Legislative Assembly

Thursday, 31 March 1994

THE SPEAKER (Mr Clarko) took the Chair at 11.00 am, and read prayers.

PETITION - RETAIL TRADING HOURS, CHANGES OPPOSITION

MR BLOFFWITCH (Geraldton) [11.04 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned state our total opposition to any alteration of retail trading hours which are currently prescribed for the Retail Industry, and ask that they remain unchanged following the review of trading hours presently being conducted by the Government.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 3 562 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 283.]

PETITION - WATER PAYMENT CARD

MRS HENDERSON (Thornlie) [11.05 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned people of Western Australia, request that the Minister for Water Resources issue a card to enable users to pay instalments toward their water account, similar to the SECWA energy payment card.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 326 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 284.]

PETITION - COLLIE POWER STATION PROJECT, 600 MW CONSTRUCTION

MR D.L. SMITH (Mitchell) [11.06 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned petitioners, respectfully request that the future of Collie be secured, the efficient extraction of coal and the most cost effective method of power generation be brought about so that coal is competitive against gas, by the immediate commencement on the construction of a 600 megawatt coal fired power station in Collie AND the undersigned also request that Parliament should not accede to the repeal of legislative requirements for SECWA to take a reasonable amount of underground coal from Collie until such time as the Government formally commits to the 600 megawatt station.

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

The petition bears 260 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 285.]

SELECT COMMITTEE ON ANCIENT SHIPWRECKS

Report Tabling

MR PENDAL (South Perth) [11.08 am]: I present the following papers -

(1) The interim report of the Select Committee on Ancient Shipwrecks.

(2) An inventory of shipwreck relics.

(3) Transcript of evidence from 21 December 1993 and 24 January 1994.

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

The contents of the report represent a most important document to the cultural heritage of the State and a complete inventory of relics that have implications for a number of important coastal communities in Western Australia, such as Kalbarri and Denham.

[Leave granted for speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on p 11225.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Second Report Tabling

MR PENDAL (South Perth) [11.09 am]: I present the following papers -

(1) The second report of the Standing Committee on Uniform Legislation and Intergovernmental Agreements on structures available for uniformity and legislation.

(2) The transcript of evidence taken during the inquiry.

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

The second report, following as it does the tabling and printing of the first report of this standing committee in this House a week ago today, represents another important step along the road to the Parliament taking a far greater and more critical interest in the role of Ministerial Councils in intergovernmental agreements.

[Leave granted for speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on p 11222.]

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Building and Construction Industry Code of Practice, Opposition

MR KIERATH (Riverton - Minister for Labour Relations) [11.11 am]: Members will be aware that, since taking office last year, this Government has embarked on a comprehensive program to reform the building industry. We have to ask ourselves why certain building union officials, Mr Kevin Reynolds and Mr Bill Ethell, should be so opposed to the Government's reform program which is about bringing significant and lasting improvements in productivity and competitiveness for the industry. Not often do

I applaud Stan Sharkey, the Federal Secretary of the Construction, Forestry, Mining and Energy Union. However, he has negotiated a landmark agreement with the New South Wales Government in which the union agreed to comply with all awards, agreements and legislation, and with the New South Wales code of practice for the construction industry.

Members should compare the enlightened view of that Federal union official with the backward views of our Messrs Ethell and Reynolds. Mr Reynolds says that the WA code of practice for the building and construction industry is a blueprint for the destruction of unions and a major attack on the wages and conditions of workers. Mr Ethell says the code is designed to cut wages. He says that it will give Mexican wages and create Mexican buildings. Somehow he believes that the code threatens WA's safety record, which even he acknowledges is among the best in the world.

We should contrast these extreme views with those of Stan Sharkey who says that the days of confrontation are over. He says that continuing and long lasting reforms are needed to ensure that the industry is efficient and competitive. I agreed wholeheartedly. Mr Sharkey says that the CFMEU in New South Wales is committed totally to reform because stable industrial relations will encourage investment in the industry and enable it to recover thousands of lost jobs. It seems clear that the WA building union officials are in a time warp of their own creation. What their Federal counterparts see as a golden opportunity, WA officials see as a threat.

For those members who are not familiar with the New South Wales agreement, the following is a sample: The union will not pursue or seek to enforce any mechanisms implying that compulsory unionism applies on any construction site in New South Wales; the union is opposed to, and will not engage in or support, victimisation, threats and intimidation against any person who is or is not a union member; the union will not support the practice of one in, all in for overtime; the union will not resort to industrial action in support of payment of time lost due to industrial action; the union continues to be committed to the elimination of restrictive practices undermining the efficiency of the industry; the union will not compel any employer to hire an individual nominated by the union; the union accepts that last on, first off does not apply in determining retrenchments; the union will not seek to flow-on justifiable specific claims for one class of worker to another class to which that benefit is not justifiable; and, the union recognises the right of any employer to transfer at any time its workers between construction sites.

In the light of all of this, I make this challenge to the WA building union officials: Get a copy of the agreement reached between the New South Wales Government and the CFMEU and make a public statement on where they stand on the terms of the agreement. Are WA building union officials prepared to agree to operate within the law and to cooperate with Government and employers and comply with the terms of the WA code of practice for the building and construction industry? For Western Australia's sake, I certainly hope so.

PUBLIC SECTOR MANAGEMENT BILL

Message - Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

MATTER OF PUBLIC INTEREST - CONDEMNATION OF MINISTER FOR WATER RESOURCES FOR FAILURE TO ACT WITHOUT FEAR OR FAVOUR

THE SPEAKER (Mr Clarko): Today I received a letter from the member for Belmont seeking to debate as a matter of public interest the administration of his portfolio by the Minister for Water Resources. If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House for the purpose of this debate.

MR RIPPER (Belmont) [11.17 am]: I move -

> That this House condemns the Minister for Water Resources for his failure to act without fear or favour in relation to the administration of his portfolio, with particular regard to the provision of sewerage services to Western Australian families.

It should be common ground in this House that Ministers act without fear or favour, that Ministers will not use their portfolios to pork-barrel their electorates, that Ministers administer taxpayers' funds with propriety, that Ministers are accountable for their decisions, and that Ministers behave with integrity when dealing with other Governments. This Minister has not met these standards. He has perpetrated a blatant sewerage rort. He has used taxpayers' funds to pork-barrel his electorate and local government council. He has abused the Federal Government's Landcare program, and he has compromised the State's future influence on that program and his Government's ability to negotiate with the Federal Government for assistance to deal with Western Australia's sewerage problems. If the Minister wants to deny those accusations, he will have to table in this House today all the documents related to the issues about which I am going to speak. I refer particularly to the history of the Pemberton sewerage scheme, a scheme in which the Minister took close interest shortly after he assumed the Water Resources portfolio. In what must have been one of his first press statements, on 23 February last year, the Minister said -

> Water Resources Minister Paul Omodei says he will be placing high priority on getting Pemberton's much-needed sewerage scheme constructed without further unnecessary delay.

Mr Nicholls: A good local member.

Mr RIPPER: A good member, who, like the member for Mandurah, seeks to use his portfolio funds to pork-barrel his electorate. The press statement continued -

> The Minister commended the Shire of Manjimup on its decision to contribute one third of the necessary funds for the project under the Rural Sewerage Strategy.

Mr Court: Why did you allow effluent to flow into the Swan in your electorate?

Mr RIPPER: The Premier should listen to what I have to say because this concerns the propriety of his Government and the standards that he applies to his Ministers. He should listen to what his Minister for Water Resources has been doing with taxpayers' funds in his electorate and he should pay attention because he will have to take action and deal with him. The *Warren-Blackwood Times* of 29 December 1993 carried an article on page 7 as follows -

Mr Court: You should never have even put your name to this matter of importance.

Mr RIPPER: The article is headed, "State to pay sewerage bill." It states -

> The Manjimup Shire Council will not be required to contribute towards the cost of deep sewerage in the Pemberton town site.
>
> . . . But Water Resources Minister and Warren MLA Paul Omodei has waived the need for the contribution for sewerage schemes in Pemberton, Dardanup and Denmark.
>
> The decision means a windfall of $300,000 for the Manjimup Shire Council.
>
> . . . Mr Omodei said the council was free to spend its budgeted $300,000 for the scheme in any way councillors wished.

We are talking about $300 000 of taxpayers' money for the Minister's own electorate and we will see shortly where that money has come from. I remind members that the article is headed, "State to pay sewerage bill". The *Warren-Blackwood Times* is an informative journal, because on Wednesday, 9 February it published another article headed "Start soon on Pemberton sewerage scheme". This article gives a clue as to the source of the money. It states that the estimated cost for the scheme is $988 000 which will be jointly

funded by the authority and the Commonwealth through the national Landcare program; the Commonwealth funding will be $568 000.

Following my examination of that article I made some investigations about the history of this project. This State Government submitted a list of projects for Landcare funding to the Federal Government. The State determines the priorities for those projects through the State assessment panel to which the Minister appoints representatives. It submitted to the Commonwealth a project costed at $2.08m for the Pemberton sewerage scheme. The project was based on equal contributions from the Commonwealth, the State and the local government because, as the Minister knows, the country town waste water treatment scheme which is part of the Landcare program requires those contributions and the Commonwealth will not contribute more than one-third under that scheme. The amount sought was $568 000 and that was the amount granted. That $568 000 came out of a $715 000 total for the water services component of Western Australia's Landcare money. It was the largest single Landcare grant for Western Australia in 1993-94, and it was for a sewerage scheme in the Minister's own electorate with the ultimate outcome of a $300 000 windfall for his own council. That is rort No 1. Why did the State Government through its appointees on the State assessment panel give this scheme such high priority? Remember, it is the Minister's own electorate. What involvement did the Minister have in setting the very high priority which this Pemberton scheme got?

Mr Omodei: None.

Mr RIPPER: The Minister says he had no involvement. I want the Minister to table all of the documents related to the State's consideration of Landcare projects. He should bring them into the House this afternoon so we can see whether he is telling the truth.

Mr Nicholls: That is a very shallow attempt.

Mr RIPPER: If it is shallow, let us see the documents. This Minister should be accountable to the Parliament. He should table those documents. Rort No 2 involves this Minister ripping off the Commonwealth Government for the advantage of his own electorate because, without telling the Commonwealth, the project size was halved. They went to the Commonwealth and said, "We have this $2m project in the Minister's own electorate which we have given high priority and we would like you to contribute $568 000 to it" - knowing that the Commonwealth will not contribute more than one-third of the cost of these projects. They then secretly halved the project and went ahead with a project, which after my inquiries they have now told the Commonwealth will cost only $1.168m. I have some questions even about that costing because it is at variance with the costing of $988 000 quoted in the Minister's local newspaper, so perhaps there is further information they should be giving to the Commonwealth Government. The plan was for the entire benefit of this scam to go to the local government authority in the Minister's own electorate and, in the Minister's words, "The council was free to spend its budgeted $300 000 for the scheme in any way councillors wished." So he perpetrated this scam on the Commonwealth and then he allowed the money to go to the Manjimup Shire Council to spend in any way councillors wished. That is a $300 000 windfall for the Manjimup Shire Council. I have drawn attention to the need for Ministers to show integrity in the way in which they conduct their dealings. The Commonwealth Government was not advised of the halving of the size of this grant or of what was going to happen to the money until I asked Minister Collins' office about the Landcare grant for Pemberton and sent them copies of the newspaper articles. Only when Commonwealth officials approached the State Government for further information was the Commonwealth advised that the project had been halved in size. This Minister was hoping that he could perpetrate the deception on the Commonwealth to the benefit of his own electorate.

Mr Omodei: We have deceived the Commonwealth, how terrible! We get $7m out of $107m from national Landcare money.

Mr RIPPER: This is taxpayers' money and the Minister dares to come into this place and say, "How terrible to deceive the Commonwealth!" Is perpetrating a fraud on the Commonwealth the morality which the Minister for Water Resources brings to his

portfolio? If that is the Minister's morality, the Premier should ask for his resignation today. If it is not the morality the Minister brings to his portfolio, he should come to this House with all the documents, put them on the Table and let the public judge whether he has behaved properly with regard to this matter. On the basis of the information which I have uncovered, the Minister's lack of integrity in this matter has brought the State into disrepute and has compromised the State's ability to influence future grants to this State under the Landcare program and his own State's ability to negotiate with the Commonwealth to deal with Western Australia's sewerage problems. The Commonwealth has stopped further payment on this $568 000 grant. It has already paid out some money and, on the basis of information which the State Government made available only after approaches from the Commonwealth, it has stopped further payment. That is a demonstration of the rort that the Minister has been seeking to perpetrate. Further, Mr Speaker, the Commonwealth will be seeking a refund from the State Government of $30 000 because it has overspent as a result of the Minister's deception according to the guidelines of the country town waste water treatment scheme.

Several members interjected.

Withdrawal of Remark

The SPEAKER: Order! I will take things in reverse order. I call on the member for Peel to withdraw the word "idiot".

Mr MARLBOROUGH: I withdraw.

Debate Resumed

The SPEAKER: The Minister for Community Development is interjecting excessively on the member for Belmont who is giving an important speech. I ask the Minister to take note of my admonition and cease interjecting in that way.

Mr RIPPER: The Commonwealth has stopped payment on the grant and will be seeking a refund of $30 000 and the ultimate result of the Minister's behaviour is that $300 000 which could have been spent on important sewerage work in Pemberton, or elsewhere, has been pork barrelled into his own electorate. I regard that as behaviour which is without integrity, and which fails to meet the high standards demanded of Ministers in this place. The Premier should be seeking an urgent report from the Minister about the standards within his Government. The Premier should be disciplining this Minister. He should be ensuring that this Minister demonstrates his accountability to the Parliament by tabling all the documents. In future when the State's Landcare priorities go to the Commonwealth Government they will be examined extremely carefully by the Commonwealth and that might have some effect on the Landcare program which is widely supported in country Western Australia. The Minister has jeopardised the success of future Western Australian applications by his behaviour. By his abuse of Federal funds he has jeopardised this State's ability to attract more Federal funds in his portfolio area just when he has made great play in recent days and weeks of the State Government's approaches to the Federal Government for assistance to combat Western Australia's sewerage problem. He has undermined some very important programs of this Government for the Western Australian community.

If the Minister is to be accountable to the House he owes it a full explanation of his involvement in and the funding of this program. In view of the information published in the local newspaper and information from the Commonwealth, the Minister must table all the documents. It is obvious the Federal Government cannot take his word and has serious doubts about his credibility. Given the way in which the Minister has behaved towards the Federal Government, members of the public would be entitled to doubt his word. The Opposition wants to see the documents. On the basis of the Minister's current behaviour the Opposition cannot take his word for the history of this matter. This afternoon the Opposition wants all the files on the Pemberton sewerage program and the way in which the Government sets the priorities for Federal funding tabled in this House. Will the Minister table the documents relating to the Pemberton sewerage project and, if so, when?

Mr Omodei: I will table the relevant documents as soon as I can.

Mr RIPPER: When is that?

Mr Omodei: As soon as I can.

Mr RIPPER: Will the Minister table them in this House this afternoon?

Mr Omodei: If they are available, yes.

The SPEAKER: Order!

Mr RIPPER: That is the only way in which the Minister can demonstrate some accountability to this House.

I repeat that the Minister for Water Resources has perpetrated two rorts. Firstly, he gained a very high priority for the Pemberton sewerage scheme and he obtained for it a high proportion of money provided by the Commonwealth Government for projects under the Landcare scheme. Secondly, and more importantly, he has sought to perpetrate a scam on the Commonwealth involving taxpayers' funds to pork barrel his electorate. His conduct is disgraceful and he should be disciplined by the Premier.

MR OMODEI (Warren - Minister for Water Resources) [11.35 am]: I note with interest the attack in this place on my honesty and integrity. I said yesterday that I have a sheaf of letters which the member for Belmont, the shadow Minister for Water Resources, wrote to the previous Minister for Water Resources in which he begged for a sewerage scheme to be implemented in his area and nothing happened. I visited his electorate the other day and I spoke to a lady who explained that sewage built up in her backyard and floated into her neighbour's backyard.

The rural sewerage strategy was put in place by the previous Minister. To his credit he realised that country areas were not included on the priority list for the construction of a sewerage scheme. Therefore, he put in place a scheme whereby the local rural community was asked to contribute 30 per cent towards any sewerage construction works.

Mr House: It was fully funded by Federal funds.

Mr OMODEI: A lot of it was Federal funding and about $2m came from the Water Authority of Western Australia's budget. This strategy was put in place in June 1991 and in the 1991-92 financial year a number of country towns were included on the priority list. They included Dardanup, Manjimup, Bridgetown, Denmark, Toodyay and Pemberton. I repeat that the priority list was compiled by the previous Government.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: I will tell members opposite why. If they were to visit Pemberton this week they would not be able to walk down the main street because the smell would knock them over.

Several members interjected.

Mr OMODEI: Members opposite should let me explain the situation and if they want to quote from the *Warren-Blackwood Times* they should go back as far as 1986. If they were to do that they would find that when I was the President of the Shire of Manjimup, each year I was pictured in that newspaper calling on the Government to do something about a Pemberton sewerage scheme.

Mr Ripper: That is exactly my point. Now that you have ministerial power you have used it to advantage your electorate. You cannot misuse that power.

Mr OMODEI: The previous Minister recognised that Pemberton should be on the priority list. The Minister for Primary Industry will tell members opposite that Denmark was in a similar situation. In the towns of Denmark and Yunderup the sewerage scheme projects did go ahead because the local community contributed 30 per cent of the cost. I was faced with the situation in Dardanup where the local shire had to contribute

$300 000 to a $900 000 project. The shire's rate base is such that one per cent of rates collected would amount to $4 500. Members can imagine the burden that would have put on the community, and the shire would have been compelled to increase the rates by 10 per cent to meet the interest payments alone. The community could not face that situation.

In spite of the good intentions of the previous Minister, when I took over the Water Resources portfolio I realised that the rural sewerage strategy would not work and I scrapped it. The shadow Minister for Water Resources, who talks about my honesty and integrity, should know that the infill programs in the metropolitan area are paid for by the taxpayers. However, in the case of the rural sewerage strategy the country people were asked to pay 30 per cent and I saw that as an iniquity. When the Government introduces its sewerage strategy for Western Australia -

Several members interjected.

Mr Taylor interjected.

The SPEAKER: Order!

Mr OMODEI: The previous Government included Pemberton on its list of priorities.

Mr Taylor interjected.

The SPEAKER: Order! I formally call to order the Leader of the Opposition.

Mr OMODEI: I was faced with a situation where the rural sewerage strategy was not working and it had to be rectified. The sewerage strategy which this Government will introduce will fix the whole of the sewerage problem in Western Australia over a 10 year period. I have worked hard on this strategy for more than six months. I confess that the media in this State assisted me to do that and I do not shy away from it. If it means I am corrupt as well -

Several members interjected.

Mr OMODEI: The member is very clever. The $300 000 supposed to be contributed by the Manjimup Shire Council was placed on the loan program, which local governments do every year to bring their projects to fruition. The fact that the rural sewerage strategy has been scrapped does not mean a windfall for the Manjimup Shire at all; it means it will not take up the $300 000. The Opposition also should recognise - its research failed to prove it - that the first stage of the sewerage scheme for Pemberton takes in the main street and the Bunnings housing area, where kids have been sliding around the raw sewage for the past 20 years. Three-quarters of the town is not even addressed in the first stage. The total package is $4.5m, so the Opposition has it wrong on all counts.

Let me tell the Opposition about the Commonwealth Government and the national Landcare program of $107m, of which Western Australia gets $7m. Do members opposite think that is a fair share of the cake? As a result of the application submitted by the Water Authority for national Landcare funds, for the first time for many years Western Australia has managed to obtain national Landcare funds to address the sewerage problems in this State. Do members opposite think that is a plus in Western Australia? A great slice of the national Landcare moneys goes to sewerage related projects in the Murray-Darling basin. Why should not some money be spent in Western Australia? This Government has achieved a major breakthrough, and I suspect that the Opposition's smart alec tactics trying to undermine me and the State Government may have done this State a great disservice.

Several members interjected.

The SPEAKER: Order! The Leader of the Opposition.

Mr OMODEI: If it is necessary to contribute 30 per cent to gain that $568 000, I am sure that between the Water Authority and the local council, with its rehabilitation program, we will be able to meet that criterion. A major breakthrough has been achieved in the gaining of national Landcare moneys to address sewerage problems. The Opposition is undermining that program.

Much has been said by the Leader of the Opposition about the $65m that has been spent in the last few years. The Leader of the Opposition on Rob Broadfield's program on Radio 6PR said the State Government had received $65m from the Federal Government to help with the infill sewerage program in the last year or two. In fact, that amount was received over the past 20 years. Oppositions make all kinds of statements in the media but they should stick to the truth. If one divides that $65m by 20 years, it amounts to about $3m a year. Is that sufficient contribution from the Federal Government, bearing in mind the answer to a question on notice that out of $43m spent during the Whitlam era between 1972 and 1975, $30m was loan funds?

The major projects were funded when coalition Governments were in power in the Federal and State scenes. The Opposition does not have a feather to fly with in relation to sewerage management in this State. Its members run around pretending to the conservation movement that they are addressing conservation problems. However, the conservation people tell me that in reality the coalition parties are addressing environmental issues. When I talk to them I hear only words of encouragement for the actions of this Government in addressing the problems of the sewerage system, rivers and land degradation.

I do not want to use this as an excuse, but this Government has been in power for approximately 13 months, and by the time it has been in power for as long as members opposite enjoyed being in Government by default, the problems of the environment in this State will be addressed. I am committed to doing that, as are many members on this side of the House. Slowly but surely the conservation movement in this State is realising that members opposite and the Labor Party are only paying lip service to environmental protection.

Mr Kierath: All talk and no action.

Mr OMODEI: That describes it in a nutshell. In this State 100 000 properties require infill sewerage - 80 000 in the metropolitan area and 20 000 in the country.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: The new member for Glendalough has little room to talk, because the chooks will come home to roost further down the track.

The State Government, through my ministerial Office of Water Resources, the Water Authority, and the Premier's office will put together a package to bring to the people of Western Australia in the next few weeks. It will be second to none in addressing the infill sewerage and environmental problems facing this State. I do not shy away from my actions in fixing the sewerage problems in country Western Australia where raw sewage is running down the streets. I refer to places such as Dianella, Mandurah, Murray, Wellington, Dardanup, Kelmscott, and Scarborough.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: I have received a few letters from the Armadale and Kelmscott areas. Those letters were received at the time members opposite were in Government. Did the previous Government deliver? It delivered not one iota for its constituents. There will be no favours; the priority areas will be set based on health and environmental issues.

Several members interjected.

Mr OMODEI: I remind members opposite that the priority for Pemberton was set by the previous Government, and the other towns were set under the rural sewerage strategy, which did not work and has been scrapped. The Opposition has been caught out today. It thought it would be smart. The people of Pemberton and the south west know me well and know I am not into smart alec tricks, which have become the hallmark of the Labor Party in this State. I remind members opposite of the $15m in their former leader's account. How many members opposite enjoyed the fruits of that $15m? How many

members are standing? Have they paid it back? The previous Government rorted that money from the taxpayers of Western Australia. It stole the money from those taxpayers.

The SPEAKER: Order! For a while there has been a surfeit of interjections. I ask that those interjections cease. The Minister's last comments were straying from the motion. I ask him to return to the motion.

Mr OMODEI: Of the 82 000 lots in the metropolitan area, 15 000 lots, for which it will cost $120m to provide infill sewerage, are in areas that have health and environmental problems. An example of that is Queens Park. Those problems must be remedied urgently. In the priority two area, another 25 000 lots have been identified by the Health Department and the Environmental Protection Authority as requiring sewerage within the next 10 years to prevent health and environmental problems.

The priority three area contains 28 000 lots that are less urgent areas from the point of view of health but still have environmental problems. In the priority four area, which contains lots which are remote from the existing sewerage or located on dry land, there are 14 000 lots for which it would cost $156m to provide sewerage. In all, it would cost $791m to provide sewerage to the 82 000 lots in the metropolitan area. In the country towns, in the same priority areas there are another 20 000 lots for which it would cost $140m to provide sewerage, which brings the cost to well over $900m.

The program that the Government will undertake will be a major program, as big as many of the major projects that have occurred in this State over the last decade or more. The Government will see the program through to the finish. It will fix the problems with sewerage in this State within 10 years. As the Minister for Water Resources, I am proud that the Government has undertaken that project.

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [11.51 am]: Although President Clinton may have his "Whitewatergate", Western Australia now has "seweragegate" as far as this Minister is concerned. As has been clearly pointed out by the shadow Leader of the House and shadow Minister for Water Resources, this Minister has taken advantage of his ministerial portfolio to ensure that his own electorate - in this case, the town of Pemberton - has benefited substantially from his decision-making process. I will briefly canvass the issue.

In February last year, the Minister announced that Pemberton would receive high priority for its sewerage scheme, which would be constructed without further delay. He went on to say that he commended the Shire of Manjimup for its decision to contribute one-third of the necessary funds for the project under the rural sewerage strategy. However, on 29 December suddenly we saw the headline "State to pay sewerage bill". The article states -

> The Manjimup Shire Council will not be required to contribute towards the cost of deep sewerage in the Pemberton townsite.

The council had been faced with a bill of $300 000 under that strategy, but the article revealed that the Minister for Water Resources had waived the need for the contribution for sewerage schemes in Pemberton and in the Pemberton area. The article goes on to say -

> The decision means a windfall of $300 000 for the Manjimup Shire Council.

Mr Omodei: People elsewhere in Western Australia are not required to pay that 30 per cent. They do not pay it anywhere else in Western Australia, particularly in the metropolitan area.

Mr TAYLOR: I welcome the interjection, because I am coming to that point. Before I deal with that, I point out that the same article states -

> Also speculation about $1 670 headwork costs per household in Pemberton has been dismissed by the Minister.
>
> Mr Omodei said such a charge was under consideration by State Cabinet but would not affect the Pemberton scheme.

This is the same Minister who, during the Glendalough campaign, denied that State

Cabinet was even considering that. He told the Glendalough electors that State Cabinet was in fact considering -

Mr Bradshaw: It was a year later.

Mr TAYLOR: It was not a year later. It was on 29 December 1993. The Minister made a statement in February 1993. I then said that in a newspaper article dated 29 December 1993 he made that comment. In an article in the same newspaper on 9 February we find that the estimated cost of the scheme of almost $1m will be jointly funded by the authority and the Commonwealth through its national Landcare program, with the Commonwealth contribution being $568 000. As has been pointed out by my colleague, the Commonwealth Minister has been misled by the Minister over this issue.

Mr Omodei: No. I had nothing to do with that.

Mr TAYLOR: We find that not only is the Minister letting his own council off the hook on this $300 000 but also suddenly the rules have changed for Pemberton. We then find that the great majority of that Commonwealth Landcare money for sewerage schemes is going to the Minister's electorate. We find also that, although the Commonwealth Government thought that the scheme was going to cost over $2m, it is now going to cost $1m, and the Commonwealth has not been told. We now find that the Commonwealth is going to ask for some of its money back. The Opposition wants to see all the documentation on this matter. We want to see all the letters that have been exchanged between the Minister and the shire, all the notations that he has made, all the yellow slips on which he might have written notes and all the things that he has criticised as not being made available as a result of the royal commission.

I turn to what members opposite do on these issues when it comes to whether they treat electors fairly. I have a personal interest in this matter. This week, the mayor of Kalgoorlie will approach the Minister and ask for a recoupment of up to $1m in headworks charges that the Kalgoorlie-Boulder City Council believes it is owed by the State Government.

Mr Omodei: What for?

Mr TAYLOR: Sewerage.

Mr Omodei: Don't they run their own sewerage?

Mr TAYLOR: Yes. Over the years, the Department of Land Administration has not made a contribution to sewerage headworks on the goldfields. The council approached the Government and asked for a payment of about $1m to make up for what should have been paid by DOLA for those developments in the goldfields.

Mr Omodei: Over how many years?

Mr TAYLOR: Over at least a decade. The Government told the city council that it could get lost, that it was not getting money back from the Government and that was the end of the story. The council has decided to approach the Minister who is responsible for local government and also for water resources and ask him to reconsider the issue to ensure that the Kalgoorlie-Boulder City Council gets its fair share in relation to these headworks charges.

The council that the Minister used to head received a windfall gain of at least $300 000 because he changed the rules in its favour. Is he prepared to make the same concession to the constituents in my Labor electorate of Kalgoorlie?

Mr Omodei: I will have a look at the proposition.

Mr TAYLOR: That means nothing.

Mr Omodei: I do not know what you are talking about.

Mr TAYLOR: The Minister made a concession for his own electorate. He made certain that the people of Pemberton did not have to pay out. He made certain that he put Commonwealth funds into a tidy little parcel in his own electorate. I ask the Minister whether he will treat my electorate as fairly as his. I ask the Minister for Water Resources whether there are other local authorities in regional and rural Western

Australia that have paid out their one-third share. What will happen to them now that all of a sudden Pemberton finds that it does not have to pay?

Mr Omodei: There are two.

Mr TAYLOR: Are you going to give them their money back?

Mr Omodei: No.

Mr TAYLOR: When did the Minister make the decision? Did he decide to change the rules when it came to Pemberton's turn?

Mr Omodei: That was done under your Government.

Mr TAYLOR: Is that when the rules were changed?

Mr Omodei: The rules were changed when Dardanup couldn't meet its one-third. It became obvious that the rural sewerage strategy was not working despite the good intentions of the member for Kimberley.

Mr TAYLOR: Has Dardanup got a sewerage scheme?

Mr Omodei: No.

Mr TAYLOR: Pemberton is now having a sewerage scheme built by mainly Commonwealth funds that have been redirected towards Pemberton. The Commonwealth has not been told the truth as to the funds and how much must be spent and the nature of it, yet the Minister announced a year ago that Pemberton would need to put $300 000 into this project. All of a sudden, the good shire of Manjimup - and it is the shire's good luck that it does not have to outlay any funds at all; if anything, it might profit from the installation of this sewerage scheme because it will be installing it -

Mr Omodei: No, the Hamilton Hill Water Authority construction crew.

Mr TAYLOR: Will the shire be making plant and equipment available, yes or no?

Mr Omodei: To my knowledge they are the finer details. I am not involved in -

Mr TAYLOR: The Minister is involved because he is quoted in the paper.

Mr Omodei: You can't have it both ways. If they are contributing money they are eligible. If they are not, it is a question mark.

Mr TAYLOR: So they are going to benefit. The Minister has created for himself and for Western Australia a very serious problem.

Mr Omodei: Do you really think so?

Mr TAYLOR: The Minister has made a decision that blatantly favours his electorate. He has made a decision that has misled the Commonwealth Government and put under threat these particular Landcare funds for the State of Western Australia. The Minister should state exactly what is going on, and give us the documentation, and if he has misled the Commonwealth Government he can apologise and say it will not happen again.

Mr Omodei: Are you going to apologise if you find you are wrong?

Mr TAYLOR: The Minister has made sure that his electorate will benefit under this scheme. I want from the Minister every single piece of paper on this issue that has gone backwards and forwards from his office, the Water Authority, the shire, the Commonwealth Government and anyone else who has been involved. The Opposition wants to see all of that information, page by page. It is the Minister's responsibility, and the buck stops with him. The Minister must make certain that he is clean skinned.

MR STRICKLAND (Scarborough) [12.05 pm]: The Opposition mentioned pork barrelling and equity arguments relating to the fairness of expenditure. I address the great need in my electorate and make comments relating to equity. I quote from part of a letter from a resident at Doubleview -

> I am having a problem with septic tanks. They were emptied in February and have had to be emptied again in June at a cost of $360 each time. This situation

> will become more costly, as the soil around the tanks has been designated as saturated and will mean more frequent pump-outs and possibly new tanks installed.

I quote from a second letter from a resident in Scarborough -

> The water table in our backyard is less than 4ft below the surface, and I understand it is 3ft 8ins below the surface of our neighbours front lawn. Is this not a health hazard, with the danger of septic tank effluent leaching into the underground water supply. We would like your specific advice on this matter, as we have been told that under these circumstances sewerage MUST be connected.

Those two quotes represent the problems that the people in the Scarborough electorate are facing. In the Perth north metropolitan region $5m per year out of a total across the two metropolitan regions of $13m has been spent on sewerage development. The cost per lot approaches $9 000 to develop sewerage reticulation, $6 000 of which is construction and $3 000 is headworks. On average, the return once rates are collected is about $350 and that is less than a four per cent return. In a business sense, putting in a sewerage reticulation system does not return the income to continue developing it. That means there must be a major injection of capital funding to achieve progress.

I have been lobbying the Minister very hard to proceed as a matter of urgency with the development of the sewerage system. What really gets up my nose is that people are using words such as pork barrelling. I will be demanding of this Minister considerable sums of expenditure in my electorate because nothing has been spent there in 40 years. When talking of pork barrelling, one must consider the time frame and the need.

Mr Kobelke: What the member just said is not true and he knows it. He needs to talk about the time frame.

Mr STRICKLAND: Some 71 per cent of the Scarborough electorate is unsewered. That is absolutely disgraceful. I will heavily press this Minister to spend money on sewerage in my electorate in the next year or two.

Mr Kobelke: It is not true. Scarborough has been sewered for the last 40 years.

The SPEAKER: Order!

Mr STRICKLAND: I demand that that be achieved. I am not going to listen to members opposite say that Scarborough has been pork barrelled. The need must be addressed, and if the Minister is addressing needs he is not pork barrelling.

Mr Kobelke: You got sewerage in your electorate under a Labor Government.

Mr STRICKLAND: The member knows little about the subject.

Mr Kobelke: I do, because the money went to Scarborough and not to Nollamara. That is why I am upset about it.

Mr STRICKLAND: I am lobbying heavily to get work done in my district that is 40 years overdue.

Mr Kobelke: That is not true. A Labor Government did it in your electorate.

Mr STRICKLAND: The Labor Government did nothing.

The SPEAKER: Order!

Mr STRICKLAND: A small amount of money was spent and much more needs to be spent. I am after $70m, not $2m.

DR HAMES (Dianella) [12.08 pm]: For the Opposition to raise sewerage as a matter of public interest is a load of rubbish. For eight years the Bayswater City Council tried to get funds for Morley and Bayswater. For eight years we sat there waiting to get money. Our council offered to put up $1m a year to try to get some funds out of the Labor Government for sewerage, and we got nothing.

It was interesting listening to the Opposition trying to take credit for reducing the poisons going into the Swan River, including chemicals and the like. The Bayswater City

Council initiated a major program to reduce chemicals entering the Swan River and the chairman is doing a great job through the Bayswater integrated catchment management committee, put in place by the Bayswater council. That pollution was disgraceful. Five to six per cent of the phosphate pollution entering the Swan River was going through the Bayswater main drain, as well as an unacceptable level of nutrient pollution. Bayswater could not get funds despite offering $1m each year from the ratepayers' funds to get the pollution problem sorted out.

The member for Maylands knows that is a huge problem in Bayswater and Maylands with the lack of sewerage in that area. I am glad to see the member for Nollamara is a strong supporter of our new infill sewerage program. I have with me some extracts from the speech he made on 9 December 1993. He made three points in particular. In the first he said -

> The point I was making is that many suburbs in Perth have not been sewered and as those particular homes have been there for 30 or so years the existing systems are starting to break down.

In another section of his speech he said -

> On environmental and water supply grounds, it is crucial that those areas have reticulated sewerage because the Swan River and the drinking supply from Gwelup are affected by that area of Nollamara and Dianella.

Mr Marlborough: What has this got to do with the misuse of taxpayers' funds?

Dr HAMES: I will get to that at a later stage.

Mr Marlborough interjected.

Dr HAMES: The member for Peel does not want to hear what his colleague had to say.

Mr Marlborough: This Minister has been wasting taxpayers' money.

The ACTING SPEAKER (Mr Johnson): Order!

Mr Marlborough: He gave the money to the local government authority in his electorate. That is what this is all about.

Dr HAMES: The third point made by the member for Nollamara was as follows -

Mr Marlborough: This has nothing to do with sewerage. He was rorting the system.

The ACTING SPEAKER: Order! I formally call to order the member for Peel.

Dr HAMES: The third point made in the speech by the member for Nollamara when trying to dodge the issue of whether his party would support a levy to try to get the infill sewerage done was -

> As I said earlier, I will not support anything sight unseen. If the member brings forward a proposal, properly costed so that we know how it will be applied, we will then make a judgment . . . This Government has to make hard decisions rather than talk about them so that we can advance the infill sewerage program.

We are making the hard decisions. This Government is going to do something, and the previous Government did nothing. This will not benefit just me as the member for Dianella; sewerage infill will also benefit the members for Nollamara, Morley and Maylands because their areas are as bad as mine, and their areas are on the urgent list. The Opposition is bleating because it has looked at the Water Authority's map and suddenly realised that 40 per cent of Western Australia is unsewered; it has suddenly realised that it has blown it. It did nothing for 10 years and it is as bitter as all hell that we are going to do it.

MR MARSHALL (Murray) [12.13 pm]: The electorate of Murray has been crying out for a sewerage scheme for a number of years. Therefore, I commend the Minister for moving to bring sewerage to country areas. I know members of the Opposition are upset because they have been shown up on the issue. My remarks will indicate the importance of sewerage schemes to country areas. Sewerage in the Shire of Murray, for instance,

will greatly assist urban development, particularly in the areas of Barragup, Furnissdale and Ravenswood which, as the member for Peel knows, are low lying areas and, in winter when the watertable rises, they become health hazards.

Mr Marlborough interjected.

Dr Hames interjected.

The ACTING SPEAKER: Order! I am loath to call the member for Peel and the member for Dianella to order because that would be twice I have called the member for Peel to order. However, when I call for order, I expect to have it.

Mr MARSHALL: There are a lot of squealing stuck pigs around this place today. As I said, the area around Barragup in my electorate is low lying and in winter the watertable rises and septic tanks cannot cope. That creates a health hazard. In winter, untreated sewage flows into the backyards of houses in that area. I know that the member for Belmont will sympathise with those people. If funds were provided for sewerage in country areas, not only would it provide jobs, but it would stimulate the economy. In this area there are many five, 10, 20 and 50 hectare lots. If and when sewerage goes through the area, a subdivision of over a thousand lots will be developed which will create homes for one of the fastest growing areas of Western Australia.

Through the wisdom of the former Government, $65m has been spent on the Dawesville Channel to offset the nutrients that are flowing into the estuary. A lesser amount of money provided for sewerage in the area on the other side of the estuary would also help environmentally. Members should therefore see why it is important that the rural sewerage strategy be amended. Country people will get a fair go for a change.

MRS HALLAHAN (Armadale - Deputy Leader of the Opposition) [12.15 pm]: This motion is about a decision made by a Minister from which he will benefit personally.

Points of Order

Mr OMODEI: That last comment is an affront to my integrity and my honesty and a slur on my character.

Mr RIPPER: We all know that a member cannot reflect on a member's motives unless by way of substantive motion. Our motion condemns the Minister for his failure to act without fear or favour in the administration of his portfolio. The comment by the Deputy Leader of the Opposition is covered by the standing orders.

The ACTING SPEAKER (Mr Johnson): There is no point of order. I do not believe it is a direct reflection on the Minister's integrity.

Debate Resumed

Mrs HALLAHAN: I made that statement because the shire had obviously entered into its own arrangements to take advantage of this scheme to lift its priority, because I accept that it saw sewerage in Pemberton as an important issue. With the loan arrangements or outlay not needing to be serviced, the shire rates will therefore not be affected by that outlay and therefore the Minister stood to benefit from that personally.

The member for Murray pleaded for sewerage for his electorate. The $300 000 that was given to the Shire of Manjimup could have been directed to the Shire of Murray. It would have been reasonable for the member for Murray to have demanded the Minister to direct the $300 000 into his locality.

The other very disturbing point about this debate is that Western Australia will be discredited by the Federal Government over these arrangements because we have always said that sewerage is an important matter for Western Australia. However, as soon as there was some capacity to move the money around and give higher priority to another community, the Minister gave it back to a shire council in his electorate, an act from which he will benefit personally.

Division

Question put and a division taken with the following result -

Ayes (20)

Mr M. Barnett	Mrs Haltahan	Mrs Roberts
Mr Bridge	Mrs Henderson	Mr D.L. Smith
Mr Brown	Mr Hill	Mr Taylor
Mr Catania	Mr Kobelke	Mr Thomas
Dr Edwards	Mr Marlborough	Ms Warnock
Dr Gallop	Mr Riebeling	Mr Leahy *(Teller)*
Mr Grill	Mr Ripper	

Noes (27)

Mr Ainsworth	Mr House	Mr Prince
Mr C.J. Barnett	Mr Kierath	Mr Shave
Mr Board	Mr Lewis	Mr W. Smith
Mr Bradshaw	Mr Marshall	Mr Strickland
Dr Constable	Mr McNee	Mr Trenorden
Mr Court	Mr Nicholls	Mr Tubby
Mr Cowan	Mr Omodei	Dr Turnbull
Mrs Edwardes	Mr Osborne	Mrs van de Klashorst
Dr Hames	Mr Pendal	Mr Bloffwitch *(Teller)*

Question thus negatived.

PUBLIC SECTOR MANAGEMENT BILL

Second Reading

MR COURT (Nedlands - Premier) [12.20 pm]: I move -

That the Bill be now read a second time.

The Public Sector Management Bill 1994 is a revised version of a Bill that I introduced in September 1993. Since then we have received many submissions and comments on the Bill's provisions and have responded by preparing amendments where this would remove anomalies or provide clarification. The changes are mainly of a technical nature and do not alter the substance of the legislation. Because of the number of alterations, the Government decided to withdraw the 1993 Bill and present the legislation in a consolidated form. This will assist members in their consideration of the Bill, which is a complex piece of legislation.

I do not intend to repeat my second reading speech of 30 September 1993. The main thrust of the legislation remains the same - good management, accountability, ethical official conduct and integrity in Government. It seeks to address longstanding deficiencies in the existing Public Service Act and other problems identified by the royal commission.

Members will recall that the legislation seeks to give effect to the royal commission's recommendations with regard to public sector integrity in that -

> It creates an independent statutory office of Commissioner for Public Sector Standards responsible for establishing sector wide codes of ethics, and setting out minimum standards of conduct in a variety of human resource management areas;
>
> merit is given explicit recognition as a governing principle in selection processes;
>
> it specifies appointment procedures for chief executive officers and the role of Ministers, boards of management of statutory authorities and the Commissioner for Public Sector Standards in the process;
>
> the employment arrangements for ministerial staff are the subject of special provisions in the legislation;
>
> the manner in which ministerial staff are to deal with officers of Government agencies will be made the subject of clear and explicit procedures;
>
> members of Parliament and their staff are prohibited from communicating with employing authorities concerning the appointment of staff; and

the existing Public Service Act will be replaced by the wider ranging Public Sector Management Act.

I am making available a document which sets out the changes that have been made since the first printing of the Public Sector Management Bill. The most important of these changes relate to part 6, which deals with the redeployment and redundancy of employees. The power to make regulations in clause 94 has been expanded to ensure that adequate specific powers are provided in the Bill to allow redeployment/redundancy arrangements to be set in place to meet the Government's objectives where restructure of the public sector is necessary. This Government will deal with its employees in an equitable and fair manner in such circumstances.

This Bill contains important initiatives for public sector management. It preserves the best parts of current Public Service practices and introduces much needed reforms to apply standards of conduct, integrity, equity, merit and probity across the wider public sector. It promotes ideals within a realistic framework. We have highlighted accountability by clarifying the roles of key players involved in Government. At the same time we have endeavoured to keep a balance by emphasising effectiveness and efficiency. The reforms to the administrative systems are designed to improve Government and give tenor to the recommendations of the royal commission. I commend the Bill to the House.

Debate adjourned, on motion by Mr Leahy.

ACTS AMENDMENT (PUBLIC SECTOR MANAGEMENT) BILL

Second Reading

MR COURT (Nedlands - Premier) [12.26 pm]: I move -

That the Bill be now read a second time.

The Acts Amendment (Public Sector Management) Bill 1994 is a straightforward piece of legislation which deals entirely with consequential amendments to Acts which are affected by the repeal of the Public Service Act and the enactment of the Public Sector Management Bill. These provisions are of a technical nature, essentially amending references to the Public Service Act and the Public Service Commissioner in other Acts, and do not make any change in policy.

Like the Public Sector Management Bill, this Acts amendment Bill is a revised version of a Bill introduced in September 1993. The changes made are mainly due to developments which have occurred since 30 September 1993. I commend the Bill to the House.

Debate adjourned, on motion by Mr Leahy.

MOTOR VEHICLE (THIRD PARTY INSURANCE) AMENDMENT BILL

Second Reading

Debate resumed from 1 December 1993.

MR KOBELKE (Nollamara) [12.27 pm]: This Bill clearly illustrates the purpose and direction of this Government. Its underlying philosophy is clearly the philosophy of this Government. It is a philosophy of a harsh and uncaring Government, a Government which is about cost cutting and the forces of the marketplace. It is a Government which is totally without compassion. This Bill is a move to further penalise those people who are suffering from accidents. They are the weak, who are at the bottom of the pile. This Government sees them as a target in order to try to make the system work better. For that reason we will certainly be opposing this piece of legislation.

This side of the House sees the role of Government as helping those people who have a special need. People who are injured in motor vehicle accidents, and do not have a large amount of wherewithal, who do not have the financial backing to take care of the ordinary necessities of life, are people that Governments should look after. This

Government is using those people as a way of propping up the system. The people who are least able to look after themselves are the ones this Government treats in the harshest way. This Bill very clearly illustrates the stark philosophical difference between the Government and Labor members. Members on this side have always seen it as part of their role to uphold the rights of people with special needs, and to try to put in place services to support those people. Those who are less privileged and require assistance should have the support of Government. They need programs and policies to ensure that they can lead full and useful lives in our community and not be pushed down further. The Prime Minister in a speech last year epitomised it clearly when he said the Labor Party is about giving those people a helping hand, to help them up to take their place as full members in our society. That is very different from this Government's policies and philosophies. This Government sees the power of crude market forces as the determiner of major issues and it is totally without compassion. It is evident from this Bill that the Government does not know how to show compassion and that its philosophy is about the notion of a dog eat dog world - the fittest will survive and the devil take the hindmost.

This Bill introduces a $10 000 threshold - deductible for non-pecuniary damages up to an amount of $30 000 diminishing to zero for awards at $40 000. It also caps non-pecuniary damages at $200 000. Non-pecuniary loss is defined by the Bill to be pain and suffering, loss of amenities of life, loss of enjoyment of life, curtailment of expectation of life and bodily or mental harm.

I will address my remarks to the definition of non-pecuniary interest which is outlined in proposed new section 3C. One aspect of non-pecuniary loss is pain and suffering. Realising that the system still allows for loss of income and direct pecuniary loss, one might say, "Why worry about the aspects which are considered non-pecuniary loss?" For many people these aspects will be paramount. The pain some people suffer after a motor vehicle accident can be excruciating in the extreme. Even though that may not necessarily relate directly to pecuniary loss, it could totally affect the lives of the injured individuals. They may be unable to lead a normal life and fulfil their role in the family or general community which they had been able to undertake prior to the motor vehicle accident. To consider pain and suffering to be of no consequence simply because the threshold of $10 000 is not reached undervalues the role many people play in our community and the right they have to the enjoyment of life.

The second aspect of non-pecuniary loss is the loss of amenities of life. Some people may suffer from pain to such an extent that they are not able to take up the various activities they enjoyed prior to the accident. That is reflected in the next definition of non-pecuniary loss which is the loss of enjoyment of life. For many people life totally closes in on them following an accident. It may occur for only a short time because we are talking about people who do not exceed the threshold of $10 000. Those people who are severely affected by the loss of enjoyment of life will in all probability exceed that threshold. However, people who do not reach the threshold may still find their situation traumatic for several weeks. The judge may rule that the value of their loss of enjoyment of life is under $10 000 and that no action can be taken. The disruption to their life may be for only a few weeks, but the implications for them and their family could extend beyond that in a way which is not easily recognised by the compensation system.

The next definition of non-pecuniary loss is the curtailment of expectation of life, which is difficult to measure. How do we know at the time a judgment is made that the value of the curtailment of expectation of life is under $10 000? At a later stage it may be proved that the situation is far more severe than originally assessed.

The final definition of non-pecuniary loss is bodily or mental harm. Recently there has been press coverage on the impact that traffic accidents have on people's lives and the fact that it can lead them to suicide. Obviously, that applies in the more extreme cases, but the articles clearly illustrate the incredible pressure people are placed under from the trauma suffered after a motor vehicle accident. If this loss is determined at less than $10 000 the accident victims will receive no compensation. People who have been hurt bodily or mentally as a result of a motor vehicle accident have the right to compensation to assist them to lead normal lives. They are the innocent party in these accidents.

Suffering can in no way be taken from accident victims or be fully compensated for by a small amount of money which will only assist people to try to pick up the pieces. However, this Government believes these people are expendable and should be given no compensation, simply to enable the system to run more efficiently.

I have already indicated that there is a vast philosophical difference between the Government and the Opposition on this issue. A clear fact in support of that was a press release put out by the State Government Insurance Commission on 10 March 1994 and headed, "The facts - Motor Vehicle (Third Party Insurance) Amendment Bill 1993 - Threshold/deductable and Capping". It very clearly shows the harshness of this Government's move. Insurance companies are generally seen as not being a soft touch and they are usually hard-nosed when it comes to paying out insurance claims. One could say that is a natural reaction from an insurance company. The view expressed in the press release is the view not only of the insurance company, but also of the Government. In order to explain to the House the harshness of this press release I will quote a number of paragraphs and comment on them as I proceed. The second paragraph reads -

> The fact of the matter is that the legal system of compensation is intended to exist to cater, in a dispassionate way, for a need in the community.

The Opposition would agree with that. When we consider the word "dispassionate" it means the system has to be equal to all and treat people fairly. It cannot disadvantage one person and advantage another. In that context, the word is correctly used. The word "dispassionate" is used explicitly instead of the word "compassionate". There is certainly no compassion in this move whatsoever. We are seeing the oiling of the wheels of the system so that from the point of view of this Government it is seen to work better, and that means withdrawing benefits from people who are least able to pay that price. The next paragraph reads -

> Whilst the public is entitled to be aware of its rights, heavy promotion of the compensation services of lawyers (by various means) has been primarily responsible for creating the need, rather than simply servicing it.

We see at the start that the blame for this legislation is to be placed at the feet of lawyers. I do not wish to defend lawyers as a professional group; I am very much aware of the shortcomings of our legal system, and that lawyers need to play a big role in remedying those deficiencies. However, this Government is simply trying to find a scapegoat for its legislation. If it really believes lawyers are the cause of all the problems, where is its evidence? In the second reading speech on this legislation and the many public statements made by the Minister, no evidence has been produced that lawyers are the prime cause of the problem. If lawyers were primarily responsible, surely this Government would have no difficulty making its case. It has sought to use lawyers as an excuse for the draconian measures contained in the legislation. The next paragraph from the press release states -

> This has led to serious distortion in the third party compensation system, whereby lawyers are promoting and encouraging claims from people who have received minor or relatively insignificant injuries.

Again, it is saying that lawyers are the cause of all those problems. However, also contained in that paragraph is the view of this Government about people it thinks it can put down, ignore and use as doormats for its own purposes. It refers to people with minor or relatively insignificant injuries. We all know that in matters of insurance, some people will abuse the system; however, one does not lump everyone together and take action to withdraw benefits from injured people simply because of the problem with some people who may be abusing the system. What is the level of abuse? The Government has not attempted to argue the case for a high level of abuse. It simply makes the harsh statement that lawyers are promoting and encouraging claims from people with minor or relatively insignificant injuries. We all know that people who are injured do not feel as though they have minor or relatively insignificant injuries. To the injured person they are of major concern. All members recognise that a person who

becomes a quadriplegic or has his life affected in a major way has a much greater problem. However, people with soft tissue injuries, who cannot pick up their children, do their normal housework and gardening, and who suffer pain when they bend to pick up a shovel, do not consider they have a minor or relatively insignificant injury. It vitally affects the quality of their lives, their families and a range of people associated with the injured people. The Government is demonstrating a very harsh attitude in attempting to write these people off because it says the lawyers are using them for their own evil purposes. If Government members can substantiate these claims, let us see that substantiation and the evidence of the level of abuse in the system. Let us have some substantiation that lawyers are abusing the system. If the Government can make a case that lawyers are somehow diverting the money that should go to injured persons and are increasing the costs of the whole system, why not address that problem? Why not introduce changes which ensure lawyers do not abuse the system? Why attack the injured people, as this legislation does? The Government needs to look at that issue and not simply blame the problem it sees on lawyers, using as the victims of the system those people injured in motor vehicle accidents. The next paragraph of the press release reads -

> The ultimate burden of the need to pay out substantial sums of money on inflated minor claims is overtaxing the third party insurance fund both as non-pecuniary damages and legal costs. The average motorist is thereby unfairly called upon to meet the cost in the form of increased premium rates.

That fails to recognise the fundamental basis on which people take out insurance. Insurance is a matter of sharing the cost; it is our form of guaranteeing that when one individual has a major catastrophe or event which adversely affects him or her, the cost is shared across the rest of the community. People take out insurance so that they can share the cost of calamities which befall individuals. In this paragraph it is obvious that the Government intends to share a bit of it but not all; that is, those people in a particular category of injuries - estimated at a compensation level of less than $10 000 - will be the most disadvantaged financially and will be left out of the system. The Government has decided the situation will be better in terms of market policies and accounting principles if it gets rid of that category of injured persons because they are a burden. Those are the people that this Government does not want to pay money to. Therefore, the Government has decided to re-orientate the system, so that not all injured people will be looked after. Everybody will pay insurance premiums but only some of the injured people will be looked after. In principle, that may be the approach we must take from time to time, but which group will be excluded? Which group will be deemed not to need the benefits flowing from a compulsory third party insurance system? The point I will make later is that those are the people least able to afford insurance - the pensioners and women who look after the home. No compensation will be paid to them on a pecuniary basis, but they still suffer. These are the people targeted by the legislation. We must keep in mind that whatever compensation a person is paid for non-pecuniary loss, it is never sufficient compensation for the injury and suffering sustained.

Mr Trenorden: Why never?

Mr KOBELKE: People do not get into a motor vehicle accident so that they can pick up compensation. I have never heard anyone suggest that, and I regard it as a totally ridiculous suggestion that ordinary people would hope to have a motor vehicle accident in order to pick up some money. This Government is implying that, and it is totally ludicrous.

Mr Trenorden: Do you know that in Victoria dozens of people have been caught doing exactly that?

Mr KOBELKE: I hope the member for Avon will contribute to this debate and substantiate that statement because, as with many things he says, I do not think it is true. It is ludicrous to believe that people would have a motor vehicle accident and sustain injury in order to obtain compensation from the motor vehicle third party insurance system. It is totally unbelievable, unless the person happened to have a serious psychiatric disorder. People would not sustain a physical injury which could be major in

order to obtain a small amount of compensation that might be paid under the motor vehicle third party insurance system.

The next paragraph of the press release states -

> Because of both plaintiffs and lawyers having abused the system with unrealistic demands, the only way to rectify the situation is to introduce measures such as the imposition of thresholds/deductibles and capping.

I accept, as was stated in the second reading speech, that capping is not a major issue and that very few claims, if any, exceed $200 000, which is the capping. I am addressing myself to the people at the bottom end of the non-pecuniary compensation who will find that they will either get no compensation or have a large percentage of it deducted under the measures contained in this Bill. Why does the press release say that this is the only way in which the situation can be rectified? As I suggested earlier, the Government has not substantiated in any way the exact nature of these claims. What is the problem with these claims? We have seen no tables of figures of the different categories of injuries and the different payouts. We have seen no assessment as to the overstatement of the injuries which have led to payments which the Government feels these people should not get. That case has not been substantiated. If the Bill is about rectifying a problem, the Government needs to illustrate clearly the nature of that problem and why it cannot be rectified in another way.

The final paragraph to which I will refer in the press release states -

> Regrettably, some genuine claims may be wrongly affected by the imposition, however that is the price that will be paid in order to minimise the cost of a large majority of small claims.

That shows clearly how uncaring the Government is. We do not see it only in this case; it is reflected in a number of other areas. That statement would mirror fairly closely the recent statements by the Premier and other Ministers in support of capital punishment. They have stated that it does not matter if they kill the odd innocent person; it makes the system work better. In this case, there will be genuine suffering by victims of motor vehicle accidents whom the Government says we can overlook because it will make the system work better.

I thought that one of the tenets of the Liberal Party was to look after the rights of the individual. It seems that in recent years very few members of the Liberal Party actually stand for such a principle. I am sure a few must be lurking somewhere, but they are not having influence on the Government. For this Government, the rights of any one individual simply are to be done away with in the interests of the rest of the people who come under this system. People who suffer an injury in a motor vehicle accident can end up having no recognition under this system and receive no compensation, because, as stated in the press release, that will minimise the cost of a large majority of small claims. That steps aside from the normal principles on which we take out insurance. We take out insurance so that we know that, if we happen to be the unfortunate one who is involved in an accident, we can get a financial return to help us cope with that problem. However, we are finding here that one group is to be excluded.

With other forms of insurance, if there is an exclusion at the lower end, often there is some way of coping with it by means of an excess. In that instance, everyone is on the same basis. If one wishes not to have that excess, with many policies one can pay extra so that it does not apply. I am not saying that that would be a solution to this problem, but it shows that, where in the insurance industry they have looked to fine tuning the system, they have done it in a way which is more flexible and in a way which basically addresses administrative costs. In those instances, they have looked to a cut-off at the lower end.

In this case, no argument has been put that it is basically administrative costs and, therefore, if we could do away with the lower claims we could make the system work more efficiently by lowering administrative costs. The argument is that it is the fault of the lawyers. If it is the fault of the lawyers, let us address the procedures of the system so

that whatever problem is seen with lawyers representing people can be improved upon. But that is not what we find in this legislation. The Government is simply using lawyers as an excuse. Its objective is quite clear. It is the stark, harsh objective of removing benefits from one group of people who are least able to meet that cost so that the rest of the community may have a benefit in a lower premium. We see in this legislation very clearly the philosophy of the Government. It is a harsh and uncaring Government, and this is harsh and uncaring legislation.

The Bill imposes a tax on the injured and the maimed. It is by subterfuge a further tax of this Government on the maimed and the injured. That is something that the people in the community will soon recognise, if they have not already. It will come home to haunt this Government and add another piece of evidence which will prove this Government to be totally uncaring of the ordinary people of Western Australia. This is a Government which is simply looking after its mates and vested interests. I will not become distracted, because there are too many examples of that. I will mention just one such example, which was given yesterday, of a consultant who got the job simply because of his Liberal Party connections. Evidence of that approach by the Government comes up day after day. What we see in this Bill is one more piece of evidence of the Government's not being willing to care for those most in need, not being willing to care for the total community but to take a view which looks after one particular aspect of the needs of the community.

I turn now to draw out the assertion I made earlier about who is directly disadvantaged by the Bill. The definition of non-pecuniary loss is that it will affect people who are not engaged in the work force. Predominantly women who are engaged in home duties cannot gain some form of compensation for loss of income, because it will not be recognised. I do not think that I will get around to addressing the clause which deals with that matter, but that is different from what I am talking about here. People whose total duties are not rewarded in a financial way will not be able to benefit if they receive an injury which is considered to be minor and therefore the non-pecuniary loss is seen as being worth only a small amount of money. Pensioners will be in that category. Pensioners who have a motor vehicle accident may find that their lifestyle is totally changed following the accident, but the actual physical injury may not be one which is judged as requiring a major payout. Non-pecuniary damages may be under $10 000 or in the $10 000 to $40 000 range. That pensioner's whole lifestyle will change because of the injuries sustained in the motor vehicle accident. However, this Government's view is that they can be wiped out; they are dispensable. This Government does not take a close interest in pensioners. The unemployed have added difficulties. A person may be unemployed at the time of the accident and that person may have had an opportunity of getting a job or may have been ready to start a job, yet he finds himself with an injury and not in employment, and not eligible for compensation on the basis of pecuniary loss. His non-pecuniary loss may be seen to be minor, but it may be sufficiently debilitating for him not to undertake the type of work in which he is interested. His whole life has changed, but the system is to overlook that; for example, a person is injured in a motor vehicle accident and may have had the prospect of obtaining a job a few weeks later. Because of the minor injury that person is unable to perform the physical work required and is precluded from getting that job. A prospective employee who knows he has a slightly sore back or some other injury which is not evident will not inform the employer as the employer will not take the risk of employing that person.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

Mr KOBELKE: The introduction of a $10 000 threshold on non-pecuniary damages up to an amount of $40 000, where it cuts out, falls most heavily on those people who are least able to live with and survive the damages that are caused by a motor vehicle accident. They are the ones who would not gain some form of compensation for the loss of income for what may be termed pecuniary damages. They include women who are not engaged in paid employment, pensioners, the unemployed, students, children, and the many people who are classified generally as being of low income or the poor in our

community. They are the people who are directly disadvantaged by this provision in the Bill. The fact that is not obvious to the Government is that the third party system is a fault system. All of these people do not actually cause the motor vehicle accidents. These are the innocent victims of accidents on our roads. They use the roads for transport and are involved in an accident through the negligence of the other party. If they were responsible for the accident they would not be eligible for any compensation under the scheme. We are dealing with innocent victims of road trauma, those people who, in the first place, have suffered through someone else's fault or error. Now this Government is telling them that it will leave them out in the cold because the non-pecuniary compensation that may be paid to them is under $40 000.

The member for Avon earlier interjected and said that, in Victoria, it had been recorded that many people have gone out and deliberately been involved in an accident to get compensation. That is certainly a very interesting proposition. The basis of third party insurance is that the injured person is not at fault. I do not know whether the member is saying that people are pairing up and taking turns to cause each other an accident so they can each claim compensation. I hope the member for Avon will explain how people can become involved in an accident, which they do not cause and have no responsibility for, in order to claim compensation under motor vehicle third party insurance. It certainly leaves one guessing as to how one could engineer such a situation in order to gain some form of compensation. The member for Avon by interjection made it clear that he believes that is something that happens in Victoria.

These changes follow on from changes already made to workers' compensation. Whereas previously people involved in an accident travelling to and from work could make a claim for workers' compensation, they can no longer do that. People in that category now rely solely on motor vehicle third party insurance. That is one disadvantage which this Government has already visited on workers of this State. Whereas previously workers having an accident on the way to work would have been able to apply for workers' compensation and have continuation of their salary, they can no longer do that. They are already at a loss because of changes made by this Government to workers' compensation. Added to that we find that if the non-pecuniary damage is under $40 000 workers will either lose it totally or have it diminished depending on the amount that is awarded. We have double jeopardy. They are being hit again through a move by this Government.

The disadvantage in having to wait for a claim under motor vehicle insurance is that these people can be left for months or perhaps even longer before the case can be determined. In the interim they do not have the workers' compensation payments to maintain themselves and their families. That is certainly a very large burden for many people to bear. They then must rely for support on some form of social security benefit. Often that is totally inadequate for people who have been maintaining a certain standard of living and who now, due to that motor vehicle accident, cannot fall back on workers' compensation and must wait until the wheels turn through the motor vehicle third party insurance system before they can get some compensation for that loss of income. We are not dealing with a change to the claim that can be made due to loss of income, but a loss for non-pecuniary damages. The two are related in that many people have already been affected because they have been driven to this system out of what previously would have been covered by the workers' compensation system. In addition to that, a group of people will not be able to get even that sort of damage payment because the Government is looking to have them bear the brunt of reducing the overall cost of the system.

This provision is effective from 1 July last year. We see another example of this Government using retrospective legislation. Conservative members of Parliament some years back worked long and hard in this place decrying the evils of retrospective legislation. This Government seems to have a fetish with it because time after time it is using retrospective legislation. I will not say any more on that; I am sure other speakers will take it up. It is a bad habit this Government has developed and by again using retrospective legislation it has created problems in the community. The impact of that retrospectivity that has been brought to my attention is the uncertainty it creates among

people who are the victims of motor vehicle accidents because they have been caught in a sort of limbo. They know that they cannot have their case treated under the old system, but the new legislation is still here in the Parliament so they cannot be sure exactly how their case will be dealt with. They are still awaiting the outcome of this legislation. In addition to that, the administrative procedures for the new system must be worked through and determined before the outcome will be clear. The Government has caused considerable concern, anguish and harm to people who have already been injured in a motor vehicle accident by the way in which it has approached this whole issue. It is something this Government has done by decree; that is, it has simply worked it out by itself or with a few selected mates and imposed this on the whole system. No real inquiry was put in place by the Government. There was no attempt to draw together the people involved in motor vehicle third party insurance to try to work out a system that would meet the objectives of the Government - quite the contrary. The Government is using retrospective legislation to try to achieve what it sees as its particular end. In doing so, it will run into all sorts of problems with the functioning of the system. The people who will get caught up in that are those who will be injured - the victims, the people this Government has clearly given no consideration to.

By the time this legislation is enacted it will be nearly 12 months since the Government said it would take effect. All those people whose accidents occurred from 1 July 1993 through to July this year, when the legislation may become effective, will not know exactly how they will be treated under the new legislation. They must bear the added burden of the anguish which that entails. People who are already physically injured and who are suffering mental anguish because of their changed lifestyle as a result of an accident must also put up with the process which this Government has decided to use to make that change. The Government is heaping uncertainty on the whole system with implications which are to the detriment of the people who are already its victims.

I will illustrate further some of these points by relating the case of a constituent of mine who, for the purposes of this explanation, I will refer to as Peter. Peter telephoned me at the office and asked if he could speak to me because he had had a motor vehicle accident. I said I would be happy to make an appointment. He said he had some difficulty because he did not have a car and he could not walk. I called around on Peter and his wife and beautiful five month old son in their home. Peter was in a lot of pain. He was lying on the couch because the doctor had said the only way he would recuperate would be to try to not move. Other than the basic necessities of getting up and using the toilet and washing he was on his back 24 hours a day, at home with his wife and young son. Peter is a landscape gardener. He was travelling to work one day last year when another vehicle ploughed into the back of his car. Unfortunately for Peter it was after 1 July 1993. As a result of that accident he received whiplash and lower back injury. His car was a total write off and that opened up another problem which I will mention briefly in passing. Peter lives in a suburb with low cost housing and is trying to buy his own house, so he and his wife do not have a lot of money. Peter has very little income and he certainly does not have any cash reserves to fall back on. When he had his accident he had third party accident insurance, not comprehensive vehicle insurance. The driver of the other car was under 26 years of age and because of that Peter had great difficulty having his claim for damages settled so he could replace his vehicle. Eventually his claim was settled - and I am pleased I was able to help him in that regard - but in the lead up to it he and his wife were caused considerable anxiety. While the claim was being settled Peter was stuck at home without a car and he did not know whether he could recover the cost of his damaged car so he could buy another one. He lives in an area of my electorate where the bus services are not very good. He and his wife had great difficulty getting out to do their shopping, to visit the doctor and to take the baby to the child health clinic. They had to rely on taxis, which are very expensive. During this time he did not know how he would be able to support his family.

Fortunately, Peter's injury was diagnosed as not being very serious. However, his lower back injury caused him to lose the use of his legs and he was unable to walk. Hopefully, in the longer term he will fully recover from his injuries, but currently he is in a very

difficult situation. I visited him late last year when he was recuperating and he could only lie down. Fortunately he has gained the use of his legs and he is able to move around, although he is still in considerable pain. I spoke to Peter a few days ago and he told me that his doctor said that it could be one or two years before he is fully recovered from the injuries caused by his accident. This Government has not clearly indicated what severity of injuries this legislation covers. From the information available to me it appears that Peter's injury will fall under the $40 000 non-pecuniary damages threshold; therefore, he will be affected by this legislation. If his injuries prove more serious he may go above that threshold and this legislation will not affect him. It appears from the general information available to me that Peter will be affected by this legislation and he is very apprehensive about that.

I am outlining Peter's case because it illustrates how uncaring this Government is. It is heaping further problems on people who are suffering quite considerably and is adopting the attitude that people are simply working with lawyers to rip money out of the system. That is not so in Peter's case. He is a serious young man and he is concerned about the welfare of his family. He wants to be able to make a living to support them. Peter bought a home at the lower end of the market. I do not know his financial details, but like many people in my electorate he would be battling to survive on his income as a landscape gardener. Now he and his family are surviving on $283 a week until his case is resolved and he is paid compensation. He has to meet the cost of his mortgage and living expenses while he is caught up in this despicable move by this Government. All people who suffer injuries in motor vehicle accidents are subjected to the incredible indignity of having to cope with the incapacities their accidents cause. People who were previously active in the community have found themselves cut off from society and all they can do is lie on their backs and try to recuperate. It is no wonder that many of these people are driven to suicide. They simply cannot cope with the tremendous strain the system places on them and their families. I have the highest regard for Peter, who is a committed Christian and hopefully his faith will help him in this very difficult time. The doctor has suggested that he take antidepressants to assist him, but he is trying to fight that and he has the strength of mind and faith to do so. Peter's situation is extremely difficult. He and his wife go to the markets at the end of the week to buy cheap food for the family. Buying new clothes is a luxury. Peter is stuck in the trap of waiting until he is well enough to return to his job or for some compensation to allow him to lead a normal life.

For many of the victims of accidents this legislation is very upsetting. Although I am not directly affected, I cannot avoid having empathy for people like Peter. It is upsetting that the Government does not care about these people. Hopefully Peter and others like him will recover from their accidents and be in a position to return to their jobs. Accident victims have doubts about whether they will be able to recover from their accidents and return to the way of life they had prior to their accidents. They are also concerned about whether they will be caught up in the poverty trap which would condemn their families to a way of life well below that to which they aspired prior to their accidents. These people will be hit with what is effectively an additional tax so that the Government can say that its system is working and that it has saved money. However, that saving to the Government will come from the innocent victims of motor vehicle accidents.

The Government indicated that it was making these changes to improve the profitability of the State Government Insurance Commission. To achieve that it will impose this $10 000 deductible provision on injured people and that is grossly unfair. It is simply a tax on injured people and it disadvantages them. I have not seen any figures from the Government on the number of people in the system who have been caught up in those changes. The Law Society of Western Australia estimates that 40 to 50 per cent of claims will be affected by the $10 000 provision. If that is so, a large number of people will be affected.

This Government is doing more than picking on one or two of the less fortunate in our community; it has seen the less fortunate as a way of paying for improvements to the SGIC. The most severe impact will be on injured people - women, parents, children, the

unemployed and pensioners - who do not have a source of income. The Government is targeting these people and they will lose out. Those members who are in touch with their electors will realise that the approach taken by this Bill is not something new for this Government. It fits the Government's very well established pattern of picking on the less fortunate to fulfil the goals and objectives of the people it represents. The people of this State will soon fully realise that, if they do not already. When Government members support the Bill I am sure they will try to excuse these moves by saying that it has been done in other States. That will demonstrate the lameness of the Government's arguments. Prior to the election the Premier said that he was not Jeff Kennett and this was not Victoria, but we now see this Government copying the Liberal Governments in New South Wales and Victoria. We do not need to go down the same road if it is of no advantage to Western Australia; we must look at the merits of the case and decide how to do things in Western Australia. Over the past few years Western Australia has led the nation in economic matters and in many areas of social reform. This Government is simply a "tag along behind" Government, turning back the clock and picking up the measures that Liberal Governments have adopted in Victoria and New South Wales. That is not good enough for Western Australia. It deserves better and the people of this State deserve much better than they are getting in the provisions of this Bill.

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [3.01 pm]: This legislation is retrospective, discriminatory and regressive. I find it most surprising that Government members, despite the initial concerns they raised last year with their own Minister with this and similar Bills, and the press statement released some time ago on this issue, have not found it within themselves to tell the Government it is most inappropriate for a Government of any persuasion to introduce such legislation, especially a coalition Liberal-National Party Government. The member for Nollamara has given examples of the consequences of this legislation, and I have one further example for the House.

I refer to a person affected not only by this legislation but also by the Government's decision in relation to workers' compensation payments. I came across this woman at the physiotherapist, when she was in the process of trying to get some movement back into her knee after having been involved in a motor vehicle accident. That accident was not covered by the legislation as a result of the Government's decision. She worked for Western Mining Corporation and was crossing the road to the employees' car park on her way home. There was a car accident with one vehicle bouncing off another. One of the cars cannoned into her and damaged her leg. She was off work for some time and was fortunate that she had sick leave available, but she has been left with a disability she is now trying to overcome. She was not covered by workers' compensation because she was on her way home from work, and the new industrial relations legislation precludes cover in those circumstances. She has also been told by her lawyers that, despite the pain and suffering of her injury, it is worth less than $10 000 in compensation and, therefore, she will receive no compensation whatsoever for an injury which occurred in circumstances she had no ability to control. That woman has suffered a double whammy from this Government. She lives in a Liberal electorate and is typical of the people with whom the Government must now deal. She is absolutely furious that not only has this Government taken from her the ability to claim compensation for an injury sustained when leaving work, but also under the provisions of this legislation she cannot claim compensation for the injury suffered as a result of that accident. Those are the sorts of consequences Government members should have borne in mind when they allowed their Ministers to put the legislation through the party room and introduce it to the Parliament.

The Government's handling of this legislation is absolutely appalling. Firstly, the proposals were announced by press release on 29 June 1993 when the Government said it would introduce retrospective legislation to reduce the liability of the State Government Insurance Commission in motor vehicle third party insurance payments under common law actions. The proposals immediately ran into trouble with a number of groups in the community. The Opposition pointed out the unfair impact, particularly of the non-pecuniary loss provisions of the legislation. The Government had second thoughts, and Government backbenchers put enormous pressure on Ministers to deal with the issue.

Notice of a new Bill was given in the Legislative Council in November 1993, and a further Bill was introduced in this House in December 1993. Despite all those efforts and the initial complaints by Government members, we are still faced with retrospective and discriminatory legislation which has the capacity to make thousands of people destitute. This legislation typifies the growing reputation of this Government for not caring about the smaller people in our society and, as was clearly said by the Minister for Health to the nurses yesterday, putting dollars before people.

The Law Society has completed a detailed submission on this matter. As one would expect, it has opposed these proposed changes to the Motor Vehicle (Third Party Insurance) Act. It details the nature of the changes, which I will not go through because members should be well aware of those, but I will point out some of the reasons put forward by the Law Society for its opposition to the legislation. It states -

> It appears that the reasons stated by the Government for the change are to improve the profitability of the SGIC ... To achieve this by opposing a deductible on claims made by injured people is grossly unfair.

I agree with the Law Society. It is simply a tax on injured people and clearly works to their disadvantage. It continues -

> The Law Society understands that approximately 40% to 50% of claims will be affected by the $10,000.00 deductible.

It further states that -

> The proposed deductible has the most severe impact on injured people such as women engaged in home duties, parents on supporting benefits, pensioners, unemployed, students, children and the poor.

It has been demonstrated over a period that -

> The majority of persons injured as the result of the negligent driving by another person of a motor vehicle, and who have a claim for damages for personal injuries limited to general damages for pain and suffering and loss of quality of life ... are women, pensioners, unemployed, students, children and the poor.

Those are the people before the courts and dealing with lawyers on these issues. In these cases the majority of people who have a claim for economic loss - loss of income caused as a result of the injury suffered - are persons in employment. There are more women than men in the community who do not earn an income, particularly housewives. In many cases claims for general damages alone amount to less, or not much more, than $10 000. Most of these people are ruled out by the legislation. The $10 000 deductible will therefore be directed, in the majority of cases, at exactly the sorts of people who need the support and assistance of our society, rather than their being thrown on the scrap heap. The submission continues -

> The imposition of a deductible will impose additional burdens on injured persons who may require legal assistance to provide advice as to the amount of their claim. This may entail the obtaining of a number of medical reports at considerable cost which in the end may not be able to be recovered if the claim is not worth more than $10,000.00 for general damages. The injured person will then be left with the additional burden of having to bear his or her own legal and medical report fees as well as recovering from the injuries sustained in the accident.

One of the biggest problems faced by the woman to whom I referred earlier was the recovery, which can sometimes be a long and painful process. The Law Society gave an example of the unfairness of the deductible referring to -

> ... the recent case of a 30 year old married woman who was injured whilst driving her motor vehicle with her two year old son as a passenger in the rear of the motor vehicle. The motor vehicle was struck by another motor vehicle driven by a person who failed to stop at a stop sign and the woman's vehicle was forced at some speed into a lamp post. She suffered a laceration to her face when her

face struck the windscreen of her motor vehicle. The laceration resulted in facial scarring and some nerve damage.

The Law Society of Western Australia goes on to say that not only was the woman scarred, but she was also affected by the considerable trauma of the accident and distress caused to her and her two-year-old son who, fortunately, was not injured. The woman's claim did not involve any loss of income and her general damages claim for pain, suffering and scarring was settled for the sum of $10 000. With this legislation, the woman's right to bring such a claim will be removed. That woman was particularly fortunate in that her accident occurred prior to 1 July 1993. The Bill is unfair in that it is to apply retrospectively to motor vehicle accidents from 1 July 1993 and therefore takes away the accrued rights of injured people. I am astonished that, in view of all the complaints in the past by the Liberal Party about retrospective legislation, members opposite have let their Ministers get away with this legislation which is retrospective to 1 July 1993.

The Law Society claims that the proposed legislation sets up a variable, confusing and complicated formula for establishing the deductible. The Bill also proposes a $5 000 threshold on claims for gratuitous services of a domestic nature relating to nursing and attendance provided by a member of the household or family of the injured person. To many people, this is an important issue. The claims for services over and above the $5 000 threshold are limited to the average weekly earnings in Western Australia, which are about $570 a week. This is an unfair provision particularly for seriously injured people such as paraplegics and quadriplegics who may for the rest of their lives require home care for long hours at any time of the day or night. To limit that care to average weekly earnings is not fair. Members will be aware that the commercial rate for home help and nursing is about $20 an hour. The cost of 40 hours' home care for a week would be $800. This legislation will have a substantial effect on the awards made to injured persons who will require such care for the rest of their lives. They will be virtually paupers for the rest of their lives. They will not be able to afford the help that they need immediately. What is more, as quadriplegics grow older, the effects of their injuries and of being confined to a wheelchair will increase. As the years go by, they will need more services. They will find themselves virtually dependent on the State and unable to care for themselves.

The Law Society has suggested a number of alternatives, but the Government has ignored those and proceeded down a horrendous road in the way in which it deals with people in society.

As to small claims, the Law Society said that it uses the phrase "nuisance claims" because of its common use. It opposes the use of such a term in this instance, as any claim that is a legitimate claim, although it may be a small claim, is not necessarily a nuisance claim. To suggest that they are nuisance claims is a clear reflection on the attitude of the Government in this issue. The Law Society claims that, if it is perceived that a problem exists with small claims, the problem could be overcome by insurers adopting a more rigorous approach to such claims. It could also be overcome if the legal practitioners' costs scales had an absolute cap at a fixed sum of money for claims under a certain amount, thus providing a natural limitation to their claims.

The Bill does not address the apparent exclusion of order 24A of the Supreme Court Rules, which allows a successful plaintiff to seek indemnity costs in the event of the plaintiff's obtaining a judgment equal to or greater than an order 24A offer. Nor does it cater for the operation of what the Law Society describes as order 66 rule 12, which allows the court to make special orders as to costs in unusually complex or important cases. Again, the proposed Bill works to the disadvantage of injured people - as does the workers' compensation legislation. These proposed costs limitations will place personal injury lawyers in Western Australia in a unique position. The Law Society understands that there is no such similar provision in any other State. In fact, the movement in some other States is towards allowing conditional costs agreements such as in New South Wales.

The Law Society considers that the proposed Bill should be deferred - it should have been deferred in the party room - so that people have the opportunity to discuss what could be done to overcome the problems.

A facts sheet was put out by the SGIC on 10 March 1994 stating -

> Finally, the private lawyers group who have made submissions to the Minister, suggested a $7 500 threshold/deductible when $15 000 was initially proposed.
>
> This supports the view that there is not a moral issue relating to the application of a threshold/deductible.

To suggest that no moral issue exists because the lawyers have put that forward astounds me. There is a very clear moral issue to be dealt with by the Government. It has set out deliberately to introduce retrospective legislation to take away the rights people have enjoyed for many years in Western Australia. It has set out deliberately to ensure that a range of individuals in our society will be substantially disadvantaged by this legislation.

As I indicated earlier, I have had contact with a person who has agreed that I could mention her case in Parliament. She has been affected by both the workers' compensation legislation and this third party insurance proposal. That person lives in a Liberal electorate and, although I do not know how she voted in the past, she and her family will never vote for this Government again. She will never vote for a Liberal Party or a National Party member again because of the way that they have treated her with these matters. They are the political consequences of this legislation. But we should be aware of more than the political consequences. We must recognise the personal consequences such as the misery suffered and the fact that people will not be able to deal with these issues as individuals. Those consequences have been completely ignored by the Government.

It is beyond belief that members opposite have allowed Ministers, without proper explanation and consideration of the matters, to chop and change legislation over time and bring into the House such disgraceful legislation. Although members opposite may think that this legislation will not cause a lot of problems in the electorate now, it will dog them until 1997 as more and more people feel the consequences of their actions. We believe that the legislation cannot even be properly amended. It is so horrendous, so outrageous and so out of touch with community standards that the only position we can take is to totally oppose it. We will use every means at our disposal to try to ensure that the people of Western Australia are made aware of what is going on. As well, we will do everything we can to try to ensure that the legislation is defeated in this House and the upper House. We might not have the numbers, but there are quite a few ways to skin a cat. We will pursue every avenue to ensure that this legislation is not only scrutinised but, if we can find a way to do it, defeated in this Parliament. If I have not already done so, I make it clear that the Opposition is absolutely and adamantly opposed to this disgraceful legislation. It is a disgrace that it should ever have passed through the Liberal and National Party rooms.

MR D.L. SMITH (Mitchell) [3.20 pm]: This legislation is not only a severe reduction in the legal rights of Western Australians, but also based on half truths and deception. First and foremost it is argued that the amendments are required to take the costly large number of small claims from this system. The obvious inference is that somehow or other substantial savings will occur to the commission through the absence of these small claims. Savings will be made, but we are told by the annual report of the State Government Insurance Commission that the average size of claims has increased by 46 per cent during the last four years. Therefore, one element of the problems faced by the State Government Insurance Commission is the increase in the average size of the claims rather than the number of claims.

It is claimed that somehow or other changes must be made because the Western Australian public can no longer afford the level of cover previously provided. It must be realised that Western Australia, up until now, has enjoyed one of the best schemes in Australia, and this was due to a number of factors: First, it was a Government-operated

scheme, not one involving a multiple of private insurers. Second, despite criticism of the legal profession in this State and of the administration of the courts, the legal profession in Western Australia is remarkably efficient. On occasions I have criticised the costs being charged by the legal profession, but legal fees in Australia are well behind those in other States and countries. Only today I received from the Law Society an article indicating that legal fees in Australia are modest. A comparison was made with the United Kingdom, Germany, Japan, Switzerland, Indonesia, Hong Kong, Austria and the United States of America, and the average cost per lawyer per hour in Australia is about half that of the equivalent in the United Kingdom.

The recent report of the Trade Practices Commission into the legal profession contained many recommendations which the legal profession has already implemented in Western Australia. We have long been a fused profession of barristers and lawyers; for a long time we have had pre-trial conferences and efficiencies in the court system. My experience is that Western Australian lawyers have readily adopted new technology which has made them more efficient in handling claims. That adoption has been better than that in many other States. For the lawyers to be copping the blame for this legislation is an unfair misrepresentation.

The fact sheet issued by the SGIC refers to lawyers drumming up business; it claims that -

> This has led to serious distortion in the third party compensation system, whereby lawyers are promoting and encouraging claims from people who have received minor or relatively insignificant injuries.

This fact sheet gives the impression that during the last year or so an explosion has occurred in the number of claims. I do not know the number of claims lodged, but during the last year the number of outstanding claims has been reduced by 670 to 15 514 claims. No evidence has been produced publicly or to the Parliament indicating that the activities of lawyers has generated a substantial increase in the number of claims, particularly minor claims. A substantial number of minor claims are handled by people themselves. They deal directly with the commission, although, with insurers being as they are, these claimants do not always receive the payment to which they are entitled. Nevertheless, they can resolve the claims in an amicable way.

Another justification for the legislation is that the State cannot afford the system we have. We can afford the system, first, because the SGIC is an efficient operation and, second, despite what the SGIC and the Government say, because lawyers have been efficient. Pre-trial conferences have a high rate of success. Third, and most importantly, the courts in this State have always taken a realistic attitude to the level of damages. We have never had the problems experienced in New South Wales with its high awards, divided legal profession and hybrid insurance system.

An increase has occurred in the deficiency of the fund - there is no point in avoiding that fact - and one of the prime reasons for that situation is WA Inc and its consequences. The SGIC has 56 per cent or 57 per cent of its investments in property, and that is partly as a result of WA Inc. It is also partly as a result of the investment decisions the commission itself made. For instance, if the SGIC had continued to hold all the BHP shares which came to it through WA Inc, we could have a markedly different position from the deficiencies under consideration. I do not know the average price obtained by the SGIC when it sold the BHP shares, but I am sure it was less than one-quarter of the current market price. If those shares had been retained, the balance in the investment fund between property and non-property investment would be very different. When there is a deficiency at the SGIC, how to create a fully funded position is an actuarial and management task.

The approach of this new, so-called better management Government is quite different from that of the previous Labor Government. This new, better management Government works on the basis that if something is not working satisfactorily, it should not try to work out how to fix it or to save it; if the quality of a service being provided is not what it should be, it should not look at how it could be more efficiently delivered, it should

merely close down the relevant organisation. The Government has closed down the Midland Workshops and Robb Jetty abattoir, and is in the process of closing down Sunset Hospital and Mt Henry Hospital. If there is a problem with a business or a service, the Government wants to close it down. It does not want to use management skills or experience to fix the problem; it merely wants to close down the organisation.

Similarly, when it comes to the problems with deficiencies in insurance funds, the approach of this Government has been that there is a simple answer: Tax every policyholder $50 a year. Imposing a levy of $50 a year on every policyholder is the easy fix for the problem. The Government does not try to manage the arrangement or look at how the deficiency might be financed over a period while the value of central business district properties improves. It does not look at the Spedley investments that were on the books valued at $1m but yielded $13m last year and at the Packer investment through the Anderson group which was on the books at a particular value and has now been paid out at a discounted figure. The Government needs to do those sorts of things to fix that problem. The management of the SGIC, to some extent, seems to have been working through those aspects, even though I disagree with the decisions of the SGIC about the Broken Hill Proprietary Co Ltd and other investments.

This Government takes the attitude that it is easy to fix the problem with the SGIC: Tax all people in the State regardless of their income, whether they are pensioners or otherwise, except in relation to the pensioner concessions that are available to them; fix a $50 a year levy. We have not had a indication from this Government of whether that step on its own is enough to fix the problem. No actuarial report has been provided to this Parliament about the problem, about the alternative ways in which it might have been managed and, most importantly, about the impact that that $50 levy will have. We do know that $50 a year across a million policyholders will yield at least $50m a year for the next five years. That will not only remove the existing cash deficiency in the fund on a recurrent operating basis, but also progressively increase the asset position over that period. Yet, we have had no actuarial report to tell us what effect that will have on the fund. We should have had that report before this Bill came before the Parliament to try to establish exactly what the after-levy problems of the SGIC are.

We should then have had a separate actuarial report completely reviewing the operations, the nature and the structure of the claims, and the legal and administrative costs of the commission. The Parliament should have been provided with a report identifying that the removal of these rights of ordinary people in Western Australia is necessary. We have not had that. It is not good government, good management and good accountability when we simply tell the people that the insurance policy which used to cover them for all of these sorts of things will provide substantially less cover and will cost an additional levy of $50 a year, and that there is no guarantee that other premium increases will not occur in the future. There is no actuarial report which members of Parliament could have used to try to assess, on behalf of their constituents, whether the removal of their rights in this way is necessary. In my view the financial justification for this legislation is just not there.

We all know how insurers work. They go to the actuaries. There is no reason that this Parliament should not have been privy to the exact nature of the problems, the way in which the removal of these claims would impact upon the SGIC and whether it was a correct decision to remove these claims. We can fix problems of this kind in a variety of ways. This Government's approach is to tax the people, regardless of their means, and take away their rights in a discriminatory fashion. That is this Government's idea of good management: Increase the taxes and take away rights; take away obligations that the SGIC, as the Government insurer, used to have to the people of Western Australia.

This Government reminds me of the unsuspecting insurance purchaser. A salesman comes along and says, "We have this you-beaut idea about insurance. Your current policy is no good. It covers you for things that you do not need cover for. Our policy is much better because it removes those things but it gives you much better benefits and we have reduced the premiums." That is very impressive. We think to ourselves that we have not had a claim of that kind for a while and we will take out the new policy instead

of renewing our old one. The problem is that people do not actually read the new policy. We do not ask other people whether the policy that the salesman is trying to sell is better than the one we already have. We do not ask whether there are better policies, better alternatives, that could have satisfied our requirements in a different way. We all know what insurance salesmen and insurers are like. If lawyers have a bad reputation, my experience is that the few sharks in the legal profession are no match for the sharks in the insurance industry, both insurers and salesmen. This Government has been acting like a victim of insurance salesmen. It has not been aware of the deficiencies in its own position. It is not certain what needs to be done or what the available alternatives are. It has just taken the easy way out, as it does with everything else: Close it down, slap on a tax, stop providing a service. That is what this Bill is all about.

This Bill achieves that end in a number of ways which are absolutely abhorrent. Here we are on the last day of March 1994, but when will this legislation operate from? It will operate from 30 June last year. That means that for nine months, under this good management Government, people in the community have had no idea of what the legislation would provide or what is the legal position with third party claims. They may not know that for another two or three months because that is probably how long it will take for the passage of this legislation through the other place and for it to be proclaimed. This Government of good management has left all people in Western Australia up in the air for 12 months, and now retrospectively removes their rights. The Government is requesting this Parliament to take away rights which accrued from 1 July last year.

Retrospective legislation is bad, and it is especially bad when it is left for so long. This Government is not one that does its job; it is a Government by press release, a Government of gunnas. When it comes to Government revenue, taxation and the removal of people's rights, the Government should introduce legislation for these measures on the day it announces it will implement them. Not doing that is wrong. That is equivalent to a dictatorial situation which has no regard to the function of this Parliament and to our function as representatives of the people. It is Executive Government at its absolute worst. By having no consultation with it, the Government is disregarding the Parliament.

Dr Hames interjected.

Mr D.L. SMITH: The Government is going to half do it long after we did, at much greater cost for the price of coal, the price of the station and the price of electricity. Half-enough-is-good-enough-Hilda is a good nickname. The second absolutely abhorrent aspect of this legislation is that it has involved almost no consultation. Even less consultation has occurred about this change than about workers' compensation and employer liability. I will give some credit to the Minister for Industrial Relations; although he told a host of - I must be careful - exaggerations and distortions in selling his package, at least he, and the member for Avon to some extent, undertook some processes aimed at consulting people over that issue. Although some work has been done by the member for Avon and others on the gap and so on, no real consultation seems to have taken place with the public on this legislation before a decision was made. The public, the medical fraternity and, most importantly, the victims have not been involved in any consultation. The legislation not only has been made retrospective, but also it has been made without any consultation whatsoever.

The third aspect is that this legislation is enormously discriminatory. It attacks the victims of motor vehicle accidents in Western Australia. This Government has referred to its great concern for the victims of crime. The truth is that, as a result of this legislation, if a motor vehicle accident happens where one driver is drunk and in a stolen car which rams into another vehicle, and that driver's non-economic loss general damages are less than $10 000, not a scrap will be paid. As the member for Nollamara said, motor vehicle insurance in this State is not about no-fault insurance or about making a claim when one injures oneself through one's own negligence. It is about protecting oneself when one is negligent and has committed a traffic offence of, for example, careless driving or when one does harm to somebody else. This fund is meant to protect the driver and provide a system whereby the victims who are injured as a result of those

offences and negligence are guaranteed recovery. A simple example is a family of five people: Mum and dad both not working and three children who are all still students.

Mr Pendal: The nuclear family.

Mr D.L. SMITH: That would be a bit larger than the average nuclear family these days. That family is driving along peacefully in a normal way. Coming the other way are what we call juvenile criminals, driving a car at high speed, under the influence of speed. Their car crosses the road and slams into the family car. Fortunately the injuries to all five family members are not great. However, under our current system, for scarring, pain and suffering, each one of those might receive $8 500. What would be the financial impact of this legislation on that family of five? Rather than receiving $42 500 in total, under this legislation they would receive zilch. It would not matter that mum and dad were unemployed or that the car they were driving was a 1960s bomb they had been able to keep roadworthy and in a reasonable condition. It does not matter that the $42 500 might have been an absolute godsend to their overall financial position. They would be treated no differently from Hon Max Evans driving down the road in his Rolls Royce or his Wolseley.

Legislation which taxes victims in that discriminatory way is not fair, equitable or proper. It is not good Government. It is just another example of this uncaring Government which is quite happy to tear up the Statute books and blame the lawyers, WA Inc and everybody else. It does not want to take any personal responsibility for its own decisions. Members opposite may be comfortable with the polls as they are, but as the Minister for Industrial Relations will find out, as the impact of the theft of people's rights filters through to the public, they will see him for what he is. They will not allow him to hide behind false excuses. They will show him what they think at the next elections as they are telling me in my electorate office now. When I tell them they may not have a claim when other people had a claim prior to 30 June last year, their distress will turn into the Government's loss at the next election.

As I have said, I am not one who sees everything in ideal terms. It is true that every community can only afford certain levels of cover and standards of health services and the like. The Government must trust the people and realise that they understand that as well as we do. All they want is information. We have spent so much time debating freedom of information legislation and we have talked about accountability of Government, but this Minister is not prepared to lay before us, in any way, actuarial reports which justify his theft. When people who are charged with theft are before the courts and say they have a good excuse but they will not share it with the judge or provide any of the background to it, the courts will not give their case any mitigation. The critical defect of this legislation's policy objectives and the like is simply that the Minister has not provided the justification for it in a way which we can debate practically in this Parliament.

This legislation takes the right to make claims away from people who are maimed and injured in our community - the people who, in some cases, we have maimed and injured as a result of our driving, and others as a result of their driving. As we debate the various clauses in the Bill in Committee I will have much more to say about why aspects of the legislation are bad. One of those deals with the constraints of legal advice. This legislation sets out to restrict the opportunity of people to obtain legal advice. Is that matched by some restriction on the legal advice that the State Government Insurance Commission can claim or the level of charges that can be made to the SGIC by lawyers for its legal advice? It is not. It is taken away from the claimants and the citizens but not from the SGIC. Rather than the resources of the SGIC being reduced, they are being supplemented by the $50 levy being imposed every year on people who will not be allowed to engage lawyers in order to recover those fees in some practical way.

We all know that in the past the existence of the right to sue for small amounts of general damages enabled people to fund small legal claims. Now that has been taken away. Small claims for wages and medical expenses and the like will not be made because people will not know how to make them and they will not be able to afford a lawyer.

DR TURNBULL (Collie) [3.50 pm]: This Bill is the epitome of the purpose for which the Parliament sits and for which Government exists. Government exists to ensure the orderly interaction of individual members of a community. The issue members are debating today relating to third party insurance deals with a problem of arranging for some method of assisting people who are injured as innocent victims of a motor vehicle accident. It has evolved over the years from the fact that the motor vehicle driver pays the fee to produce an insurance. That insurance policy does not insure the injured person; it relates to the driver of a vehicle who may cause an accident. It is an insurance to ensure that they will not be sued at court or, if they are sued, that money will be available to pay the compensation awarded.

It is an unusual type of insurance policy in that the insurance is not on all members of the society. It insures the driver against the consequence of an accident and exists to help cope with the fact that drivers at times cause accidents which may result in injury to an innocent third party. There are masses of drivers who do not have accidents, and millions of people who are not involved in accidents. The insurance policy premiums must be affordable to all drivers, despite the fact that they may not be involved in an accident.

I turn to the dilemma of what Government is about: It is about balancing and managing the interaction of people within the community. Government is about what a driver can afford to pay for a premium for insurance and what innocent victims should receive as compensation for the accident in which they are involved. It is classically called no fault insurance because the driver is not required to attend court and be convicted before the innocent victim can collect a payment to assist with managing the injuries sustained. As a member of a country electorate, and as a doctor who has had to deal with many innocent victims of traffic accidents, this issue is important to me.

When the Government decided to change some of the criteria relating to the granting of awards under the insurance scheme, I watched closely. When it was announced that the changes would basically fall on non-pecuniary aspects of the program, I was concerned. The changes mainly relate to the area of pain and suffering, including loss of amenities of life, loss of enjoyment of life, curtailment of expectation of life, and bodily or mental harm. Members must remember that those are the criteria to which changes will be made. The other criteria related to calculating an award will not change; that is, medical and hospital expenses, loss of earnings, care costs, travelling expenses, medication costs, aid and appliance costs and out of pocket expenses. Awards will still be made for non-pecuniary loss, but they will be limited.

The area in which it will be limited is the bottom end of the award; in other words, if one was going to be granted $10 000 for non-pecuniary loss, under this Bill one will not receive it. That is the really blunt fact of this Bill. Some people will be disadvantaged, particularly people who are not working, such as students, the elderly, housewives and the unemployed. It is a difficult decision to make; whether those people will be affected in that they will not be able to claim under the award system for non-pecuniary loss of less than $10 000. It has been mentioned today that in financial terms the scheme would operate much better if that deduction was at $15 000 and not $10 000. This change concerned me enormously when it was announced by the Minister. Over many weeks I had many discussions with the Minister responsible, with officers from the State Government Insurance Commission and with other members of the Government. We prevailed upon the Government to reduce that level from $15 000 to $10 000. It still means that some people will not get an award for these areas, but it means also that the cost of third party insurance premiums will be manageable.

As the local member, I must remember that I represent all of the electors in my electorate. Those electors include drivers who must pay third party insurance premiums and people who may be involved in traffic accidents which are not their fault. As the local member of Parliament, I must make decisions which are balanced between competing demands. That is very difficult. I have decided to support the Government's Bill because it will assist in the orderly management of our society. If drivers' licences and third party premiums cost more than can be afforded by people on low or fixed

incomes, there is a great danger that those people will just not bother to get their licences or pay their third party insurance premiums. We know that a percentage of people in our society at present do not have licences and do not pay third party insurance premiums. They take the risk of driving without a vehicle licence. We must ensure that we keep the costs of drivers' licences, vehicle licences and third party insurance premiums to a reasonable level.

Many people in our society have low or fixed incomes - the aged, the retired, people on social security benefits and students - and they already must pay many taxes and charges out of their wages or pensions. We need to balance the way in which those people live and manage their finances against the payments made to people who suffer injuries from motor vehicle accidents. We are not seeking to remove the award payments for hospital and medical expenses, loss of earnings, care costs, travelling expenses, medication costs, aids and appliances, and out of pocket expenses. Out of pocket expenses can include taxi fares for a person who needs a taxi to go to the shop or the doctor, the hire of vehicles, and travelling costs for university students who can no longer ride their motor bikes or pushbikes, or walk. Out of pocket expenses cover a wide range of areas.

When people who are perhaps eligible for an award which includes non-pecuniary losses only are considering going to the Motor Vehicle Insurance Trust to obtain a payment, they often engage the services of a lawyer. There have been many advertisements in the Press by lawyers and law firms saying, "If you have had an accident, come to us and we will get you your just deserts from the system." That can be very attractive to people who have been the victims of accidents. However, they usually do not realise the costs of becoming involved with lawyers. Opposition members have said that lawyers are very reasonable in these situations and perform a necessary job. I will read to the House a few items from a lawyers' costs agreement from the firm of D'Alessandro & D'Angelo, barristers and solicitors. This costs agreement comprises 10 foolscap pages, and it also has a one page covering addendum. That document outlines many details of the costs agreement pursuant to the provisions of section 59 of the Legal Practitioners Act 1893. Paragraph 2.5 states that "I accept and understand that your fees will be higher than the scale fees". It does not say how much higher. The addendum states -

> I understand and accept that you are prepared to limit the difference (if any) referred to in paragraph 5.2 of the said Costs Agreement so as never to exceed fifteen percentum (15%) of my settlement amount.
>
> However, I also understand and accept that the provisions of paragraph 5.2 do not apply:
>
> (a) to disbursements and any other reasonable out of pocket expenses;
>
> (b) if after a Pre-Trial Conference I elect to go to Trial and/or;
>
> (c) if I terminate your services or if you cease to act for me.

Paragraph 5.2 states -

> I agree to pay you the difference (if any), between the party and party costs recovered and my total fees including expenses (disbursements) due to you.

That is a very difficult costs agreement for almost everyone to understand, but my understanding is that a person could end up having to pay more than 15 per cent of any settlement amount because of what is stated in the addendum. That is a lot of money for a person to lose from a settlement, particularly when the costs agreement is totally open ended and has statements such as "I accept and understand that your fees will be higher than the scale fees". That has been the situation, whether good or bad.

Clause 6 of this Bill seeks to insert section 27A, subsection (2) of which, relating to costs between a solicitor and client, reads -

> An agreement, is not to be made for a legal practitioner to receive, for appearing for or acting on behalf of a person in an action to which this section applies, any greater reward than is provided for by a determination in force under section 58W of the *Legal Practitioners Act 1893*.

It will be interesting to see the effect of the limiting of legal fees to the schedule. Many provisions in the Bill have been necessitated by the fact that the premiums for third party insurance are escalating rapidly. We must remember that these premiums are escalating not in relation to the activities of WA Inc. Often I have heard remarks by the Opposition that the Bill was introduced in a cynical way by the Government as an attack on the Opposition in some way. These escalations are related to the scheme. The problems related to WA Inc and the activities of the Opposition when in Government are being dealt with by the $50 levy.

The cost of a driver's licence, the $50 levy to manage the schemes prior to 30 June 1993, plus the premium for third party insurance, represent a great amount for drivers to pay. There is a great temptation for many people in the lower income levels not to pay their driver's licence, their insurance and the levy. The temptation is just to drive and risk it. Unfortunately in country areas some people feel they can drive and risk it because there are not as many traffic police around to do random breath testing in the course of which it might be revealed that some people do not have a licence. What is the situation for the innocent victim when he or she is injured in a motor vehicle accident and the driver is driving without a licence? The innocent victim will be worse off. That victim will not receive a non-pecuniary loss award; even worse, he will receive no award at all. We must balance the problems in our society.

In the few moments remaining, I would like to address the issue of the removal of journey claims from the workers' compensation schedule. Many people feel that it would be much harsher if a worker who had an accident travelling to or from work could not receive non-pecuniary loss awards from the third party insurance section. I have found that in my electorate people driving to and from work are adopting a very responsible attitude because they are taking out insurance for themselves. Members may think this is difficult to do, because to take out insurance as an individual for cover against an accident occurring driving to and from work can be expensive. Fortunately many schemes are being developed whereby a group of employees can take out group insurance. This has worked quite well with very small groups of employees such as shearers. A shearing contract group can negotiate insurance at a very reasonable level. The main reason that these groups can obtain insurance at a reasonable level is that they will monitor what happens on the journey to and from work. We are all aware of a number of outstanding and significant rorts with workers' compensation journey claims, but when people negotiate their own insurance as a group they are more likely to make sure that no-one cheats the system.

All in all, this is a very difficult Bill for persons such as me to support. It is a Bill from which the benefits previously enjoyed by innocent parties will be removed. I have had to consider that removal. In conjunction with my colleagues on this side of the Chamber, I have prevailed on the Government to achieve a reduction in the premium levels over a number of years. The best a parliamentary representative can achieve for the people in the electorate is a balance between the people who must pay the premium and the innocent victims. Finally, I must emphasise that the last thing that Western Australia can possibly afford is a rise in the number of people who drive motor vehicles without a driver's licence and without third party insurance cover.

MRS HALLAHAN (Armadale - Deputy Leader of the Opposition) [4.17 pm]: It is important to examine the problems which the Treasurer advanced in support of the Bill, and to determine if the measures contained in it are the best and most equitable method to deal with the problems he identified. The assertion in the second reading speech that this Bill is necessary to redress the losses incurred as part of the WA Inc activities is a red herring.

Dr Turnbull: It is my impression that that was not the case. The losses incurred by WA Inc relate to the $50 levy; other aspects will be ongoing as a result of the expenses incurred when the member was in Government.

Mrs HALLAHAN: I welcome that interjection. That is precisely the point I was making. I thank the member for the interjection because it reinforces my view that the Treasurer's assertion in his second reading speech explaining the need for this Bill is

wrong. I thank the member for Collie. She has made a very good point. I will reiterate the point, in case I was not clear enough. The assertion in the second reading speech - and I hope the member for Collie has read it - is that these measures are necessary to redress the losses incurred as part of WA Inc. I say that is a red herring, and my position is supported by the member for Collie. Who knows how many other members opposite support my position?

Even if the Treasurer's substantive contentions were to be proved correct and there was a substantial shortfall of funds in the SGIC, such a shortfall could have been funded in a number of different ways. The existence of such a shortfall does not require the adoption of the specific measures now being proposed in this amendment. The Treasurer's argument - I am not sure he is aware of this - is undermined by the SGIC's briefing paper which asserts that the measures are not being introduced to reduce the 30 June 1993 shortfall. The member for Collie made that point. Instead, the SGIC argues that the measures are being introduced to address the second problem advanced by the Treasurer in support of the Bill - the escalation in premiums for third party insurance. "The objective" the Treasurer contends "is to maintain and reduce the costs of compulsory third party insurance premiums to Western Australian motorists." We agree that that is the real objective. However, the recent escalation in premiums results in large part from the politically motivated $50 flat levy on every third party insurance policy by the Liberal Government. That is what caused the recent escalation in fees. If the Treasurer were seriously concerned about containing the costs of third party insurance, he would not have imposed such a levy and by 1 July 1998, the cost of third party insurance, instead of approaching $300 as suggested in his second reading speech, would be around $250.

Having made those points in commencing my speech, I agree that there are some genuine problems with third party insurance that must be addressed. As I see them, these problems include the adequacy of the third party insurance fund, the cost of legal fees and the alleged prevalence of small claims - those that regrettably have been named "nuisance claims". The question now is how fair, adequate or suitable are the measures proposed by this Bill to address the problems, because in my view they are particularly inept and inequitable.

The Bill contains three major changes to which I will refer briefly because they have been outlined by previous speakers. The first is the imposition of a $10 000 threshold-deductible on claims for non-pecuniary loss resulting from motor vehicle accidents. The second is the imposition of a further threshold of $5 000 for the provision of unpaid home help and the limitation of the basis for calculation of such claims to average weekly earnings; and the third is the limitation of fees for legal practitioners representing clients injured in motor vehicle accidents.

I will deal with the $10 000 threshold-deductible first. This is intended to address the distortion to the compensation system which is alleged to be attributable to small claims - those so-called nuisance claims. The SGIC, in its briefing paper for the Bill entitled "The Facts" acknowledges that "Regrettably, some genuine claims may be wrongly affected by this imposition" of the threshold-deductible. In my view, this is not a regrettable side effect of this legislation; it is a major impact which this Bill will have. It results from a fundamental flaw in the strategy of the Bill and a very appalling philosophy that has allowed this legislation to be presented to this House because the Bill wrongly identifies all, or at the very least the vast majority of small claims as nuisance claims. We all know that many claims for relatively small amounts are nevertheless very legitimate claims. It is the Opposition's view that all small claims for compensation should be judged on their merits. They should be paid or struck out accordingly and there should be no basis for an arbitrary cut-off point.

The claim that these small claims are nuisance claims is typical of the attitude of the coalition Government to the people who make these claims. I therefore inquired of staff of the medical faculty at the University of Western Australia about the incidence of nuisance claims. I was told that a reliable British source gives an incidence of three in 1 000 patients - that is, 0.3 per cent a year - of a general practitioner could be regarded as malingerers. The projection is that that figure would be similar here in Australia and I

am told by doctors that anecdotal evidence or gut feeling on the number of patients they see suggests that the figure would be that low. The reference that I am using is "Towards Earlier Diagnosis" by K. Hodgkin and I can make that available to members.

Nowhere in the Bill or in the second reading speech is the basis for these small claims not being legitimate justified. However, people will be ruled out from making a claim and that is the fundamental inequity in this legislation. While $10 000 may be a small amount relative to other claims for compensation, we on this side of the House appreciate that often it is a large amount considering the lives and the circumstances of the claimants. While the use of that term "small claims" makes it appear that the effect of denying them will be minimal, the fact is that it will have a major if not devastating impact on the lives of people who have already suffered injury and trauma in motor vehicle accidents. This, in my view, highlights the inequity of this Bill: The people who will be most affected by the proposed threshold-deductible are those who can least afford it, namely those who are injured and are poor.

The Treasurer went to some lengths in his second reading speech to stress that people who claim pecuniary damages arising from a motor vehicle accident will not be affected by the Bill in respect of those claims. The majority of people with such a claim are people in employment who will, as a result, suffer and claim for loss of earnings. Conversely, the majority of people injured as a result of motor vehicle accidents who have only a claim for non-pecuniary damages are those people who are outside the work force and unable to claim for loss of earnings. They include the unemployed, pensioners, students, women and children. Therefore the vast majority of people in our community will be set apart from those in the work force. Members should be able to see that in this Bill we are setting up a great disparity between those who have incomes in the paid work force or other means of income and those who are reliant on what is already a low income from social security benefits, or on somebody else's income.

That is a very serious inequity in the Bill, but the impact of the measures relating to non-pecuniary claims in many cases will be compounded by the effects of the proposed limitations on claims for gratuitous care. Like small claims, again we have the use of the term gratuitous care, which sets up an impression for people who are not informed on this legislation that it is something of insignificance. However, unpaid care is vital to many patients' recovery and in most cases saves the community more than it costs in compensation outlays. I am referring to savings in professional care which might otherwise have been required, but is provided by family and friends, in quicker recovery of the patient and early return to productivity, and in consequent savings of income support from social security as a result of that expedited recovery. So the imposition of a $5 000 threshold will most definitely impose a burden and cost exclusively on those who are least able to afford it.

In addition, the proposal to limit all claims for compensation for care to the cost of average weekly earnings will substantially reduce payments below the cost of providing such care. It will have a compounding effect on those in the community who are least able to afford the circumstances of the accident. I will outline a possible case. Like cases which illustrate a point, the figures will be at the extreme end. We will look at the measures that could impose a dreadful burden on a person injured in a motor vehicle accident in the example of a family comprising a single parent and two children, all of whom are injured. None of them is in the work force, so none has a claim for loss of earnings; all will be affected by the proposed threshold-deductible which, if it left them any claim at all, would reduce the claim by $30 000. If extra help were provided by other family members during the mother's recovery the claims, even of those children, for gratuitous care could be rendered void by the additional $5 000 threshold which would apply to that component. If professional help were required the family would incur further cost to cover the gap between the actual cost of such care and the compensation rate equivalent to average weekly earnings allowed under these proposed amendments. After suffering the injury and trauma of a motor vehicle accident this family's entitlement to compensation could be reduced by over $50 000 by the measures in this Bill. Supporting parents with children, one of the lowest income units in this community, will be penalised to that extent by this legislation.

I did not hear all of the member for Collie's speech, but I listened to the latter half of it, and I was surprised at the point she was making about the legislation being difficult to support. I was hoping she was expressing concerns about her many constituents who live in Collie who could be in just that predicament, and that she had some sense of the personal and individual family trauma that will be experienced in Western Australia when this Bill is proclaimed. If we accept there is a genuine problem with the level of premiums for third party insurance, and there does seem to be, and if we look at that over and above the consequences of the $50 levy that has now been placed on all policy holders, the problem could be addressed by a more equitable spread of measures where everybody who benefits from third party insurance could bear the burden. This legislation provides that one section, the poorest section of the Western Australian community, will bear the burden.

The Government has been very unimaginative, uncaring and callous in the proposals we are now debating. Some alternatives would not have had the same effect and could perhaps have contained a schedule to include payment for minor claims in a way that could have been achieved without expensive litigation. That is just one notion. We do not know whether this was canvassed. Should a threshold be imposed it could be greatly reduced from what it now is and not operate as a deductible as well. If a deductible is to be imposed it should apply to all claims regardless of size, and as a percentage and not a flat rate. That would enable the burden of reducing premiums to be met by all claimants, not just by those submitting small claims.

We are debating one of the pieces of legislation that marks out this coalition Government from the Labor Opposition. A Labor Government would never be guilty of introducing a piece of legislation that would impact so inequitably on this community.

Mr Pendal: You preferred to waste $1.5b on some of your mates down the Terrace. Who is paying for that?

Mrs HALLAHAN: Who is paying for Mr Beck, who lost his job after two days? That was embarrassing for the Government. Either the member for South Perth is not in touch with the families in his electorate and the impact this legislation will have on them, or it is a sign of his callousness. Every time there is some criticism, it is not examined to see whether the criticism is warranted; the Government goes on the attack. That is what will bring the coalition down; hallelujah to that, and may it happen long before 1997! We are now faced with legislation which is likely to pass through this House and the other House and then impact in a very punitive, harsh way on families who are on the lowest incomes in this community. No interjection can come from the coalition benches that can justify that. This coalition cannot justify such a punitive and callous way of dealing with this community. Sadly it will not be the only piece of legislation of this type.

We have already seen very harsh measures perpetrated on the community and sadly we will see more of them coming into play in 1994. They will really start to diminish people's standard of living, their sense of wellbeing and value to this community, and any sense of fairness about Western Australia as we have known it. This is a very serious Bill containing red herrings to cover its inequities, but it shows what harsh and callous people can do.

Debate adjourned, on motion by Mr Grill.

MATTER OF PUBLIC INTEREST - CONDEMNATION OF MINISTER FOR WATER RESOURCES FOR FAILURE TO ACT WITHOUT FEAR OR FAVOUR

Paper Tabling

MR OMODEI (Warren - Minister for Water Resources) [4.39 pm]: Mr Acting Speaker (Mr Brown), I table details of the Pemberton sewerage project, in accordance with the undertaking I gave earlier today.

[See paper No 968.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Second Report - Tabling

Debate resumed from an earlier stage of the sitting.

MR PENDAL (South Perth) [4.40 pm]: On behalf of the committee it was my pleasure this morning to table and move for the printing of the second report of the Standing Committee on Uniform Legislation and Intergovernmental Agreements. In the course of time it will be seen as one of the more important documents tabled in the Parliament, for a number of reasons. I reiterate it follows the rather sad period in our parliamentary history in 1992. All sides of politics can look back on that period with a deep sense of shame because this House passed a Bill sight unseen; I refer to the financial institutions duty legislation. That was of no credit to either the Government or the Opposition of the day, albeit there were reasons for the then Government wanting to pursue debate and the then Opposition not wanting to do that.

The document which was tabled this morning could best be described as an educative one for all members of the House; that is, both ministerial members and private members. That is the philosophy behind the report and I hope that members address themselves to it. It seeks to compartmentalise into five different categories the essential models that Governments and Parliaments can choose to achieve uniform legislation across Australia. At one end of the spectrum it could be said that some of the models seek to achieve uniformity in the most pro-centralist way and, at the other end, they seek to achieve that objective in a pro-federalist way. There are variations in between.

The report is an invitation to the House to be more discerning about what it does in the future. Members, including Ministers, should become more familiar with the contents of intergovernmental agreements and uniform legislation so that they are able to make a more mature and discerning decision as to the category into which a particular agreement or Bill fits.

The committee's third report is due to be presented to the Parliament next Thursday. I have already mentioned to media representatives that the following day the committee will leave on a visit to a number of overseas ports, including the United States of America and Canada. In the US the committee will visit Washington and Chicago and it will make a very brief visit to Toronto before returning to Washington. The second part of the visit will be to the United Kingdom. There is no Parliament in Australia to which this Parliament can turn either for that educative role or for the models that are the subject of this report, thus the need for the committee to look further afield. I make absolutely no apologies for that. The committee will meet with a variety of leading academics, legal practitioners, legislators and bureaucrats in those three countries - about 25 appointments over eight working days.

I have time to mention only a few of the people and organisations with whom the committee will meet. In Chicago it will meet with the National Conference of Uniform State Laws as well as with members of the Illinois Legislature who are involved with that conference. In addition it will meet with Professor Ann Lousin, who is Professor of Law at the John Marshall School of Law in Chicago. Previously she was on the staff of the Speaker of the Illinois House of Representatives. In Toronto the committee will meet with Professors David Cameron and Tone Careless from the Department of Political Science at the University of Toronto. It will also meet in that city with the Assistant Deputy Minister in the Ministry of Intergovernmental Affairs.

Mr C.J. Barnett: Is that on the weekend?

Mr PENDAL: I suspect it is. The committee will have absolutely no free time.

The committee will meet with the Director of the National Conference of State Legislatures in the United States, the Director of the Academy for State and Local Government and the New York Senate, which operates an extension office into Washington. That will give committee members some idea of the extent of the federal-state relations in that country.

In London the committee will meet with the Professor of Environmental Law at the Imperial College of Science, Technology and Medicine. It will also meet with the European Legislation Committee of the House of Commons and a number of other people.

It is ironic that this committee which touches on uniform legislation will visit London at the very time that Prime Minister Major is under considerable pressure. Only yesterday there was a call for his resignation by a member of his party and the basis on which that person is seeking his resignation is the very issue the committee raised in its report; that is, the extent to which the British Parliament, which is now effectively part of a federation, and its Ministers are able to attend meetings of the European Parliament and enter into agreements with, in some cases, the prior consent of the British Parliament. It is interesting that at that very moment in history, this committee should be going to London when its work, which is on the cutting edge of this whole sphere in Australia, is at the centre of that British controversy.

I again thank the members of the committee - the members for Floreat, Geraldton, Ashburton and Whitford - and the committee's staff. I also thank the members of the media who have given quite generous coverage in both the national and State Press to the committee's activities of the past week. I commend the report to the House.

DR CONSTABLE (Floreat) [4.50 pm]: I endorse the remarks of the chairman of the committee, the member for South Perth. Of all the tasks we have undertaken in the past few months, sorting out the information in this report has taken a great deal of effort and time - it has also taken a great deal of the time of our researcher, Lisa Shilton - to read information from other jurisdictions around Australia and scrutinise as much of the academic work produced in this area as we have been able to find. Our contact with people such as Dr Cheryl Saunders from the University of Melbourne when trying to compile and make sense of different structures for uniform legislation has been invaluable.

Five main structures are described in this report, and I agree with the chairman that it is very important for members of Parliament to understand those structures. They are not very straightforward in some ways, and the terminology in the literature is not particularly clear. We have tried to clarify that in the report for members of Parliament, and I suspect for others as well. In the structures is a continuum of uniformity; at one end the State is required to refer powers to the Commonwealth, and at the other end a number of jurisdictions adopt the same legislation within their own Parliaments and have the freedom to amend them as they wish. The range extends from tight uniformity where power is referred, to a looser agreement that uniformity of some type is required. In the process of considering different forms of uniformity of legislation in this country, we read some of the literature from other countries. The example from the United Kingdom is very interesting because it, along with other countries, has become part of the European Community. All the Parliaments in the community countries have had to consider the notion of uniformity. They are now finding that legislation in the European Community is being decided upon by Ministers, and the Parliaments must set up committees and structures in order to scrutinise the legislation before uniform schemes and legislation are brought to the Parliaments. Our investigative tour, which starts next week, will I hope teach us a lot about the sorts of processes those Parliaments have gone through when setting up procedures to scrutinise uniform agreements. As we progress over the next few months, this committee will look at a number of uniform schemes and draft legislation. We will draw on the information from this second report when looking at the different structures to see whether those uniform legislative schemes are appropriate for this State and this Parliament. We will closely scrutinise those structures, using this document as a guide. The document will be crucial for our own work and it will be developed as we work. In a year or two we may produce a revised version. It will be a working document of great value to us and I hope other members will also find it valuable.

MR RIEBELING (Ashburton) [4.54 pm]: The importance of this second report of the committee will not, I hope, be underestimated by anyone in this House. It basically sets

out the framework Ministerial Councils throughout Australia have chosen at various times to enact uniform legislation. It sets out as clearly as possible the various methods we have identified, and goes some way towards explaining the differences between them. I recommend all members read the document because I am positive that those not involved in Ministerial Councils will gain some benefit from reading about the different structures, as I have. Every time I look at this information I learn more about our system.

This is an important new development in Parliaments throughout Australia. If we do not set the right process in place now, Governments in the future will run into strife. I note from the newspaper today that Mr Major in Britain is running foul of his Parliament, purely because uniform legislation introduced into the British Parliament did not receive sufficient scrutiny of the House to allow it to have its say on the matter. It is quite opportune that Mr Major is having those difficulties now, since our committee is heading for the British Parliament and will see how it is handled. I hope that Western Australia will not have similar problems to those Mr Major is currently experiencing. The article refers to the meddling bureaucracy in Brussels. On our select committee tour I was absolutely shocked when talking to bureaucrats to learn that they considered it was an inconvenience to involve Parliament in this process. They thought it would be better to leave this uniform legislation to those who work in the industry. In other words, it would be much better to allow bankers to draw up legislation for the banking industry, and introduce it without Parliament scrutinising it. That is the sort of legislation which is destined to create problems for any Government that goes down the track of believing the bureaucrats. That has been the experience in Europe, and we must now put in place a system which allows this Parliament the opportunity to scrutinise all uniform legislation.

As has been said earlier, five different structures exist for achieving uniformity; that is, cooperative legislation, mirror legislation, template legislation, referral of powers to the Commonwealth, and alternative consistent legislation. Each of these ways of legislating is described in the summary of the second report. I suggest that people interested in keeping a track of what is going on in this area - which is an evolutionary part of the Parliament and is growing on a daily basis - need only look at the annexure to the report to appreciate the extent of the impact of uniform legislation. That annexure contains information on 21 councils considering uniform legislation, and the areas they cover have an impact on every part of our society. It is vital that this Parliament finds a way to scrutinise every piece of uniform legislation to make sure it is in the best interests of this State, and proceeds as we would wish it to.

A number of other areas are summarised in the report, such as the ways in which the State can withdraw from the legislation, sunset clauses, regulatory bodies, and how to achieve amendments. I am sure that members who read the contents of these first two reports with an open mind will want the scrutiny for which the committee asks. It will allow this Parliament to give an indication to a Minister who is considering an area for uniformity the opportunity to determine whether his thoughts on the legislation are supported by this House. It will avoid the problems that Mr Major is currently having in Britain when he goes to Parliament and is not supported by his own colleagues. It is important that we do this now and that the two reports of the committee are considered and adopted.

MR BLOFFWITCH (Geraldton) [5.00 pm]: I place on record my appreciation of the work done by the committee. It is a pity that this is the only committee of its kind in Australia. It is a pity also that the other States have not realised the influence that uniform legislation can have on them. The matter has been highlighted by the press statement today which indicates that the Prime Minister of the United Kingdom seems to be in trouble because there was no consultation and a matter was not referred back to the Parliament, something being considered by this committee.

The first and second reports are excellent aids for people who want to come to terms with what is happening with this type of legislation. It is an excellent way for them to gain knowledge. As time passes, it will be more and more important to have committees such as this one. It will also be important that we, as a committee, become aware of the different types of arrangements that are to be found throughout the world. The world is a

changing place at the moment, with the European Union coming together and the machinations of the former USSR. It is opportune that we are taking the time to look at these things. I commend the report to the House.

Question put and passed.

[See papers Nos 964 and 965.]

SELECT COMMITTEE ON ANCIENT SHIPWRECKS

Report Tabling

Debate resumed from an earlier stage of the sitting.

MR PENDAL (South Perth) [5.02 pm]: In the last Parliament in the other House, a select committee was set up to inquire into the disposition of the relics of the *Batavia*, which went aground off the Houtman Abrolhos near Geraldton in 1629. One of the unintended consequences of that select committee was that it recommended that an inventory of all relics from those ancient colonial shipwrecks off the coast of Geraldton be created and then tabled in Parliament. The select committee disappeared with the Parliament of 1992. However, the inventory proceeded in the very capable hands of the Western Australian Maritime Museum. In March this year, I received a letter from the director, Graham Henderson, enclosing that inventory. We have used the device of the present Select Committee on Ancient Shipwrecks to formally table in the Parliament that inventory.

For those who are interested, it contains an inventory of all relics that have been raised from the *Batavia*, which went down in 1629, the *Zuytdorp* in 1712, the *Zeewijk* in 1727, the *Ocean Queen* in 1842, the *Hadda* in 1877, the *Ben Ledi* in 1879 and the *Windsor* in 1908. It is not the sort of thing that one puts beside the bed table, because it is no more than a comprehensive list of all those things raised. I am talking about jewellery, cannonballs, armour, crockery, glassware and a variety of other words with which I am not familiar. Some of the material is approximately 500 years old.

I place on record my gratitude and that of the select committee to Graham Henderson and his staff. It was not without some cost to them in terms of resources - they operate on a limited budget - that they produced an extraordinarily detailed report of that kind. It has consequences for some of the smaller coastal towns in the north of the State.

One of the complaints that arose out of the *Batavia* committee was that there was not enough shipwreck material on display in places such as Kalbarri and Denham. One of the major complaints was that there was not sufficient relic material on display in places such as Geraldton, which in some respects is at the very heart of the ancient shipwreck industry of Western Australia. It was with the intention of trying to address that that we came up with some recommendations that I hope will ultimately be addressed by the current Government. These are areas of the State that are rich in history.

The Maritime Museum, as we know from the inventory, has an extraordinary array of items. In the time that the report has been with me, I have not been able to count them, but the number would run into thousands. The museum, in evidence to us, makes it clear that it has not been reluctant to see this material redeployed into the regions and the smaller places such as Kalbarri and Denham, but it makes the telling point - certainly a point that was noted by the previous select committee - that none of this material ought to go to any museum in Western Australia that is not capable of properly and securely housing it. It is one thing to treat objects as they might have been in the last century where temperature controls and things of that nature were not considered relevant. However, these days people understand that, if material is exhibited in unsympathetic temperature surroundings, within 50 years the material might disappear or disintegrate. The select committee agrees with the museum that the material ought to go back to parts of the State such as Geraldton, Kalbarri and Denham, but not before adequate facilities are found for them.

I table transcripts of evidence that has been taken and proofed by the people who gave it

to us. Some of that evidence went beyond our terms of reference, but it opens out some of the extraordinarily rich areas of the State's history and heritage. Perhaps the most spectacular has been the evidence that suggests that there were many survivors of the *Zuytdorp* in 1712. The literature tells us that there were no survivors. The significance of what I am saying is that, if the theories of survivors are correct, it brings up the related issue of what happened to the 100 or so people who are now thought to have survived and who, it would appear on some evidence so far, intermarried into Aboriginal communities in and around Shark Bay, Denham and to the north of Kalbarri. This may have implications for those who are interested in such things as who actually settled Australia first, at least in European terms. The committee has some interesting tasks ahead of it on top of the terms of reference given to it by the House.

I thank the committee members for their work; namely, the members for Fremantle, Victoria Park, Floreat and Bunbury, all of whom have an interest in the field. This is another of those occasions when the work of the Parliament seems to be more productive out of the Chamber where people sit at a table and leave the politics aside for a while. We had the opportunity to go to places like the *Batavia* graveyard at the Houtman Abrolhos and have direct contact with the relics still on the ocean bed, and this was thrilling for those involved.

Apart from thanking the members of the committee - I hope this is but one of a string of interim reports - I thank our executive officer, Ms Kirsten Robinson, for some splendid work with the select committee. I also thank Professor Geoffrey Bolton, an eminent historian by any measure, who is the consultant to the committee. I look forward to presenting further interim reports to the House on the subject, which is of continuing fascination not only to Western Australian historians, but also to most people who have an interest in shipwrecks. I commend the report to the House.

Question put and passed.

[See papers Nos 961-963.]

House adjourned at 5.12 pm

QUESTIONS ON NOTICE

HAMERSLEY IRON PTY LTD - MARANDOO PROJECT
Mining, Original Proposals, Submission Date

1892. Mr GRAHAM to the Minister for the Environment:

(1) On what date did Hamersley Iron Pty Ltd submit its original proposals for the Marandoo project?

(2) On what date were the proposals approved?

(3) On what date were the required clearances given?

Mr MINSON replied:

(1) Proposed referral to the Environmental Protection Authority on 22 March 1991.

(2) Proponent's environmental review and management program released for public review 29 January 1992. Environmental Protection Authority advice to Government (Bulletin 643) released 21 August 1992. Minister for the Environment's approval given on 6 October 1992.

(3) Final clearance also given 6 October 1992.

ABORIGINAL LANDS TRUST - CHAIRMAN; MEMBERSHIP

1941. Mr GRAHAM to the Minister for Aboriginal Affairs:

(1) Who is the Chairman of the Aboriginal Lands Trust?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Aboriginal Lands Trust?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration is paid to each member and the chairman?

(7) When was each member first appointed?

Mr PRINCE replied:

(1) Mr Cedric Wyatt.

(2) Mr Wyatt's membership expires 30 June 1994.

(3) Mr Teddy Biljabu
Mrs Josie Farrer
Mrs Rose Whitehurst
Mr Bill Wasley
Mr Ralph Mogridge
Mr Basil Sibosado
Ms Maxine Brahim

(4) Membership expires 30 June 1994.

(5) Aboriginal Affairs Planning Authority.

(6) As determined by the State Salaries and Allowances Tribunal and the Minister.

(7)

Mr Cedric Wyatt	June 1990
Mr Teddy Biljabu	June 1990
Mrs Josie Farrer	June 1990
Mrs Rose Whitehurst	June 1990
Mr Bill Wasley	June 1990
Mr Ralph Mogridge	November 1993
Mr Basil Sibosado	November 1993
Ms Maxine Brahim	November 1993

DISABILITY SERVICES - ADVISORY COUNCIL, CHAIRMAN AND MEMBERSHIP

1976. Mr GRAHAM to the Minister for Disability Services:

(1) Who is the Chairman of the Advisory Council for Disability Services?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Advisory Council for Disability Services?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr MINSON replied:

(1) The Chairman of the Advisory Council for Disability Services is Dr Philip Deschamp.

(2) Dr Deschamp's appointment is for two years and expires on 30 November 1995.

(3),(4),(5) and (7)

Name of Member	Term of Appt (years)	Nominated by	Remuneration
Dr Louissa Alessandri	2	Self	Sitting fees for all members
Ms Carolyn Carman	1	Self	are paid at $108 per full day
Ms Alma Fernihough	2	Self	meeting or $73 per half day
Ms Jennifer Fowler	1	Self	meeting according to Public
Mr Keith Hayes	2	Self	Service Commission
Ms Viv Huntsman	1	Self	recommendation
Ms Janet Lee	2	Self	
Mr Eric Leipoldt	2	Self	
Ms Eve Lucas	1	Self	
Mr Stephen Perry	1	Self	
Mr Ray Ryan	2	Self	
Ms Trish Vanderwahl	1	Self	
Ms Dawn Wallam	1	AAPA	

The date of appointment for all members was 22 November 1993.

(6) The remuneration of the chairperson of the Advisory Council for Disability Services is $11 281 per annum. The chairperson also sits as a member of the board of the Disability Services Commission and remuneration is for the combined duties.

ENVIRONMENTAL PROTECTION AUTHORITY - CHAIRMAN; MEMBERSHIP

1985. Mr GRAHAM to the Minister for the Environment:

(1) Who is the Chairman of the Environmental Protection Authority?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Environmental Protection Authority?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr MINSON replied:

(1) Dr Raymond K. Steedman.

(2) 14 January 1994 to 31 December 1996.

(3) If the question refers to the membership of the Environmental Protection Authority, it comprises -

Dr Raymond K. Steedman	Chairman
Mr Bernard K. Bowen	Deputy Chairman
Dr Brian W. Logan	Member
Mr Christopher K. Rowe	Member
Dr Christine Sharp	Member

(4)

Dr Raymond K. Steedman	14.1.94 to 31.12.96
Mr Bernard K. Bowen	14.1.94 to 31.12.95
Dr Brian W. Logan	14.1.94 to 31.12.96
Mr Christopher K. Rowe	14.1.94 to 31.12.95
Dr Christine Sharp	14.1.94 to 31.12.95

(5)

Dr Raymond K. Steedman	All members nominated by the Minister
Mr Bernard K. Bowen	
Dr Brian W. Logan	
Mr Christopher K. Rowe	
Dr Christine Sharp	

(6)

Dr R.K. Steedman, Chairman	$113 500 per annum, including base salary of $92 022.
Mr B.K. Bowen, Deputy Chair	$19 524 per annum
Dr B.W. Logan, member	$14 956 per annum
Mr C.K. Rowe, member	$14 956 per annum
Dr C. Sharp, member	$14 956 per annum

All salaries are still the subject of negotiation.

(7) (a) 14 January 1994, the date on which the Environmental Protection Amendment Bill was proclaimed.

(b) Dr C. Sharp was a member of the previous EPA from 11 September 1989.

KANGAROO MANAGEMENT ADVISORY COMMITTEE - CHAIRMAN; MEMBERSHIP

1987. Mr GRAHAM to the Minister for the Environment:

(1) Who is the Chairman of the Kangaroo Management Advisory Committee?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Kangaroo Management Advisory Committee?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the Chairman?

(7) When was each member first appointed?

Mr MINSON replied:

(1) Keiran McNamara, Director, Nature Conservation Department of Conservation and Land Management.

(2) Indefinite term of appointment.

(3)

Member/Deputy	Representing	Appointed
Stuart Wheeler	Agriculture Protection Board	1993
Robert Nickels	Department of Agriculture	1993
Jim Price, MBE	Pastoralists and Graziers Assoc	1971
Lachlan McTaggart, Deputy	Pastoralists and Graziers Assoc	1972
David Halleen	WA Farmers Federation	1987
Peter Lefroy, Deputy	WA Farmers Federation	1987
Roy Mitchell	Shooters representative	1993
Brian Feam, Deputy	Shooters representative	1991
Neil Ellery	Processors representative	1971
Bruce Teede, Deputy	Processors representative	1971

(4) Indefinite term of appointment.

(5) The members and deputies are nominated by their respective organisations.

(6) No remuneration is paid to Government members. Generally a sitting fee is paid to non-government attendees ($108 for a full day meeting, $73 for a half day meeting), although due to budgetary constraints this was not paid in 1993.

(7) Appointment dates are shown in (3) above.

KINGS PARK BOARD - CHAIRMAN; MEMBERSHIP

1988. Mr GRAHAM to the Minister for the Environment:

(1) Who is the Chairman of the Kings Park Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Kings Park Board?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr MINSON replied:

As at 23 March 1994 current members are as follows -

(1) Mr Albert Tognolini.

(2) Current term expires 23 May 1994.

(3) Mr Rod Evans, Mrs Ray Paynter, Mr Tim McComish, Mr Ken Wyatt, Mrs Bronwen Keighery.

(4) Current term of each member expires 23 May 1994.

(5) The Minister for the Environment.

(6) Chairman - $4 500 per annum plus $800 expense of office per annum.
Members - $2 250 per annum.

(7) Date of first appointment -

Albert Tognolini	23.10.90
Rod Evans	16.2.84
Bronwen Keighery	19.3.91
Ray Paynter	18.12.84
Tim McComish	18.12.84
Ken Wyatt	4.2.88

LANDS AND FORESTS COMMISSION - CHAIRMAN; MEMBERSHIP

1989. Mr GRAHAM to the Minister for the Environment:

(1) Who is the Chairman of the Lands and Forests Commission?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Lands and Forests Commission?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr MINSON replied:

(1) Hon Barry James Hodge.

(2) Three years.

(3) The Executive Director of Conservation and Land Management (ex officio) Mr Raydon Alfred Perry.

(4) Mr Perry - three years.

(5) The Minister for the Environment.

(6) The Chairman receives $6 000 per annum plus $600 office allowance. Dr Shea is not paid. Mr Perry receives $108 for a full day meeting or $73 for a half day meeting.

(7) Mr Perry - October 1987; Mr Hodge - July 1989.

NATIONAL PARKS AND NATURE CONSERVATION AUTHORITY - CHAIRMAN; MEMBERSHIP

1991. Mr GRAHAM to the Minister for the Environment:

(1) Who is the Chairman of the National Parks and Nature Conservation Authority?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the National Parks and Nature Conservation Authority?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr MINSON replied:

(1) Professor Arthur McComb.

(2) 2 years expiring 31 October 1995.

(3) Appointed members - Cr Tom Day
Mrs Marion Blackwell
Mr Graeme Rundle
Professor Brian Collins
Mr Stephen Wilke
Cr Don Paterson
Mr Kevin McMenemy
Mr Terry Adams
Mr Kelly Gillen
Ms Judy Murray

The CALM Act also provides for four ex officio members to hold appointment by virtue of their positions. These are -

Dr Syd Shea, Executive Director, CALM
Mr Keiran McNamara, Director Nature Conservation, CALM
Mr Chris Haynes, Director National Parks, CALM
Mr Don Keene, Director Forests, CALM.

(4) Term concluding 31 October 1994 - M. Blackwell, K. Gillen, S. Wilke.
Term concluding 31 October 1995 - B. Collins, A. McComb, D. Paterson, T. Adams and J. Murray.
Term concluding 31 October 1996 - G. Rundle, K. McMenemy and T. Day.

(5) and (7)

Name	Nominated by	First Appointed
A. McComb	Murdoch University	1.8.91
T. Day	WAMA	9.11.93
M. Blackwell	Wildflower Society	22.3.85
G. Rundle	Conservation Council	10.12.93
B. Collins	Curtin University	9.11.93
S. Wilke	4WD Club	1.8.91
D. Paterson	WAMA	9.11.93
K. McMenemy	WA Farmers Fed'n	9.11.93
T. Adams	WAFIC	9.11.93
K. Gillen	Executive Director, CALM	9.11.93
J. Murray	Minister for the Environment	9.11.93

(6) Chairman - $7 500 per annum plus $600 expense of office allowance. Members (excluding ex officios) - $3 750 per annum.

ROADSIDE CONSERVATION COMMITTEE - CHAIRMAN; MEMBERSHIP

1993. Mr GRAHAM to the Minister for the Environment:

(1) Who is the Chairman of the Roadside Conservation Committee?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Roadside Conservation Committee?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr MINSON replied:

(1) Mr John Blyth, Department of Conservation and Land Management.

(2) Indefinitely, as determined by the Executive Director, Department of Conservation and Land Management.

(3)

Member	Representing	Appointed
Mr Gregory Norwell	Main Roads, WA	1990
Mr Peter Bothwell	Westrail	1988
Mr Brett Loney	Greening Western Australia	1989
Mr Geraint Lenegan	Bushfires Board	1993
Mr Greg Beeston	Department of Agriculture	1992
Mr Cliff Morris	SECWA	1991
Cr Ian Purse	Country Shire Councils Assoc	1988
Cr Joe North	CSCA	1985
Mrs Joanna Seabrook	Conservation interests	1985

(4) Until rescinded by nominating organisation/groups.

(5) By the organisation/groups they represent. Mrs Seabrook was nominated by the committee's first chairman, Mr David Bennett.

(6) Government members receive no remuneration. Cr North, Cr Purse and Mrs Seabrook receive sitting fees of $73 per meeting plus travel expenses.

(7) Appointment dates are shown in (3) above.

RETAIL TRADING HOURS ACT - REVIEW
Adequacy; Public Forums, Minister's Attendance

2337. Mr HILL to the Minister for Commerce and Trade:

(1) Given that the outcome of the review of the Retail Trading Hours Act 1987 may have an impact on the business community, does the Minister consider the review process to have been adequate?

(2) How many of the public forums organised by the Ministry of Fair Trading on the review of the Act has the Minister attended?

Mr COWAN replied:

(1) The member's question seeks an opinion and is therefore probably in contravention of standing orders. However, I can advise him that the various lobby groups in the business community have made their respective positions on the issue of retail trading hours very clear.

(2) I have attended none personally, but senior officers of the Small Business Development Corporation have been at each of the public forums and have briefed me in detail on the various issues raised. I remind the member that the Retail Trading Hours Act is the responsibility of the Minister for Fair Trading.

RETAIL TRADING HOURS - DEREGULATION
Contravening Trade Practices Act, Small Business Development Corporation's Advice

2338. Mr HILL to the Minister for Commerce and Trade:

(1) Has the Small Business Development Corporation provided any advice on the possibility that deregulation of retail trading hours may contravene the Trade Practices Act?

(2) If so, what was the nature of that advice?

Mr COWAN replied:

(1) No.

(2) Not applicable. I remind the member that the Retail Trading Hours Act is the responsibility of the Minister for Fair Trading.

RETAIL TRADING HOURS - DEREGULATION
Small Business Development Corporation's Submission

2339. Mr HILL to the Minister for Commerce and Trade:

(1) Has the Minister reviewed advice from the Small Business Development Corporation or any other source on the general thrust of the 1986 Kelly report on deregulation of retail trading hours and its impact on small business?

(2) If so, what is the nature of that advice?

Mr COWAN replied:

(1) The Small Business Development Corporation has made a submission to the review of the Retail Trading Hours Act. While I requested the SBDC to make such a submission I did not seek to influence its content. The SBDC has provided me with a copy of its submission.

(2) For the member's information I table a press release, issued by the SBDC, that outlines the nature of its submission.

The press release was tabled. [See paper No 966.]

Mr COWAN: I remind the member that the Retail Trading Hours Act is the responsibility of the Minister for Fair Trading.

COMMERCE AND TRADE, DEPARTMENT OF - NATIONAL INDUSTRY EXTENSION SERVICE CONSULTANCIES, BUDGET ALLOCATION

2340. Mr HILL to the Minister for Commerce and Trade:

How much money has been allocated by the Minister in his 1993-94 departmental budget to national industry extension service consultancies?

Mr COWAN replied:

$1 087 969 has been allocated to the 1993-94 departmental budget for NIES consultancies, a figure which is matched with Commonwealth funds of $1 011 327.

COMMERCE AND TRADE, DEPARTMENT OF - McCARREY REPORT RECOMMENDATIONS ON TRADE PROMOTION AND INDUSTRIES SUPPORT

2341. Mr HILL to the Minister for Commerce and Trade:

(1) Has the McCarrey report Cabinet subcommittee considered McCarrey's recommendation that:

(a) the Department of Commerce and Trade should not be involved in trade promotion;

(b) industries which have a comparative advantage in international trade should not be supported by the Department of Commerce and Trade?

(2) If yes, has Government policy changed in relation to those two matters or will the department continue to be involved as described?

Mr COWAN replied:

(1) (a)-(b)

The McCarrey report's specific recommendations in relation to the Department of Commerce and Trade's trade activities were that the trade development division be restructured into a small trade facilitation unit in the Perth office and that the department's overseas trade offices be reviewed regularly. Both recommendations were considered by the Cabinet subcommittee on public sector reform. The first recommendation was disregarded. The second recommendation has been actioned and Western Australia's overseas representation has been reviewed. Details of the changes were outlined in my media statement of 23 March 1994, a copy of which is tabled for the member's information.

The media statement was tabled. [See paper No 967.]

Mr COWAN:

(2) The Department of Commerce and Trade will continue to be involved in trade issues in line with the Government's trade growth strategy released last week.

RETAIL TRADING HOURS - DEREGULATION
Effect on Sporting, Other Community Organisations and Country Retailers, NSW

2342. Mr HILL to the Minister for Commerce and Trade:

Further to question on notice 1190 of 30 September 1993, has the Minister

now familiarised himself with the effect of deregulation of retail trading hours on sporting and other community organisations and country retailers in New South Wales?

Mr COWAN replied:

Yes. I remind the member that the Retail Trading Hours Act is the responsibility of the Minister for Fair Trading.

RETAIL TRADING HOURS - DEREGULATION
Effect on Employment Growth

2343. Mr HILL to the Minister for Commerce and Trade:

(1) Does the Minister agree that employment growth has been strongest in the small business sector over the last two years?

(2) Does the Minister accept that this trend in employment growth is likely to be impeded with deregulation of retail trading hours?

Mr COWAN replied:

(1) Yes.

(2) This part of the member's question seeks an opinion, and is therefore probably in contravention of standing orders. However, I can advise him the evidence in relation to the overall effect on employment of the deregulation of trading hours is inconclusive. It is, of course, self-evident that any change that will increase the retail market share of big business and reduce the market share of small business will adversely affect employment in the small business retail sector.

I remind the member that the Retail Trading Hours Act is the responsibility of the Minister for Fair Trading.

COMMERCE AND TRADE, DEPARTMENT OF - TRADE MISSIONS ORGANISED BY CHAMBER OF COMMERCE AND INDUSTRY, FUNDING

2344. Mr HILL to the Minister for Commerce and Trade:

(1) Did the department contribute financially to any trade missions organised by the Chamber of Commerce and Industry during 1993?

(2) If so -

(a) which countries did the trade missions visit;

(b) how much did the department contribute to each mission;

(c) how many companies attended each trade mission;

(d) which areas of industry did they represent?

Mr COWAN replied:

(1) Under the department's export market support scheme (EMSS), a financial contribution was made to some companies participating in a trade mission organised by the Chamber of Commerce and Industry in November 1993. No financial support was given to the chamber.

(2) (a) India.

(b) To date the department has distributed $1 716.30 from the EMSS funds on this mission, but not all companies have made application.

(c) Six.

(d) Capital investment, training, banking, architectural services, medical diagnostic kits, print media.

PINGELLY SUPERMARKET - REDIS GRANT

2345. Mr HILL to the Minister for Commerce and Trade:

(1) Did the REDIS grant of $9 450 made to the Pingelly Supermarket this year properly qualify under the guidelines established for the scheme?

(2) Was the grant applied principally to capital acquisitions?

(3) If so, what capital acquisitions were specified in the application and what level of stock building was specified in the application?

(4) Does the Pingelly Supermarket sell goods in competition with other businesses in:

(a) Pingelly;

(b) the region, including Brookton and Narrogin?

(5) If so, did these competing businesses also receive grants?

(6) Has the grant caused an unfair advantage to be given to the Pingelly Supermarket relative to other regional businesses?

(7) What was the total cost of the expansion and diversification components of the business proposal contained in the application?

(8) Would the business proposal have proceeded without the grant?

(9) What is the value added to the Pingelly community in terms of:

(a) additional employment;

(b) additional investment;

(c) industry diversification;

(d) increased choice of goods and services;

as a result of the grant?

(10) What was the date of application for the grant?

(11) What date was the grant approved?

Mr COWAN replied:

(1) Yes. The guidelines for REDIS were established by the former Labor Government and are currently under review.

(2) Yes.

(3) This is commercial in-confidence information.

(4) (a) Yes.

(b) Yes.

(5) No similar businesses have made application for such a grant.

(6) The committee of the Narrogin business enterprise centre, which is a locally representative body has formed the opinion that the grant would not cause an unfair advantage over other regional businesses. A Statewide panel of representatives of similar committees supported the recommendation.

(7) $93 000.

(8) No.

(9) (a) Two jobs.

(b) See (7) above.

(c) Nil. REDIS grants are targeted at diversification, expansion and establishment of the individual business level.

(d) An increased range of goods is available. Increased services included extended trading hours and personalised home delivery.

(10) 3 September 1993.

(11) 2 November 1993.

SEWERAGE - WHITLAM GOVERNMENT, FUNDING ALLOCATION

2370. Mr RIPPER to the Minister for Water Resources:

(1) What funding was allocated to Western Australia by the Whitlam Government for sewerage works in the 1970s?

(2) For what specific purpose was this funding allocated?

(3) For what specific purpose was this funding actually used?

Mr OMODEI replied:

(1) $44.138m ($30.355m loans and $13.783m as grants).

(2) For a range of country and metropolitan sewerage projects.

(3) See (2).

RETAIL TRADING HOURS - DEREGULATION
Small Business Development Corporation's Views, Minister's Support

2375. Mr HILL to the Minister for Commerce and Trade:

Does the Minister support the views of the Small Business Development Corporation in its recent report to the Minister for Fair Trading on the impact of deregulated retail trading hours?

Mr COWAN replied:

Yes.

LAMB, PETER - WARNER, GARY, EMPLOYED BY MINISTER FOR COMMUNITY DEVELOPMENT

2385. Mr BROWN to the Minister for Community Development:

(1) Is Mr Peter Lamb employed on the Minister's staff?

(2) If so, what is his position, salary, terms and conditions?

(3) Is Mr Gary Warner employed on the Minister's staff?

(4) If so, what is his position, salary, terms and conditions?

Mr NICHOLLS replied:

(1) Yes.

(2) Parliamentary Liaison Officer, Level 4, term of Minister contract under the Public Service Act.

(3) Yes.

(4) Research Officer, Level 4, three month contract under Public Service Act.

WESTERN AUSTRALIAN LAND AUTHORITY - CHAIRMAN; MEMBERSHIP

2402. Mr GRAHAM to the Minister representing the Minister for Lands:

(1) Who is the Chairman of the Western Australian Land Authority?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Western Australian Land Authority?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration is paid to each member and the chairman?

(7) When was each member first appointed?

Mr LEWIS replied:

(1)-(7) I refer the member to his question on notice 2071 of Tuesday, 23 March 1994, in which he asked the same question.

QUESTIONS WITHOUT NOTICE

BECK, RICHARD - RESIGNATION
Landscape Gardener Position, Advertising; Replacement

608. Mr TAYLOR to the Premier:

Firstly, in the spirit of goodwill and friendship, can the Premier catch?

Mr Court: Can you throw?

Mr TAYLOR: No, I cannot throw. I toss the Easter egg over to the Premier - I know that we are not supposed to throw things across the Chamber - to show that we are not always nasty to each other in this place.

Mr Kierath: You made sure it fell short!

Mrs Hallahan: But within reach.

Mr Court: In a half-hour I will accept this Easter egg in goodwill.

The SPEAKER: Order! I hope all members take note of the goodwill gesture made by the Leader of the Opposition.

Mr TAYLOR: Do you want an Easter egg too, Mr Speaker?

The SPEAKER: No. If at home I do not eat my Easter eggs within a short time, everyone thinks I am not interested and they eat them.

Mr TAYLOR: I thought the Press Gallery contributed to a very big bunny for you, Mr Speaker.

The SPEAKER: That is all right.

Mr Hill: Will we have an extra five minutes in question time now?

The SPEAKER: No, the Leader of the Opposition is using the time.

Mr TAYLOR: I refer to Mr Beck's correct decision to resign following his improper comments.

(1) Did the Premier advertise the position before appointing Mr Beck to his $100 000 a year job as a landscape gardener?

(2) Given that the Premier does not intend replacing Mr Beck, does he now concede that the position always was unnecessary and a pay off to a Dalkeith Liberal mate?

Mr COURT replied:

(1)-(2) I have never said that the position would not be replaced. I was asked yesterday whether I would replace Mr Beck straight away, and I said no. We spent some time attracting him to that position as he is a person with the utmost professional abilities for that job. It will be some time before we find a person who will be suitable for the position. Opposition members may say in a derogatory way that the person was put on to do a landscaping job. That is a typical smart-alec comment that we have come to expect. We are treating the refurbishment of the capital city as a very important exercise. The standards shown by Mr Beck yesterday would be very strange to members opposite. They would not understand that someone could take the honourable course of action and resign. The track

record of members opposite is that they tough it out. The Leader of the Opposition remained silent while his colleagues and other Labor Party members were doing the most disastrous things during the WA Inc years. We did not hear a word about it from him. When the actions of the Brushes, Edwards, Lloyd and their Labor Party parliamentary colleagues were exposed in Parliament, Labor Party members just kept toughing it out. The old guard runs the show and the rule is to tough it out at all costs. As was the case in the Ros Kelly exercise, members opposite hang in there and tough it out. Members opposite would not know the standards by which someone like Mr Beck operates.

Mr Ripper: Like your Minister for Water Resources.

Mr Omodei: You really are a little grub.

Withdrawal of Remark

Mr RIPPER: The Minister for Water Resources has referred to me across the Chamber as a grub and I wonder whether that is parliamentary.

The SPEAKER: Order! I call on the Minister to withdraw the expression.

Mr OMODEI: I withdraw.

Questions without Notice Resumed

Mr COURT: Where necessary, we have asked people with special expertise to help with a specific job. Members opposite talk about political mates. When I look across the Chamber I wonder what job Opposition members had before they took their jobs in Parliament. At least half a dozen members on the Opposition benches just happened to work as advisers in ministerial offices. If members opposite wish, I can read out a list of names. It is quite obvious that to become a member of Parliament in the Labor Party, there is an indoctrination period where people must spend time in a Minister's office. Opposition members are prepared to use taxpayers' funds not to help with refurbishing a capital city or some other specific project, but to pay their salaries during the lead in to their being endorsed for their seats. On another day perhaps we might read out a list of the jobs in ministerial offices held by Labor Party members before they took their places in this Chamber.

COMMISSION ON GOVERNMENT BILL - REFERRAL TO STANDING COMMITTEE ON LEGISLATION, MOTION

609. Dr HAMES to the Premier:

Is the Premier aware that this morning Australian Labor Party members moved to refer the Commission on Government Bill to the Legislative Council Standing Committee on Legislation?

Mr COURT replied:

I was somewhat surprised to hear that this morning the Opposition moved that the Commission on Government Bill be referred to that committee. Quite frankly, I could not believe it. We had made it clear that we had kept this Parliament sitting so that we could complete those items of business. We put the Bill through this Chamber in an expeditious way.

Mr Ripper: That is nonsense. You could have put it through in August last year. What do you take us for? Fools?

Mr COURT: Why then would the Opposition want to refer it to the Legislation Committee?

Several members interjected.

The SPEAKER: Order!

Mr Ripper: Because the Government's Bill is not in the spirit of the royal commission's recommendations.

Mr COURT: Members opposite talk about accountability. They have been crowing about the need to immediately set up a Commission on Government. The matter was debated in this House last week and the Opposition agreed that it should be passed promptly. Members opposite said they would cooperate and help us set up the committees and so on. However, in the other place at 3.00 o'clock this morning the Opposition moved to have the Commission on Government Bill examined by the Standing Committee on Legislation. All I can say is that members opposite must be in an absolute mess. They were fighting among themselves in the other place about whether one clause should go to the committee. Hon John Cowdell said he wanted the whole Bill to go before the Legislation Committee. Members opposite know only too well what that would involve. They have done a 360 degree turn with their attitude to the passing of this legislation.

Last night after the dinner break during private members' business when we were debating the urgent situation surrounding the Mt Henry Hospital, how many people were in the Chamber on the other side? Not one was on the Labor Party benches. Some time after that Dr Gallop -

Dr Gallop: Thirty seconds.

Mr COURT: It was not 30 seconds. We gave him a standing ovation when he entered the Chamber. About 15 minutes later three members opposite were in the Chamber. That is an example of a well organised Opposition committed to putting up a fight! Its members did not even bother coming back to the Chamber after dinner.

BECK, RICHARD - RESIGNATION
Payment or Severance Package

610. Mr TAYLOR to the Premier:

It is a well organised machine which is giving the Premier the collywobbles at the moment. If the Premier is going to make examples of people who worked in ministerial offices, he is walking on very thin ice.

Mr Blaikie: What is your question?

Mr TAYLOR: I thank the member for Vasse. Following the resignation of Mr Richard Beck from his $100 000 a year position as landscape gardener to the Premier, has he received, or will he receive, any payment or severance package for his distinguished service to Western Australia; if so, how much?

Mr COURT replied:

Mr Speaker -

Mr Marlborough interjected.

The SPEAKER: Order! Member for Peel.

Mr COURT: Mr Beck worked for two days in the job and will be paid for those two days. It was interesting to listen to the member for Peel yesterday -

Mr Marlborough: It is always interesting; what is new?

The SPEAKER: Order!

Mr COURT: The Leader of the Opposition said that we should have standards where we do not use the privilege of this Parliament to attack people outside. Yesterday members opposite could not control themselves from having a go at Mr Beck. The member for Peel was very loudmouthed in his personal abuse.

Mr Marlborough interjected.

The SPEAKER: Order! I formally call to order the member for Peel.

Mr COURT: Mr Speaker -

Mr Marlborough interjected.

The SPEAKER: Order! I formally call to order the member for Peel. While I was not here earlier the member for Peel was formally called to order. That makes it three times. I ask him to cooperate with the Chair.

Point of Order

Mr LEWIS: I understand that under standing orders after a member has been formally called to order three times, suspension from the House is automatic.

Mr RIPPER: Mr Speaker -

The SPEAKER: Order! The member for Belmont does not need to tell me the standing orders, if that is what he is going to do.

Mr RIPPER: I just want to comment that the Minister is exposing his usual lack of attention to detail.

The SPEAKER: Order! Standing orders provide that if a person has been formally called to order - I deliberately use the word "formally" so that people can distinguish that from the other call to order - on more than three occasions, the fourth occasion would be the earliest on which action could be taken. The standing orders state that the member "may" be suspended for the balance of the day.

Questions without Notice Resumed

Mr COURT: The member for Peel was loudmouthed yesterday when he made the most outrageous personal condemnation of Mr Beck. However, why did the member for Peel remain silent during the Penny Easton affair?

Mrs Hallahan: What has that got to do with it?

Mr Marlborough: I thought this would be one of your better attempts. You are as useless as you always are.

The SPEAKER: Order!

Mr COURT: There are two standards in this Parliament: One on the coalition benches and a different standard on the other side, where they tough it out. The royal commission states that Opposition members have been exposed for improper, and possibly illegal, activity, yet they are promoted to the front bench. They are the standards on the opposite side of the House.

POLICE DEPARTMENT - RESERVE 41444, BUSSELTON, FUTURE POLICE STATION-COURTHOUSE COMPLEX

611. Mr BLAIKIE to the Minister for Police:

(1) Does the Police Department require reserve 41444 in Busselton for a future combined police station-courthouse complex?

(2) If so, would the Minister indicate whether this land is considered a priority area for future police requirements?

Mr WIESE replied:

(1)-(2)

As the member for Vasse would know, the Busselton-Dunsborough area is probably one of the highest, if not the highest, growth rate areas in the State. That sort of development and expansion puts considerable pressure on the Police Force in providing the necessary buildings and site works. The Government recently opened the Dunsborough Police Station.

Comments were made at that opening that the Dunsborough area, which presently has a population of 8 000, is expected in the year 2000 to have a population of 20 000. The Police Department fully expects that it will be required to provide another two police stations in that area. That gives members some sort of idea of some of the problems which the Government is confronting.

I inspected the Busselton Police Station-courthouse complex several months ago. I am very much aware of the deficiencies in that station. I understand that the Police Department has inspected the block to which the member referred - reserve 41444 - and has referred to it as an ideal location for a future police station-courthouse complex. I also understand that following the opening of the Dunsborough Police Station, Commissioner Bull looked at the location and he has indicated to me that the Police Department requires the block and has given the acquisition of that block for the department a high priority.

I appreciate the member for Vasse bringing that location to my attention. I was able to pass that information on to the Police Department. I hope that at some time in the not too distant future the Police Department will be able to acquire the block and further consider the possibility of replacing the existing complex in the Busselton area.

BOATSHED - LOT 55 SAUNDERS STREET, MOSMAN PARK, CONSTRUCTION PROPOSAL

612. Mrs HENDERSON to the Minister for the Environment:

(1) Is the Minister currently considering a proposal by an acquaintance of his to construct a boatshed on the river at lot 55 Saunders Street, Mosman Park?

(2) Did the Minister visit the site?

(3) Does the Minister visit the sites of all such proposals?

(4) Can the Minister confirm that the proposal includes a provision for the dredging of the Swan River?

(5) Is the Minister aware that dredging in this area has caused adverse environmental impacts, and will he take this into account when making his decision?

Mr MINSON replied:

(1) Yes, I am considering that.

(2)-(3) Yes - I visit many of the sites.

(4) No, dredging is not required.

(5) Yes, I am aware that dredging has caused a problem in the past.

REAL ESTATE PERSONS - REGISTRATION, ABOLITION PLANS

613. Mr W. SMITH to the Attorney General representing the Minister for Fair Trading:

(1) Does the Minister intend to abolish registration of real estate persons under the Real Estate and Business Agents Act 1978?

(2) Will it no longer be a requirement that real estate persons who enter the industry have a minimum educational requirement which covers 90 hours of course training?

(3) Does the Minister intend to promote self-regulation of the industry and thereby disband the Real Estate and Business Agents Supervisory Board?

Mrs EDWARDES replied:

The Minister for Fair Trading has provided the following reply -

(1) No decision has been made to change current registration arrangements for real estate persons.

(2) There are no plans to change the educational requirement for real estate persons.

(3) Sections of the real estate industry have suggested to me that self-regulation may be appropriate. I have indicated that I am willing to consider suggestions for how such arrangements could operate but that any proposals for change to present arrangements would require careful consideration. Currently there are no plans to disband the Real Estate and Business Agents Supervisory Board.

POLICE - $2.5m ALLOCATION, ADDITIONAL EXPENDITURE

614. Mr CATANIA to the Minister for Police:

I refer to the Minister's undertaking, following the independent review conducted by Arthur Andersen, to spend $2.5m on additional resources and accommodation for police.

(1) Is this $2.5m the same $2.5m which was set aside in the 1993-94 State Budget and which has not yet been spent?

(2) Will the Minister table today, or as soon as possible, a full breakdown of the proposed expenditure?

Mr WIESE replied:

(1)-(2) I thank the member for the question; if I had wanted a dorothy dixer, I could not have had a better one. It gives me a great deal of pleasure to assure the House that the $2.5m, which has just been allocated in the 1993-94 year and which will be spent in the 1993-94 year, is totally in addition to any other moneys. I am not sure just what moneys the member for Balcatta may be referring to. It is certainly not part of a previous Budget; it is totally additional expenditure. Some $1.5m of that money will be spent immediately to upgrade police stations and do some of the basic maintenance of police stations that has been neglected for so long. The report identifies that that has happened over a long period. That is a legacy with which the Police Department has been left over many years and with which we as a Government have now to deal. I have determined that we will deal with it.

Mr Court: Why not tell the member for Balcatta that half of the police stations in Western Australia did not even have fax machines when we came into Government? What a disgrace!

Mr WIESE: That is correct. That is just one of the many deficiencies that exist throughout all of the police stations, which have developed over a period.

Mr Catania: Why does the Police Minister not tell the Premier that he has not been given any money from the Budget to continue operating? Tell him the Police Department is out of money!

The SPEAKER: Order!

Mr WIESE: That refers to the $1.5m for basic maintenance of police stations. The other $1m is a further allocation to be devoted purely to equipment, including basic items of equipment referred to by the Premier. That money is in addition to the $1m specifically allocated in the 1993-94 Budget, and in addition to the $800 000 or $900 000 allocated for the upgrading of the mainframe computer and obtaining the Sunspark computer that the police were able to take over from the royal commission

to provide a greatly improved computer service. The provision of this equipment is an indication of the importance we place on the Police Department. The fact that we are prepared to do that in this year's Budget, not next year, is a strong indication of how the Government feels about providing basic resources to the Police Force in Western Australia.

At the moment I am unable to indicate where specific allocations will be made. The final details are being developed, and when that information comes to hand I will be happy to table it in the Parliament.

FISHERIES - NEW LEGISLATION, FISHING INDUSTRY CONCERNS

615. Mr MARSHALL to the Minister for Fisheries:

Is the Minister aware of the concerns expressed by some sections of the fishing industry regarding the proposed new fisheries legislation, in particular the renewal of licences for fishermen?

Mr HOUSE replied:

The review of the fisheries legislation was started by my predecessor - and rightly so, because the legislation under which we currently work is outdated. Towards the end of last year, because the review was not moving quickly enough, I decided to table the legislation in Parliament as a Green Paper so that the industry could have full access to our proposal. That would allow the industry to comment and make suggestions - in conjunction with members of Parliament, the Opposition and industry groups - about the changes it considered necessary. As a consequence, a number of suggestions have been made. I have received around 100 formal submissions. One relates to the renewal of licences. As a result of the concerns expressed, I was not satisfied with the wording of the proposed new legislation. I have given a commitment to the industry that we will word the new legislation as near as possible to the old legislation but it will reflect the concerns of the industry and provide the guarantees being sought.

BRADSHAW, DR WAYNE - EXTRADITION

616. Mr D.L. SMITH to the Attorney General:

I refer to the letters between the Attorney General and the Director of Public Prosecutions tabled yesterday.

(1) Had the Attorney General sought any advice or information on the matter of the extradition of Dr Bradshaw from the Director of Public Prosecutions before her letter to him on 17 March 1994?

(2) Does she agree with the advice contained in the response by the Director of Public Prosecutions that she, as Attorney General, retains all the powers as the first law officer in respect of extradition?

(3) Is she aware of section 20(3) of the Director of Public Prosecutions Act which provides that the provisions of that Act do not derogate from the functions of the Attorney General?

(4) Is she aware of section 29 of the Director of Public Prosecutions Act which enables her to ask the Director of Public Prosecutions for information -

(a) for the proper conduct of the Attorney General's public business; and

(b) to enable Parliament to be informed and questions asked in Parliament to be answered concerning the functions under the operations of the Act?

(5) Is she also aware of section 26 of that Act which enables her to consult the Director of Public Prosecutions?

(6) When will she seek the information on Dr Bradshaw's extradition that this Parliament and the public are entitled to have - in the same manner as the Federal Attorney General and the Queensland authorities have been able to provide to the public in relation to the Skase extradition?

The SPEAKER: I understand that question (2) seeks a legal opinion. If that is so there is no provision for answering in that way.

Mrs EDWARDES replied:

I am a bit concerned about the member for Mitchell because he obviously does not understand several legal principles. He obviously does not recall his second reading speech when he introduced the Director of Public Prosecutions Bill into this House. My letter was very clear, as was the Director of Public Prosecutions -

Mr D.L. Smith: The Minister is not prepared to ask for the information and is failing in her job.

Mrs EDWARDES: If anybody is failing in his job it is the shadow Minister and former Minister for Justice. He reveals his lack of knowledge and understanding about basic legal principles. There are many other people on the Opposition side who would be prepared to do his job and who probably would do a far better job than he is at present.

Mrs Hallahan: Come on!

Mrs EDWARDES: He is probably out of touch. I refer to the second reading speech of the member for Mitchell on page 2169 *of Hansard* of 28 May 1991. It states -

> The Director will also have responsibility for the extradition of offenders and prisoners.

It continues that the reason the independence of the DPP was so important was to keep Governments of the day and members of Parliament out of criminal proceedings. Why would members opposite want to provide for the independence of the director and ensure that that independence is not threatened or affected in any way?

Mr D.L. Smith: Have a look at section 29.

The SPEAKER: Order!

Mrs EDWARDES: I draw the member's attention to the letter of the DPP because it is very clear that the DPP has some concerns. Part of the letter states -

> In accordance with established practice I have declined to make any public comment on the status of investigations into Dr Bradshaw's activities.
>
> I can confirm that investigations are continuing and the police are consulting with my office.

It continues - and this is the real matter for concern for the DPP; the member for Mitchell fails to understand the seriousness of his actions -

Mr D.L. Smith interjected.

The SPEAKER: Order! The member for Mitchell will cease interjecting.

Mrs EDWARDES: A matter listed for trial in the District Court on 30 May 1994 involves reference to Dr Bradshaw. I am concerned that continuing public references to Dr Bradshaw's alleged activities may prejudice the right of

that accused person to a fair trial. Why would he be concerned? As late as September last year, in The Queen v Connell, an application for a permanent stay of a trial was made. The decision was handed down on 17 September 1993. We have a process whereby we ensure that people can actually get fair trials in this State. The DPP indicated at least two cases about which it is concerned which require the application of fundamental principles which apply not only to this Parliament but also to other Parliaments in Australia and around the world; that is, that defendants be afforded a fair and independent trial.

Mr D.L. Smith: It does not prevent your asking for information.

The SPEAKER: Order!

Mrs EDWARDES: Those principles will be breached if there are continuing discussions and attacks from members opposite. This may lead to unfair trials, and the DPP is concerned that it may be put into a position whereby it is not able to proceed. His concern is that another person will be coming up for trial on 30 May in relation to another case and that he may have an unfair trial. The DPP has said he is concerned that continuing public references to Dr Bradshaw's alleged activities may prejudice that person's right to a fair trial in the District Court. Members of the Opposition should start thinking about basic legal principles and what we in this Parliament stand for.

BOATSHED - LOT 55 SAUNDERS STREET, MOSMAN PARK, CONSTRUCTION PROPOSAL

Correction to Answer

Mr MINSON (Minister for the Environment):

With your indulgence, Mr Speaker, I want to correct an answer that I gave to part (4) of question 612 asked earlier by the member for Thornlie. I answered no to a question relating to dredging being required on a project, thinking that a dredge was an implement that had a pump and a suction unit. On checking the dictionary, I find that a dredge is "a dragnet or other contrivance for gathering material or objects from the bed of a river, etc." The answer therefore is yes and not no to all of the questions asked.