they will assist local community groups in using the legislation to ensure harm from the sale and consumption of alcohol is reduced in their community. They regard that as a benefit.

Lots of people in the community have had the opportunity to make contributions to this Bill. It took a while to arrive here after the report was tabled in the Parliament by the Minister in the other place in June 1995. A period of consultation ensued in which many members of the community, plus the many interest groups involved in the sale of liquor, have all had opportunities to make submissions. For that reason the Bill seems to be widely supported.

I will now look briefly at the perspective of the Aboriginal communities, particularly those in remote areas. For some time concerned people in remote communities - I refer to Liz Kelly of the Derby alcohol action group - have been

asking for legislative assistance to control the way in which liquor is sold in those communities. Until now the Act has been powerless to give teeth to voluntary restrictions on sales in places such as Derby or Broome. There have been voluntary restrictions, but no power existed in the Act to go any further. Now there is an opportunity to have such power and members of those Aboriginal communities see it as a benefit.

Aboriginal groups, the Health Department, local authorities and individuals can ask the liquor licensing authority to set specific guidelines on sales. A recent article in *The West Australian* states -

The changes follow a public outcry in April after Woolworths successfully challenged the validity of alcohol restrictions in Derby.

The licensing court upheld Woolworth's appeal saying the existing Act was designed to restrict liquor sales to promote public order, not to promote public health.

Woolworths later agreed to continue restricting sales voluntarily.

I suppose the point I have been seeking to make is this: Whereas there were voluntary agreements in the Aboriginal communities previously, as the licensing authority was reported to have said, the previous Act was basically about promoting public order, not public health; therefore, there were no provisions along those lines in the old Act. Now there are and these communities see this as an advantage. I spoke to Liz Kelly about this issue. She is very pleased. She said that it would give power to the people and would be a great help in stopping violence against women and children. Here I refer to the 70 per cent of violent offences in our community that are linked to alcohol, as I am sure members of the House will be aware. To give members some idea of the problem in places like the Kimberley, I refer to another article about drinking in Derby which appeared in *The West Australian* in November last year. This is very telling and outlines the kind of problem these communities must deal with. It states -

Perth people consume, on average, less than 10 litres of pure alcohol a year. In the Kimberley, the figure is more than 21. In the Kimberley, people spend 65 per cent more on alcohol than the State average, and this is from a low-income base.

At Derby Regional Hospital, alcohol was linked to 92 per cent of domestic violence cases treated.

. . . Derby police reported that more than half the drivers charged with drink driving offences had a blood alcohol level reading at least three times higher than the legal limit. In 1995, they recorded 1 312 drunk detentions in a town with a population of only 5 000 people.

That gives a pretty clear idea of the kinds of problems that arise in some remote communities and why these communities approve of this legislation.

Communities like that one in Derby will now have some legislative power to intervene in court hearings about liquor licensing, to ask for restrictions under the Act and to take part in voluntary accords, as is presently the case. This is good news for those communities.

The Opposition has received a letter from Frank Chulung, a court officer for the Aboriginal Legal Service of Western Australia Inc in Kununurra, who said in commenting on the Bill that -

1. More funds should be made available by the State and Federal governments to combat drug and alcohol abuse in the Community.
2. More harsher penalties and action should be taken out against any Licensee who supply alcohol to a very intoxicated person and to a minor.

Penalties will be increased under this Bill.

The Australian Medical Association, like many groups in the community, has a view about this Bill, and it followed its development closely during the debate last year. The AMA is pleased with the proposed changes, as are the police, although the AMA did make some criticism about the Bill.

Mr Trenorden: Uninformed criticism.

Ms WARNOCK: Very informed criticism.

Mr Trenorden: Uninformed criticism.

Ms WARNOCK: Does the member think so? Perhaps the member will give us his views about that later. I have spoken to the AMA about this Bill at some length, but it was a couple of months ago, and I would like to hear what the member has to say about that matter.

The AMA and the police are pleased with the new definition of "drunkenness". Those people who spend much time thinking about this matter generally agree that the current definition is a failure and has not resulted in many prosecutions for serving drunk patrons, although almost every person to whom I have spoken agrees that that does occur frequently. It is a difficult situation, particularly for the people behind the bar, when late at night, when lots of people are in the bar, a person who has obviously been drinking a great deal asks for another drink. People in the hotel industry and in the health industry generally agree that the new definition will give them greater assistance than did the old definition.

Many people in the health professions, as well as some lawyers, are concerned, like me, that not enough resources have been provided for the proper policing of this matter. The AMA is not satisfied with the host responsibility section of the Bill. The proposed section on juveniles on licensed premises is generally applauded, although again there is a concern about resources. I believe that in combating crimes and misdemeanours of various kinds, certainty of apprehension is the best deterrent. The random breath test buses are certainly a deterrent to me; because I see them frequently on the roads, I am always extremely careful about the amount of alcohol I drink if I intend to drive. It is the certainty of being apprehended that deters people from committing offences. If sufficient resources are not provided to ensure that an area is policed or controlled, and if juveniles have no certainty that they will be apprehended if they commit an offence on licensed premises, deterrence will not work very well. That is one of the reasons that a number of people have referred to resourcing, and no doubt that will come up in the budget hearings later this year.

There is general support for giving the Executive Director, Public Health the power to intervene in person before the licensing authority to put the view that the granting of a liquor licence may cause harm or ill health to people. That is a good idea, and it will give weight to submissions from groups of concerned local people, which has always been part of any licensing hearing.

I applaud the proposed section of the Bill with regard to restaurant licences, which will allow a patron to have a drink in a section of a restaurant without ordering a meal. This is supported by the Restaurant and Caterers Association of WA Inc, and will be useful for people who want to have a drink with a friend before or after a meal, or who simply want to have a drink in a restaurant or cafe atmosphere rather than in a bar or a pub. An AMA spokesperson told me that that is fundamental to the evolution of a more mature attitude by the public to alcohol and its consumption. The submission from the Restaurant and Caterers Association outlined its interest in this proposed section and stated why it was lobbying the Government about this matter. It referred to the proposed amendment to section 50 that states that liquor can be served to patrons without the provision of a meal if -

- (a) the liquor is consumed at a dining table; and
- (b) not more than 20% of the seating capacity for customers on the premises is available, or being used at any one time, for persons to consume liquor other than ancillary to a meal.

The association is aware of the concern of people in the hotel trade and the general view of people who sell liquor that their section of the market might in some way be damaged. It has sent a submission to each of us, which states that it believes that this new section will not result in a marked increase in the availability of alcohol, nor will it result in any significant changes in the type and style of services provided by licensed restaurants. I agree with that view. It emphasises the fact that restaurants do not want to be pubs, and they do not want gaming machines, PubTabs, Sky Channel, or anything that resembles the atmosphere of a general hotel, tavern or club. It believes that that sector caters to its market and that restaurants meet a different need and simply want to be able to meet the demands of the customers in the market that they serve.

I draw the attention of the House to the size of the market that restaurants serve in Western Australia. A document provided by the Restaurant and Caterers Association states -

Restaurants are a vital part of the economy and lifestyle of WA. There are around 1400 restaurants (licensed, BYO's and others) employing over 10,000 people, more than any other single sector in the Western Australian hospitality industry.

The food service industry is expected to grow by around 4% per year for the next few years, and has already been acknowledged as an employment generator both now and in the future. The industry contributes about \$12 billion to Australia's economy. Australians spend \$700 per head eating out each year.

I expect that some members of this place spend more than that and others spend a great deal less. That is the general picture of eating out in Western Australia. Those figures were taken a couple of years ago. It is a good thing, I suppose, to circulate the money in one's own community.

Proposed section 64 in clause 44 of the Bill is very important. It deals with a number of issues with regard to the

responsible serving of liquor. That is of interest to those people in the health industry and to those medical professionals who have spoken to me. It refers to the conditions which the licensing authority can impose to ensure that liquor is sold and consumed in a responsible manner and that the people who serve liquor are properly trained. There was a push at one stage of the game from parts of the health industry to have mandatory training for every person who works in a liquor outlet. In my view and in the view of the people who run the industry in Western Australia, that is asking a bit too much.

Mr Trenorden: Some people work in the industry for only two weeks.

Ms WARNOCK: Exactly. It does not take into account all the people who come here from overseas or from other States and work in the trade temporarily. They obviously must be expected to act responsibly when they are selling liquor, because it is not the same as selling a tin of beans. However, it is important that the licensees and those who manage these premises be well trained to sell and serve alcohol responsibly. The sale of alcohol is not like the sale of a can of cat food. The effects of selling that product have a much wider span in the community.

The *Alcohol Update* of November 1997 put out by the Alcohol Advisory Council emphasises the importance of this legislation. It refers to the concern of the council about the responsible sale and serving of liquor. The article is headed "New Liquor Act needs rigorous enforcement". That seems to be one of the major concerns of the council. It refers to these long awaited amendments having a tragic history. It states -

It is worth remembering that the review was called in response to the coronial inquest into the tragic death of a young Western Australian footballer who had a blood alcohol level above 0.4.

He had just broken the bar record at a well-known local hotel for the most "flaming lamborghinis" drunk in succession - the drinks were free as a consequence.

The coroner noted that there was little legal redress against the business which laid on this entertainment under the current law. Certainly no legal action was taken.

That is why changes were needed. Changes will be made under the amending Bill, which is one of the reasons the Opposition supports this Bill.

However, I emphasise that a number of people to whom I spoke when I was consulting about the Bill said that they were concerned about the level of the resources that the Government would make available to police these changes. It is not much use putting these excellent changes into place and making a statement at the beginning of a Bill that we are making these changes because we are concerned about public health and harm minimisation as opposed to just public order, if there are not enough resources to police it. I cannot emphasise that enough. We need to be sure that the good intentions which are supported by both sides of the House in this Bill are carried out in the community.

The liquor squad does not exist any more and the licensing authority officers work only from 9.00 am to 5.00 pm. When I spoke to the police about this, they insisted that although the licensing squad as such does not exist anymore, the training of all police officers to function as licensing squad representatives will work, and with the voluntary accords involving police and the liquor industry, the situation should improve.

Mr Trenorden: It has improved.

Ms WARNOCK: I would have to agree that is the case in some parts of my electorate.

Mr Trenorden: You will find police officers are walking through hotels now and dealing on a very normal basis with consumers and publicans. In the past 12 months it has improved quite dramatically.

Ms WARNOCK: I agree with the member that there have been improvements. However, other improvements which I will come to in a moment are yet to be made. With many other people in the community who are concerned about public order and public health, I hope that this new system of policing the liquor industry will be successful. Representing the entertainment area of Perth as I do, I am aware that people want to see better behaviour by drinkers around licensed premises, particularly in Northbridge. They do not want drunks lurching at them in the streets, they do not want alcohol related violence or antisocial behaviour, and no-one wants to see anybody kill themselves with excessive drinking. Will the new restraints in the Bill work and will enough resources be provided to guarantee that? I hope so.

In several discussions that I have had concerning the Bill in recent months, I was made aware that nothing in the Bill allows for an increase in extended trading permits, something that was feared by resident groups during the consultation period. Residents who live near small commercial centres in which there is a pub, a tavern or a cabaret have told me they are concerned that any extension of the extended trading permits or of hours will make their situations worse than they are at the moment. People told me about the adverse effect that late night trading has had

on their areas, and one urged me to look at videos produced for the licensing court hearings which depict appalling antisocial behaviour by drunken patrons leaving suburban hotels. Most of us have read about this sort of behaviour - urinating, vomiting, swearing, vandalism, and other rowdy behaviour taking place in a residential area. These people earnestly hoped that trading permits would not be extended and some of them even wished to see them cut back. Can we hope that mandatory training for some staff, host responsibility programs and more useful definitions of drunkenness, more accords and prohibiting excessive drinking promotion will work? Let us hope so. If not, many people will seek to make complaints in licensing court hearings, something that should be easier at least under the new Act.

A report put out by the National Centre for Research into the Prevention of Drug Abuse based at Curtin University only a few months ago was based on police statistics from 1989 to 1996. It surveyed 75 hotels, taverns and nightclubs. One of its major findings was that violence and sexual assaults have more than doubled in or near late night trading in hotels and clubs compared with violence levels at liquor outlets trading in normal hours. Further, drivers leaving hotels or taverns trading in normal hours are 31 per cent less likely to have a serious car accident where police are called. In *Alcohol Update* of May 1997 researchers go further and ask the Government to impose a levy on late night traders who are selling 39 per cent more liquor as a result of their late licences. It states -

. . . Professor Stockwell called on the WA Government to urgently consider recouping the extra costs imposed on police and emergency services, which "generally are less well resourced after midnight and are more expensive to operate", with a harm reduction levy. . . .

Localised responsibility for violence levels, road crashes and drink driving offences must also be accepted by individual hoteliers.

The report continues in that vein.

I refer to another matter which has not been taken up by the Government. I suppose there are all sorts of reasons for that; however, I might refer to those matters again in the Committee stage of the Bill. There is some concern among the legal community represented by the Law Society about changes to the way liquor licence applications are handled. The legislation sets up a new relationship between the Director of Liquor Licensing and the Liquor Licensing Court. Clause 16 of the Bill reduces the courts' jurisdiction in several matters. The submission states -

Clause 12 of the Bill amends Section 17 of the Act and deals with "Representation" before the licensing authority. The licensing authority is now empowered to allow representation "by any other person approved by the licensing authority". This will open the door for a body of lay advocates to begin practising in the jurisdiction from the ranks of liquor industry consultants, property professionals, planners, architects, accountants and retired policemen. No direction is given to the licensing authority as to how the approval is to be determined.

The submission goes on in a similar vein. I am not persuaded by this submission. Making applications and the ability to object simpler and cheaper seems to be a good idea. Therefore, I was unable to support the submission by the Law Society.

Mr Trenorden: By the clerk!

Ms WARNOCK: I will leave that to the member. The member, in his usual fashion, will have some interesting things to say!

I refer now to several other current issues relating to liquor licensing which I know are of interest to members, because they have been involved in these debates. These issues are not specifically mentioned in the Bill, nonetheless they should be addressed briefly. First, I refer to Sunday trading. Members will recall a ruckus in the media and in the liquor trade at the end of last year, when discussions about Sunday trading for liquor stores arose. The matter is not addressed in the Bill, I suspect due to powerful lobbying by other sections of the trade, and due to a case made by country members about the importance of hotels as social centres in country towns. Because of my background, I have some sympathy for that point of view. Also the members - many from the country - mentioned the fact that the hotels depended on extra financial assistance from having exclusive rights to takeaway trade on Sundays. We remember how fierce was the debate, how it ebbed and flowed from one side of the argument to the other.

I was curious about the views of liquor store owners; so I sent out a survey to about 330 stores throughout the State to ascertain those views. That resulted in more than a 55 per cent return and I have received more since then. I thought that was pretty good.

Mr Trenorden: It was excellent.

Ms WARNOCK: I thought it was amazing. More than 90 per cent of stores wanted the option to trade. However,

it still remains a controversial matter for small business people. I make no secret of that. Some still feel they are being pressured into seeking Sunday trade by bigger chains, and others think it is outrageous that hotels have such an obvious advantage. The matter is unresolved, and will continue to be argued in the community. I merely mentioned it because it is a current issue in the community, one that all of us have been called upon to deal with.

Mr Board: An aspect missing from the debate is the consumers' view.

Ms WARNOCK: I am happy to talk to the member about that after the debate. Certainly, what the consumer wants has largely been left out of the matter.

A couple of weeks ago I was approached by the Licensed Stores Association and asked not to support Sunday trading nor the much touted 15 per cent cap on licences, because the whole industry - and I must respect that view - had become far more concerned about another emerging issue, that of a vast and sudden proliferation of licence applications. It is remarkable. An enormous number of liquor licence applications are appearing at the moment. Apparently the concern is that licences of various kinds will be not quite so easy to obtain when this Bill is passed, and a rush to the court is presently occurring. This matter worries many people in the trade, and they are anxious to see this Bill passed as soon as possible. The Opposition wants to give this Bill its due, but we have no intention to hold it up.

Returning to the issue of Sunday trading, members will be aware of the current National Competition Council review. If they read the articles about the matter, members will be aware that it is likely that restricted practices, such as the no Sunday trading for liquor stores provision, are likely to be regarded as anti-competitive. I mention that in passing, because most members will have seen the story in *The Australian* earlier this year which addressed the National Competition Council review aimed at promoting commercial deregulation. It will also consider other matters such as retail trading hours, liquor licensing laws, taxi drivers and pharmacists. Those matters will be examined this year and next year.

Mr Barnett: We can abolish this Parliament, every State Parliament, and the Commonwealth Parliament and let the National Competition Council and the Australian Competition and Consumer Commission run Australia and the whole world! As parliamentarians, we have devolved all responsibility to that bunch of people. They are running around regulating on every issue of Australian life!

Ms WARNOCK: I do not want to leave it to them. I am simply drawing this matter to the attention of the House: It is likely, whatever decision we make, there will be some public criticism of the decision for the reasons I have given.

Mr Barnett: I have only one soapbox, and that is it!

Ms WARNOCK: I appreciate that.

I turn now to another current issue, again not mentioned in the Bill. It is a current issue, and we can talk about it in this discussion about the Bill. I refer to the Gull Petroleum applications to sell liquor. I went to a hearing last week about this matter. The idea does not appeal to me - and I am not here to state the Opposition's policy, I hasten to add. I simply say the idea does not appeal to me personally. I simply feel, as a consumer and as a concerned member of the community, that there are probably enough kinds of liquor outlets already in the community. However, I am told that in some outlying areas of the State - and this applies not only to country areas but also to outer metropolitan areas - already there are places where liquor and petrol are sold virtually side by side. Those places represent the only game in town; they may be the only places where something can be sold. I am aware that this is of some concern to many people.

I believe that the Director of Liquor Licensing, Mr Geoff Aves, has entered the controversy over Gull Petroleum's bid to sell alcohol at service stations. He said he had concerns about the plans. This matter is not dealt with by the Bill, but as a community and as parliamentarians we should address the issue. When Mr Aves intervened in the recent Liquor Licensing Court hearing, it was a pretty rare move. He intervened in the court proceedings and said that he would detail his concerns before the court at a later date. He told *The West Australian* -

The issues I'll be raising are whether or not it's in the public interest to grant liquor licences to a petrol station.

In my view the sale of liquor at petrol stations will likely encourage the impulse buying of liquor and the consumption of alcohol in the vehicle by the driver, which is of course illegal.

I draw the attention of members to that matter. It is not referred to in the Bill but it is a current issue for all of us. People in the electorates will refer this matter to us, and we need to refer our minds to that issue.

That brings us to the old dilemma about alcohol sales. Referring to the brief history of alcohol sales and regulations which I referred to at the beginning of this contribution, a community must strike a balance between allowing reasonable people to have a drink when they feel like it, allowing others to make a reasonable living from selling it, and protecting a community from the ravages and huge expense of some people's grossly excessive drinking. That is basically the nub of the question that we must address whenever we have a liquor licence review - which we have every few years. We need to be aware of all those matters when discussing this issue. Alcohol consumption is a very expensive problem considering the damage it causes to people's health and life. It costs our community a bundle to repair broken bodies and to police the streets to protect others from some people's bad behaviour. Most of us like to have a drink with friends. Any new laws must strike a balance between those two aims. It remains to be seen whether these laws will do that. As a member of the Opposition, I hope that they do. I will be watching developments closely because, as I said earlier, this issue has interested me for a long time and I intend to revisit it some time in my parliamentary career.

MR TRENORDEN (Avon) [5.40 pm]: I have had considerable input into this Bill. It has had a lengthy gestation, unlike the legislation we debated last week. The issue is very important in the eyes of the public.

My strongest concern is the huge public misconception about alcohol. I criticise the Australian Medical Association because it cannot get its eyes away from the front bar swill. About 85 per cent of alcohol is consumed away from pubs and clubs, which are the focus of attention. Talkback shows, letters to the editor and so on, illustrate that the public still blames road deaths and other alcohol related events on pubs and clubs when in fact most of those involved are travelling from private functions. The public, the legislation and a small number of publicans still focus on the front bar swim through. Unfortunately, this Bill does the same.

We should be trying to open our hotels to the general community. It should be as easy to walk into the front bar of a hotel with one's wife and children to buy a hot chocolate as it is to buy a beer.

Mr Barnett: Do you mean sophisticated pubs like those in Europe?

Mr TRENORDEN: Yes.

Mr Barnett: That is not on. It is outrageous.

Mr TRENORDEN: The Shamrock Hotel in Northam is moving in that direction and it keeps winning gold plate awards. It is a magnificent institution.

Ms MacTiernan: Not to mention the Greenhills Tavern, which I have seen you frequenting.

Mr TRENORDEN: That is right. I offered to do something about a shotgun for the member for Armadale.

Ms MacTiernan: Fortunately, I did not need the shotgun.

Mr Graham: The wonderful, civilised drinking laws the member is referring to are those recommended by the head of the licensing court, one Herb Graham, that caused Sir Charles Court to remove him from the court in 1974.

Mr Barnett: He was a visionary.

Mr TRENORDEN: I can remember listening to one of his addresses on ABC Radio.

Mr Graham: Now, 25 years on, you agree with me.

Mr TRENORDEN: I agreed at the time.

Our legislation is still focusing too much on swill drinkers, who represent a very small percentage. That is why I criticise the AMA. It is concentrating only on the very small minority. We must change people's attitudes about consuming alcohol. No-one can argue that those attitudes have not changed. Members should look at their own habits. I have reduced my consumption enormously, even though from time to time I still have a drink.

Mr Barnett: Did you not have scope?

Mr TRENORDEN: I can now go several weeks between drinks, where in the past I could not say that.

Mr Bloffwitch: No wonder the hotel industry is suffering.

Mr TRENORDEN: That is correct.

Ms MacTiernan: Not from what we have seen.

Mr TRENORDEN: I was very dismayed to hear on ABC Radio that there is no such thing as a beer gut. It is a result of the appetite generated by the alcohol. That was a surprise to me. I will now go straight to the food trough.

Ms MacTiernan: Why are alcoholics usually thin?

Mr TRENORDEN: Because they do not eat. The beer gut is the result of people having a few drinks and then having a huge feed, which is my problem - I eat too much.

Ms MacTiernan interjected.

Mr TRENORDEN: I will admit to a few disorders. In any hotel food, coffee and entertainment should be as prominent as beer.

Mr Barnett: Catalina's Cafe at Cottesloe Hotel is a good example.

Mr TRENORDEN: There are many examples around the State of hoteliers who have broadened their attitudes and are going this way, much to the Australian Hotel Association's -

Mr Johnson: In the United Kingdom, strict laws were in place restricting drinking between 11.00 am and 2.00 pm and 6.00 pm and 10.00 pm. The pubs now have beautiful food and entertainment, they are open all day and there is no drunkenness.

Mr TRENORDEN: That is a good point.

Investors have millions of dollars tied up in hotels and clubs throughout Western Australia and many people are putting a fantastic effort into tourism. In many country areas it is the hotel that provides accommodation and meals. Clubs are also providing great services to the community by involving themselves in bowls, cricket, football and so on. We must not alienate all that capital from community life.

Many people who focus on the ills of alcohol - I am not saying there is none - get locked into the few who abuse it. They lose sight of what the other 90 per cent can do for this State. Members should go to universities to see binge drinking.

I am concerned that this legislation does not provide a cap on the ownership of liquor licences. I know many members disagree with that. Approximately 10 years ago, the Canadians introduced a cap on licence ownership. The Saveways chain of stores went from 80 per cent ownership to 25 per cent ownership. The net result was that prices dropped. The argument often put is that if we allow small investors to buy into the industry, prices will go up. That was not the Canadian experience. The greatest risk is lack of competition as a result of monopolies.

It might now appear that what I am saying is a contradiction.

Ms MacTiernan: You are a National Party member; you are entitled to be contradictory. Logic is not necessary.

Mr TRENORDEN: In Northam we have 16 liquor licensees serving 7 000 people and another licence application has been lodged. I am told that the Liquor Licensing Court is unlikely to reject that application no matter what the community says because of the need for competition. I would have thought that 16 outlets for 7 000 people was a fair amount of competition.

Mr Graham: We had one knocked back because we had four licences for 9 000 people.

Mr TRENORDEN: There are four or five more licences within 20 kilometres of Northam.

I was at a law and order meeting a few days ago at which I was informed that the community did not support the application. However, given licensing court decisions in the past, this licence will be granted. The town will then have 17 licences for 7 000 people. That is ridiculous.

Mr Board interjected.

Mr TRENORDEN: It does matter to my community.

The Northam Worker's Club, which is probably the second biggest club in the State, provides \$40 000 to the community from profits. That is my concern, a very selfish concern. At least some of the revenue from the consumption of alcohol at the Northam Worker's Club will provide benefits to the youth and many other groups in the community. The profits from an extra licence will go into its pocket. Although we see the police running opposite statistics all the time, we should not forget that far fewer than 1 per cent of people who go through booze bus situations are caught drinking and driving. We could not say that 10 or 20 years ago. Community attitudes can change. Family and community involvement in hotels works.

I am very disappointed to see that the police in country areas are opposing very strongly people testing their blood alcohol level before they leave social functions. One of the big negatives in country areas is that social functions have stopped; people no longer stay after tennis or football because they are unsure whether one or two drinks will put

them over the limit. People should be able to test themselves to see whether they are within the rules before they leave social events. Some of those people may stay an extra 10 or 15 minutes, or even half an hour. It is good for rural people to sit and have discourse after a sporting event. Unbelievably, the police oppose people being allowed to do this self-test. That is another example of their head in the sand attitude.

The time for appeals going a further 36 months will also have a strong impact on the community. That is a good provision in this legislation. This Bill has been debated strongly for many months and has general agreement within the House; however, before the next election, I think we will probably see further amendment to the legislation.

MS MacTIERNAN (Armadale) [5.52 pm]: The Opposition supports the Bill. It has come back to this place in an amended form, much improved from that which was originally proposed. Like the member for Perth, I believe it represents a fair balance between the competing interests - those who consume liquor, those who sell liquor, and those of the general public who are affected by other people's consumption. That includes people who live near licensed premises and those in a domestic environment who are affected by the excessive consumption of alcohol by others. We have seen research that indicates liquor is very much implicated in a great deal of the domestic violence that occurs in our community.

This Bill enshrines an approach to liquor that recognises the positive role alcohol can play in our community, as well as the damage that can be generated by alcohol consumption. It recognises the very positive role that licensed premises can, and do, play in the social life of our community. I part company a little from the member for Avon, who thought an undue emphasis was placed on licensed premises. A great deal of the social fabric of our community revolves around licensed premises; they may be hotels, clubs or cabarets. In later life when we may not frequent hotels, clubs, etc, to the same extent as we did when we were younger, we may look at them from a different vantage point. We may forget the very important role that hotels, cabarets and clubs played in allowing not only young people, but also single people to meet. Licensed premises play a very positive role in providing social outlets and opportunities for dancing. Many social functions have now been devolved very largely to hotels, particularly opportunities for dancing, the demand for which, since the almost total demise of places such as ballrooms, is filled by hotels.

In Western Australia, in particular, hotels have been the focal point for the development of many bands and popular music. Without the pubs, it is unlikely that we would have had the vibrant rock and roll and the grunge scene that we have seen in the past 25 years in Western Australia. We should not underestimate the positive role that those sorts of licensed premises have played in our community. Hotels provide a place for people who live by themselves and who do not have a great family network or social networks of other kinds to find company. If we walked into the front bar of any hotel in Western Australia, we would see many people who live by themselves and are there just for the general ambience. They do not want to sit at home surrounded by four walls and are happy to go to a hotel where they may not be engaging in conversation, but are in a communal atmosphere.

In a society in which people have become increasingly isolated and tend to retreat to their homes, and in which there have been breakdowns in the extended family and other social networks, the pub provides a very important opportunity for social interaction and for people to be surrounded in a positive way by others. It would be a travesty if we underestimated the very important opportunity provided by hotels.

Hotels have been under siege. It is easy to be critical of hotels. However, they have suffered from the effects of random breath testing. There has been a substantial reduction in their patronage. Now there is a possibility of a smoking ban by the Minister for Labour Relations and all the legal uncertainties that surround that. Although I understand the importance of protecting the health of people who work in hotels, the approach being proposed by the Minister for Labour Relations is a very negative one. Unfortunately, it reflects a somewhat puritanical stance that fails to recognise the very positive role that hotels and clubs play in the community life of many people. Far more Australians seek communal activities in hotels than in churches. We should recognise that and not seek to undermine it because we do not feel comfortable with it or desire it.

Mr Trenorden: Where the players from the netball, football and cricket clubs meet.

Ms MacTIERNAN: That is right. It depends. Part of the problem is that sometimes legislators may look at this issue from a particular viewpoint. They may have a large stable family and may do all their socialising at home, in the church or elsewhere, and they may have lost their understanding of the extensive social role played by licensed premises.

The Bill overtly adopts a harm minimisation approach. I cannot resist saying that this is, of course, a very sensible approach, and one can only regret that such an approach does not extend to other forms of psychotropic substances in our society. This Bill contains an inherent recognition of the dangers in consumption and in excess consumption, and it tries to deal with those dangers by way of regulation rather than by way of prohibition. It never ceases to

puzzle me that we can understand that so clearly with regard to alcohol but we are seemingly completely unable to understand that with regard to other drugs that are well entrenched within our community, such as marijuana.

Sitting suspended from 6.00 to 7.30 pm

Ms MacTIERNAN: I have said that this Bill adopts, very sensibly, a harm minimisation approach. It accepts that people have valid reasons for wanting to consume alcohol, but it also recognises that dangers are associated with that consumption of alcohol, both for those who consume to excess and for the broader community around those people who are drinking, such as fellow road users, and spouses who may be the victims of domestic violence. This Bill inherently recognises, as do all our liquor laws, that those harms cannot be addressed by moving towards prohibition and that we need to adopt a sensible and moderate position where we recognise the use of alcohol and seek to regulate it by putting in place conditions to minimise the harm. I have said also that I regret that we can adopt such a rational, even-handed and balanced approach to the regulation of liquor but we have not been able to do anything of the like with regard to our attitude towards other psychotropic substances, many of which, notably cannabis, are well entrenched within the community.

I am pleased that good sense has prevailed and that the extension of trading hours that was originally proposed has not proceeded. The member for Perth has outlined some of the quite convincing statistics that show that the level of harm has increased dramatically with the extension of trading hours, particularly with regard to late night venues. It is pleasing that the Government has taken good counsel in that regard. I do not support the extension of Sunday trading that we see in this Bill. I am particularly concerned about the extension of Sunday trading from 10.00 am to 10.00 pm, not so much because of the liquor consumption side of it but because it will leave even less time for community activities and for families to get together and hold social gatherings outside of work time. Hotels obviously cannot operate without staff, and bar staff will now no longer have Sunday mornings to themselves for their own activities, as do retail staff generally, but will need to be available to be scheduled for work. That loss of community time is a regrettable trend.

I am pleased that the changes to Good Friday and Christmas trading have been limited to the consumption of liquor in association with a meal. I am not, as people will know, excessively religious, but I believe we should recognise days of such importance to a large proportion of the community and allow bar staff who are practising and committed Christians the opportunity to celebrate those events.

I agree with the member for Perth that there has been an undue willingness to grant extended trading permits to hotels. That has been the cause of many of the problems that we have seen with local residents' groups. I note that although we have strengthened the right of affected residents to object to certain licensing conditions, in some ways we have given the authorities greater power to knock out vexatious claims against licensed premises. I want to distinguish between a number of things. I get somewhat annoyed when I see people in wealthy, middle class areas who are seemingly able to -

Mr Cowan: You cannot help yourself!

Ms MacTIERNAN: It is certainly true that I cannot help commenting on inequity within society and on quite marked social disparities.

Mr Cowan: Perceived.

Ms MacTIERNAN: It is interesting that the agrarian socialist opposite, who certainly while in opposition never tired of popping up and defending the inequity and disparity of services in the country, should in some way feel threatened by the fact that we are seeking to do the same with regard to disparities within the urban environment. I do not know where the Deputy Premier has been, but I can tell him there is a great deal of inequity and disparity of wealth and influence within the metropolitan area.

Mr Cowan: We will fix it up through these amendments! You really do talk nonsense at times, and you know it. Get on with the Bill!

Ms MacTIERNAN: That is interesting! We need to have the authority of the Deputy Premier to make a few comments. I did not intend my comments to be long, but they might be a bit longer now.

While we support the concerns of residents, particularly those who have suffered because of the grant of trading permits that extend trading into the early hours of the morning, I am certainly concerned that in many instances hotels that have been in place for a long time are under siege by people who have bought into the area knowing full well that a hotel is functioning in the vicinity. It is important to have a balance between the rights of residents and the rights of those consumers who like to use hotels.

The Bill regrettably does not deal with the question of placing a cap on the number of liquor stores that can be held

by a single company. It has been said by Coles Myer and Liquorland that these regulations do not work. I do not agree with that. Those provisions are in place in relation to broadcasting, where the ability to be granted licences has been limited by the percentage of ownership that one has of the total market; and the entire part 4 of the Trade Practices Act is predicated on the capacity to determine a level of dominance and place some fetters on market forces. I was heartened by the comments of the Leader of the House who is as sceptical as many of us are about the role of the Australian Competition and Consumer Commission in providing a focus for good government policy.

The Bill removes the requirement for mandatory trading hours of hotels. I understand that in many areas, hoteliers are finding there is no custom during some of the mandatory hours. The number of hours that are being traded by a particular hostelry must be taken into account in assessing the entry of a new player into the market. It would not be acceptable for an operator to whittle his hours down to a few core hours where he maximises profit, and then be able to block out a new entrant into the field who was prepared to trade for a longer period.

I also note that there is nothing in the legislation which makes provision for alcohol breath testing within licensed premises. That is a deficiency. It is something in which I have a particular interest: We should be looking very closely at the model in New South Wales where it is instituted that the provision of an Alcometer within a licensed premises provides protection for the proprietors of those premises against claims by third party victims who had overindulged on those premises. That has become a real live issue because there have been cases recently in which a customer who left the premises in a drunken state and who was subsequently involved in a motor vehicle accident successfully claimed damages against the hotel on the basis that it contributed to his drunkenness. In some respects we may be placing an unreasonable onus on hotels in many instances. The model that New South Wales has developed is worth exploring; hoteliers are required to put in alcohol breath testing facilities if they are seeking any exemption under the system.

I am pleased to see the development in which restaurants will be able to set aside 20 per cent of their area to serve alcohol to non meal consumers. Often we find that people want to accompany people having a meal. This is a very positive development for licensed premises.

MR RIEBELING (Burrup) [7.44 pm]: I support the Bill. The Government is making genuine attempts through this legislation to improve the public's perception of the industry and how it operates. It is interesting to note that the long title of the legislation talks about minimising harm and ill health caused to people or any group of people due to the use of liquor. That is a noble sentiment, but once again, in our haste to regulate other people, we forget about this place in which we work. A lot of the Western Australian public perceive politicians being treated differently from the rest of the community. In this piece of legislation which refers to serving drunks and not serving drunks and about the protection of the public, it is disappointing that Parliament House is excluded; it only adds to the scepticism that Western Australians feel towards politicians and our privileged way of operating. I cannot see why we are not subject to the same rules under the Liquor Licensing Act and subsequent amendments. It appears to me that we do not come under the legislation.

It is claimed that this legislation is a major step forward. It gives some teeth to innovations, principally in the north of the State in the form of accords entered into by, mainly, Aboriginal communities, and the ability for those communities to regulate the amount of alcohol that enters those communities. I am advised that the changes in the legislation will support the voluntary accord that has just been entered into by the Roebourne community in relation to trading hours and not selling alcohol in bottles, because sometimes those bottles are used as weapons. It is important that we do not overemphasise the importance of changes to the Liquor Licensing Act when dealing with the major problems of alcoholism and alcohol abuse in our community. The changes to the Liquor Licensing Act will not solve the problems of alcohol abuse in Aboriginal communities nor in the general community. I have lived adjacent to the Aboriginal community of Wyndham for a couple of years and I am aware that the vast majority of the alcohol consumed in those communities is purchased and taken away from the hotels and consumed within the community. That trend will continue. The legislation just makes the management of liquor licensing outlets more obvious to the public.

That is a particularly good aspect of this legislation. It is important that the general community take responsibility for trying to tackle alcohol abuse within those communities. It is a pity that the resources of the Alcohol and Drug Authority have been cut back to such an extent that it virtually no longer exists in my area and the resources available to the community to tackle these problems appears to be on the decline rather than increasing. It is good that the sellers of alcohol from the eastern States into Western Australia will now need to be licensed; that is a positive move to protect the Western Australian industry. In the north of the State, the court and the registrar for the protection of the public are able to impose some restrictions in relation to how licensees trade. I was hoping to see in the Bill a provision that required hotels in the north of the State to close two hours after a cyclone yellow alert was declared. Eighteen months ago I wrote to the Liquor Licensing Court to point out that problem.

Mr Cowan: Cannot the emergency services people do that anyway?

Mr RIEBELING: They do not appear to have the power to close down hotels when a yellow alert is issued. They can when a red alert is issued, because everyone must go home then.

Mr Cowan: Do you want them to be able to do that on a yellow alert?

Mr RIEBELING: Most industries close down on a yellow alert. Many workers then head for the hotel. A yellow alert can be in force for eight hours. Therefore, when the red alert is issued, there can be many drunk people at the hotel. This situation was brought to my attention by the taxi industry. A group of drivers told me that they did not like the fact that when a red alert was called they had the responsibility of driving drunk people from the hotel to their homes and families to prepare for the cyclone. It seems an irresponsible attitude, but there are many irresponsible people in the community. Most hotels comply in a voluntary way. However, when a cyclone was approaching Karratha about a year ago, the tavern remained open and a couple of hundred blokes became drunk. I am sure that people know the system is about to change. However, I hope that the licensing court will have the ability to set regulations. Perhaps when we reach the Committee stage we will be told about possible instructions to indicate how licensees must operate when a cyclone approaches an area. It will not be a popular instruction for people who wish to stay at the hotel and drink for many hours, but it will be a welcome relief for the families of those drinkers who do not make an effort to prepare their homes against a cyclone and end up in a dangerous situation, by not protecting their families in the way they should.

A new concept in this Bill is the importance of public interest being placed above the commercial interests of licensees. The member for Armadale referred to extended trading licences. I have a different view regarding extended trading permits, especially in country regions. In many country areas, people have little alternative to entertainment in hotels. The issuing of occasional permits in small country towns plays a vital part in entertainment because hotels provide an irreplaceable service.

In this Bill I note the increase in the period of notice required for an occasional licence or extended trading permit from seven days to 14 days. That will enable police concerns or objections to be heard in full. From my experience the objections made by police against occasional permits are based on whether the police roster fits the timing of the function. On many occasions, the roster does not fit the timing of the function; therefore, the police object to the issuing of the permit. When I was the registrar of the court in Karratha I did not consider that to be a reasonable objection, because the 200 or 300 people who may wish to attend the function should not have their enjoyment curtailed simply because the police roster did not fit the timing of the function. I do not recall any occasion when the issuing of an occasional permit caused a major problem. Most organisers of functions were aware of the possible police objection and took extreme measures to make sure that any rowdy element did not cause any problems for the police. In smaller communities, such as Tom Price, Paraburdoo and Pannawonica, it is very rare for occasional permits to be issued. Certain sections of the community look forward to the functions which generate the issuing of an occasional licence, and the system has worked very well until now. I hope these changes do not diminish social life in country areas.

Another interesting aspect of this Bill is the introduction of a system of demerit points against licensees - a system similar to that applying to vehicle licences. I presume that a licensee would rack up demerit points to a level where he would lose his licence to trade in liquor. It is also interesting that this Bill will place greater emphasis on making sure that people under the age of 18 do not enter hotels. I have always thought that the task of identifying the age of young people wishing to enter hotels is a continual problem for staff in the hotel industry. Some people who go to bars look 20 years of age when they are in fact 18 years of age, and vice versa. That is a continual source of annoyance for people older than 18 because they are continually asked to produce proof of their age.

Mr Graham: I always feel good when they do!

Mr RIEBELING: A 45 year old friend of mine recently went to the police station to obtain an 18-plus card. Now, when he enters a new bar he produces the card to save himself embarrassment! The introduction of the proof of age card is a great move, because it will be easier for publicans to identify under-age drinkers. Hotel staff will still need to be trained to ensure that they do not breach this provision.

This is one of the larger pieces of legislation that we have decided to inflict upon an industry. The penalties in this Bill have increased markedly. I am sure that the industry is keen to educate the work force to an appropriate level so that those sorts of offences do not occur. It is difficult for licensees in the north of this State to invest resources in the training of staff when the population is so transient. Industry workers may stay for only six months in an area. Perhaps, unlike in country areas, training will be sustained in the metropolitan area. I am sure that those in the country will endeavour to do it. They will rely more heavily on management rather than individual staff members to ensure they do not breach the new provisions of the legislation. It is easy to say that we should be training, but in isolated areas that training is expensive to implement and retaining the resultant skills is very difficult. Many places would like to retain those skills and continue to upgrade them but that does not happen.

One of the other interesting sections of the legislation is that referring to the identification of a drunk. We seem to have gone backwards to the old days when drunkenness was an offence under the Police Act. It now appears that a hotel employee must determine whether a person is drunk. The legislation sets out a series of things that the employee must determine, such as slurred speech and unsteady footing. In court the standard statement made by police officers was that the offender's eyes were bloodshot, his breath smelt strongly of liquor, his speech was slurred and he was unsteady on his feet. Hotel employees must now apply that test to determine whether a person is fit to be served. If they determine that a person is not drunk, what are the consequences given the new title of the legislation? There is now an emphasis on minimising harm or ill health caused by the adverse impact of the use of liquor. I do not know what that change in the title does in respect of the industry's legal responsibilities or whether it is intended that there be greater emphasis on civil actions. I presume that is one of the reasons the new legislation has been put in place. It is admirable to hope that we can change the industry's approach and have greater emphasis on the adverse impact of alcohol. Whether we can then introduce sanctions that work is another matter.

The ultimate responsibility for looking after an individual and ensuring that that individual is not drunk rests with the individual and not the licensee who is serving alcohol. If, as happens in the eastern States, hotels must provide breathalyser machines so that patrons can check their condition before they drive, what happens if a machine is faulty? Is it the responsibility of the licensee if a person has an accident and someone is injured? We are heading down a dangerous path if that is the intention. That could provide many more opportunities to sue licensees for damages.

MR BLOFFWITCH (Geraldton) [8.06 pm]: I support the Bill, although there are clauses with which I do not totally agree.

We have given all small businesses the right to trade 24 hours a day, seven days a week, except liquor stores, which cannot open on Sundays. They are in the world of commerce and I find that move hard to believe. However, I appreciate the hotels' position, particularly those in the smaller country areas. They consider it a matter of survival to have a monopoly on Sunday trading. Reviews occur every 10 years, and it will be interesting to see whether after the next review we go to the next step.

I was also pleased to see the withdrawal of the cap in relation to ownership of liquor stores. That was anti-competitive. I understand the plight of the small stores within the world of commerce. They have difficulties getting a fair deal from the multinational companies with whom they deal. In most cases they do not get a fair deal. Unfortunately, our anti-trust or trade practice laws virtually exclude small businesses from making any claims.

It is interesting to compare the anti-trust laws of America, where the multinationals control about 12 per cent of the grocery market, with those in Australia. They have very strong restrictive trade, anti-monopoly and anti-collusion laws. The large companies control only 12 per cent of the market. It is incredible that in the land from which most of the multinationals have emerged, they own only 12 per cent of the stores. In Australia, Coles, Woolworths and so on have 70 per cent of the market. We must ask ourselves why the situation here is so different from that in America. The simple fact is that the anti-trust laws are so good that stores can go to someone like Coca Cola and ask for a deal. They say that they will buy 1 000 crates of Coca Cola, which is equivalent to an order the company would get from the K-Mart stores in America - and they want the same deal. If Coca Cola refuses to supply the product, it is fined \$1m and is castigated in the industry. We have no such laws in Australia. That is why the small groups feel that the only thing they can do is call for a cap on the ownership percentage. That is a backward step.

I was very encouraged to read the federal select committee report on this issue. It made many recommendations in respect of small business, including that trade practices control bodies should be able to take up cases on behalf of small businesses and they should be able to be awarded damages and have fines imposed. In other words, they should be able to protect small businesses against unfair trading, and that is what it is.

I am a director of a cooperative that supplies parts to smaller businesses in the motor industry. For years we have tried to do a deal with Coca Cola and it will not deal with us.

Mr McGowan: Why?

Mr BLOFFWITCH: It says it is already supplying the small businesses at the wholesale price. It asks why it should give us the right to offer its product at a better price. That is the way competition is supposed to work.

Even if we seek some relief from the trade practices legislation and win the case, we cannot even get any damages or recompense. This is the toothlessness of the present Trade Practices Act. I was pleased to see the changes that were mooted in the report of the select committee. I am convinced that if we can pass this Bill, we do not need to cap the number of Liquorland outlets. If the small businesses get together in a group, they will have the advantages I think they deserve.

Mr McGowan: Are you saying that as a State we cannot deal with them?

Mr BLOFFWITCH: I have spoken to the Minister for Fair Trading who has agreed that he would like to do something. Of course, most of these organisations are national companies. We cannot ask national companies that are registered in New South Wales to abide by the Western Australian laws. That is why we need national legislation that covers the whole gamut.

Mr McGowan: Did you say that under the corporations power all the laws are passed by the Commonwealth Parliament and, as such, we are not in a position to do anything about it?

Mr BLOFFWITCH: We are in a position to do something about a state based company. The Federal Government cannot legislate on behalf of individuals; it can legislate only on behalf of companies. There is a problem. That is why in this State's fair trading laws we have emulated exactly the provisions of the national competition policy to cover individuals. When we copy legislation that, in effect, is a toothless tiger, it does no good.

Some excellent examples were given in the report of the select committee, in particular in relation to predatory pricing. In one example a fellow was the second generation in a grocery store, and had been involved in it for 40 years. His business was located in a shopping centre. One of the major grocery chains decided it would have a go at him. It had one of its employees stand outside the front of his shop and check on his prices. The employee used a mobile phone to call the big chain store and advise the price of certain goods in the shop. On this occasion strawberries were being sold at 89¢ a punnet. The Coles organisation - I apologise if it was the Woolworths chain; it was one of the multinationals - was selling strawberries for 99¢ a punnet. Upon the advice of its employee, the Coles store dropped the price of its strawberries to 79¢ a punnet. The local grocer dropped his price to 78¢ a punnet and, once again, the Coles supermarket reduced its price; this time to 69¢ a punnet. In the end the grocer dropped the price to 40¢ a punnet, and the Coles supermarket undercut the price. It did not do that only with the price of strawberries; it did it with most of the grocer's top selling products. Within six months the grocer was bankrupt, out of business. Under the limited state legislation that is predatory pricing. That multinational would have been fined half a million dollars for doing that.

Mr Graham: On each occasion.

Mr BLOFFWITCH: That is absolutely right. They are the sorts of changes we must legislate for to give our small businesses a go. I was heartened by the recommendations put forward in the report of the select committee. Every time I see Chris Ellison or any federal members from around my area, I ask them to give support to the required changes and to do that as quickly as possible. By doing that, the face of marketing in this country will be changed, and it is badly needed.

Let us hope we can achieve some results in this area so that our small businesses get a chance to compete with larger corporations. Having travelled overseas, I am very jealous of the laws that operate in this area in Europe. My wife and I could sit in cafes on the sidewalks and I could order a beer and she could order a cappuccino. Those establishments can trade 24 hours a day. I could buy a six pack of beer in the supermarkets. That is a sensible idea. Many of our hoteliers have spent many millions of dollars under the present system in setting up their organisations. I admit it would be unfair to change the rules midstream. However, I am extremely jealous of the way in which the liquor laws are applied in other countries which allow people to relax in all sorts of establishments. A very sober attitude seems to be prevalent in those countries.

I am told that if we liberalised our laws to that extent, drunks would be seen everywhere. Strangely when I was in Paris and Spain I never saw any people who were drunk. I could buy liquor anywhere in Spain, even in the grocery shops, yet I never saw drunken people rolling down the street. I see more drunken behaviour in the large hotels in Australia than I ever saw in countries which supposedly have a free market. I think we have it wrong, but I acknowledge that it would be most unfair for the present players to be forced to make changes. I hope over the years - quite possibly after I am no longer in this world - we will move to a more relaxed approach to the sale of alcohol. Our system basically revolves around large drinking halls where people go in for the big swill, and that causes major problems.

I do not know how we change that. However, I am told that many more liquor licences are being issued these days for smaller taverns. That is a positive step. I urge the Liquor Licensing Division to continue in that manner. Of course, it must be done with a little caution because we do not want to disturb those presently in the industry. No matter how desirable an alternative situation is, we must respect those who are already in the industry.

Although the legislation has my general support, I see many things wrong with it. I have heard complaints from members tonight that not enough is being done to educate people to control their drinking habits. In Geraldton we do that job very well. A very strong group, known as Compari, receives both state and federal funding to educate people; to tell them that if they are getting full every day, they are destroying themselves; that they should not be

spending the housekeeping money on grog instead of food. That is another positive step. The Alcohol Advisory Council is running courses not just for publicans, but also for other management groups to inform people how to handle situations so that drunks are not walking around the place, and some respect is returned to the hotels. That has been reflected in a couple of the new places that have been built. The Freemasons Hotel in Geraldton has been remodelled to be more like a coffee shop cum bar, which serves light meals. It is a very popular spot in Geraldton. The local community has accepted it. I urge the Government to continue down this path and to continue to push this policy. As a State, we have a responsibility to ensure sufficient funds are available so that the education process continues, because in the long run it will lessen the problems associated with alcohol consumption.

I do not know whether people realise just how much of a problem alcohol consumption can be. We talk about heroin, marijuana and the curse of drugs. However, I can tell members that the biggest destroyer of lives, marriages and families is not heroin or marijuana; it is alcohol. It is a huge problem. Members have only to ask the officers in the local Salvation Army office what is the biggest destroyer of a family. They will quickly say it is alcohol, every time, that causes the problem. Society has a responsibility to try to educate people that if alcohol is not handled properly it can be a major concern. I am pleased to see that funding is available, and that resources are coming from the liquor industry to this very worthwhile pursuit. I am pleased that these initiatives have been instituted. I generally support the Bill and look forward to its passage.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [8.20 pm]: I too support the Bill. One of the things I have in common with the member for Perth is that my parents owned a pub when I was born and until I was quite adult I spent my days, as the member for Perth did, wandering in and out of the pub. I used to wash glasses before I did anything else after school. It was a different pub from that of the member for Perth. It was a ye olde English pub that was part of my upbringing. My family's pub had many of the things that the member for Geraldton was talking about. Even in those days people came in for coffee, although we had restricted trading hours. I am quite au fait with people who drink and the effects alcohol has. It is not alcohol that is the real problem, it is the abuse of alcohol.

I support the major thrust of the Bill. The most important aspect from the community point of view is the way the Government has responded to community concerns and made one of the primary aims and objectives of the Bill the minimising of harm and ill health. Some of the safeguards in the Bill include: Grounds for objection to licensing applications; that means the community will be involved where there is a new licensing application; managers and licensees to be required to be familiar with the current liquor licensing laws so they can teach their staff; managers to set in place responsible service and serving practices so that if an inebriated person comes into the hotel or bar the staff know how to cope with that person. Training courses will be available. As this is included in the Bill one presumes that funding will be available for those specific activities. Also included are ways to address problems associated with promotions such as happy hours and drinking competitions. These often cause people to drink a large amount of alcohol in a short time and do not teach people the proper practice of drinking alcohol with a meal or drinking slowly so that the body can absorb it. The Bill focuses on underage drinking, and deals with some of the issues there. The Bill also contains a definition of drunkenness about which I think the member for Burrup spoke.

However, one of the things members must remember is that, as the member for Avon said, less than 15 per cent of people actually drink in hotels, pubs or clubs. The rest of the people who consume alcohol do so in other places - at home, at parties, in nightclubs, restaurants and so on. Alcohol and hotels are often blamed for much of the crime in society. The link between crime and alcohol is well known in the community but it is important that this Bill is not seen as a sop that is going to solve all of the problems. It is not. The criminological research shows that crime is associated with a large range of socioeconomic characteristics such as being male, being young, living in an urban environment, being unmarried, and coming from a low socioeconomic or deprived background. Add to that stereotype of young people who are committing crimes, excessive alcohol consumption and further problems arise. I have read figures recently which indicate that although crime is linked to alcohol consumption, the major problem with alcohol consumption overall is the low level crimes of creating a public nuisance, verbal abuse -

Mr Board: Antisocial behaviour.

Mrs van de KLASHORST: It is antisocial behaviour. Aggregate data show a very strong correlation between the lower levels of crime, the fear of crime, rather than alcohol being linked to the serious crime. It is there but not in such great numbers. The danger is that the Bill will be seen as the way to solve the alcohol problems and the associated criminal problems and antisocial behaviour. Members must remember that a whole load of other issues are involved with people who indulge in antisocial behaviour or commit crimes.

Members must look apart from this Bill to things such as long-term antiviolence programs based on educational objectives followed by empirical evidence on how to stop violence and antisocial behaviour in society. The acceptance of responsibility by young people is important. I must commend some of the advertisements on television

recently asking people to respect themselves. That type of advertising addresses some of these problems. It must be remembered that responsibility belongs to all people, whether they are young, middle aged or getting older. Society must teach young people by example the responsibility that goes with the ability to go into hotels or anywhere else and drink. Awareness is needed as a community that there is a correlation between alcohol and antisocial behaviour, and an example should be set by adults to young people that a responsibility goes along with that. Young people must be educated on the dangers of alcohol and how alcohol can affect them.

There needs to be a guide for children. Children and young adults need a purpose. They need goals, they need discipline, they need to know the consequences of their drinking and they need love, caring and responsibility. All of those are separate from the Bill but are really part of the community's response to the problem of alcohol which the Bill is trying to address. High school and primary school programs should be put in place which bring forward some of those initiatives. Perhaps the prisons also need to have some of these programs in place. The key words need to be rights and responsibilities which lead to open dialogue between people and the judiciary; it must be a two way situation to find a solution to some of the antisocial and criminal problems associated with alcohol.

Because the Bill will not solve the social phenomena of alcoholism and excessive alcohol consumption in young people, there needs to be research into and an understanding of the relationship between crime, adolescence and alcoholic abuse and how this leads to violence and drug abuse. A nexus must be developed between them all so that the community can address some of these issues. I fully support the Bill but members must not be mistaken and look on this Bill as the be-all and end-all. More than this Bill is necessary to solve some of the problems of our young people. A major thrust of the Bill, and one of its primary objectives, is to minimise harm or ill health and that augurs well for the future. I support the Bill.

MR GRAHAM (Pilbara) [8.30 pm]: Like other speakers, I begin by referring to the objects of the Bill. Page 20 of the Green Bill reads that the primary objects of this measure are -

- (a) to regulate the sale, supply and consumption of liquor; and
- (b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor.

The first part is dealt with relatively simply: Some of the earliest laws introduced in Australia were to restrict alcohol; that is, who could drink it, and where, when and how they could drink it. As a society, we have argued about the extent of licensing laws, but we have never embraced unrestricted sale of alcohol. The legislation before us does not propose that the sale of alcohol be unrestricted.

It is the second primary object to which I now turn; namely, the minimisation of harm or ill health caused to people or any group of people due to the use of liquor. Interestingly, as I was preparing this speech, a paper came across my desk from the Australian Institute of Criminology which addressed itself to alcohol in white, city Australia. It states that the data collected as part of the national drug strategy indicated that more people report having been victims of behaviour defined not as criminal, but as antisocial, than experiencing criminal behaviour. That is the sort of behaviour to which the member for Swan Hills referred.

Around one-third of people surveyed reported having been verbally abused by a person affected by alcohol in the last 12 months, and about one-quarter reported being put in fear by a person affected by alcohol in the past 12 months. These are the antisocial symptoms of alcohol abuse. The institute then makes the following point -

Levels of alcohol-related criminal behaviour are also high:

- 13 per cent in 1993 and 9 per cent in 1995 report having been physically abused by someone affected by alcohol;
- 17 per cent in 1993 and 13 per cent in 1995 report having had property damaged by a person affected by alcohol;
- 8 per cent in 1993 and 7 per cent in 1995 report having had property stolen by a person affected by alcohol.

The report continues -

Differences in experience of alcohol-related disorder between males and females show that:

- men are more likely to report experiencing verbal and physical assault and having property damaged;
- women are more likely to report having been put in fear;

Later the report refers to who is most at risk. This report was conducted in the cities of Australia, and I will refer to

the rural and remote areas later. The study identifies the types of people who become victims of alcohol-related crime and antisocial behaviour. I found this extraordinary. The Australian Institute of Criminology states -

Research on victimisation indicates that victims have a number of common characteristics - being young rather than old and being male rather than female are the two most common.

When listening to the media and the public debate on law and order and violence one would assume the opposite view. The report also states that age was linked to victimisation, but it found that most of the crime and antisocial behaviour took place at night, and probably relates more to the night rather than the age factor. It also reads -

Studies on intoxication and aggression indicate that alcohol has often been consumed by both the offender and the victim.

... Those who report binge-drinking patterns of alcohol consumption are more likely to have experienced all forms of alcohol-related disorder, except for stolen property.

... These data do not enable us to determine a causal path between personal drinking and experience of alcohol-related disorder ...

The link cannot be established, but they can suggest that the two coexist. Clearly, they say that those who drink are more likely to be victims than those who do not. That is interesting.

The report then pulls together all the statistics, and it concludes that a number of cases involving Australian citizens seeking recourse in civil law are winning law suits against licensees who permit drunken customers to remain on premises. They suggest that in many situations the civil law has proved to be inadequate to deal with the circumstances outlined. This has led to a uniquely Australian approach to alcohol-related crime prevention with local councils in a number of locations establishing a safety action projects strategy.

I find the report by the institute to be interesting on a number of points as it contradicts the widely held view in Australia. That report deals with the problems in the city, and members who represent country areas face those problems and some additional unique problems.

The legislation currently allows for a series of changes to enable people who are in Aboriginal communities to make local laws, by-laws or regulations, and to impose those regulations in Aboriginal communities to regulate the system of drinking. People who have been watching alcohol-related issues, particularly in the north west of the State, know that a number of experiments and trials have been conducted. Usually, these involve some imposition on people's personal freedoms and liberties. However, on each occasion that they have been handled properly and appropriately, the equal opportunity bodies and world regulatory groups have considered the aims of the programs and concluded that the aims far outweigh the individual concerns.

Somebody may be refused an alcohol licence or the ability to serve alcohol because the whole community has agreed that principle is the proper thing for the laws of our land to recognise and represent. Many Aboriginal communities in outback Western Australia have restricted the sale of alcohol in their communities entirely. They have said, as is their right, which I do not dispute, that they do not wish to have alcohol drunk, served, sold or in place in their communities. They have declared the area to be dry. I know of many such places and it works very well for a large number of them.

However, a problem arises when an Aboriginal person who lives in that community likes to drink. Where does that person go? He does not cease to drink because somebody says alcohol is not permitted in the community. Therein lies the problem of which I speak tonight.

Port Hedland has had that problem in its midst all the time I have lived there. We have tried to deal with it in a variety of ways. It would take all night to describe the different organisations set up over the years and the different means and mechanisms adopted to try to deal with this problem.

The problems are public drunkenness and health. I am aware of only one health plan being done in the Pilbara in 20 years. It was done in 1991. Unfortunately, I left a copy of it on my desk in Port Hedland last night. It was to be a large part of my speech. Third World diseases not present in any other place in the community are present in Aboriginal communities, particularly in fringe dwellings. I refer to conditions such as malnutrition. In Western Australia it is a disgrace for people to suffer from malnutrition. In the fringe dweller camps - among the people from out of town - almost complete breakdowns are occurring in families and in their sense of community. Sexual assault occurs among both adults and children, as well as child neglect. Chronic absenteeism occurs among people who have jobs.

Homelessness is prevalent. I mean that in the true sense. It can be taken either in the white sense of not having four

walls and a roof or "not belonging to the land" as the Aboriginal people say. Litter problems are chronic and violence in nearly every form occurs, whether it be family violence, public violence or violence against other citizens in the form of child abuse or sexual assault or just causing each other injury because they are full of wallop and having a fight.

I touched on the issue of health. I genuinely wish I had brought that report with me so that I could spend time on it. In every risk factor Aboriginal people are worse off than their white counterparts. The risk factor of young Aboriginal males is 40 times greater than that of their white counterparts in the same area. Public and private transport is non-existent.

A breakdown has occurred in what is called "respect" and there has been an increase in what is called "shame". Chronic truancy occurs among the children and there is poor appreciation of the benefits of education. Other issues relate to money. I could be accused of being overly negative about Aboriginal people but people who know me know that is not the case.

On these issues, I am referring to a report commissioned by the South Hedland enhancement scheme. It was a study group in which I participated. We pulled together Aboriginal, mining company and town council people. We set out to identify problems in Port Hedland and to identify some resolution to those problems. We did that. We had a good hard look at what happened in the Northern Territory. We did some extensive literature searches and much reading about how we should deal with the problems. It first becomes clear that we must accept that there is a problem. We must accept that the problem is uniquely Aboriginal and that it is alcohol related. If we do not accept those three aspects we will not solve the problem. In these instances, the problems are all those things.

It is well and good for Aboriginal communities to say that because they are "dry" they have solved their drinking problem. Over the past 20 years I have helped many of them become "dry" and I will continue to help them. However, it shifts the problem from their community into others. I suspect that every town in the north west has this problem to a greater or lesser degree. The more traditional towns - that is, the pre-iron ore towns - have it to a greater degree because they have always been open towns.

The study group put together an extensive report and sent it to almost anyone with an interest in the matter. We sent it to all the agencies who are roundly criticised in the report for having insufficient budgets, poor coordination between departments or a general lack of interest in how they deliver their services into the region. We sent it to state and federal government Ministers and the Aboriginal and Torres Strait Islander Commission in its various guises. The group was chaired by the Chairman of ATSIC's regional council, Adrian Brahim, a great man by any yardstick. We sent it to bureaucrats, both Pilbara and city based, who have direct responsibility for these matters and we sent it to the state Minister for Aboriginal Affairs.

The correspondence we received from all those people was extraordinarily complimentary. Letters included comments such as, "Good on you; congratulations for having the foresight and fortitude to deal with what is nearly an impossible issue. We can see you have canvassed it thoroughly. We can see that you have identified the problem and that you have matched outcomes that will alleviate but not solve the problem because no-one suspects you can solve this issue." The Minister for Aboriginal Affairs was among them.

Not one of those departments has committed a single extra cent to dealing with the problem. For the life of me, I do not understand how we can expect a problem to be addressed by a government department when the department is not given any resources. If someone else knows, will they please tell me? I am not being flippant about the matter. I do not understand why, for example, when a report before a state government Minister, in this case the Minister for Family and Children's Services, highlights chronic homelessness - I do not mean just people who do not have a house; I mean people who have absolutely nothing other than what they are standing up in - and an Aboriginal group which has applied for government funding in response to a departmental advertisement is rejected. The rejection might be fair if they were not up to the mark. However, I hope to deal with this issue during grievances.

The study group received complimentary letters for accurately identifying the problems and finding solutions; however, no-one would give it any money. We were advised to reapply next round.

This report came out in April 1997 and there has yet to be one cent of Family and Children's Services' money committed to homeless people in Port Hedland. Worse than that, the Aboriginal Affairs Department will not provide an officer to coordinate funding searches to find out where else we can get some money. We are locked into this position whereby homeless people have nowhere to live and the state authorities have taken no action. I cannot say what they will do. One of the points of this speech is to convince the Minister, when she reads it, to change her mind.

I have said over and over again that these people are not looking for an alternative; they have nothing. It took years to get the council to concede that when Aboriginal people come into the town, some of them will drink. After extensive lobbying, the Town of Port Hedland decided to put aside an area in which people could drink, rather than

have them in the town centre causing problems for themselves and for everyone else. The town set aside an area, which would have regular police patrols. The "Report on the Northern Territory Study Tour" states that one of the advantages of that is that it allows the health providers and Family and Children's Services to deal with these people, and with the homeless children, to bring some sort of control into their lives. I do not mean rigorous authoritarian control. We should ensure that children are not malnourished and that children with eye infections that are predominant in Aboriginal communities are treated. Those children who live in the communities or in towns are treated; only the fringe dwellers are not treated.

Initially that site worked well, because everybody did their job. I give great credit to the local police, who handled the situation well. It is difficult to get drunken people, black or white, to go somewhere they do not want to go. The police, the licensees and the Aboriginal patrol handled the situation well.

However, since April 1997 it has become a rubbish dump. People stopped doing what they should do. Departments found it hard to continue providing that service because of budget cuts. They have now lost the initiative to police and control the area, which is now a disgrace. I could go on about the problem forever. I am angry that in a State with the obvious wealth of Western Australia, people can live in these conditions, about which the authorities are aware, and yet the programs are not funded to allow the lot of these people to be reversed, turned around or, at the least, bettered.

In this field, Port Hedland has pretty much everything that one could expect a Government to provide. I have some comments about the services provided by the Alcohol and Drug Authority and others, and I may deal with that later. Although that is part of the problem, it is a separate issue. Port Hedland has a detoxification unit in the hospital, breakfast programs, a sobering up shelter, an Aboriginal street patrol, great Aboriginal liaison officers, and great relationships between police and Aboriginal people. Port Hedland has everything that one could reasonably ask of a Government, but they do not work! That is because Family and Children's Services will not talk to the coppers, the Health Department will not talk to Family and Children's Services and God only knows to whom the Aboriginal Affairs Department talks! I certainly do not know.

That department has made some of the most stupid decisions I have ever come across in my public life. Pumujina was allocated \$2m for no net benefit, yet a group of people living in Port Hedland with no income, nowhere to live and in abject poverty cannot get money to fund a program that will provide them with a tent to live under. It is absolute nonsense.

I am critical of the Minister for Aboriginal Affairs. I will send him a copy of this speech and some more dirty letters, because he needs them. He was asked by all concerned in this study tour including other state government departments, BHP Iron Ore, the Town of Port Hedland, the South Hedland enhancement scheme, the Aboriginal and Torres Strait Islander Commission and me to provide an officer - we did not even care about the funding - to pull together all of the recommendations. Everyone in this Parliament knows that it is easy to learn, and to write a report, but we need someone to implement it. Neither I nor ATSIC can do it. It must be someone at the state level who can pull together the state agencies and coordinate the clearly defined actions that are in the report.

I could forgive the Minister if he had written and told us that the report is wrong and said that the Government would deal with the problems in its own way. I would not like that, but I could accept it. That is not what the Minister for Aboriginal Affairs said. He wrote and told me there was no money in the budget. He did not tell me that we could not have the money; he said there was no money in the budget.

Dr Hames: I did not hear what you said. I was outside when I heard you take my name in vain.

Mr GRAHAM: The Minister said there was no money in his budget for Port Hedland, and yet he was able to pluck some new money out of somewhere to go into Pumujina. The department's office and the staff in Port Hedland have been downgraded. The actions of the Minister's department in the past year have resulted in no net improvement of the problems that this report highlighted in April 1997. I am happy that the Minister has returned to the Chamber; I did not seek him out.

Dr Hames: The comments about getting no results in Pumujina are untrue. There have been some enormous results.

Mr GRAHAM: Nonsense. The Minister was advised by his department not to touch Pumujina and he overrode that advice. The Minister made the decision off his own bat.

Dr Hames: I was not advised by my department not to touch it.

Mr GRAHAM: The Minister was so advised. I will give the Minister a tip. Advice is a topical subject at the moment. The Minister should be careful about what he says about whether he was advised, because he was advised and he knows it. The Premier is already in trouble.

Dr Hames: You know very well that other members of your party are strongly opposed to your opinions on this, and have been supportive of what the Government is doing in Pumujina.

Mr GRAHAM: That is right.

Dr Hames: We will have a good outcome there.

Mr GRAHAM: Where does the Minister draw the line? A total of \$2.5m has gone down the drain at Pumujina for no net result. It is still as big a problem as it was 15 years ago. The Minister cannot deny that. My mob threw as much away as the Minister intends to throw away. That is because the concept is flawed.

Dr Hames: It was your mob that came in at a political time and put lots of money in there.

Mr GRAHAM: That is right, and it does not work!

Dr Hames: The alternative is to bulldoze the place and say that they cannot stay. They would set up somewhere else - "Club Capricorn" or wherever they choose to camp.

Mr GRAHAM: It is on exactly that point that I am critical of the Minister. We addressed exactly that point in this report that we spent months researching and writing and we put it to the Minister. The Minister could not find one cent to deal with the problems in Port Hedland.

I have one minute left. I would be more than happy for the Minister to tell me that I am wrong and that he will commit \$60 000 or \$70 000 to deal with the greatest social problem in the biggest town in the north west. Will the Minister do that?

Dr Hames: No.

Mr GRAHAM: This report has been a waste of the time, effort and money of some of the best intentioned people in Port Hedland for no net result from the Minister for Aboriginal Affairs.

MR MARSHALL (Dawesville - Parliamentary Secretary) [9.00 pm]: I support the general thrust of this Bill. It is important to the liquor stores and hotels of Western Australia that it progress through Parliament as quickly as possible. Given that, I am concerned that the notice of motion foreshadowed by the member for South Perth on 18 November 1997 in respect of liquor stores trading on Sundays is still listed. I will oppose that motion.

I strongly believe that hotels, especially country hotels, need all the assistance they can get to survive. I have a particular perspective as a country member. Often bottle shops provide a major source of income for the hotel, especially in country regions. If liquor stores, particularly the large chain store outlets, are allowed to trade on Sundays, we could see the closure of hotels and taverns across the State, especially in country areas.

I remind members that without a pub a country town is virtually finished. A pub or tavern is a meeting place for rural people, whose homes are spread over a wide area. They have one small hub where they can meet after harvesting on a hot day to talk about what went on during the day.

I was once at Kojonup when there was a huge bushfire. I joined the volunteer fire brigade and chased the fire, but the most exciting aspect was going back to the local pub - charred, dirty and blackened - and talking about fighting the fire as a community. One can go to a country town on a normal day and meet at most 10 people, but after a bushfire the entire community will be in the only meeting place - the local pub. That pub or tavern is not just a pub or tavern, it is a community hall. It is the only place to hold social meetings.

Mr Shave: It is like the church.

Mr MARSHALL: That is extending it too far. Country towns throughout the world might have a church and perhaps a pub, but they always have a tennis court. That is something to think about.

The Pinjarra Liberal Party meets at the pub because there is no other place to gather.

Mr McGowan: You need only a telephone box for that.

Mr MARSHALL: As far as I know, the member for Rockingham comes from the city and has been on a ship most of his life. He does not know what I am talking about when I speak about the country.

Mr McGowan: Where do you live?

Mr MARSHALL: I live at Mandurah - a country electorate.

Several members interjected.

Mr MARSHALL: I challenge the members for Willagee and Rockingham. I have been to more country hotels than they have in their short lives.

Several members interjected.

Mr MARSHALL: At one stage of my career I was promoting tennis in Western Australia and finding young champions in places like Mt Walker and Bruce Rock. Some in that area will vouch for me.

On Saturday nights one can go to the local pub to dance, meet people and socialise. In some country areas, that is the only place that can happen. We are now promoting indoor sports. In the country, the pub is the only indoor sports centre. The people there play darts, pool and so on.

What does a country pub have compared to a liquor store? The pub must supply parking, washrooms and toilet facilities, and it often has a dining room and accommodation. That is without selling the refreshment for which pubs are noted. The liquor store sells only liquor. There is no comparison.

Last year I was returning from Broome through Cue, but I mistimed my run. I had my wife with me, it was Sunday night and it was raining. I was hopeful that the Dalwallinu pub was still open. In fact, it was the only place in town open. I was very thankful that it was and that we could get accommodation and a meal. Moving into the lounge room from the main bar, we discovered a roaring fire. Because they do not have their own facilities, the members of the golf club returned to the hotel for fellowship. I knew six of them, and what had been a glum, wintry night turned into a joyous evening of fellowship. I could have said that I wanted some magnificent Western Australian red wine. However, the liquor store was miles down the road and it would not have had the range of wine I wanted. I feel very strongly that Sunday trading for liquor stores is wrong and I will oppose that motion.

A liquor store generally has only one teenager behind the till. All he does is scan the price, put the bottle in a bag and take the money. There is not much exertion or responsibility attached to that position. However, a hotel must employ gardeners, cooks and cleaners as well as the bar staff. The difference in employment opportunities is dramatic.

Small pubs are battling to survive because of the new liquor laws and opposition in trade. We must not allow them to go under. It is the publican who puts on the free keg for the football premiership side and the winning cricket team at the end of the season. It is the publican who provides the trophies for the tennis and bowls clubs. It is the publican who advertises raffle tickets for the under 14 softball, netball and hockey teams. It is the publican who assists the Rotarians and Lions Clubs in the area. The liquor stores never do that. I told one major national liquor store operator that such enterprises never donated a penny in Mandurah. Suddenly that business became a minor sponsor of Peel Thunder. I saw that as a victory. One cannot compare that to the generosity of the local publican. There are probably many more illustrations of the importance of a country hotel in the community -

Mr Cowan interjected.

Mr MARSHALL: I had a friend at Narembeen called Ken Crow, who was captain of the Warriors. He said that the best part of the football in that area was having bright young ruckmen coming from Mt Walker to train, and ensuring that they did not overindulge around the fire so that they could drive home safe and sound. There was an education process not only in respect of football. It also teaches young men how to handle drinking in public. The publicans keep an eye on them as well. The country hotels need every assistance to survive. We should give them every opportunity to do that. This Bill is well thought out and I wholeheartedly support it.

DR HAMES (Yokine - Minister for Housing) [9.10 pm]: I will take this opportunity to respond to the member for Pilbara. I am sure there is some way I can relate these comments to the debate. Given that the member had the opportunity to speak about Pumujina -

Mr Graham: Had you read the report in which I said you should commit some funds to it, you would have no difficulty at all. It is all in there.

Dr HAMES: I will qualify my comments. I was outside the Chamber and did not hear any of the remarks of the member for Pilbara. I did not hear any of the matters he was referring to. I want to refer specifically to his comments on Parnpajina. For the benefit of the Hansard reporter, I advise that P-a-r-n-p-a-j-i-n-y-a - I do not know whether this is the correct spelling, but the member can correct me if I am wrong - has always been called Pumujina. I will refer to it as Parnpajinya, as is preferred by the local community. This community was established by people who mostly were rejected by their various Aboriginal communities as a result of mixed marriages or for other reasons, and they were not welcomed by their normal communities. They came to town and wanted somewhere to stay that would allow them access to drinking in the town. That was the spot where they tended to hang out. I think the Minister at the time was Hon Yvonne Henderson.

Mr Graham: I have absolutely no idea. It may have been Ernie Bridge.

Dr HAMES: I thought the member told me that it was Hon Yvonne Henderson. The point was made that just before the election the Minister came up and poured a fair bit of money into that community, which I know the member regarded as being fairly inappropriate retrospectively.

Mr Graham: No, not retrospectively; and I said so at the time.

Dr HAMES: I have made the point that although the member was strongly opposed to what we were doing with that community, other members of the Labor Party - in particular Hon Tom Helm who also represents that community - is very much in disagreement with the stance of the member for Pilbara on this issue. He very much supports the retention of the community.

I went to visit the community, having heard the views of the member for Pilbara which were that he would complain bitterly if I were to put any funds into the Parnpajinya community. He made the point about where those funds were coming from. Hon Tom Helm made a very strong case in favour of the retention of the community. I went up there with an open mind, visited the members of the community and discussed this issue with them. At the end of the day my view was that, sure, we could come in, bulldoze the community and say that it was not appropriate to be there. However, I thought these people would set up somewhere else around the town. They were not welcome back in the communities where they probably should have been made welcome, mostly because of mixed marriages. I thought they would set up at "Club Capricorn" or somewhere on the other side of town, or elsewhere. Another group of Aboriginal people already stay on the other side of town.

Given that the people in this community had accommodation of a sort, albeit of a very poor standard, they were provided with shelter. They had water, power and a small community hall. Other than that the conditions were very basic. It also had a big alcohol problem, with virtually no employment whatsoever. There was a big problem with out-of-towners coming in and camping there or in the communities in town. It was decided that it was no good bulldozing the community and that we may as well try to do something about it.

In doing that, I found the council had received considerable funds. On one occasion it was to fund an alcohol worker - I forget the correct title of the position - to liaise with people who had alcohol problems, and it also had funding for a vehicle or a bus. Although some of the people wanted to move into the town, most wanted to stay in that local community. As Minister with responsibility for Homeswest, I was quite happy to work very hard to provide these people with proper accommodation in the town.

Through the community support housing program we could assist them to get into the town. However, very few of them wanted to move. Extra houses have been built in the town to accommodate two or three families who wanted to move, but, as I have said, a big group of people did not want to move. Although they would have liked much better quality housing, they were quite happy with what they had, provided we upgraded it a little. I asked Homeswest to put in \$100 000 to upgrade the houses. The members of the community merely wanted a concrete floor instead of dirt; a pathway outside to the cooking areas so they did not have to walk through the mud; and an outdoor cooking area that had some shelter where they could put a fire to cook their dinner. We spent \$100 000 doing just that. We upgraded the basic standards of accommodation in their community.

Mr Graham: Where did that money come from?

Dr HAMES: It came from the budget for Homeswest. I have a reasonable amount of money in that budget. We are spending money through Homeswest on a whole range of matters for Aboriginal housing throughout Western Australia. I have a reasonable degree of flexibility. I said that I would come back after three months and then one year later to make sure all the programs from all the different government departments were in place.

Initially we had a meeting with people from Family and Children's Services; the Health Department; the Aboriginal Affairs Department; the police; the local government authority; the mining companies; and the Jiggalong community, which was extremely important because that is the neighbouring community that originally rejected Parnpajinya and would not have anything to do with it. Because of the new programs, Jiggalong and Oombulgurri have changed enormously in their attitudes, and they are now supporting Parnpajinya, even though they would normally reject it, because of the mixed marriages. They have now offered their support as well. Staff members from all the government departments are telling the community what they will do. We have put in place different workers. Homeswest is looking at the extra housing in town. We are looking at hostels for the people in "Club Capricorn".

Mr Graham: You picked up on Pumujina because it is a point of conflict between you, me and Hon Tom Helm. We had a difference of opinion. That was but three or four seconds of a half hour speech, the point of the speech being all of the problems that you are outlining which are present in Port Hedland, Kalgoorlie, Broome, Derby, Halls Creek - you name it. Every town in the north west and the goldfields is affected. I said, in particular, it was Port

Hedland. We sent you a report outlining the problems and the answers and you have done SFA about it; you have written back to me saying that you will do SFA about it; and you have confirmed that again tonight. That is what it is all about.

Dr HAMES: What does SFA mean?

Mr McGowan: Not very much!

Mr Graham: Sweet Fanny Adams.

Dr HAMES: Okay.

Mr Graham: You told me that you grew up in Derby, so you should know those things. You have written back to me and rejected the funding; yet you have done it in a dingy little spot that is of no account to anybody.

Dr HAMES: I remember the application that the member made and in broad terms what he put in for; but I do not remember the specific details. The Aboriginal Affairs Department is not a funding organisation, but a coordinating agency. The only area in which I have any discretion in funds and any opportunity to find funds to do projects that need support is through the demonstration program funds which come through the Aboriginal Affairs Department. That amounts to \$3m a year and it covers the so-called list of 48.

Mr Graham: We wanted \$50 000 a year, and you could not find it.

Dr HAMES: I asked the member to give me a chance to respond.

Mr Graham: I gave you a chance and you knocked us back.

Dr HAMES: The member for Pilbara should give me a chance to answer. We have got that money in the Aboriginal Affairs Department to cover the remote communities - the list of 48, which includes places like Halls Creek - to bring them up to a certain minimum standard. The town reserves about which the member is talking, many of which are Aboriginal communities within the townsite or on the fringes of the town, do not receive any funding through AAD, and I do not have any funding through AAD. I do have funding through Aboriginal housing to provide housing for Aboriginal communities throughout Western Australia.

Mr Graham: If you got on the phone to your department and told it to attach an officer to the South Hedland enhancement scheme, we would sort out the problem for you. However, you will not do anything. You knock back every approach.

Dr HAMES: We are going through a process of restructuring Aboriginal affairs, and we are moving large numbers of people from our central office in Perth to country areas. We have increased the number of places in regional areas where we will have officers to, I think, 26. However, those Aboriginal affairs officers do not have the backing of funding for development opportunities. They are a coordinating group to assist people to get funding from other sources. A good example is the funding that is available from the Lotteries Commission. I do not know whether the member knows this, but \$3m is available within the Lotteries Commission specifically for Aboriginal communities that are seeking funding. Unfortunately, many of them do not know that that money is available and do not know how to access it.

Mr Carpenter: That is great! That is a bit of an indictment!

Dr HAMES: I have been telling them every chance I get that that money is available and have been trying to get them to access it. It is not just a matter of the money being there but of their making application for it. A lot of the time they have difficulty doing that. One of the jobs of the Aboriginal affairs officers will be to assist Aboriginal communities to make applications for those Lotteries Commission funds.

In some of those remote communities, the Water Corporation, for example, provides the water to the edge of the community; after that, the total bill goes to the community, and if some people pay their bill and others do not, the Water Corporation has the option of cutting off the water, or reducing the flow to 10 per cent, for the whole community. I am getting the Water Corporation to do what it has just done in Kununurra and Derby, where it puts in individual meters for each residence; and if people do not pay their bill it can cut them off, but at least the community has the opportunity of working out who is responsible for what and who pays for what. We are trying to improve the conditions for people on those fringes.

Homeswest is putting a huge amount of money into a management support program to upgrade all those houses. That is being done by the Aboriginal people themselves. We are finding in communities which have a significant problem with alcohol, with loss of self-esteem and with poor standards of accommodation that by implementing this management support program where the Aboriginal people are paid and trained to upgrade their houses and their

communities, the standards have improved enormously. Broome is a perfect example. The Aboriginal people did not want to stay in those houses because they were just lodging places for people who had an alcohol problem, but now they all want to move back into them because their standard has been greatly improved and people are taking pride in their houses and in their community.

We are putting a lot of effort into Aboriginal communities. I think the member for Pilbara would have to acknowledge that if we compare what we have done since we have been in government with what was done during the time that members opposite were in government, there has been a big improvement. The member for Pilbara is shaking his head. The degree of funding and support that we have provided to Aboriginal communities since we have been in government far outweighs what members opposite did when they were in government.

At the end of the day, we all want to help people in those communities, no matter on which side of the House we sit. The member for Pilbara thinks they should not be in that community and has suggested that we should demolish that camp. I do not support that, because they will end up in some other spot. They will not go home or somewhere else. A member of the member for Pilbara's own party totally disagrees with what he is saying.

Mr Graham: That is right.

Dr HAMES: I presume that member has had arguments with the member for Pilbara on numerous occasions when they do talk to each other -

Mr Graham: Absolutely right.

Dr HAMES: - which I gather is not too often.

Mr Graham: That is not true. We speak regularly on this issue, and his views are about as well thought out as yours - they are wrong.

Dr HAMES: The member for Pilbara is being a bit premature. He needs to give it a chance to see what comes out of it.

Mr Graham: I am asking you to deal with and provide some resources to deal with the fringe dweller problem in Port Hedland. You have made your decision. History will tell whether you are right or I am right.

Dr HAMES: If it comes within the realms of my budget through Homeswest in the provision of housing, I have that opportunity. If it comes within the realm of requiring some sort of grant for some program that the member has in mind, I do not have funds within the Aboriginal Affairs Department to do it and I do not have the ability to get funds from anywhere else.

Mr Graham: I can tell you exactly what I want. I want your department to attach an officer to the South Hedland enhancement scheme, or at the very least do what it is required to do; namely, coordinate the affairs of state government departments as they relate to fringe dwellers in Port Hedland. If you do that, you will go a long way towards solving the problem.

Dr HAMES: I am happy, even though this does not have a lot to do with the Bill, to review that program, given that there are no funds within AAD to fund specific programs, but we are looking at spreading out our Aboriginal affairs officers to take on a wider range of responsibilities. If that can be accommodated, I am happy to look at that again. However, I repeat that no funds are available within AAD for specific programs, because it is a facilitating department, not a funding department.

MS ANWYL (Kalgoorlie) [9.27 pm]: Some members may query the relevance of the last two speeches to the Liquor Licensing Amendment Bill, but they should not do that, because we are talking about liquor licensing across Western Australia, and one of the things that has been highlighted is that the problems in different parts of Western Australia are extremely different.

Many lobbying efforts have been made with regard to this legislation, and it is almost ironic that some of the amendments that have been foreshadowed by different sectional interests have not eventuated. I am not entirely sure whether the member for South Perth intends to move the amendments that he has on the Notice Paper, although I think he still does. I reserve my right to address those amendments in Committee, because I do not want to waste time talking about something that may not eventuate.

The long title of the principal Act is proposed to be amended by inserting the words "to minimise harm or ill-health caused to people, or any group of people due to the use of liquor". That matter will now be taken into account when the court is approving licences or amendments to licences, or any licensing conditions. A lot of the lobbying that has taken place relates to the current licensing conditions. There has been an emphasis on the proposals to extend trading hours, mainly in the metropolitan areas, and also on enabling outlets other than hotels to trade. The constant refrain

we hear in the community is alcohol and drugs. The more appropriate way to describe alcohol is as another drug, because really "alcohol and other drugs" is the proper way of approaching this issue. In that context I find it interesting that so many city and country communities across the State have spent resources developing what are now known quite commonly as alcohol accords. It seems to be understood right across the hotel industry, along with huge support from the Police Service and from health interests and community groups generally, that it is in both the public and commercial interest to have some form of voluntary accord. One often wonders why so much energy is put into this. I was advised that the court had made it clear that fresh licensing awards would not be made unless accords were in place in certain parts of the State. I do not know how accurate that is, but it would go some way to describing the vigour with which sections of the liquor industry have embraced the concept of an accord.

There is certainly a sense of uneasiness in the liquor industry in Kalgoorlie-Boulder at present. I am sorry the member for Alfred Cove is not here because I could have asked him firsthand about the business prospects of two Kalgoorlie-Boulder hotels, he being the owner of them. Kalgoorlie-Boulder is known for its large number of licences and also for the high level of alcohol consumption of its citizens - something in excess of twice the State average. The tendency to focus on the use of alcohol by indigenous people in the goldfields really misses the mark. It is accepted that significant and specific problems arise as a result of the excessive use of alcohol largely by exactly the class of persons just mentioned by the member for Pilbara; namely, either permanent fringe dwellers, who are the homeless people, or itinerant homeless fringe dwellers, who move in and out of the town from communities further afield - often, in the case of Kalgoorlie-Boulder, as far afield as the Northern Territory or South Australia, and certainly the whole Central Desert area. However, if we focus on those problems altogether, we lose sight of the fact that the very heavy consumption rates of both alcohol and tobacco in the goldfields are not being addressed adequately by government, particularly the State Government, and I will make some remarks in that regard shortly.

I mentioned the current sense of uneasiness in the liquor industry in Kalgoorlie-Boulder and I endorse the comments of members such as the member for Dawesville about the importance of hotels in country towns, and certainly in respect of employment, because I benefited for about five years from part-time employment in hotels when I was a student, and the number of people who engage in that sort of casual employment cannot be overestimated.

The second reading speech refers to the introduction in December 1996 of the proof of age card. That is claimed to be some form of panacea in reducing the consumption of alcohol by under-age persons. I am sure members will have seen a great many articles in our local media about the high consumption of alcohol among young people. Some interesting research from the Health Department of Western Australia indicated that it is the norm for young people to consume excessive amounts of alcohol; the same source demonstrated that something like 66 per cent of the 16 to 17 year age group also used marijuana on a regular basis. When claiming that the proof of age card will prove some form of panacea to this issue, it is important to note that children as young as those in year 4, particularly in country areas - because the data indicates that awareness is skewed towards children in country areas - have the common perceptions about alcohol in terms of knowing exactly the types of jargon and references that are used in favour of consumption of excessive amounts, and are very familiar with the whole concept of drinking alcohol for pleasure. Often we overlook the fact that young people use drugs for pleasure. Some interesting comparisons can be made between the fact that the Government is writing into the legislation the concept of minimisation of harm or ill health in relation to liquor, and the fact that when it comes to other illegal drugs in our society, we seem to have an incredible philosophical problem with embracing the concept of harm minimisation. The Government should get real and should not think that the proof of age card on its own will have some miraculous impact. Do not think the proof of age card cannot be forged. Do not think that every publican religiously enforces the under 18 rule. While we should support accords and initiatives such as the proof of age card, it would be naive to think that people will simply cease to access liquor in licensed premises when they are under 18, because that just does not happen. To have this concept of harm minimisation embodied in the legislation is a very important start. However, what we do not have is a commitment to provide resources to help individual people achieve that objective of harm minimisation, or to provide services for those who have some form of problem with alcohol. There are different models of addiction, but the reality remains that some people have very serious problems with alcohol and the sort of assistance that they need is not available to them. I have already said that alcohol consumption in my electorate is more than twice the State average. However, we do not have any detoxification centre. We rely on the Kalgoorlie Regional Hospital for that. My research indicates that something like 150 patient bed days are taken up with pure detoxification or admissions associated with alcohol and other drugs. That is not in the best interests of patients who are there for other illnesses or diseases, yet that has been the situation for several years. We do not have a rehabilitation centre available to us. It seems to me that we are light years away from providing adequate treatment facilities for people who have a problem with alcohol or other drugs in the country areas.

Mr Bloffwitch: You have a drying out centre.

Ms ANWYL: We have a 12-bed sobering up centre which is available five nights a week, Monday to Friday. A great deal of alcohol consumption will occur when the centre is closed on Saturdays and Sundays. It is open only

from Monday to Friday due to inadequate funding. The member for Geraldton is correct. However, the difficulty is that no further step has been taken.

The sobering up centre has achieved a good result in that the number of deaths of homeless people - the fringe dwellers, as they are commonly known - has dropped. However, it is a long way from achieving a solution to a problem that is very real in Kalgoorlie-Boulder. We are light years away from providing treatment facilities. The Minister responsible for drug strategy entered the Chamber a short while ago, but has now gone.

A promise made to the people of Kalgoorlie-Boulder was that they would have some sort of rehabilitation facility. However, the provision of such a facility appears no closer. In March 1996, during the by-election campaign in Kalgoorlie, the Premier announced that he would appoint a task force on social issues. He appointed my Liberal opponent and a National Party candidate as joint chairwomen of the inquiry. Eventually a report was issued towards the end of last year, which contained a recommendation that a rehabilitation centre be established in Kalgoorlie-Boulder. I have followed the issue with great interest, because we cannot possibly begin to address the problems surrounding alcohol abuse until we have a proper rehabilitation facility.

The drug action group predated the Government's strategy on this matter. However, that has now joined the general umbrella of drug action groups around the State. Despite the findings of the inquiry, we are no closer to the establishment of a rehabilitation centre. That is tragic, particularly in the light of the high consumption of alcohol, the very young population in Kalgoorlie-Boulder, and the number of indigenous people in the area who are abusing alcohol and the difficulties that creates for their families, particularly their children.

I turn now to the particular problems facing Kalgoorlie-Boulder. It is a great irony. We have dozens of Aboriginal communities whose members visit Kalgoorlie-Boulder. Those communities have enacted by-laws stating that they are dry communities, and they can impose severe penalties if people consume or bring in alcohol. Kalgoorlie-Boulder does not have such a by-law. After two years in this job, there seems to me to be an intractable position in the different tiers of government. Local government refuses to acknowledge that it has some responsibility in this area. Despite the Minister's comments, the State Government supplies some officers to the Aboriginal Affairs Department, who have done absolutely nothing to contribute to achieving a solution. The Federal Government is hell bent on cutting funds, not only to those communities but also to the agencies which operate in Kalgoorlie-Boulder.

Kalgoorlie-Boulder has a permanent homeless Aboriginal population of about 50 persons. Up to 600 or 1 000 people will visit the city for anywhere between a night or several weeks or even months, but they live as homeless people in Kalgoorlie-Boulder. This creates a great deal of tension in the town, because people who live in regular accommodation have a lot of resentment, probably rightly so in many cases, because they are constantly faced with the antisocial disruption one would expect from people living on the streets.

An idea developed over many years to address the issue is the concept of a wet-dry area. The member for Pilbara spoke about how the city of Port Hedland has set aside an area in which it is acceptable to drink alcohol in public. Kalgoorlie-Boulder does not have such an area. The senior members of the Police Service in Kalgoorlie-Boulder are literally at the point of tearing out their hair because every time it appears we will have some sort of area set aside for drinking, the various tiers of government move away from the suggestion. The police officers are in the invidious position of having to move itinerant people around central Kalgoorlie-Boulder, to try to address the complaints made by shopkeepers, commercial business people and residents generally. If we place 1 000 people in any small city, without accommodation, of course there will be problems.

All of this is relevant because the principal issue is drinking. We will never achieve the end that some people in my electorate would desire; that is, to stop freedom of movement of Aboriginal people. To some people, that would be a solution. However, we will not achieve that end. We must be more realistic about what will be achieved. On that basis, the wet area proposal was to provide that police officers who are confronted with the problem on a daily basis will have one area at least to which they can direct people. Amendments were proposed to the Liquor Licensing Act, so that alcohol being consumed outside the designated drinking areas could be disposed of. Although that is not a perfect solution, it is better than nothing - and we have nothing currently. We must deal with the lack of accommodation as well.

The problem with the wet area proposal is that it is a 9.00 am to 5.00 pm solution in winter, and a 9.00 am to 6.00 pm solution in the summer. What we will do once the gates are locked and many people wish to continue drinking, without any real indication of where it will occur, I do not know. We must find a solution to the problem, because it will not go away. If anything, it is getting worse, because more pressure is being placed on the funding available to communities outside Kalgoorlie-Boulder, whose members are coming into town so frequently. To complicate the problem, the Aboriginal population does not necessarily mix between communities. Distinct groups of people cannot be expected to stay, drink or socialise in the same place.

Yesterday I was horrified when I visited the sole functioning Aboriginal community on the outskirts of Kalgoorlie-Boulder. The community is known as Ninga Mia. About 120 people live there, but many more people congregate on the outskirts of the community if functions such as funerals are being held, or law matters are being discussed. The community does not receive state government funding, apart from payment for a repair and maintenance program carried out by Aboriginal Housing in Homeswest. That is a very good project because it is helping Aboriginal people from the community to obtain building skills. It also has received some assistance from a substance abuse officer. Apart from that, the community receives no assistance. Due to the goodwill of a couple of individuals who run the community, it is still functioning. I could spend the next hour talking about some of the positive initiatives flowing from the community. However, unless some proper funding is made available, at least to pay the coordinator of the community, the real prospect is that another 120 people will be living on the streets. Although I support the concept of a wet area, it is a complete nonsense to think people will congregate in a certain place from 9.00 am to 5.00 pm, and disperse after that time. I suspect that if I had been listening to this speech 10 years ago from central Melbourne, where I grew up, I would have been horrified. However, the reality is that there are serious problems in Kalgoorlie-Boulder that are no closer to being resolved.

One of the first things one would expect to happen is for someone to draw together members of the outlying communities - at least the administrators or the tribal elders - with the important players in the City of Kalgoorlie-Boulder area, such as the Aboriginal Health Service. I understand 60 people attend that centre each day for a shower and a change of clothes. I see no evidence of that happening. I recently spent three hours making telephone calls after I received a number of complaints that the City of Kalgoorlie-Boulder was taking people's blankets and other possessions to the tip and disposing of them. The two organisations from which I did not receive return calls were the Aboriginal and Torres Strait Islander Commission and the Aboriginal Affairs Department. One must ask what coordinating role the state Aboriginal Affairs Department can play if it is not active in these areas.

Communities such as Ninga Mia, which are not receiving government assistance from the local, state or federal levels, and which are functional and house up to 120 people without ongoing assistance, are fundamental to moving towards the proper rehabilitation of people who have alcohol abuse problems. Those in the drug and alcohol abuse field recognise that accommodation is one of the major issues, whether the people are indigenous or non-indigenous. Many people with this problem in country and metropolitan areas cannot access accommodation, and that is leaving aside issues of mental health problems. Often those with alcohol or drug abuse problems also have mental health problems.

I have talked of the irony of Aboriginal communities having by-laws to prevent the consumption of alcohol. However, some people go to cities, such as Kalgoorlie-Boulder, to avoid the prohibition. It seems that a city of 30 000-odd people is light years away from resolving some of the issues surrounding that problem. I hope there can be some melding together of the local, state and federal levels of government. Members should work towards this. I also hope some assistance can be provided to Ninga Mia in recognition of the fact that it is providing accommodation for at least 120 people, and has the potential to do a great deal more.

Although I support the amendment to the Act to include an object of minimising harm or ill health caused to people or any group of people due to the use of liquor, I would be pleased to hear from the Deputy Premier of further measures that can be added to the existing array to provide more treatment options, such as detoxification and rehabilitation. Is it the intent of the legislation to recognise that? I see the Deputy Premier shaking his head. If a minimalistic approach is taken to those words and they will apply only to new licences and the like, the Government will fail to address the major issues that arise from excessive consumption of alcohol. Consideration should be given to how further funds can be made available to provide the community with options for addressing the problems resulting from excessive consumption of alcohol.

MR McGINTY (Fremantle) [9.55 pm]: I will speak briefly in this debate to make a very simple point; that is, from the health perspective this legislation goes in the right direction because, for the first time, in the Liquor Licensing Act of this State great emphasis will be placed on important health questions. In particular, the legislation deals with the important principle of harm minimisation from what is, without doubt, one of the two most dangerous drugs in the community. It is important to acknowledge in the long title of a Bill such as this that health is a major consideration in the law regulating the supply of liquor.

I am pleased that the long title will be that it is an Act to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to minimise harm or ill health caused to people, or any group of people due to the use of liquor. That long title of the Act will place appropriate emphasis on important health issues. That is reinforced in the object section of the legislation which contains two primary objects: The first is to regulate the sale, supply and consumption of liquor, and the second is to minimise harm or ill health caused to people, or any group of people, due to the use of liquor.

The only other provision of the Bill to which I refer is the amendment to section 64 of the Liquor Licensing Act. I refer to proposed new section 64(3)(cc), which gives a discretion to the licensing authority to impose conditions in the public interest and in particular to "minimize harm or ill-health caused to people, or any group of people, due to the use of liquor".

They seem to be three crucial components of the legislation that will now place great emphasis on health, arguably for the first time. We are all aware of the unfortunate decision in the north west of the State, where an order issued from the licensing authority prohibiting or restricting the sale of liquor on public health grounds, as it would have impacted on the Aboriginal community, was overturned by the Supreme Court. It was unfortunate because it prevented the development of health as an important liquor related criterion emerging through the common law or the precedent applicable to liquor licensing law in this State. It is my impression that the very strong references to health and the important principle of harm minimisation in the long title, the objects and the powers provision of this legislation will go a long way towards doing what the community wants; that is, consideration will be given to not only the adverse impact of liquor in terms of the amenity of communities, but also the health perspective, and action will be taken accordingly.

I thought two other matters would be the most interesting parts of the debate on this Bill; that is, the 15 per cent cap on liquor licences and Sunday trading for liquor stores. I am advised that the industries involved in this matter are very keen for the legislation to be passed, and feel that these matters can be revisited on a future occasion. As previous speakers have said, now that the industry has spoken and indicated it wants the legislation passed in this form, it is important that it be done as expeditiously as possible. Accordingly, I do not anticipate a significant debate on those two matters, as those elements of the industry that would benefit from those provisions do not want them pursued.

The other point I make is that the damage done by alcohol to the health of many people should not be underestimated. I do not think it is underestimated, and that is the reason for the strong emphasis on health in this legislation. Alcohol and tobacco wreak so much havoc in terms of mental and physical illness, and are the cause of so many deaths, that they are the two most dangerous drugs to the community. Alcohol and tobacco make illicit drugs pale into insignificance when we are talking about the impact of licit and illicit drugs on the community. Over a long period we have taken a strong stance on tobacco, appreciating the impact of tobacco on health, whether by way of cigarette smoking or passive smoking. The lobby group has very strongly promoted the prohibition on tobacco advertising and strict restraints on the sale of tobacco products, simply because they will kill people. We have not done that with alcohol. I see the capacity for the liquor licensing authority to place restrictions on the sale of alcohol or conditions on the granting of licences to people who will be dispensing or selling alcohol as a very positive step in the right direction.

Many of the provisions of this Bill appear to be based on a view that the liquor accords which began in Fremantle and then spread to many other places throughout the State have been great successes. Members should be aware that in the only evaluation of the Fremantle liquor accord, it received a very poor score indeed. That evaluation was carried out by Professor Hawks, formerly of the Alcohol and Drug Authority. His evaluation showed that since the accord was introduced in Fremantle, the incidence of violence, alcohol related traffic offences, the serving of underage patrons and the serving of alcohol to drunks had all increased.

In endorsing the Bill I simply sound this note of caution. From the day after the Fremantle accord was introduced everyone was patting themselves on the back and saying what a wonderful success it was. As someone who observes the streets of Fremantle from time to time, I was also of that view. It seemed to me that the incidence of drunkenness and crimes and violence around the hotels and drinking establishments had diminished, but that was not borne out when a proper evaluation of the accord was undertaken. I recommend to members that they have a look at that evaluation of the Fremantle liquor accord which was undertaken by Professor Hawks because it is, if members will excuse the pun, quite sobering. It causes people to have a second look at their own enthusiasm for something which maybe they wanted to work more than it has in fact worked. Having sounded that note of caution, I indicate that the Bill is headed in the right direction. It has the support of the industry and, as has been said, it has the support of the Opposition for its expeditious passage through this Parliament.

MR PENDAL (South Perth) [10.05 pm]: I want to make a brief contribution in the event that we do not go into Committee. In the main, like other members, I welcome the arrival of the Bill. Its first deficiency that I want to touch on briefly is contained in clause 9 which entrenches at law a state licensing court. In a previous debate on a similar measure I put the view, and I certainly express it again now, that I cannot for the life of me understand why we need the Liquor Licensing Court, a full judicial body, to be part of the equation in Western Australia. I recall that when I suggested that in a previous debate, even long before it was fashionable to talk about deregulation, it so offended the then judge of the Liquor Licensing Court that I received a telephone call from him. It was all but the end of civilisation as he knew it to think that the State could survive without a licensing court in place.

There is no logical reason that in Western Australia we should protect the liquor industry with a quasi judicial body. Especially in a day and age when we are deregulating other industries, there is no logical reason that we should re-regulate, as we are doing in this case with clause 9, by again institutionalising a liquor licensing court. The court exercises no legitimate function which could not otherwise be exercised by other levels of government. An example is the delegated powers of local government in respect of the Health Act. Effectively the Liquor Licensing Court and this amending Bill will perpetuate a system in which a small group of business proprietors, namely hoteliers and others, are protected from real competition by this Parliament and, by extension, the Liquor Licensing Court.

If members think about it, they will see there is no more logic in that than for example in bringing about any quasi judicial body that would limit licences in the case of beauty parlours, hamburger stalls or hardware shops. For example, if a person in our society decides to open a hardware shop in Como, he or she makes that decision against whatever local competition there may be. If a person wants to open a new liquor outlet in Como, he or she is prevented from doing so by the nanny State which effectively intervenes and says that it is not a good place for the person to open such a business and because it would provide extra competition to other outlets, the answer is no. Although I welcome many of the sensible things the Bill seeks to bring about, perpetuating what has been part of the Act for so long is a bad thing.

The only other matter to which I wish to refer relates to some of the amendments of which I have given notice. Those amendments, were they to be moved and then passed, would simply do this: They would allow a licensed liquor store to trade on Sundays in the same time frame as is available to hotel outlets. I have never understood why this Parliament perpetuates that inconsistency. It can only represent the superior political power of the hotel lobby group vis-a-vis the lobby groups of licensed stores and other liquor outlets in Western Australia. This Parliament last debated this matter in October 1981 when a move was made for it to be optional for licensed liquor stores to trade on Sundays; that is, they could open if they wished to open, and they could exercise their right to remain closed if they so wished. That measure was defeated in the upper House by a vote of 14 to six. I was pleased that I was on the losing side, which seems to be a track record of late which I hope soon to correct.

For 17 years, efforts have been made in this Parliament to put the liquor stores on the same Sunday trading basis as hotels. My amendments, which I will not move for reasons I am about to explain, were intended to bring about that parity. Some nine or 10 months ago, those amendment were drawn up at the request of, and with the cooperation of, the Liquor Stores Association of WA (Inc). I was placed in an embarrassing position, albeit voluntarily. Once I was prepared to sponsor the amendments of the Liquor Stores Association, I canvassed a number of liquor store outlets in the South Perth electorate. An interesting response from one proprietor was, "I do not necessarily want to trade on Sunday, but I want the right to trade if I so choose." The amendments were intended to reflect that position and to bring to an end that monopoly which this Parliament continues to confer on the powerful hotel industry. Sadly, that situation perpetuates something which should have been abandoned a long time ago. In recent years, we deregulated the transport industry, and to some extent we have deregulated trading hours. We have seen a Bill pass through this place, albeit without my support, deregulating the hairdressing industry. If there was ever a case of picking on a little kid in the school yard, it was with the hairdressing industry. This was done without the courage to tackle some of the regulated and protected professions in Western Australia.

Notwithstanding this history, for about 10 years under previous Labor Governments and the coalition Government, we have developed some form of a deregulatory schizophrenia. We allow it to manifest itself in some cases, but we will fight to the death to see that it does not manifest itself on other occasions. The Liquor Stores Association informed me at the very last moment that it did not want to proceed with the amendments that it had sponsored. It explained that it feared, as explained to it, presumably, by government members, that if it insisted on pursuing those amendments in this House - I thought they had a good chance of passing - it would so elongate the debate that the Supreme Court decision affecting the licensing court's capacity to hand down licences would lead to a multiplicity of licences being granted. In other words, the proposition put to the association in simple terms was that if it elongated the debate, it ran the risk of hundreds of new licences being issued by the licensing court as a result of the Supreme Court decision. Instead, the licensed outlets were told that they should opt for the scenario of least damage in passing the Bill quickly. Apparently, this measure includes a loophole which will minimise the multiplicity of licences appearing on the market.

I think they have been sold a pup. That has been the case in both this debate and that of 1981 when the majority of members of Parliament were sold a pup. Members were very anxious to institutionalise the role of hotels. This legislation remains skewed in favour of the hoteliers and has a serious bias against other liquor outlets.

I agree with the member for Fremantle that one of the innovative aspects of the Bill is that it places some new responsibilities on people selling or consuming liquor. If that provision does anything to strengthen, for example, the capacities of the Aboriginal Communities Act, I welcome it. That hugely important piece of legislation, introduced into Parliament by Hon Ian Medcalf, was designed to give Aboriginal communities powers, which this

Bill will beef up, in respect of public health and the consumption of alcohol. That is a positive aspect which I welcome.

I regret that again the hotels have a stranglehold. After this Bill has been dealt with, the appetite of that industry may not be satisfied. The next matter on the agenda will be poker machines in hotels. They have created this distortion called the Independent Gaming Commission, which is designed for all the world to look like an independent statutory authority. Indeed, when I took some steps to have state and federal agencies tackle the hotel industry about that distortion, I was told that nothing could be done. The hotel industry will not rest and will not be satisfied with the passage of this Bill. We hear sob stories about the parlous state of the hotel trade, but that is nonsense. We hear nonsense about hotels being the centre of social life, particularly in country areas. The arguments are clearly designed, like the creation of the Independent Gaming Commission, to persuade people that the hotel industry is entitled to a level of protection and regulation that we give no other industry in Western Australia.

We will perpetuate that. However, it will not be perpetuated with my support because the time is well overdue for that protective mechanism to be taken away and, like hardware shops, beauty parlours or leisure centres, the hotel trade should operate in a competitive environment and fight for its marketplace. However, I reiterate that we have ensured that an Act of this Parliament guarantees its share of the marketplace, albeit that, annually, we issue more licences than ever before.

With the exception of that matter, the Bill deserves to be read a second time. It brings about some welcome changes to the parent Act. However, the day will come when two things must happen: Firstly, logic alone dictates that we should see an end to a state liquor licensing court. It is simply outmoded as a facility and there is no reason for the public or the industry to be carrying its cost. Secondly, equity should exist in the trading hours of the various components of the industry. I am not sure how quickly that will happen. In the climate of deregulation in the past five years I did not think we would ever see a Bill entrench more and more regulation and more and more protection, particularly for the hotel trade. That is one of the weaknesses of the mechanisms before us today. However, to the extent I have isolated two areas of weakness many others commend themselves to the State. I support the Bill.

MR COWAN (Merredin - Deputy Premier) [10.23 pm]: I thank all members who contributed to this debate for their support of the Bill. Most of the members fastened on the proposal in this legislation dealing with harm minimisation. In that sense it is difficult to respond to some of the issues raised because they went well beyond the powers and extent of this legislation. I understand, as does everybody else, that considerable difficulties are associated with alcohol abuse. However, I do not think that in pursuit of harm minimisation the court could be legitimately expected to ensure that adequate detoxification centres exist in the city of Kalgoorlie; nor would the court be able to deal with some of the issues that the provincial cities and towns of Western Australia face when an Aboriginal community determines that its community will be dry. As a result people who want to drink leave the community and go to the nearest establishment where they can procure alcohol and where regrettably considerable alcohol abuse and all the consequential societal ills associated with that occur.

Those issues should be taken up by a range of government agencies, Ministers and ministries. Ultimately it will require a budgetary process. As the member for Pilbara pointed out, we must appropriate funds to resolve some of these issues. However, they are not matters that can be directly dealt with under this legislation.

Some issues raised dealt specifically with this Bill; for example, the matter raised by the member for Burrup about a yellow alert. He wondered why a decision could not be made to ensure hotels were closed during the cyclone season, especially during a yellow alert. The member for Burrup will see that clause 79 of the Bill amends the principal clause that effectively allows the police to do that. If there is a reasonable threat the police can easily close a hotel should they wish to do that. I imagine that when companies close and people decide to visit hotels during a yellow alert, many people under the influence of alcohol, subject to the vagaries of a cyclone, could be a very dangerous recipe.

One issue referred to rather frequently was something which would not happen in this Bill but which could be dealt with in the Committee stage should the member for South Perth be prepared to introduce his amendments. However, he has given an outline to the House as to why he will not do that. The Bill will be dealt with in Committee because the Government has amendments to other clauses. The issue of the cap was also discussed, but it is not dealt with in this legislation.

The member for Fremantle warned the House about accepting the somewhat artificial values that might be placed on an accord if it were examined in depth and it was discovered it did not have the value many people thought it might have. Clearly those are issues that once again could have some reference to this legislation through harm minimisation. Nevertheless, they are issues that should be dealt with through other forms of regulation under other laws.

I thank members for their support. This Bill moves towards greater liberalisation of liquor laws but at the same time it retains some of the fundamental principles to which many people are accustomed and which over the years, perhaps grudgingly, they have accepted. I can recall, as can perhaps a number of other members, if not in this place then certainly in another place, our amending the Liquor Act many years ago. At that time the debate was about whether unlimited volumes of packaged beer could be purchased on Sundays. At that time the two bottle rule applied. We have made some progress in the past 25 years.

Perhaps the member for South Perth will prove to be correct in his view that there will be greater liberalisation of the law in this State; however, it will not happen in this case. I am not sure whether the member for South Perth will be around to see it because we are well aware of his predilection for liberalisation of so many laws. In recent times he has demonstrated his liking for the deregulation principles that he has espoused tonight.

Mr Riebeling: Clause 79 of the Bill gives the police power to close an establishment. The argument suggested earlier was that police should not have to run around closing hotels.

Mr COWAN: That argument can be advanced. However, the member for Burrup indicated that he would like to see some authority that could close hotels. In this instance the authority is given to the police and they can put it into effect if they believe there is a threat to public safety. If the police choose not to do it or if the member does not like that position the fact is that it still can be done. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Baker) in the Chair; Mr Cowan (Deputy Premier) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 12 repealed and consequential amendments -

Ms WARNOCK: Some concern was expressed that matters that were previously registered but will not be registered in the future would affect the statistics on the matter of liquor licensing. Could the Minister explain the reason for deleting the position of the registrar?

Mr COWAN: It is because there is no work for a registrar.

Clause put and passed.

Clauses 11 to 28 put and passed.

Clause 29: Section 46 repealed and a section substituted -

Mr COWAN: The deletion of this clause will meet with some of the requests that have been put to the Government by the Liquor Industry Council covering the grounds for granting an application for special facility licences.

Clause put and negatived.

New clause 29 -

Mr COWAN: I move -

Page 25, after line 5 - To insert the following new clause -

Section 46 repealed and a section substituted

29. Section 46 of the principal Act is repealed and the following section is substituted -

"Special facility licences

46. (1) The licensing authority may, in accordance with this Act, grant a special facility licence to provide for the needs of persons of a particular class or in particular circumstances, or for a particular purpose.

(2) A special facility licence shall not be granted where a licence of another class, or the imposition of a condition on a licence of another class, would be reasonably adequate.

(3) A special facility licence -

- (a) may, without limiting the discretion of the licensing authority under subsection (1), be granted to provide for the needs of persons of a prescribed class, in prescribed circumstances or for a prescribed purpose; and
- (b) is to be granted on such terms and conditions as are necessary to ensure that the licence is used only for the reasons for which it is to be granted.

(4) The licensee of a special facility licence is authorized to sell liquor in accordance with the terms and conditions of the licence.

(5) At a time when a sale of packaged liquor to any other person would not be within permitted hours or at a time authorized by the licence, any authority conferred by a special facility licence to sell packaged liquor to a lodger or to any other specified class of person extends only to such quantities as might reasonably be consumed by the person to whom the liquor is sold on that day.

(6) If the Director so approves, section 37(5) or section 38, or both of those provisions, or parts of either of those provisions, do not apply in respect of a special facility licence of a type prescribed. "

New clause put and passed.

Clauses 30 to 34 put and passed.

Clause 35: Section 54 repealed and consequential amendments -

Mr COWAN: I move -

Page 27, lines 14 and 15 - To delete subclause (6) and substitute the following subclause -

(6) Section 129 of the principal Act is amended in the definition of "producer" by deleting ", a special facility licence or a certificate of exemption" and substituting "or a special facility licence".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 36 to 85 put and passed.

Clause 86: Section 145 amended -

Mr COWAN: I move -

Page 70, line 14 - To delete "of transactions" and substitute the following -

to be kept under subsection (1) or (1a)

Page 70, line 17 - To delete "in respect of each transaction".

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 87 to 98 put and passed.

Schedule -

Mr COWAN: I move -

Page 77, lines 7 to 14 - To delete clause 2 and substitute the following clause -

Transitional provision with respect to applications

2. (1) Subject to subclause (2), an application for a licence or permit under the principal Act made, but not finally determined, by the commencement is to be determined under the principal Act as amended by this Act.

(2) An -

- (a) application for review under section 25; and
- (b) appeal under section 28,

of the principal Act instituted, but not finally determined, by the commencement is to be determined under the principal Act as in force immediately before the commencement.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

House adjourned at 10.47 pm

QUESTIONS ON NOTICE

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

SEWERAGE PUMPING STATION - JARMAN AVENUE, MANNING

2897. Mr PENDAL to the Minister for Water Resources:

- (1) Has consideration been given to the removal of the sewerage pumping station in Jarman Avenue, Manning?
- (2) If so, what is the current status of any proposal for its removal?
- (3) In the meantime, are there any plans to upgrade the external appearance of the pumping station which is regarded by local residents as an eyesore?
- (4) Is the Minister aware of a letter from a group of long-term residents, whose properties face the station, written to the Water Corporation manager in January this year, requesting immediate upgrading of the external appearance in terms of fence replacement and landscaping?
- (5) Is the Minister aware that in the letter the residents' group, subjected to many years of odours emanating from the station, request the station become an underground facility or be removed completely?
- (6) In light of these residents' concerns, how will their requests be accommodated?

Dr HAMES replied:

- (1) The Corporation has no plans to remove the Jarman Avenue sewerage pump station. The station is an integral component of the sewerage system serving the Manning area. The station's overflow storage tank is essential to provide sufficient storage to prevent wastewater overflows into the general residential area.
- (2) Not applicable.
- (3) Yes. Since February 1998, the vandalised perimeter fence has been repaired using plastic coated wire to match the existing fencing. Also, now that summer is over, new shrubs are due to be planted to fill gaps in the foliage on the perimeter fence. In addition, a number of actions were taken recently to reduce odours, including; refurbishing the station's wet well covers; replacing the station's reticulation manhole cover and frame; and, washing down and disinfecting the station's dry well.
- (4) Yes, on 4 February 1998.
- (5) Yes.
- (6) The Jarman Avenue sewerage pumping station cannot be removed. The Corporation has no plans to modify the pumping station to an underground facility as it would not improve the operation of the system.

EDUCATION DEPARTMENT - STUDENT SERVICE

2918. Dr CONSTABLE to the Minister for Education:

Under the new Student Service structure for the Education Department -

- (a) what are the new positions;
- (b) at what public sector level are they classified;
- (c) what, if any, specialist qualifications are required for each position;
- (d) in what districts are the positions located;
- (e) how many FTEs staff students services;
- (f) what is the ratio of students to FTEs; and
- (g) what is the allocated budget?

Mr BARNETT replied:

- (a) Manager: Student Services.
Coordinator: Student Services.

- (b) Manager: Student Services is Classified at Level 8.
Coordinator: Student Services is classified at Level 7.
- (c) None. Public Sector vacancies are now filled by using a Competency Based framework. This approach was applied to the positions of Student Support Manager and Coordinator, and ensures the positions are filled by the person best meeting the requirements without restricting the pool of potential applicants.
- (d) The position of Manager: Student Services is located in the Perth, Swan, Cannington and Fremantle Education Districts.

The position of Coordinator: Student Services is located in all districts.
- (e) 234.85.
- (f) 1:1211.
- (g) \$3.2m (plus the FTE salary).

SCHOOL PSYCHOLOGISTS - NUMBER

2935. Dr CONSTABLE to the Minister for Education:

- (1) How many centrally funded school psychologist FTEs were there in 1997, and how many are there in 1998?
- (2) What changes have occurred with respect to school psychologists when comparing the 1997 and 1998 years?
- (3) Which education districts have had their FTE for school psychologists reduced in 1998, and by how much?
- (4) Which education districts have had their FTE for school psychologists increased in 1998, and by how much?

Mr BARNETT replied:

- (1) (i) 188.2 FTE(1997).
166.35 FTE(1998).

(ii) In 1997 there were 188.2 FTE that were centrally funded and assigned to the School Psychology Service. This figure included 35 management and policy positions such as Principal Psychologists and Senior Psychologists. In 1998 there are 166.35 school psychologist FTE. In addition, the new Student Services has 24 management positions (22 of which are held by registered School Psychologists).
- (2) (i) The position of Senior School Psychologist and Principal School Psychologist have been abolished and replaced with the position of Manager: Student Services and Coordinator: Student Services. This new management structure allows the previously discrete functions of the school psychologist, social worker, welfare officer and Aboriginal liaison officer to be integrated within a Student Services framework.

(ii) There has been a decrease of 21.85 school psychologist FTE's, however, this figure does not include the 22 school psychologists in District Offices referred to in question 1. Overall there has been a 7.95 FTE increase in student services staffing.
- (3)-(4) As there have been boundary changes and amalgamation of districts, comparisons are not possible.

SPRAY PAINT CANS - SALE BY RETAILERS

2939. Dr CONSTABLE to the Minister for Fair Trading:

Are retailers entitled to refuse to provide children with spray paint cans on the grounds that they may be used for graffiti or solvent abuse?

Mr SHAVE replied:

I have been advised by the Ministry of Fair Trading that retailers are not compelled to sell any product to any person. The Government's Graffiti Program, in conjunction with the West Australian Small Business and Enterprise Association and the Retailers Trade Association, developed a voluntary Code of Practice which was adopted in 1994. This Code encouraged retailers to take reasonable steps to limit the likelihood of products such as spray paint cans from being obtained for the purpose of illegal graffiti. In addition I am advised that the Minister for Police has

announced the Government's intention of introducing new legislation this year to make carrying implements for graffiti vandalism, without lawful excuses, an offence.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS

3025. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

- (1) In any of the departments or agencies under the Minister's control, are there any plans to contract out to the private sector any services or functions currently being carried out by the public sector workforce?
- (2) Have any plans been made to contract such work out over the course of 1998?
- (3) What work is planned to be contracted out?
- (4) Has any department or agency contracted any work out since 1 July 1997?
- (5) What work has been contracted out?

Mr KIERATH replied:

- (1)-(5) As part of normal business management, government departments and agencies continuously review opportunities to improve the efficiency of services and functions currently being carried out by the public sector workforce. This includes consideration of contracting out to the private sector. The Government's approach is that the decision to contract out services and functions is made at agency level to suit agency needs. Since July 1997 many agencies have contracted out work previously performed by the public sector workforce. This ranges from small and routine functions contracted out to release skilled public sector staff for higher value work in their agencies, to significant out sourcing projects where moving functions and staff to the private sector has resulted in better service and value for money to the community. Agencies normally disclose their key contracting processes as part of their annual reporting process.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS

3030. Mr BROWN to the Minister representing the Minister for Finance:

- (1) In any of the departments or agencies under the Minister's control, are there any plans to contract out to the private sector any services or functions currently being carried out by the public sector workforce?
- (2) Have any plans been made to contract such work out over the course of 1998?
- (3) What work is planned to be contracted out?
- (4) Has any department or agency contracted any work out since 1 July 1997?
- (5) What work has been contracted out?

Mr COURT replied:

The Minister for Finance has provided the following response:

- (1)-(5) As part of normal business management, government departments and agencies continuously review opportunities to improve the efficiency of services and functions currently being carried out by the public sector workforce. This includes consideration of contracting out to the private sector. The Government's approach is that the decision to contract out services and functions is made at agency level to suit agency needs. Since July 1997 many agencies have contracted out work previously performed by the public sector workforce. This ranges from small and routine functions contracted out to release skilled public sector staff for higher value work in their agencies, to significant out sourcing projects where moving functions and staff to the private sector has resulted in better service and value for money to the community. Agencies normally disclose their key contracting processes as part of their annual reporting process.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS

3032. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

- (1) In any of the departments or agencies under the Minister's control, are there any plans to contract out to the private sector any services or functions currently being carried out by the public sector workforce?
- (2) Have any plans been made to contract such work out over the course of 1998?
- (3) What work is planned to be contracted out?

- (4) Has any department or agency contracted any work out since 1 July 1997?
- (5) What work has been contracted out?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

- (1)-(5) As part of normal business management, government departments and agencies continuously review opportunities to improve the efficiency of services and functions currently being carried out by the public sector workforce. This includes consideration of contracting out to the private sector. The Government's approach is that the decision to contract out services and functions is made at agency level to suit agency needs. Since July 1997 many agencies have contracted out work previously performed by the public sector workforce. This ranges from small and routine functions contracted out to release skilled public sector staff for higher value work in their agencies, to significant out sourcing projects where moving functions and staff to the private sector has resulted in better service and value for money to the community. Agencies normally disclose their key contracting processes as part of their annual reporting process.

WESTERN POWER - OFF PEAK CHARGES IN THE KIMBERLEY

3044. Mr BROWN to the Minister for Energy:

- (1) Is the Minister aware of an article that appeared in the January 8 to 21 1998 edition of *Business News* under the heading of "Western Power under pressure"?
- (2) Is it true that the Kimberley horticulturalist referred to by Dexter Davies has had his off-peak electricity charges increased by just under 16 cents per unit?
- (3) Why were the charges increased?

Mr BARNETT replied:

I am advised the following:

- (1) Yes.
- (2) No. Firstly, the horticulturist was incorrect in his budgeting of approximately 6 cents per unit. The Western Power "Time of Use" (R2) tariff in regional areas comprises a daily supply charge of \$1.44 per day with a minimum of \$64 per day and energy charges of 19 cents per unit (peak) and 6 cents per unit (offpeak). This leads to an average of between 12-13 cents per unit based on usage. It is therefore likely that the horticulturist would only incur an additional 3-4 cents over his budget figure.
- (3) All existing "Time of Use" energy tariff customers in regional systems have retained their existing tariff. Western Power has declined to offer "Time of Use" tariffs to new customers or where a business changes hands because the R2 tariff does not cover costs in any of the regional systems, including Kununurra. There is no potential for "Time of Use" discounts even in the Kununurra system because electricity is purchased under a long term agreement from Ord Hydro Ltd at a fixed price per unit. Other costs which have to be considered include line losses, backup diesel power station, distribution and customer services costs.

GOVERNMENT DEPARTMENTS AND AGENCIES

Reviews, Inquiries and Working Parties

3072. Mr KOBELKE to the Minister for Employment and Training:

- (1) How many reviews, inquiries or working parties were established under your portfolio for Employment and Training or the agencies or departments responsible to you under that portfolio from the start of 1993 to the end of 1997?
- (2) For each review, inquiry or working party -
- (a) what was its title or name;
 - (b) when was its formation first announced;
 - (c) was there any call for public submissions;

- (d) what was the date of its report or findings;
- (e) has the report been made public in full;
- (f) if yes to (e) above, then as of what date was it fully released?

Mrs EDWARDES replied:

- (1) 8 reviews, inquiries or working parties have been established under the Employment and Training portfolio from the start of 1993 to the end of 1997.
- (2) Review of Education and Training
 - (a) Review of Education and Training.
 - (b) 5 April 1993.
 - (c) No.
 - (d) July 1993.
 - (e) Yes.
 - (f) 3 July 1993.

Review of State Industry Training Councils (ITCs)

- (a) Review of State Industry Training Councils.
- (b) March 1994.
- (c) To ITCs.
- (d) July 1994.
- (e) Yes.
- (f) July 1994.

VET Legislation Joint Working Party

- (a) VET Legislation Joint Working Party.
- (b) November 1994.
- (c) No.
- (d) Draft Bill December 1995.
- (e) Yes.
- (f) May 1996.

WA VET Quality Assurance Framework Joint Working Party

- (a) WA VET Quality Assurance Framework Joint Working Party.
- (b) November 1994.
- (c) Yes.
- (d) September 1995.
- (e) Yes.
- (f) November 1995.

Review of Employment-Based Training

- (a) Review of Employment-Based Training.
- (b) July 1996.
- (c) Yes.
- (d) July 1997.
- (e) Yes.
- (f) July 1997.

Consultancy on Industry Information Requirements

- (a) Consultancy on Industry Information Requirements.
- (b) April 1997.
- (c) Limited to ITCs and industry bodies.
- (d) November 1997.
- (e) Yes.
- (f) November 1997.

Legislative Review of Building and Construction Industry Training Fund (BCITF) Act

- (a) Legislative Review of BCITF Act.
- (b) March 1994.
- (c) Yes.
- (d) July 1994.
- (e) Yes.
- (f) July 1994.

Building and Construction Industry Training Fund (BCITF) Review Inquiry into the Provision of Apprentice Subsidies

- (a) BCITF Review Inquiry into the Provision of Apprentice Subsidies.
- (b) June 1997.
- (c) Limited to Employer organisations, State Training Board and ITCs.
- (d) Not completed.
- (e)-(f) Not applicable.

EXMOUTH RESORT AND CANAL DEVELOPMENT - DEPARTMENT OF LAND ADMINISTRATION
LETTERS

3086. Mr BROWN to the Minister for the Environment:

- (1) Did the department of Land Administration (DOLA) write to the Department of Conservation and Land Management (CALM) in 1996 about the proposal by Trade Centre Pty Ltd to establish a resort on the west coast of Cape Range?
- (2) How many letters were received from DOLA?
- (3) What was the nature of those letters?
- (4) Did DOLA make a request in any of those letters?
- (5) What was the nature of that request?
- (6) Did the department reply to that request?
- (7) If so, on what date was each reply?
- (8) What was the nature of each reply?
- (9) In or around July 1996, did DOLA have occasion to write to the department to request a response to an earlier letter that had not been replied to?
- (10) What was the reason that earlier letter had not been replied to?
- (11) Was a response provided to DOLA?
- (12) What was the nature of that response?
- (13) Did DOLA seek the department's approval for an excision of an area of land from Reserve 40729?
- (14) What response did the department provide?
- (15) Did the department communicate with the Minister about this matter?
- (16) On what date or dates did such communication take place?
- (17) Did the department provide any advice to the Minister?
- (18) What was the nature of that advice?
- (19) On what date or dates was that advice provided?

Mrs EDWARDES replied:

- (1) Yes
- (2) Three letters were received from DOLA on:
 - (i) 9 May 1996.
 - (ii) 2 July 1996.
 - (iii) 28 November 1996.
- (3) A request for CALM to consider a licence for Trade Centre Pty Ltd to access the Jurabi Coastal Park to assess their proposal.
- (4) Yes.
- (5) To obtain CALM's views on the proposed development.
- (6) (i) No.

- (ii)-(iii) Yes.
- (7) (i) Not applicable.
(ii) 26 July 1996.
(iii) 5 December 1996 (the matter was dealt with by telephone).
- (8) (i) Not applicable.
(ii) The need for discussions with the Hon Ministers for Tourism, Planning and Lands.
(iii) The Minister for Tourism was to consider taking a minute to Cabinet.
- (9) Yes.
- (10) CALM was still consulting with other parties and was considering its position in relation to the need for an open and competitive expression of interest process when DOLA's follow up letter of 2 July arrived.
- (11) Yes.
- (12) See (8) (ii).
- (13) No.
- (14) Not applicable.
- (15) Yes.
- (16) 2 July 1996.
- (17) Yes.
- (18) Background information, history and implications of the Trade Centre proposal.
- (19) See (16).

MR S. SHEA - TRIP TO JAPAN

3118. Mr BROWN to the Minister for the Environment:

- (1) Is the Minister aware of a report tabled in the Parliament on interstate and overseas travel undertaken by Ministers, members of Parliament and officers on official business for the 3 months ended 31 March 1997?
- (2) Is the Minister aware that an addendum to that report contained information from the Department of Conservation and Land Management on overseas travel by Mr S. Shea between 26 May 1996 and 1 June 1996?
- (3) Does the report contain a note that Mr S. Shea accompanied the then Minister?
- (4) Did Mr S. Shea travel with the Minister from Perth to Japan?
- (5) If not, why not?
- (6) Did Mr S. Shea travel to Japan before or after the Minister?
- (7) Did Mr S. Shea request to travel at a time different to that of the Minister?
- (8) What official meetings, conferences or other business did Mr S. Shea undertake in Japan?
- (9) On what day and dates were those meetings, conferences and other business activities undertaken?

Mrs EDWARDES replied:

- (1)-(3) Yes.
- (4) No.
- (5) The Minister's itinerary included visits related to his Arts portfolio which were not necessary for Dr Shea to attend.
- (6) After.
- (7) Dr Shea's itinerary was determined according to the dates of the meetings he was required to attend.
- (8) Dr Shea and the Minister met with senior executives from the joint venturers investing in bluegum

plantations on Western Australia's south coast and south-west, and with representatives from Yamaha who have expressed interest in using Western Australian timbers to manufacture musical instruments.

- (9) Monday 27 May: met with senior executives from Senshukai Co Ltd; attended dinner with Senshukai executives. Tuesday 28 May: Inspected Yamaha grand piano plant; met with senior executives from Yamaha and Itochu Corporation. Wednesday 29 May: Visited Oji Forest Resource Institute, Kuriyama Breeding Station and Barrier-free Forest; attended lunch with Institute staff; inspected Tomakomai Pulp and Paper Mill; attended dinner with Mill managers. Thursday 30 May: Met with senior executives from New Oji Paper Co; inspected New Oji Concert Hall; attended dinner with New Oji executives. Friday 31 May: Met with senior executives from Nippon Paper and Mitsui and Co; attended official lunch hosted by Minister for the Environment for Nippon and Mitsui; met with senior executives from Itochu Corporation; attended dinner with Itochu executives.

SCHOOLS - EDUCATIONAL EXCURSIONS POLICY REVIEW

3123. Mr BROWN to the Minister for Education:

- (1) In January 1995 did the Education Department produce a policy and guidelines paper for schools on educational excursions?
- (2) Did the Education Department or any officer of it in the formal capacity review that policy paper or any policy or guideline arrangements in -
 - (a) 1995;
 - (b) 1996;
 - (c) 1997?
- (3) Who undertook the review?
- (4) When did the review commence?
- (5) Under whose authority did the review take place?
- (6) Were any draft proposals developed?
- (7) On what date or dates were the draft proposals developed?
- (8) What was the nature of the draft proposals developed at each of the dates?
- (9) Was any formal process instituted to review the policy and guidelines in -
 - (a) 1995;
 - (b) 1996;
 - (c) 1997?
- (10) If so, when was that formal review initiated?
- (11) Who initiated the review?
- (12) Was any person or group charged with responsibility of conducting the review?
- (13) What personal or group?
- (14) When was that personal or group instructed to carry out the review?
- (15) What emanated from the review?

Mr BARNETT replied:

- (1) Yes.
- (2) (a)-(b) No.
(c) Yes.
- (3) A representative working group from the Health and Safety Branch and the Schools Division of the Education Department, relevant Unions and Principals' Associations.
- (4) Mid-November 1997.
- (5) The Director-General of Education.
- (6) Yes.

- (7) Mid-December 1997.
- (8) The policy was varied slightly to remove potential ambiguity. It remains essentially the same.
- (9) (a)-(b) No.
(c) Yes.
- (10) Mid-November 1997.
- (11) The Director-General at the request of WorkSafe Western Australia.
- (12) The Acting Manager, Employee Support Services of the Education Department and a representative working party as mentioned in answer to question 3.
- (13) An inter agency working party.
- (14) Mid-November 1997.
- (15) The Guidelines were expanded to refer to relevant sections in "Activity Planning, Organisation Guidelines for Physical and Outdoor Education", an EDWA policy which provides additional information. Also, the Question and Answer section was expanded to include a list of relevant policies available in schools. A draft Proposal was sent to affected parties, that is, the Principals' Associations, Unions, WorkSafe Western Australia and the Crown Solicitor's Office. The amendments will be distributed to schools as soon as practicable.

TANTABIDDY CREEK DEVELOPMENT

3125. Mr BROWN to the Minister for the Environment:

- (1) Did a Mr Jim Sharp of the Department of Conservation and Land Management (CALM) attend a meeting with officers of the Western Australian Tourism Commission and Department of Land Administration on 20 May 1996 concerning the development of a feasibility study at Tantabiddy Creek on the North West Cape?
- (2) Does the file note of that meeting record CALM had reservations about the proposal?
- (3) Is the file note accurate?
- (4) If so, what reservations did CALM have about the proposal?
- (5) When did CALM express or develop those reservations?

Mrs EDWARDES replied:

- (1) Yes.
- (2) Yes, the file note of the DOLA officer indicates that CALM had reservations.
- (3) Yes.
- (4) The need to comply with the expectation for an open, fair and competitive process.
- (5) CALM was always aware and concerned of the need for an open and competitive process.

EAST BEECHBORO PRIMARY SCHOOL - REPLACEMENT OF ASBESTOS ROOF

3126. Mr BROWN to the Minister for Education:

- (1) Will funds be allocated in the 1998-99 budget to have the East Beechboro Primary School asbestos roof replaced ?
- (2) If so, when is this envisaged the roof will be replaced?
- (3) If not, why not?

Mr BARNETT replied:

- (1)-(3) The Education Department together with the Department of Contract and Management Services is currently collecting and collating information with the view to compiling the 1998/99 roof replacement program. It is likely that the list will be announced in late July early August. Recent scientific air monitoring at East Beechboro Primary School has shown that the count of fibres was consistent with background levels in the

wider community. Based on current information East Beechboro Primary School is a low priority compared to other schools for roof replacement. As with all schools with asbestos cement roofs the situation will continue to be monitored and should there be any noticeable deterioration in the roof, the school will be reprioritised.

TERTIARY ENROLMENTS - REDUCTION

3141. Mr BROWN to the Minister for Education:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on 24 January 1998 concerning changes to the higher education contribution scheme repayments resulting in a drop in tertiary enrolments?
- (2) Is the Minister aware the article refers to the Austudy means test discriminating against self-employed mature age students?
- (3) Has the Government carried out or obtained any research which indicates the reason or reasons for the reduction in enrolments?
- (4) If not, why not?
- (5) Does any of the research indicate the drop in enrolments has been caused or partly caused by changes in the higher education contribution scheme?
- (6) Does the Government intend to make any representations to the Federal Government to change the scheme to encourage higher tertiary enrolments?
- (7) If not, why not?

Mr BARNETT replied:

- (1) Yes.
- (2) Yes. The Commonwealth Minister has indicated that some changes were in train to reduce some of the problems noted.
- (3) Undergraduate enrolments increased in WA in 1997. After the second round of offers of university places in 1998, numbers of offers appear to be slightly lower than in 1997, however, data on actual enrolments for 1998 will not be available for several months. The Government (through the Department of Education Services) normally investigates enrolment trends and will be monitoring the situation.
- (4)-(5) Not applicable.
- (6) The Government will take action when information is available.
- (7) Not applicable.

WAIKIKI PRIMARY SCHOOL

3214. Mr McGOWAN to the Minister for Education:

- (1) When will the Government be constructing a new primary school in Waikiki?
- (2) Are Koorana Primary, Charthouse Primary and East Waikiki Primary overcrowded?
- (3) What are the current enrolments for each of these primary schools in turn?
- (4) What is the average enrolment for a State primary school?
- (5) What is the estimated cost of constructing a new primary school in Waikiki?

Mr BARNETT replied:

- (1) A government primary school site is available on Santa Monica Drive in the Waikiki Gardens Estate. However, the Education Department advises that residential development at Waikiki Gardens is at a virtual standstill and has been for several years. At this stage, there are too few children resident in this subdivision to justify the construction of a permanent school. Because the majority of school aged children in the area live away from Waikiki Gardens, a new school in that estate would provide only minimal relief to East Waikiki, Koorana and Charthouse Primary Schools. The developers of this estate are aware that the Education Department would be interested in an interim "school in houses". This initiative cannot,

however, be pursued until future subdivisions are developed, and there are no indications that this will occur in the short term.

- (2) Koorana, Charthouse and East Waikiki Primary Schools are all located in growing areas which are attractive to families with young children. They are large schools, but have sufficient accommodation to cater for their students as well as modern facilities including art/craft and music rooms, covered assembly areas and canteens, and library resource centres. In addition, over \$480 000 was spent at East Waikiki Primary School recently to upgrade the administration and sporting facilities and to air cool the demountable classrooms. Student numbers at Charthouse have declined by 140 students in the past two years and this trend is expected to continue. East Waikiki and Koorana will doubtless follow this typical demographic pattern once they peak within the next five years.
- (3)
- | | |
|-----------------------------|-----|
| Koorana Primary School | 853 |
| Charthouse Primary School | 952 |
| East Waikiki Primary School | 999 |

Student numbers are as at Semester Two, 1997.

The following student numbers are as at Semester One, 1998 but are still to be validated.

Koorana Primary School	853
Charthouse Primary School	850
East Waikiki Primary School	987

- (4) The average enrolment for a State primary schools is 286; the average enrolment for a metropolitan primary schools is 358 students (as per Semester Two, 1997).
- (5) Approximately \$4 million.

HIGH SCHOOLS - YEARS 11 AND 12 STUDENTS

3239. Dr CONSTABLE to the Minister for Education:

- (1) How many senior high schools are there in Western Australia?
- (2) How many district high schools are there in Western Australia?
- (3) How many other schools are there which cater to year 11 and year 12 students?
- (4) In each of the categories in (1), (2) and (3) above, and considering the total number of students in years 11 and 12 in each school, how many schools have -
- | | |
|-----|----------------------------------|
| (a) | more than 400 students; |
| (b) | between 300 and 400 students; |
| (c) | between 200 and 300 students; |
| (e) | between 150 and 200 students; |
| (f) | between 100 and 150 students; |
| (g) | between 50 and 100 students; and |
| (f) | less than 50 students? |

Mr BARNETT replied:

- (1) 84.
- (2) 60.
- (3) 24. This number represents Government schools, other than Senior and District High Schools, that have year 11 and/or year 12 students as at Semester Two, 1997, but excludes Education Support Schools and Centres. There are 85 non-government schools which cater for year 11 and year 12 students.
- (4)
- | | | |
|-----|---------------|----|
| 1a) | More than 400 | 13 |
| 1b) | 301 to 400 | 18 |
| 1c) | 201 to 300 | 30 |
| 1e) | 151 to 200 | 5 |
| 1f) | 101 to 150 | 11 |
| 1g) | 50 to 100 | 6 |
| 1f) | 1 to 50 | 1 |
| 2a) | More than 400 | 0 |
| 2b) | 301 to 400 | 0 |
| 2c) | 201 to 300 | 0 |
| 2e) | 151 to 200 | 0 |

2f)	101 to 150	0	
2g)	50 to 100	1	
2f)	1 to 50	13	
			Non-Government
3a)	More than 400	4	2
3b)	301 to 400	0	9
3c)	201 to 300	0	30
3e)	151 to 200	0	5
3f)	101 to 150	2	6
3g)	50 to 100	2	8
3f)	1 to 50	16	25

Numbers are based upon student numbers as at Semester two, 1997.

MINIM COVE - LEACHATE STUDY

3256. Dr EDWARDS to the Minister for Lands.

- (1) Is LandCorp undertaking investigations into the potential for leachate to generate in the containment cell at Minim Cove, Mosman Park?
- (2) What are the terms of reference of this study?
- (3) Who is undertaking the study?
- (4) Who is supervising the study?
- (5) When will it be completed and will the final report be made publicly available?

Mr SHAVE replied:

- (1) The potential for leachate to generate in the containment cell at McCabe street, Mosman Park was addressed in the documented Consultative Environmental Review July 1993, and in the section 46 Assessment January 1996. LandCorp is not currently engaged in further investigations.
- (2)-(5) Not applicable.

KINGSTON SITE, QUEENSLAND

3272. Mrs ROBERTS to the Minister for the Environment:

- (1) With relation to your answer to question on notice 2380 of 1997 on the Kingston contaminated site in Queensland, were you then aware and are you now aware whether the operating gold mine you referred to ceased operation in 1954?
- (2) Did you intend to give the impression that when the Kingston site was discovered to be contaminated that it had an operating gold mine?
- (3) If so, why?
- (4) If not, what was the relevance of your reference to an operating gold mine?

Mrs EDWARDES replied:

- (1) Yes - I understand mining ceased about 1953.
- (2) No.
- (3) Not applicable.
- (4) I understand that the Kingston site was at times in its history an operating gold mine with tailings dams and related facilities, and later parts of it served as a disposal site for oil reprocessing residues, and municipal waste. Houses were built either on or close to these contaminated sites, which in turn caused the initial community concern about the site.

KARNET PRISON

Escapes

3279. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Karnet Prison how many prisoners escaped from custody in the calendar years -

- (a) 1994;
- (b) 1995;
- (c) 1996;
- (d) 1997; and
- (e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

- (a) 11.
- (b) 10.
- (c) 18.
- (d) 8.
- (e) 3.

BROOME REGIONAL PRISON

Escapes

3281. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Broome Regional Prison how many prisoners escaped from custody in the calendar years -

- (a) 1994;
- (b) 1995;
- (c) 1996;
- (d) 1997; and
- (e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

- (a) 3.
- (b) 6.
- (c) 8.
- (d) 9.
- (e) Nil.

EASTERN GOLDFIELDS PRISON

Escapes

3282. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Eastern Goldfields Prison how many prisoners escaped from custody in the calendar years -

- (a) 1994;
- (b) 1995;
- (c) 1996;
- (d) 1997; and
- (e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (a) 13 (includes 1 from Kalgoorlie Hospital).
- (b) 15 (includes 1 from Kalgoorlie Hospital).
- (c) 8.
- (d) 20.
- (e) 2.

WOOROLOO PRISON FARM

Escapes

3285. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Wooroloo Prison Farm how many prisoners escaped from custody in the calendar years -

- (a) 1994;
- (b) 1995;

- (c) 1996;
- (d) 1997; and
- (e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

- (a) 31.
- (b) 35.
- (c) 31.
- (d) 13.
- (e) 2.

HOMESWEST

Rental Payments by Account Deductions

3300. Mr McGINTY to the Minister for Housing:

- (1) Does Homeswest require all new tenants to pay their rent by means of forced account deduction?
- (2) If yes, what are the details of this policy and will the Minister table the documents relative to its introduction?

Dr HAMES replied:

- (1) Yes, for those tenants on Social Security benefits.
- (2) Approximately 90% of evictions are for non payment of rent. This policy is designed to avoid evictions. I will provide the Member with a copy of the Tenancy Agreement and the relevant policy document.

EDNEY PRIMARY SCHOOL

3302. Mrs ROBERTS to the Minister for Education:

- (1) Is the Minister aware that the Edney Primary School in High Wycombe has grown from two to three pre-primaries?
- (2) Is the Minister aware that insufficient resources have been given to the Edney Primary School for the additional class?
- (3) Will the Minister please specify what additional resources, if any, have been given to Edney Primary School to cater for the additional class?
- (4) What additional resources will the Government provide to Edney Primary School to cater for the additional class?
- (5) Is the Minister aware of the concerns of the Parents and Citizen's Committee at Edney Primary School with regard to the lack of resources for the pre-primary classes?

Mr BARNETT replied:

- (1) Yes.
- (2) Adequate resources including an additional transportable classroom, have been provided to Edney Primary School for the third pre-primary class.
- (3) The school has received:
 - (a) \$4,500 for games and equipment; and
 - (b) pre-primary furniture was supplied with the new classroom. Additional furniture items to the value of \$1,491 have since been provided.
- (4) The school will receive a \$1,500 consumable grant for the third pre-primary class in the next school grant payment in April.
- (5) Yes. The Education Department has been liaising with the school Principal regarding the concerns.

PASTORAL LEASES

Number and Income

3314. Mr BROWN to the Minister for Lands:

- (1) How many pastoral leases are there in Western Australia?
- (2) What is the annual rent each pastoral lessee pays?
- (3) What is the area of each pastoral lease?
- (4) What was the total income received from pastoral lease payments in the 1996/97 financial year?

Mr SHAVE replied:

- (1) 513 Stations comprising 561 Leases.
- (2)-(3) [See paper No 1303.]
- (4) \$477,541.

DEPUTY PREMIER'S FAMILY

Government Credit Card Issue

3324. Mr RIPPER to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) Has the Deputy Premier's spouse, or any other member of the Deputy Premier's family, been issued with a Government credit card?
- (2) If yes, who was the card issued to and for what purpose?

Mr COWAN replied:

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

MINISTER'S FAMILY

Government Credit Card Issue

3331. Mr RIPPER to the Minister for Housing; Aboriginal Affairs; Water Resources:

- (1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?
- (2) If yes, who was the card issued to and for what purpose?

Dr HAMES replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3346. Mr RIPPER to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) How many staff in the departments and agencies under the Deputy Premier's control have been allocated Corporate Credit Cards?
- (2) Is there a policy in place to guide staff in the use of these credit cards?
- (3) If yes to (2) above, where is this policy published?

(4) If no to (2) above, why not?

Mr COWAN replied:

Department of Commerce and Trade

- (1) 59.
- (2) Yes.
- (3) Department of Commerce and Trade Policy Manual.
- (4) Not applicable.

Small Business Development Corporation

- (1) 1.
- (2) Yes.
- (3) Small Business Development Corporation Supply Procedures Manual.
- (4) Not applicable.

Perth International Centre for Applied Solar Energy

- (1) 6.
- (2) Yes.
- (3) Perth International Centre for Applied Solar Energy's accounting manual.
- (4) Not applicable.

Gascoyne Development Commission

- (1) 2.
- (2) Yes.
- (3) Gascoyne Development Commission internal notice.
- (4) Not applicable.

Goldfields Esperance Development Commission

- (1) 6.
- (2) Yes.
- (3) Goldfields Esperance Development Commission Accounting Manual.
- (4) Not applicable.

Great Southern Development Commission

- (1) 6.
- (2) Yes.
- (3) Great Southern Development Commission Corporate Credit Card policy document.
- (4) Not applicable.

Kimberley Development Commission

- (1) 3.
- (2) Yes.
- (3) Kimberley Development Commission Purchasing Procedures Manual.
- (4) Not applicable.

Mid West Development Commission

- (1) 7.
- (2) Yes.
- (3) In the Mid West Development Commission's staff handbook and its "Code of Conduct".
- (4) Not applicable.

Peel Development Commission

- (1) 2.
- (2) Yes.
- (3) Peel Development Commission Accounting Manual.
- (4) Not applicable.

Pilbara Development Commission

- (1) 7.
- (2) Yes.
- (3) The Pilbara Development Commission Supply Procedures Manual.
- (4) Not applicable.

South West Development Commission

- (1) 1.
- (2) Yes.
- (3) Accounting Manual and Financial Administration and Audit Act.
- (4) Not applicable.

Wheatbelt Development Commission

- (1) Nil.
- (2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3354. Mr RIPPER to the Minister for Local Government; Disability Services:

- (1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?
- (2) Is there a policy in place to guide staff in the use of these credit cards?
- (3) If yes to (2) above, where is this policy published?
- (4) If no to (2) above, why not?

Mr OMODEI replied:

With respect to the Department of Local Government

- (1) 10.
- (2) Yes.
- (3) The policy is published in the Accounting Manual and Supply Procedures Manual.
- (4) Not applicable.

With respect to the Keep Australia Beautiful Council

(1)-(4) Not applicable.

With respect to the Fremantle Cemetery Board

(1)-(4) Not applicable.

With respect to the Metropolitan Cemeteries Board

(1) 12.

(2) Yes.

(3) Booklet form for staff with cards.

(4) Not applicable.

With respect to the Disability Services Commission

(1) 74.

(2) Yes.

(3) DSC Supply Management Policy and Procedure Manual.

(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3356. Mr RIPPER to the Minister representing the Minister for Finance:

- (1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?
- (2) Is there a policy in place to guide staff in the use of these credit cards?
- (3) If yes to (2) above, where is this policy published?
- (4) If no to (2) above, why not?

Mr COURT replied:

The Minister for Finance has provided the following response:

- (1) State Revenue Department - 6.
Valuer General's Office - Nil.
Insurance Commission of Western Australia - 13.
Government Employees Superannuation Board - 13.
- (2) State Revenue Department - Yes.
Valuer General's Office - Not applicable.
Insurance Commission of Western Australia - Yes.
Government Employees Superannuation Board - Yes.
- (3) State Revenue Department - State Revenue Department Policy Manual
Valuer General's Office - Not applicable.

Insurance Commission of Western Australia - The Insurance Commission of Western Australia's Delegations and Authorisation Manual, which includes reference to Treasurer's Instruction 321. Each cardholder signs and acknowledges a form stating that the card is for authorised purposes only and its use is to be in accordance with the authority granted by the Delegations and Authorisations Manual or as otherwise authorised by the Managing Director or the Board of Commissioners of the Insurance Commission.

Government Employees Superannuation Board - A hard copy of the Policy has been issued to all Board members, Directors and Managers. Hard copies will continue to be issued to individuals as credit cards are issued. A soft copy of the Policy has been placed on the GESB's Intranet which is accessible by all staff.

- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3358. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

- (1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?
- (2) Is there a policy in place to guide staff in the use of these credit cards?
- (3) If yes to (2) above, where is this policy published?
- (4) If no to (2) above, why not?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

- | | | |
|-----|--|-----------------|
| (1) | Office of Racing, Gaming and Liquor | 4. |
| | Totalisator Agency Board | 1. |
| | WA Greyhound Racing Association | 5. |
| | Burswood Park Board | Nil. |
| | Lotteries Commission | 4. |
| (2) | Office of Racing, Gaming and Liquor | Yes. |
| | Totalisator Agency Board | Yes. |
| | WA Greyhound Racing Association | Yes. |
| | Burswood Park Board | Not applicable. |
| | Lotteries Commission | Yes. |
| (3) | Office of Racing, Gaming and Liquor: Kept on corporate card file. | |
| | Totalisator Agency Board: On file and directions issued to applicable staff. | |

WA Greyhound Racing Association: A policy document is issued to approved credit card holders and each holder of a credit card is required to endorse his/her acceptance of conditions for the operation of a credit card. Signatures are held in the credit card register which is under the control of the Finance Controller.

Burswood Park Board: Not applicable.

Lotteries Commission

- (a) Financial Administration & Audit Act Treasurer's Instruction 321.
- (b) WA Government Corporate Card Guidelines (issued by Treasury).
- (c) LCWA Conditions of Use (agreement signed by each user).
- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Monitoring

3368. Mr RIPPER to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

In relation to use of Corporate Credit Cards in departments and agencies under the control of the Deputy Premier -

- (a) what type of monitoring mechanism is in place to ensure that policy regarding usage of these cards is being adhered to;
- (b) what system is used to verify transactions; and
- (c) is a register of issued and cancelled cards maintained in each department and agency?

Mr COWAN replied:

Department of Trade and Commerce

- (a) Examination by internal audit and examination of monthly expenditure and usage reports by senior management.
- (b) Verification of individual cardholder expenditure and usage by respective supervisors. The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.
- (c) Yes.

Small Business Development Corporation

- (a) All transaction dockets are forwarded to the Finance and Administration Officer who reviews all purchases on a monthly basis to ensure they are in accordance with approved policy. In addition, a periodic review of the system is undertaken by Internal Audit as part of the normal audit process.
- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.
- (c) Yes.

Perth International Centre for Applied Solar Energy

- (a) The agency's Accountant and Finance Manager authorise credit card invoices.
- (b) Verification of individual cardholder expenditure and usage by the agency's Accountant and Finance Manager. The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.
- (c) Yes.

Gascoyne Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Manager, Corporate Services .
- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.
- (c) Yes.

Goldfields Esperance Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Finance and Administration Manager .
- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition, the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.
- (c) Yes.

Great Southern Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Manager, Corporate Services .

- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.

- (c) Yes.

Kimberley Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Manager, Corporate Services .

- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.

- (c) Yes.

Mid West Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Finance and Administration Manager .

- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.

- (c) Yes.

Peel Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Manager, Corporate Services .

- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.

- (c) Yes.

Pilbara Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Finance and Administration Manager .

- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.

- (c) Yes.

South West Development Commission

- (a) Examination by internal audit and examination for monthly expenditure and usage by Director and Manager, Corporate Services .

- (b) The cardholder is required to retain all dockets, indicate the nature of all purchases on the monthly transaction statement and sign the statement. In addition the Incurring Officer certifies the Account is correct in respect of the requirements of Treasurer's Instruction 305 and the Certifying Officer certifies that the Account is correct within the meaning of section 33 of the Financial Administration and Audit Act 1985.

- (c) Yes.

Wheatbelt Development Commission

- (a)-(c) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Monitoring

3378. Mr RIPPER to the Minister representing the Minister for Finance:

In relation to use of Corporate Credit Cards in departments and agencies under the control of the Minister -

- (a) what type of monitoring mechanism is in place to ensure that policy regarding usage of these cards is being adhered to;
- (b) what system is used to verify transactions; and
- (c) is a register of issued and cancelled cards maintained in each department and agency?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department

- (a) Financial Services monitor the use of the credit cards and report any deviations from the approved use to the Commissioner and the appropriate Assistant Commissioner, in line with Departmental Policy 5037.
- (b) Area Manager scrutinises statement and authorises payment.
- (c) Yes.

Insurance Commission of Western Australia

- (a) The monthly credit card reports of all cardholders are referred to the Managing Director whilst the General Managers Corporate Services and Insurance, respectively, receive reports relating to cardholders who are responsible to them.
- (b) The monthly credit card reports of all cardholders are referred to the Managing Director whilst the General Managers Corporate Services and Insurance, respectively, receive reports relating to cardholders who are responsible to them. The reasonableness of the type of expenditure is checked by the Cash Management Accountant and payments are certified by another senior officer in the Finance and Administration Division in accordance with the Financial Administration and Audit Act.
- (c) Yes.

Valuer General's Office

- (a)-(c) No Corporate Cards have been issued.

Government Employees Superannuation Board

- (a) The Director Corporate Services receives and reviews all expenditure reports direct from the Credit Card service provider. Cardholders complete Purchase Support documentation for all individual purchases and attach copies of proof of purchase slips these are reviewed by the Director Financial Services prior to payment being authorised. All cardholders incurring expenditure must certify expenditure reports to the effect that expenditure has been incurred on official business. Periodic Internal Audit checks will also be conducted (cards have only recently been issued).
- (b) Prior to payment being made all card holders are required to complete a Purchase Support Document for individual purchases and provide proof of purchase slips for purchases.
- (c) Yes.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Monitoring

3380. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

In relation to use of Corporate Credit Cards in departments and agencies under the control of the Minister -

- (a) what type of monitoring mechanism is in place to ensure that policy regarding usage of these cards is being adhered to;

- (b) what system is used to verify transactions; and
- (c) is a register of issued and cancelled cards maintained in each department and agency?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

- (a) Office of Racing, Gaming and Liquor: All transactions are checked upon receipt of statements. Details checked back to signed dockets; all transactions reviewed for appropriateness/compliance with Government policy.

Totalisator Agency Board: Has one (1) credit card arranged in accordance with the Department of Contract and Management Services contract with Business Travel International. The card is secured and usage of this card, in accord with policy, is monitored by auditing all travel and car hire transactions.

WA Greyhound Racing Association: Audit checks and monitoring by Finance Controller specifically in the payment process of statement accounts.

Burswood Park Board: Not applicable.

Lotteries Commission: Monitoring of policy is based on checking all purchases for type/nature of purchase and bringing any breaches to the attention of the Director of Corporate and Financial Services for immediate follow up.

- (b) Office of Racing, Gaming and Liquor: All transactions traced to source documents and checked for validity/appropriateness/compliance with policy.

Totalisator Agency Board: Certification by incurring and certifying officers in accordance with Treasury Instruction 305 including independent matching of Business Travel International transactions against credit card transactions.

WA Greyhound Racing Association: Cardholders are required to hold all monthly transaction receipts for comparison and attachment to the monthly statement. Cardholders are required to endorse their approval for the payment of monthly transactions (or otherwise) as well as their statement of confirmation that expenditure has been made in accordance with established guidelines for the operating of a credit card.

Burswood Park Board: Not applicable.

Lotteries Commission: Each transaction is matched to appropriate authorized purchase requisition or entertainment approval or travel approval and invoices certified by the appropriate incurring officer. All transactions are checked and discrepancies are brought to the attention of the Director of Corporate and Financial Services for immediate follow up.

- (c) Office of Racing, Gaming and Liquor: Not considered necessary given the small number of cards on issue. Staff termination advice forms are checked off for return of credit cards.

Totalisator Agency Board: Not applicable.

WA Greyhound Racing Association: Yes.

Burswood Park Board: Not applicable.

Lotteries Commission: Yes.

SALE OF GOVERNMENT ASSETS OVER \$1 MILLION

3415. Dr GALLOP to the Minister for the Environment; Employment and Training:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of \$1 million or more -

- (a) name and nature of the asset;
- (b) date sold;
- (c) nature of sale and name of buyer;
- (d) proceeds received from the asset;
- (e) associated revenue from the sale, such as stamp duty;

- (f) the application of the funds received; and
- (g) any associated costs incurred in the sale process?

Mrs EDWARDES replied:

Department of Conservation and Land Management

- (a) Nil.
- (b)-(g) Not applicable.

Department of Environmental Protection

- (a) Nil.
- (b)-(g) Not applicable.

Kings Park and Botanic Garden

- (a) Nil.
- (b)-(g) Not applicable.

Perth Zoo

- (a) Nil.
- (b)-(g) Not applicable.

Department of Training

- (a) Nil.
- (b)-(g) Not applicable.

SALE OF GOVERNMENT ASSETS OVER \$1 MILLION

3420. Dr GALLOP to the Minister for Local Government; Disability Services:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of \$1 million or more -

- (a) name and nature of the asset;
- (b) date sold;
- (c) nature of sale and name of buyer;
- (d) proceeds received from the asset;
- (e) associated revenue from the sale, such as stamp duty;
- (f) the application of the funds received; and
- (g) any associated costs incurred in the sale process?

Mr OMODEI replied:

With respect to the Department of Local Government

- (a)-(g) Not applicable.

With respect to the Keep Australia Beautiful Council

- (a)-(g) Not applicable.

With respect to the Fremantle Cemetery Board

- (a)-(g) Not applicable.

With respect to the Disability Services Commission

- (a) Only one asset with a value of over \$1 million sold since 1/1993. Surplus old hostel and day centre (Brighton and Hove), 124 Dundas Road, Inglewood.
- (b) 14 March 1998.

- (c) Sold by auction to Satterley and Co for \$4 million.
- (d) Settlement not until 21 April 1998.
- (e) Not known yet.
- (f) Sale proceeds will be used to support the DSC's Capital Investment Plan.
- (g) Anticipated total costs associated with sale \$47,820.

With respect to the Metropolitan Cemeteries Board

- (a)-(g) Not applicable.

NORTH WEST DISTRICTS OMNIBUS AMENDMENT NO 3

3441. Mr PENDAL to the Minister for Planning:

- (1) What is the present status of the North West Districts Omnibus Amendment No 3, being Metropolitan Region Scheme Amendment No 987/33?
- (2) Specifically, has the Minister made a determination with respect to proposal 11 of the Omnibus Amendment, in relation to the transfer of Lots 132-135, Two Rocks Road, Yanchep, from the rural zone to the Parks and Recreation Reservation?
- (3) Further, has the Minister made a determination with respect to proposal 12 of the Omnibus amendment, in relation to the transfer of Lots 1-3, West Coast Drive, Trigg, from the urban zone to the Parks and Recreation Reservation?

Mr KIERATH replied:

- (1) The North West Districts Omnibus 3 Major Amendment No. 987/33 to the Metropolitan Region Scheme is currently under consideration by the Western Australian Planning Commission.
- (2)-(3) Not applicable.

CHILDREN WITH DISABILITIES

Therapy Services Budget

3451. Mrs ROBERTS to the Minister for Disability Services:

- (1) Will the budget for therapy services for disabled children be increased in the next financial year?
- (2) If not, why not?

Mr OMODEI replied:

- (1) Yes.
- (2) Not applicable.

GREEN TITLE ON STRATA TITLE PAIRS

3478. Ms WARNOCK to the Minister for Lands:

- (1) What action has the Government taken in order to facilitate landowners obtaining Green Title on strata title pairs?
- (2) If action has been taken why has this issue yet to be resolved?
- (3) If no action has been taken, why is this the Government's preferred option?

Mr SHAVE replied:

- (1) The Government formed a Strata Titles Taskforce to, amongst other things, formulate proposals for converting single tier strata schemes to green title in appropriate cases.
- (2) Developments where there is separate ownership of lots with shared services and some common property raise complex issues. Some preliminary proposals prepared by the Taskforce have been under discussion by the relevant public authorities. Their comments are currently under consideration prior to finalising strata title conversion proposals.

- (3) Not applicable.

HAMERSLEY IRON PTY LTD'S REDUNDANCIES

3486. Mr BROWN to the Minister for Labour Relations:

- (1) Is the Minister aware of an article that appeared in the 12 March 1998 edition of *The West Australian* concerning Hamersley Iron cutting 45 jobs?
- (2) Is the Minister aware whether any people to be made redundant were employed under a workplace agreement?
- (3) Has the Minister made any inquiries to ascertain whether any of the people to be made redundant are employed under a workplace agreement?

Mr KIERATH replied:

- (1)-(2) Yes.
- (3) No.

HOTEL INDUSTRY PENALTY RATES

3487. Mr BROWN to the Minister for Labour Relations:

- (1) Is the Minister aware of the application made by the Australian Hotels Association to the Australian Industrial Commission to reduce penalty rates for Sunday and public holiday work?
- (2) Is the Minister aware if the Commonwealth Government has intervened in the case?
- (3) Is it true the Commonwealth Government has supported the Australian Hotels Association application to cut penalty rates?
- (4) Has the State Government given any consideration to intervening in the case before the Australian Industrial Relations Commission?
- (5) Has the State Government supported the AHA application in any way?

Mr KIERATH replied:

- (1)-(2) Yes.
- (3)-(5) Submissions were made on behalf of the Joint Governments in the matter which included the Commonwealth Government, the States of Western Australia, Queensland, Tasmania, Victoria and South Australia, and the Governments of the Australian Capital Territory and the Northern Territory. The Joint Governments made no submissions as to the appropriate level of penalty rates in this case other than to submit that this was a matter for the Commission having regard to the evidence.

SOUTH AFRICAN CONSTRUCTION WORKERS

Employment in the Goldfields

3490. Mr BROWN to the Minister for Labour Relations:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on 7 March 1998 concerning South African construction workers being engaged in the Goldfields on low rates of pay?
- (2) Has the Minister or any of his departments investigated the nature of the employment contracts?
- (3) Is it true, as recorded in the article, that any worker who quits employment with the company within the first year has to pay a penalty of \$3 000?
- (4) If not, do such workers have to pay any penalty?
- (5) What is the amount of the penalty workers have to pay?
- (6) Did the company enter into a contract with the workers under which the workers are required to pay a penalty if they quit the company within the first year?
- (7) What is the amount of the penalty?

- (8) Has the Minister and/or any of his departments or agencies advised the company to modify the contractual arrangements with any of its workers?
- (9) In what way has the company been advised or ordered to modify the contract?

Mr KIERATH replied:

- (1) Yes.
- (2) No.
- (3)-(7) I cannot verify the content of this question.
- (8) No.
- (9) Not applicable.

LOTTERIES COMMISSION

Millennium Bug

3504. Ms McHALE to the Minister representing the Minister for Racing and Gaming:

- (1) I refer to the "Millennium Bug" computer problem and ask, is the "Millennium Bug" problem an issue for the Lotteries Commission?
- (2) If so, when will the Commission have installed and tested all Year 2000 corrections?
- (3) What has been the total funds expended to date to correct the "bug"?
- (4) What is the total cost estimated to be to install all corrective measures?
- (5) Does the Commission intend to engage external resources to manage the process?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

- (1) As with all organisations, the "Millennium Bug" is an issue in the Lotteries Commission. However the Lotteries Commission in 1996 developed a Strategic Information and Information Technology Plan which amongst other things included protecting the Commission and its players against the known consequences of the "Millennium Bug". Insofar as the Commission's gaming software and hardware is concerned, replacements, upgrades and testing and working with its suppliers as a consequence of the Strategic Information and Information Technology Plan has reduced the risk of the "Millennium Bug" affecting the running of lotteries in Western Australia to negligible levels. As at the end of March 1998 the Lotteries Commission's Gaming Systems were Year 2000 compliant and so too were its major Management Information Systems and the majority of its "embedded chip" control systems.
- (2) Testing is scheduled for completion by October 1998.
- (3) Funds have not been spent specifically to correct the "Millennium Bug". Funds have been spent as per the approved Strategic Information and Information Technology Plan to replace, upgrade and test the Commission's software and hardware as part of a controlled plan to position its business to take advantage of new technology and new games in the future. Addressing the "Millennium Bug" problem is incidental to this controlled upgrade of the Commission's assets and IT systems, and expenditures are integrated into the total costs of each project. It is not practical nor does it serve any business purpose to disaggregate project expenditure to separately account for "Millennium Bug" expenditures unless they were specifically billed as a separate item - this has not been the case.
- (4) As per the above answer, the costs are an integral part of planned systems upgrades not a part of a specific "Millennium Bug" project. Because of this approach no additional costs have been incurred except time involved to run a Risk Management Mapping Project to ensure that all embedded chip control systems are identified, letters of compliance obtained and test certification supplied or upgrades undertaken. This has been progressed under existing maintenance and service contracts and through prudent budget management has not added additional costs to the Commission's normal expenditure levels.
- (5) No. However the Lotteries Commission has sought professional advice through its existing outsourced service provider contracts (Legal, Insurance and Audit) at no additional costs to the Commission.

QUESTIONS WITHOUT NOTICE**HOSPITAL WAITING LISTS****1016. Dr GALLOP to the Premier:**

Now that the public hospital waiting list crisis in Western Australia is proving fatal for some Western Australians, why is the Government still refusing to immediately allocate additional funding to the health system? Why does the Government not allocate some of the \$1m in stamp duty on the Dampier to Bunbury pipeline sale to our ailing public hospital system today rather than waiting for the Budget tomorrow?

Mr COURT replied:

What Budget tomorrow?

Dr Gallop: I know subtlety of phraseology does not come easily to the Premier, but he knows what I was on about.

Mr COURT: The state of the public hospitals is of huge concern to us.

Dr Gallop: What are you doing about it? You are allowing people to suffer because you have an argument with John Howard. It is a disgrace.

Mr Ripper: The patients of Western Australia are being held to ransom while you argue with the Federal Government.

The SPEAKER: Order! I remind members that the whole Parliament wants to hear the answer. I allowed the Leader of the Opposition to have his interjection because he asked the question. The Premier was prepared to take it. However, members cannot interject incessantly before the Premier even commences his answer.

Mr COURT: The situation in public hospitals concerns me greatly. A large number of operations are being rescheduled as a result of industrial action. At this moment we are waiting for a ruling by the Industrial Relations Commission on the current dispute which has resulted in one in three beds being closed, because we believe it threatens patient safety. The Federal Government wants Western Australia to sign a Medicare agreement covering the next five years. That is not acceptable to us. Does the Leader of the Opposition believe that the Medicare proposals are acceptable?

Dr Gallop: My question was about the \$100m stamp duty revenue. You will not answer that question, because it is not convenient.

Mr COURT: I will answer that question in a minute. If the Leader of the Opposition believes that it is appropriate for us to sign a five year agreement, he should say so publicly.

Dr Gallop: That is not the issue at stake. The issue is what you are doing to public hospitals today!

Mr COURT: The Labor Party has a record of selling this State short.

Several members interjected.

The SPEAKER: Order!

Mr COURT: That is interesting! We are campaigning for a fairer share of commonwealth funding over the next five years, and the Labor Government in New South Wales is part of that campaign. Contrary to what has been suggested in the past, regardless of whatever political party is in government in Canberra, if we do not believe it is an appropriate or fair deal for this State, we will campaign against it. That is exactly what we have been doing.

Ms MacTiernan: Why don't you allocate more money?

Mr COURT: The member knows that in the past two years we have allocated an additional \$200m to health. The \$100m stamp duty revenue is going into recurrent expenditure programs.

Dr Gallop: Why not do that now when there is a crisis?

Mr COURT: That funding is being allocated to programs such as health, and towards the loss of \$50m from the High Court taxation case, and the like. The question is why we do not spend that \$100m, but that is exactly what is being done at present. There are two separate issues here, the first of which is the base funding for the hospital system. We have said to the Federal Government - with the support of all other States and Territories, including the Labor State of New South Wales - that the base is not adequate.

Several members interjected.

Mr COURT: As to the current industrial dispute, I am advised that the tragedies that have occurred are a result of the rescheduling of operations, and that is unacceptable.

CARERS

Government Initiatives

1017. Mrs van de KLASHORST to the Minister for Disability Services:

I have many dedicated carers and carer groups in Swan Hills and therefore am keenly aware of the huge pressures which carers face. Can the Minister please outline recent initiatives that the State Government has implemented to assist the estimated 127 000 people and families who are involved in caring in this State?

Mr OMODEI replied:

I thank the member for some notice of this question. The member for Swan Hills is well known for her caring for people with disabilities in her electorate. One of the main priorities identified by carers of people with disabilities was the urgent need for a range of flexible services and supports to allow them to have some time away from caring. In response, the State Government has provided 60 additional respite packages for people with disabilities through additional funding of \$270 000 in 1997-98. By the year 2001-02, funding for respite will have increased by an additional \$1.13m. We have also expanded the local area coordination service statewide through the provision of \$1.1m. By the end of this financial year, an additional 14 local area coordinators will be providing much needed services to an additional 750 families.

Families report that one of the most valued features of local area coordination is that the service provides a fixed contact in the local community. Local area coordinators assist families in their caring role by helping identify needs and planning for the future; helping families access services and supports available within local communities; providing funding to families so they may purchase their own supports; and helping to build up natural networks of friends and relatives to share the caring role.

The State Government has also committed an extra \$6m to expand the local area coordination scheme to cover the whole of Western Australia.

Mr Ripper: A good Labor initiative.

Mr OMODEI: It is a shame the former Labor Government did not do more about it. It was only when the conservative Government came into power that significant funding was provided for people with disabilities. The member for Belmont knows that.

The State Government also provided community access or recreation options within the community to 87 young people with disabilities who left school at the end of 1997. These young people will now be able to continue to develop their new skills.

GOVERNMENT DEPARTMENTS AND AGENCIES

Maladministration and Substandard Reporting

1018. Dr GALLOP to the Premier:

Given the Premier's promise to deliver sound financial management, is he concerned that the Auditor General has found widespread serious financial maladministration by his Government, including tardy and substandard financial reporting, theft and sheer incompetence across a broad range of departments; or is the Premier, like the Deputy Premier, more concerned with the way the Auditor General's media statement was released than with the criticisms it contained?

Mr COURT replied:

I am reluctant to become involved in a debate on a report that has not been tabled in the Parliament.

Dr Gallop: The Deputy Premier made a statement on it.

Mr COURT: The Deputy Premier made a statement in relation to his dealings with the Auditor General in recent times.

Mr Speaker, you have raised the matter of the lateness of reports, which has been an issue for some years with the

Auditor General. My view is that few agencies are late with their reports. However, I have not seen the report to which the Leader of the Opposition referred, so I will wait until I see it tomorrow.

The report referred to Gold Corporation. I am not aware of any qualification on the audit of Gold Corporation. However, I will wait to see what the report says, because most of the disclaimers for these organisations have already been tabled in the Parliament and those matters were discussed with the agencies and the Ministers prior to Christmas last year. Instead of jumping to conclusions, as the Leader of the Opposition has done, it is appropriate to wait for the report to be tabled.

I refer to the role of the Auditor General. It is critical that an independent body report to the Parliament to ensure that financial reporting standards are properly in place. Change is taking place in government. For example, we have been working for some years towards the implementation of accrual accounting in government. That has caused difficulties for some agencies, but we have worked through those in a constructive way.

I cannot comment on a report that has not yet been tabled in Parliament. It is unfortunate that a press statement was released on Monday for a report that will be tabled on Wednesday. I look forward with some interest to reading the report, particularly as it relates to my own area in the case of Gold Corporation. I am not aware of any qualification to the accounts of Gold Corporation and I am surprised to see it mentioned in a press statement about the report.

BUNBURY POWER STATION CLOSURE

1019. Mr BARRON-SULLIVAN to the Minister for Energy:

I refer to recent reports suggesting the impending closure of the Bunbury power station.

- (1) How many people are employed at the station?
- (2) What arrangements are currently under consideration in regard to the security of staff currently employed in the station?
- (3) Can the Minister give an undertaking that there will not be a reliance on forced redundancies?

Mr BARNETT replied:

I thank the member for some notice of this question.

- (1)-(3) I will correct one small point: The Bunbury power station is not being closed, it is being sold. It is intended that it will continue to operate as a power station, albeit in private hands. It is highly likely that the purchaser of the Bunbury power station would re-engineer it, expand its capacity and possibly convert it to gas power generation. The power station currently employs 67 people. I hope that most of those employees will transfer to the new owner. It is not an identical situation, but it is worth noting that on the sale of the Dampier to Bunbury gas pipeline 133 out of 137 employees transferred to the new employer. I doubt that would be achieved in this case, although I hope the majority will transfer to the new employer. As to the remainder of employees, there would be a mix of retraining, redeployment and in some cases voluntary redundancies.

AGRICULTURE WESTERN AUSTRALIA

Maladministration

1020. Mr GRILL to the Minister for Primary Industry:

I refer to the Auditor General's criticism of Agriculture WA, including specific findings that the department's trial balance for initial financial statements was out by \$34m; overpayments in just six months totalled over \$550 000; outstanding debts of \$2.5m were not followed up; and accounting records were so inaccurate and incomplete that the Auditor General was unable to sign off the agency's financial statements, and issued a disclaimer, the ultimate censure available to him. My question is: Now that the Minister has confirmed these findings by the Auditor General, how does the Minister account for the maladministration identified by the Auditor General in the Minister's department and does the Minister accept responsibility for it?

Mr HOUSE replied:

The member for Eyre is absolutely correct when he says that the Auditor General's report states that this was a trial balance; that is exactly what it was. It is a bit like the Eagles getting beaten in a practice match and then fronting up the next week and winning the first round of a series. This was a trial balance - exactly that, a trial balance.

Several members interjected.

Mr Grill: It was \$34m out - that is a third of the budget.

The SPEAKER: Order!

Mr HOUSE: It is a budget that the Opposition, to its absolute disgrace, reduced by 25 per cent when in government. We have increased it and given extra resources to Agriculture WA.

Several members interjected.

The SPEAKER: Order! The member for Eyre has been able to get in some interjections, and I am reasonably happy with those, but I am not at all happy about the interjections from other people.

Mr HOUSE: Agriculture WA's accounting system was an old fashioned system. It worked from 90 sites around Western Australia and the decision was made to install a more modern system. We took advice from Dun and Bradstreet and that firm took advice from Price Waterhouse. One could not go to two more reputable organisations for advice. The advice was to put in a Smart Screen system, which we did. Without question, there have been some problems with the administration of that system. It has taken a long time for us to get that system anywhere near the performance level that the installers guaranteed. It has not yet performed at that sort of level. Agriculture WA's executive cannot be blamed for problems that have arisen in a system guaranteed by organisations like Dun and Bradstreet. Obviously, every effort is being made to correct those problems.

AGRICULTURE WESTERN AUSTRALIA

Maladministration

1021. Mr GRILL to the Minister for Primary Industry:

As a supplementary question, when did the Minister first become aware of the problems in the accounting system and in what circumstances did he become aware of those problems?

Mr HOUSE replied:

I am not sure of the exact date, but it was about August of last year - about the time when the end of financial year wrap-up would have been done. I met with the chief executive officer of Agriculture Western Australia and we implemented the reforms and changes that I outlined in my ministerial statement.

HAMMOND REPORT

Truth in Sentencing Legislation

1022. Mr BAKER to the Minister representing the Attorney General:

The Hammond committee recently provided the Minister with a report which addressed, among other things, the need for truth in sentencing legislation in this State. Can the Minister -

- (1) Inform this House of the key recommendations of that report which deal with this issue?
- (2) Advise whether the Government proposes to implement these recommendations?

Mr PRINCE replied:

I thank the member for the question and some notice of it. The Attorney General has provided the following reply -

- (1) The Report of the Review of Remission and Parole, as the Hammond report is called, has been released for public comment. I table the report. [See paper No 1307.]
- (2) The report and its recommendations are currently in the public arena for comment and the Government intends to respond following completion of that process.

FORENSIC BEHAVIOURAL INVESTIGATIVE SERVICES INTERNATIONAL PTY LTD

1023. Mrs ROBERTS to the Minister for Police:

- (1) Can the Minister confirm that the Commissioner of Police is being investigated over the awarding of a \$40 000 contract to Victorian based consultants, Forensic Behavioural Investigative Services International Pty Ltd?
- (2) Can the Minister guarantee that the process followed in awarding a \$40 000 contract to former colleagues of the commissioner was proper?

Mr DAY replied:

- (1)-(2) I have absolutely no intention of making any comment whatsoever on any complaint which may or may not have been made about any police officer. That applies from the most junior police officer in Western Australia to the most senior officer. Members know how the Opposition in this State operates. Its members are prepared to slur anyone without the slightest bit of evidence to substantiate their comments. It is important that when complaints are lodged, they are properly and thoroughly investigated. It is also important that this is done as expeditiously as possible. The only time it is appropriate to comment on any complaint is after the thorough and proper investigation of those matters.

CODLING MOTH, DWELLINGUP

1024. Mr BRADSHAW to the Minister for Primary Industry

- (1) Is the Minister aware of the codling moth problem at Dwellingup?
- (2) If so, what is Agriculture Western Australia doing to eradicate the moth and assist those orchardists affected?

Mr HOUSE replied:

- (1)-(2) Codling moth is a serious problem for Western Australia. We have had a couple of outbreaks. This latest one has been met with the usual support from industry. We have put in place an eradication program that has allowed us to bring the problem under control quickly. There has been a joint funding arrangement between Agriculture Western Australia and industry contributions. Nearly \$3m has been spent on putting that program in place. I think we can safely say that we have it under control now and the eradication program should be completed within 18 months; that is, we should be certified free within 18 months. We will continue to monitor the situation around Western Australia with the cooperation of growers and industry.

METROPOLITAN REGION SCHEME AMENDMENT 982/33

1025. Dr EDWARDS to the Minister for Planning:

I refer to MRS amendment 982/33 currently before the Legislative Council which includes the highly contentious issue of Claremont Crescent, and ask -

Is the Minister prepared to withdraw the amendment and delete the portion dealing with Claremont Crescent with a view to resubmitting the non-contentious parts at the earliest opportunity? If not, why not?

Mr KIERATH replied:

It is rather interesting that groups want this amendment knocked out. If it is knocked out, it will leave a six lane highway reservation in place! By putting the amendment through, the six lane proposal will be reduced to four lanes. If the amendment is knocked out, a six lane reservation will be left in place and will allow a six lane highway to be built in the future. I told the groups that if their aim is to eliminate it all together, it is an incremental thing: They should accept the four lane proposal, get that in hand and then try to reduce it further to two lanes and then reduce it all together. If they succeed in knocking out this amendment, it will leave in place a six lane reservation.

Ms MacTiernan interjected.

Mr KIERATH: Planning looks 30 years ahead. We must look at long term horizons. In 10 or 20 years circumstances could have changed.

At the moment, Main Roads and the Department of Transport agree that we do not need a six lane reservation. I have tried to have it reduced to four lanes. If the tactic is to knock out this and the other good amendments that go with it, we will end up with a six lane reservation. That goes against their aim. I told them that the best thing they could do would be to take it one step at a time - a bird in the hand is worth two in the bush - and have it reduced to four lanes and then fight for its elimination altogether.

ACCESS TO TECHNOLOGY BY YOUNG PEOPLE

1026. Mr OSBORNE to the Minister for Youth:

Last week the Minister made a statement about electronic commerce. Access to all information on the Internet is obviously the way of the future for young people in Western Australia and, speaking as a country member, that is

especially true for the rural youth of this State. Will the Minister advise the House of actions he is taking to allow young people to gain access to the most up to date information on all issues of importance to them?

Mr BOARD replied:

Access to relevant information by young people is particularly important and the issue has been raised in most youth forums around the State. I am particularly pleased that the dotU site, launched 18 months ago, has been reshaped and reformed to provide access to even more information. The upgraded site was relaunched in February. To my amazement there are 40 000 hits a month on that site, and the number is growing.

It is incumbent on all members to realise that more and more young people want to access information via the Internet. It is the avenue by which young people will gain information in the future and we must all ensure that more information is available to young people through it.

In terms of equity for rural youth, the Government is doing everything possible to ensure that all government agencies are not only listing their information on the Internet but are hot linked via the dotU web site to ensure that all young people will have access to all government information through a common entry point.

AUDITOR GENERAL'S CRITICISM OF ABORIGINAL AFFAIRS DEPARTMENT

1027. Mr RIPPER to the Minister for Aboriginal Affairs:

I refer to the Auditor General's scathing criticism of the Aboriginal Affairs Department under the Minister's administration.

- (1) How does the Minister account for the fact that his department does not know how and on what \$3.2m in grants was spent?
- (2) How does the Minister account for the fact that his department made 183 credit card transactions in just six months but that there are no records of what was purchased?
- (3) How does the Minister account for the fact that his department awarded a \$50 000 consultancy without the application of State Supply Commission guidelines or the calling of public tenders?
- (4) Does he, as Minister, accept any responsibility for these matters?

Dr HAMES replied:

I thank the member for the question.

- (1)-(4) The Auditor General's Office has apologised to my office about the press release. I have an appointment for a briefing this evening - which was arranged prior to the release of the information - to discuss the issues that have been raised in the press release. The Auditor General's office has apologised to me that it issued that press release in advance of the briefing and discussion of those issues. We will be discussing them at the meeting this evening.

AUDITOR GENERAL'S CRITICISM OF ABORIGINAL AFFAIRS DEPARTMENT

1028. Mr RIPPER to the Minister for Aboriginal Affairs:

Is the Minister saying that the activities alleged in the Auditor General's press release did not happen?

Dr HAMES replied:

No, I am not saying that. I am saying that I have an appointment for a briefing on these issues, which should have been raised in the appropriate manner at the appropriate time at the meeting arranged. I will be pleased to answer any questions the member might have after that briefing.

Ms MacTiernan: Do you know nothing about them?

Dr HAMES: That is not true and it is not what I said. As I said, we will be having the briefing.

EMPLOYMENT TRENDS

1029. Mr MacLEAN to the Minister for Labour Relations:

The member for Nollamara has again linked this Government's industrial relations changes to changes in employment trends. Will the Minister inform the House of these trends?

Mr KIERATH replied:

It is interesting that about 12 March the member for Nollamara blamed the increase in part time employment on the Government's industrial relations policies. I am glad to remind members opposite - I am sorry to bore them with the same old story - that many thousands of Western Australians have been able to get a job since this Government came to power and created some real jobs. Some of those people are too busy working to be bored with the antics opposite. There may well be a link. I cannot be sure whether there is a link between the increase in part time employment and IR policies.

It is interesting that the figures for February indicate an exact reversal of the trend shown in the figures for January. Will the member for Nollamara now give the Government's IR reforms the credit for that, or will it simply be described as an unreliable trend or an unreliable prediction, such as those sometimes made by the member for Nollamara? The sad fact is that when the Opposition was in government it had a lousy record for job creation. It engaged only in mickey mouse schemes. However, the coalition has been involved in genuine job creation, getting many Western Australians back into real jobs, and that is what this Government is all about. I am proud of this Government's record. I believe also that people in glasshouses should not throw stones.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

*Loss of Government Property***1030. Mr RIPPER to the Minister for Services:**

Will the Minister explain how the Department of Contract and Management Services could effectively lose almost \$900 000 worth of government property, as found by the Auditor General?

Mr BOARD replied:

I, like other Ministers, find it somewhat disappointing to be answering questions in the House before I have had the opportunity of discussing this matter with the Auditor General. This is not a new issue. Investigations have been going on within the Department of Contract and Management Services for some years.

Several members interjected.

The SPEAKER: Order!

Mr BOARD: Does the Deputy Leader of the Opposition want me to answer the question or does he just want to interject?

Mr Ripper: I certainly want an answer to the question.

Mr BOARD: Following the amalgamation of the Department of State Services and the Building Management Authority, a number of issues were unresolved in the accounting process. When I became Minister, I felt one of those issues was the sloppy accounting processes with Supply West. KPMG was called in, and it gave the process a tick because there had been no misappropriation of funds through Supply West. However, there had been some fairly ordinary accounting. Those processes were changed some time ago, and I understand the Auditor General is well aware of that. That amount was written off some time ago. This is not a new issue. It has been listed by the Auditor General in a couple of reports, and I am surprised it is raised again in this mechanism. I would like the opportunity of discussing this issue when I raise the matter personally with the Auditor General.

MINISTERIAL ACCOUNTABILITY

1031. Mr RIPPER to the Minister for Services:

Does the Minister agree with the Attorney General that Ministers are responsible for the actions of their departments, whether or not they know about those actions, or does he have a lower standard of accountability?

Mr BOARD replied:

I believe Ministers have responsibility for their ministerial portfolios. From that point of view I take responsibility for what is happening in the Department of Contract and Management Services. Since I have been Minister I have made sure that all the processes that happened prior to my becoming Minister have been investigated and sorted out.
