WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Wednesday, 30 October 1996

Legislative Assembly

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

PETITION - EDUCATION DEPARTMENT, TREATMENT OF TEMPORARY TEACHERS

MS WARNOCK (Perth) [11.02 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned citizens of Western Australia wish to register our strongest possible protest over the treatment of Temporary Teachers by the Education Department of Western Australia. Temporary Teachers have no job security and have no career structure. We believe the situation reflects badly on our State's commitment to education - especially that of children in country areas.
>
> We hereby request that the Minister for Education urgently reviews the conditions of Temporary Teachers and the way in which Permanent Teacher status is granted.
>
> 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 34 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 190.]

PETITION - DAVIDSON ROAD, NANNUP, UPGRADING

MR OMODEI (Warren - Minister for Local Government) [11.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned citizens request that urgent priority is given to upgrading Davidson Road, Nannup to an acceptable safety standard and commitment is made in the planning process to the sealing of this road.
>
> We feel that the poor condition of the road:
>
> 1. presents unacceptable road safety hazards to users and
>
> 2. provides a barrier to accessing services and resources between two shires.
>
> 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 294 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 191.]

PETITION - ALINTAGAS, REBATES

MR CUNNINGHAM (Marangaroo) [11.04 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned petitioners:
>
> 1. Call on the State Government to arrange with AlintaGas to provide a 50% Rebate to Pensioners on the first 10 units of gas used by them each day.
>
> 2. Call on the State Government to pay for this by rebating to AlintaGas, a proportion of the State Government's levy on AlintaGas.
>
> 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 138 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 192.]

PETITION - SENIORS' MOBILITY PROGRAMS, FUNDING

MR KOBELKE (Nollamara) [11.05 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned residents of Western Australia are dismayed that the Government is withdrawing funding from the Seniors' Mobility Programmes. The men and women who are referred by their doctor to participate are able to keep fit and well, saving costs in the health care system. We urge the Government not to defund this sensible and practical initiative.
>
> 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 30 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 193.]

PETITION - WESTERN POWER, BRIDGETOWN DEPOT 611322, FAULT REPORTING

MR OMODEI (Warren - Minister for Local Government) [11.06 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the residents of Pemberton and Northcliffe request Western Power to reinstate fault reporting for power breakdowns to the local area, Bridgetown Depot 611322.
>
> Recent experiences during bad storms have demonstrated difficulties in reporting to the emergency number provided. As a consequence power has not been restored in some instances for days. Residents of this area have been very satisfied in the past with fault reporting to the local depot. The local Western Power personnel understand the complexities and area locations.
>
> 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 375 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 194.]

PETITION - SCHOOL STARTING AGE

MR KOBELKE (Nollamara) [11.07 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned, object strongly to the Minister for Education's proposals to change the school starting age so that our children may not start their formal education until they turn the age of seven.
>
> We object to delaying the start of formal education which we believe will impact on the quality of our children's education.
>
> 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 40 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 195.]

PETITION - WESTERN POWER, AUGUSTA-MARGARET RIVER, FAULT REPORTING

MR OMODEI (Warren - Minister for Local Government) [11.08 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the residents of Augusta-Margaret River request Western Power to reinstate fault reporting for power breakdowns to our local area. Recent experiences during bad storms have demonstrated difficulties in reporting to the emergency number provided. As a consequence power has not been restored in some instances for days. Residents of this area have been very satisfied in the past with fault reporting to the local depot. The local Western Power personnel understand the complexities and area locations.
>
> 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 207 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 196.]

PETITION - PAEDOPHILIA PENALTIES

MR OMODEI (Warren - Minister for Local Government) [11.09 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned, petition for harsher penalties for those people who offend against children in the act of paedophilia. We feel that the current sentencing does not reflect the lifelong harm suffered by victims.
>
> Children have the right to feel safe in our society and in their homes.
>
> 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 357 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 197.]

RULING - SPEAKER

Petition Out of Order

Mr Catania: I seek some guidance, Mr Speaker. I would like to know whether a petition I have with me is acceptable to the standing orders of the House.

THE SPEAKER (Mr Clarko): The member should quickly show it to one of the Clerks.

The petition is addressed to the House of Representatives so it cannot be accepted here. Perhaps on another similar occasion the member might ask for the advice of the Clerks, who are useful on such occasions.

MINISTERIAL STATEMENT - MINISTER FOR FAIR TRADING

Commercial Tenant (Retail Shops) Agreements Act, Amendment as a Green Bill, Tabling

MRS EDWARDES (Kingsley - Minister for Fair Trading) [11.12 am]: Amendments to the Commercial Tenancy (Retail Shops) Agreements Act 1985 have been subject to considerable discussion over an extended period, and today I table the coalition's proposed amendment to the legislation as a Green Bill. The Government is committed to this legislation, but recognises that some fine tuning is required.

Mr Catania interjected.

Mrs EDWARDES: The amendments in this Green Bill will make a significant contribution to the Government's aim of making the Western Australian marketplace fairer, more competitive and better informed.

Mr Catania interjected.

The SPEAKER: Order! The member for Balcatta will note that I allowed him to make his first interjection, but his repeated interjections are out of order.

Mrs EDWARDES: These amendments are aimed at addressing a variety of industry issues in relation to the operations of the principal Act which have been raised by industry during the consultation process. It was also identified during the consultations with industry stakeholders that the various groups often have widely differing views of what constitutes fair practice. However, the Government's Bill aims to strike a balance between the interests of property owners and their tenants. The Bill also recognises that no amount of juggling will satisfy every concern of each stakeholder. The Government is looking for an outcome in the best interests of the industry and the community overall.

Following recent discussions, peak industry groups have confirmed that the Government's proposals represent positive ideas for improvements in the Act; therefore, many of the proposals enjoyed consensus between the various interests. However, following these discussions, industry has not only made further good suggestions, but also expressed concerns regarding some amendments. In addition, when commenting on the amendment Bill, many sections of the industry have requested more time to fully evaluate their positions after discussions with their members.

As the Government would also like to further consider these suggestions with the industry, it has accordingly responded by making this Bill available in the public arena. I seek and welcome public scrutiny of the Green Bill and urge interested persons and organisations to comment on the proposals before it is finalised.

Submission are due by 15 January 1997, so adequate time is available for all interested parties to consider their positions. Those positions will be fully assessed and incorporated into legislation that this Government commits itself to introducing in the autumn session of Parliament in 1997. I table the Green Bill.

[See paper No 688.]

MINISTERIAL STATEMENT - MINISTER FOR HEALTH

Attention Deficit Disorder, Technical Working Party Report Tabling

MR PRINCE (Albany - Minister for Health) [11.15 am]: I release for public comment a report by the Technical Working Party on Attention Deficit Disorder to the cabinet subcommittee. The report was commissioned by the cabinet subcommittee - which comprises the Ministers for Education, Family and Children's Services, Disability Services and Health - following a rapid increase in diagnosis of the attention deficit hyperactivity disorder condition, known as ADHD, in Western Australia and a corresponding dramatic increase in prescribing stimulant medication. The Commonwealth has also issued a report on this subject through the National Health and Medical Research Council which should be read in conjunction with the Western Australian document.

The state report has addressed the key areas of diagnosis, management and monitoring of the condition and has made 21 recommendations. The working party found that Western Australia has a disproportionately high use of the stimulants dexamphetamine and methylphenidate for children aged between five and 14 years compared with the rest of Australia It suggests that this could be attributed to a misdiagnosing and/or overprescribing of stimulant medication. Alternatively, it also suggests that other States and Territories have yet to "catch up" with Western Australia. I must stress that this is a national issue and it is vital that the situation in this State should not be considered in isolation.

The working party also identified regions in the metropolitan area with the greatest volumes of stimulant prescriptions, and suggests that this may relate to differing prescribing patterns by paediatricians rather than social or other factors. The report raises serious concerns about the criteria used in the diagnosis of ADHD and the rigour with which diagnoses are made. In particular, the working party has highlighted the practice of diagnosis based predominantly on anecdotal reports by parents of a child's behaviour.

The report recommends uniformity of criteria and a greater collaboration between specialist medical and other health professionals to ensure accurate diagnoses, and that a thorough assessment of a child's behaviour and symptoms is undertaken in a number of settings, such as at home and at school. The working party is concerned that other conditions may be going undiagnosed and untreated in the current climate of attributing many perceived behavioural disorders to ADHD.

Ongoing management and monitoring of the condition is also addressed in the report, and the role schools play in a child's educational and behavioural management is particularly highlighted. This would involve evaluation by multi-discipline groups of education and health professionals to ensure a child's best interests are served. Alternative treatment to drugs also need to be examined as about 20 per cent of children with carefully diagnosed ADHD gain no benefit from stimulant medication.

Essentially, the working party recommends a preventive approach which is geared to eliminating the detrimental outcomes children with this condition can experience. I recognise that attention deficit hyperactivity disorder is a

condition which is neither fully understood nor fully accepted by some health professionals and sections of the wider community. This report is an important first step to reaching a better understanding of the prevalence of this distressing condition and, ultimately, to a better treatment and management for sufferers of the complaint.

Both the state and the NHMRC reports have been released for public comment. Public comment on the Western Australian document is being sought by 31 December.

I now table the "Report of the Technical Working Party on Attention Deficit Disorder to the Cabinet Subcommittee" and release it for public comment. I table the NHMRC report at the same time.

[See papers Nos 689 and 690.]

SELECT COMMITTEE ON ROAD SAFETY

Leave to Meet when House is Sitting, Wednesday, 30 October

On motion by Mr Cowan (Deputy Premier), resolved -

> That this House grants leave for the Select Committee on Road Safety to meet when the House is sitting on Wednesday, 30 October.

ACTS AMENDMENT (RESTRICTIVE COVENANTS) BILL

Introduction and First Reading

Bill introduced, on motion by Dr Hames, and read a first time.

DENTAL AMENDMENT BILL

Second Reading

Resumed from 17 October.

MR McGINTY (Fremantle - Deputy Leader of the Opposition) [11.19 am]: The Opposition supports the Bill. As was observed in the second reading speech, 16 students at Curtin University of Technology who are about to complete their Associate Diploma of Dental Hygiene, under the provisions of the Dental Act, are unable to register themselves and, therefore, are unable to practice the skill for which they have undertaken training during the past two years. For that reason, we are happy to support this legislation.

Most members will be aware of the occupation of dental therapist, particularly where it is practised in schools. Dental therapists currently do two years' training at Curtin University and once they have completed that training and registration are competent to do a range of work, such as fillings, cleaning teeth and general dental health work, including the taking of X-rays and the administration of local anaesthetics. In addition to the general training at Curtin University, in the past a school dental therapist has undertaken a minimum of 12 weeks' supervised clinical practice before being registered to provide dental services to our young school children.

Under this legislation those two categories of work - namely dental therapist and school dental therapist - will remain. I will comment further on that. This legislation proposes to add the classification of a dental hygienist. Western Australia is unique among Australian States in not having people trained and registered in that occupation. That has given rise to a number of problems, particularly where people come from interstate or overseas to Western Australia. It is a problem when one considers the notion of mutual recognition throughout the country and the goal of ensuring that qualifications obtained in other States and, to the extent possible, overseas are recognised by law in this State. In the past we have led the nation in many areas of dental care. One need only look at the 1970s fluoridation program, the 1972 introduction of the dental therapist program and, something more topical, the dental program. The Commonwealth took over funding of the dental program some years ago and it was abolished in the most recent federal Budget. These programs had this State setting the pace in the provision of dental care to the community. The dental program has gone and that issue will no doubt occupy the time and attention of this Parliament over the months and years ahead. We will need to look at how we maintain the standard of dental care provided to low income earners, who will now be denied access to a large proportion of the dental treatment that the State and Commonwealth have previously provided. In other respects, particularly in relation to the dental therapist and fluoridation programs, Western Australia has well and truly set the pattern.

This legislation ensures that the occupation of dental hygienist is appropriately recognised. It also makes provision for the registration of people who complete the training course at Curtin University and who can then practise, either

as a school dental therapist or a dental hygienist. The new scheme envisaged by this legislation includes a two-year dental hygienist course at Curtin University replacing the existing dental therapist course. Those who have completed the dental hygienist course will then be required to undertake a graduate diploma to enable them to be registered and therefore practise as a school dental therapist. That diploma course will replace the 12-week supervised clinical practice that has been offered in the past to upgrade the basic skills of the dental therapist to those required to practise as a school dental therapist.

While the concept behind it is relatively simple, why do we need to retain in legislation the three clarifications of dental hygienist or therapist? The legislation could quite simply have provided for a dental hygienist, but then have had different requirements for a person to work in a particular area, whether it be a school, an orthodontic practice or some other area.

Mr Prince: It is to preserve the status of qualifications of people already employed while new qualifications come in. However, I will check with my advisers before I respond formally.

Mr McGINTY: A 26-page Bill seems a fairly cumbersome way to deal with such a discrete issue about which there is no real opposition.

It is envisaged that a person undertaking the two-year course at Curtin University and emerging with the dental hygienist qualification will be someone who is competent to work with local anaesthetics, to scale teeth and to undertake root planing. Unlike a school dental therapist, a dental hygienist will not be competent to do fillings. That function will require the practitioner to undertake the graduate diploma once they have completed the basic dental hygienist course. Under the new arrangements, the school dental therapist will be competent to perform fillings on the teeth of young school children but, because of the nature of the work, will not be involved in root planing or orthodontic work. The dental therapist operating other than in a school will also undertake root planing, fillings and some orthodontic work, depending upon where they are located.

The administration of this legislation should be based on ensuring that there are minimal barriers between the three classifications of dental hygienist, dental therapist and school dental therapist. Establishing practical mobility between the three occupations - subject to the completion of the graduate diploma course at Curtin University - is an appropriate step. In addition, we should do what we can to ensure that people can practise to the extent of their competency and training and that artificial barriers between the three classifications are removed where possible.

We should also look at standardising the registration of dental hygienists or auxiliaries in dental practice throughout Australia. My understanding is that this legislation will achieve that end result, because the graduates of dental hygienist programs in other States cannot currently practice in Western Australia and dental therapists historically have had some difficulty after having been trained in Western Australia and then moving to other States to practise. In today's environment it is only sensible to consider issues such as mutual recognition, standardisation of skills and qualifications, the need to see Australia as one nation and, to the extent possible, having common training for people such as auxiliaries in dental practice. That will also ensure that our graduates can work elsewhere, and that is an important side effect of this legislation.

I thought that restorative work, such as filling teeth, could be done only by dentists, and I was somewhat surprised to find that this was done by dental therapists on children in our schools. This legislation provides for that work to continue to be done by appropriately trained dental therapists who have completed the graduate diploma, and I am told that the reason for the extra semester at Curtin University is essentially to train dental hygienists to perform that restorative work. The restorative work of school dental therapists will remain uniquely Western Australian, because elsewhere in Australia this work is performed by dentists.

I am happy to indicate the Opposition's support for this legislation. The Dental Act might have been amended in a simpler way than the Minister has proposed, because this Bill strikes me as being unduly prescriptive, but if this is what the Minister wants, so be it. As a matter of principle, we prefer legislation that is simple and easily understood, and we believe this could have been done in this case, but the principle underlying the legislation has the support of the Opposition.

MR BROWN (Morley) [11.31 am]: I put on record a response from the Minister about a matter that has been drawn to my attention. I have received a copy of a note from Rachel Barker, President of the Western Australian branch of the Australian School of Dental Therapists, which deals with the way in which this Bill may impact on some dental therapists. The note states -

> Currently the Board recognises for registration as a Dental Therapist, those trained at Curtin and Public Health Graduates, including those who have completed Public Health predeployment training. In the future however, the Dental Board may not recognise some or all of this training in the category of a Dental Therapist. It is therefore a recommendation that as a School Dental Therapist, if you are not currently

registered as a Dental Therapist with the Dental Board and are contemplating working in areas that may involve treating adults, for instance in a General Dental Clinic, Community Dental Clinic, or at Perth Dental Hospital, you complete registration prior to this Amendment Bill being passed.

Concerns have been raised with a colleague of mine in another place about whether this Bill will exclude people who are currently employed as dental therapists, particularly as school dental therapists. If people who are currently employed as school dental therapists will not be prejudiced by the operation of this Bill, I would like the Minister to put on record that all people who are carrying out those duties and hold that classification will continue to be permitted to carry out those duties and hold that classification notwithstanding the passage of this Bill. That may allay the concerns that have been raised.

MR PRINCE (Albany - Minister for Health) [11.35 am]: I thank the two members of the Opposition who have spoken on this Bill for their comments, and I appreciate the support of the Opposition for this Bill. The purpose of this Bill is, in part, to allow 16 students who will complete the Associate Diploma of Dental Hygiene at Curtin University at the end of this year to be employed. The reason for the three categories is, in a sense, to preserve the status quo that exists, while obviously recognising the new qualification, which over time as people age and move out of the work force will become the dominant qualification. The movement of people between the States is also important. Dental hygienists from the Eastern States would, were it not for the preservation of the existing categories, need to undergo at least 12 months' further training before they would be eligible to be registered as dental therapists.

Mr McGinty: Why?

Mr PRINCE: Because of the criteria for that training course at Curtin.

Mr McGinty: I thought the purpose was to standardise it.

Mr PRINCE: Apparently not yet. It is to preserve the ability of dental hygienists from elsewhere, particularly other States, to move to Western Australia and have their qualifications to practise recognised. Similar problems arise with school dental therapists from the Eastern States. I am informed that under this Bill, they will have to undergo not less than six months' and not more than 12 months' additional training to meet the requirements to be registered as a hygienist in this State. A person can have more than one registration if he or she is appropriately qualified. A person can be registered as a school dental therapist and also as a dental hygienist; it is not a mutually exclusive exercise.

The ability of school dental therapists to do restorative work may apply only in this State. However, I make the obvious point that we are not blessed with dentists everywhere, and the practice of professional dentistry in smaller communities does not always allow a person to earn sufficient income to be able to stay in that community, yet there is obviously a requirement for this work. In remote areas, a school dental therapist who is able to do some restorative work is a necessary adjunct to hygiene, which is part of good health. The fact that we have largely good oral health in this State speaks highly for the system that has been in place for some years, and the fact that school dental therapists are able to do this limited restorative work is part and parcel of that system.

With regard to the matter raised by the member for Morley, I am informed that in 1983 there was a rationalisation of school dental therapists and dental therapists, and in the process a grandfathering arrangement was entered into for people who had qualifications which were not sufficient to enable them to do the things that they were doing. In other words, they had not been trained to do some things, although they were doing them. To ensure they would continue to hold a qualification, there was a grandfathering exercise in 1983. This amendment will remove that. A relatively small cohort of people is involved; namely, some - but not all - people who have older qualifications. If these people are not registered by the time this provision becomes law, they will not be able to be registered. A small number is involved. This provision has been known within the allied dentistry professions for some months. During at least one meeting I have had with people who are interested in this matter, this issue was discussed and the associations which have some members in this category are well aware that this provision is the consequence of the passage of these amendments. Consequently, they are urging the few members who are in this category to get themselves registered before the passage of this legislation.

Mr Brown: Can that be extended further?

Mr PRINCE: It cannot really. This was a grandfathering exercise 13 years ago. These people do not have recent training. The situation should not continue, particularly when we now have a higher standard as a result of the higher qualification people must obtain through Curtin University to operate in this area. It is time for it to be brought to an end. Those who are, or who could be, affected have had knowledge of this proposal for some time and have had the ability to seek some form of registration.

Mr Brown: It seems unusual that we could pass legislation here which potentially could remove people from their jobs.

Mr PRINCE: It does not take them out of their jobs; it limits to some extent that which they can do.

Mr Brown: They could go.

Mr PRINCE: That is unlikely. It is more likely to affect those who have practised and are not in employment, and who wish to retain the possibility of coming back into the work force. It probably relates more to the married woman who, as a younger woman, was employed and dropped out of the work force for family reasons, and who wishes to return to work. In those circumstances where there has been a long gap in practice, it could be argued that the person should be retrained anyway. Techniques do change; systems change; and in the meantime levels of training have changed. We find that in nursing, for example. Nurses who were trained prior to the university course, and registered; who then dropped out of employment because they wanted to care for their families and so on; and who then wished to reregister, have not been able to unless they have retrained and become requalified. That has happened since nursing has required basic training via a university degree, which is different from training provided in the mid-1980s and earlier.

Similar considerations apply in this case. When we are talking about the level of expertise in providing a health service to people, we should follow the principle of the higher standard. It is not intended to take anybody out of any form of employment; it is simply trying to overcome a grandfather exercise from 13 years ago that has created a problem. The people who will be caught under this provision have known about it for some time. Those who sought registration have been able to do so; those who did not seek registration, because they were not in employment, must undergo some form of retraining before they come back into the work force. We are talking about safety and health.

Mr Brown: Yesterday the Minister for Lands indicated he would write to all strata title owners and tell them of changes to the Strata Titles Act. Thousands are involved. Does the Government intend to write to all the people who are potentially affected by this legislation?

Mr PRINCE: I could, but I do not intend to do that. I have had one or two meetings that I can recall during the 10 and a half months I have been Minister for Health where this matter has been raised, and the people who are potentially affected know about the situation. They have had the opportunity to seek registration. A very small number is involved. If the board does not accept an application for registration because these people are not employed - in other words, they are relying on qualifications and skills they had in the past that they are no longer currently practising - the board may well take the view, and I would support it in this, that people who have been out of the profession for a long time should retrain before re-entering it. Things have changed, and we are talking about the safety of the public.

Mr Brown: I accept what you say in those general comments. Some time ago, amendments to the Strata Titles Act were passed. It was said that people understood the amendments and that it was basically okay and there were no real problems for them. That might have been true, but when people were hit with it there were enormous problems. It caused the debate we had yesterday. I am just suggesting that although there may not be as many dental therapists as there are strata title holders, it seems to me that we should have learned a lesson from previous legislation. We are dealing with something of almost equal value to some people as their own property; that is, having a job in the area in which they are trained, which is a major issue for them.

Mr PRINCE: The member is not quite grasping what I am saying. As I understand it, this provision affects only those who have previously worked, who are not currently working, and who do not have current registration. The board would not be likely to grant these people registration without new experience or training. I am more than happy to have that issue clarified for the member, and to contact the individuals concerned. I simply assure the member that as a result of meetings I have had, I can recall that representatives of the various associations, to which these people tend to belong, are aware of the matter and have been informing their members. I have just been handed a note that says that the problem exists for only school dental therapists who have not registered with the dental board in the past 13 years.

Mr Brown: Some of those may be employed today.

Mr PRINCE: I say again that a person who has not worked for 13 years should undergo retraining.

Mr Brown: There are two categories of persons: First, the person who has not worked for some time.

Mr PRINCE: I am told that this will affect only those who have not worked since 1983, for 13 years.

Mr Brown: Does it affect anyone who is currently in the service?

Mr PRINCE: No, because they are registered. It affects only those who have had registration which has lapsed because they are no longer employed and have not been working for 13 years. It affects only that relatively small group of people. From a public safety point of view, I argue very strongly that given the changes that have taken place in dentistry in the past 13 years, these people should be required to be retrained before they can be reregistered.

Mr Brown: If they were registered before they left the industry, is it okay for them to come back?

Mr PRINCE: It creates a problem for only school dental therapists who have not registered with the dental board for the past 13 years. If these people were registered pre-1983, but have not been registered post-1983, they will be affected. If they have been registered post-1983 and are working now, it does not affect them.

Mr Brown: If they are employed today?

Mr PRINCE: Yes. With that last exchange, I think all matters that were raised by members have now been addressed, and I thank them for their support of the Bill.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Council.

MINIMUM CONDITIONS OF EMPLOYMENT AMENDMENT BILL

Second Reading

Resumed from 24 October.

MR McGINTY (Fremantle - Deputy Leader of the Opposition) [11.50 am]: This legislation deals with quite a fascinating area. The question of when people are working and when they are not has for a long time occupied industrial tribunals and courts. It takes me back to a statement that was made by the former Chief Justice, Sir Francis Burt, in a landmark case. In dealing with the question of whether people were entitled to wages for a period during which they were on call - that is, when they were subject to the employer's direction and command and were not at liberty to go about their private business - the then Chief Justice made the statement that he also works who only stands and waits. That is a concise statement of what is appropriately the law in this area.

Members will be aware of certain occupations, such as fire fighters and ambulance officers, that in years gone by were highly trained and where people basically sat and waited so they could respond to an emergency. One can think of a range of others who were not necessarily physically engaged in manual work for their eight, 10 or 12 hour shifts; nonetheless, those people were working because they were required to have a level of skill and ability that was available for use by the employer should the need arise. People in those situations were regarded as being at work and, therefore, entitled to their wages and salaries for the time they were not particularly engaged in heavy manual labour, because that was not the determinant of what work was.

I remember a number of revealing cases in the 1960s, 1970s and 1980s in which people were determined by courts as being entitled to their wages for a period for which they were on call. One case I remember well involved a truck driver who was driving his employer's truck across the Nullarbor. The truck broke down and the truck driver stayed with the truck to guard it for the employer. The question that arose was whether that person was entitled to wages for the time he acted in a way that was not driving, but that was acting in the employer's interest. The employee did not feel at liberty simply to walk away because the hours of work had come to an end. The determination in that case was that the person was at work and entitled to wages for that period. Similar cases have arisen over the years involving police officers who have found themselves in somewhat similar situations.

It is against that background that we come to the provisions of the Minimum Conditions of Employment Act that seek to override the determinations at common law of the various industrial tribunals and courts over a period, which are the terms of the legislation we are debating today. The legislation deems a period worked not to include a period during which an employee is on call. It is important to note that this legislation will override decades of common law as it has developed in Western Australia.

The Opposition is not happy about this legislation for another reason as well. To put it concisely, this legislation will enable a range of employers in Western Australia - perhaps hundreds of employers - to require employees to sign compulsory workplace contracts and to avoid their obligation to pay a fair wage to people who are on call. In essence, that is the objection the Opposition has to this legislation, beyond the more broadly based philosophical objections that we might have to the concept of the compulsory workplace contracts legislation that has been introduced under this Government and, therefore, the concept of the need to prescribe minimum conditions of employment in legislation in this State.

It is important to consider the history of what has occurred with the hostels for the aged in this State, because in essence they have been the focus of this matter in recent times. One hundred and seventy aged persons hostels operate in Western Australia, the vast bulk of which are run by church and charitable groups. They have been regulated almost since their inception by awards that have prescribed, among other things, an on-call allowance for people who as part of their work "sleep over" on the employer's premises to respond to the needs of residents during the night. The prospect of paying people the full award rate of pay while they are resident on or sleeping on the premises of the employer is beyond the financial capacity of each of those homes. For that reason the payment of what has become known as an on-call allowance has evolved over the years.

In, I think, 1988 an on-call allowance was inserted in the award covering the State's aged and disabled persons hostels, as they were then referred to. The allowance at that time was based on a formula that related to the hourly award rate of pay for a supervisor. The allowance was 12.5 per cent of the hourly award rate prescribed for hostel supervisors, who were generally responsible for the care and attention of people who were resident in the aged hostels. That became quantified eight or nine years ago as $1.46 an hour, and it has remained stuck there ever since. It is common ground to anyone who has entered this debate over the past year or two that $1.46 an hour is a totally inadequate level of remuneration for the inconvenience to the employee, the demands on the employee's time and the level of responsibility and responsiveness required of the employee. Discussions have taken place with a view to increasing that allowance. I will deal with that in a few minutes.

The introduction of the Minimum Conditions of Employment Act by the Minister for Labour Relations then transpired. Unfortunately, the Minister's desire to rush that legislation through the Parliament and to use the guillotine resulted in his getting it wrong. The passage of the Minimum Conditions of Employment Act exposed the religious and charitable groups in Western Australia that have responsibility for providing the roughly 170 licensed aged and disabled persons hostels in this State to a liability, for which they did not thank the Minister.

Mr Kierath: That is wrong.

Mr McGINTY: Why is this legislation before us if it is not to correct the mistake made by the Minister? It was a major blunder by the Minister, and we are now dealing with this legislation to correct his error. The error was made as a result of his ideological zeal, the blind zealotry with which he pushed the matter through Parliament, without proper debate and without consideration of the points raised by the Opposition or by other people who were representing the voice of sweet and gentle reason - a tone unknown to the Minister.

That minimum conditions of employment legislation provided an hourly rate of pay significantly in excess of that provided by the on-call provision contained in the award regulating conditions of employment for people in hostels for the aged and disabled. The minimum hourly rate of pay under the Minimum Conditions of Employment Act is $7.93 for each hour worked. As I said, according to statements by the former Chief Justice, Sir Francis Burt, and others, it is clear that while these people are on-call they are working, and therefore are entitled to something which was not intended but which was a problem caused by the zealotry of the Minister for Labour Relations.

The issue that arises as a result of the Minister's blunder -

Mr Kierath: Do you believe that workers should be paid a minimum rate of pay?

Mr McGINTY: The Minister blundered. He is now trying to push through legislation to correct his blunder. Why did this not go through initially? The Minister made a grave error -

Mr Kierath: Did you not negotiate a $1.50 an hour rate for on-call work for members of your union?

Mr McGINTY: I did not.

Mr Kierath: It has your signature on it; it was before the Industrial Relations Commission. Did you agree to the $1.50 an hour on-call rate?

Mr McGINTY: The Minister cannot get his facts right. That is how bad he is as a Minister. There has never been an allowance of $1.50 an hour, boofhead! The Minister is a fool! There has never been a $1.50 an hour on-call allowance! The Minister should get his facts right.

The ACTING SPEAKER (Mr Johnson): Order!

Mr McGINTY: If there has never been such a rate, how could I agree to it? The Minister is an absolute fool.

The ACTING SPEAKER: Order!

Mr Kierath: The member will not answer the question!

The ACTING SPEAKER: Order! The Minister should cease his interjections, and I remind the Deputy Leader of the Opposition to speak to the Chair.

Mr McGINTY: If you exercised some control, there would not be any need for those sorts of exchanges.

The ACTING SPEAKER: Order! There is no need for that sort of comment.

Mr McGINTY: Yes there is.

The ACTING SPEAKER: Order! I am doing exactly what the Deputy Leader of the Opposition would want me to do!

Mr McGINTY: Are you?

The ACTING SPEAKER: Order! Speak to the Chair.

Mr McGINTY: I am!

The ACTING SPEAKER: In the appropriate manner!

Mr Graham interjected.

The ACTING SPEAKER: Order!

Mr McGINTY: There has always been a reluctance for appropriate measures of control to be inflicted on members on that side of the House. I presume that will not continue.

Mr Cowan: You cannot help yourself.

Mr McGINTY: Not when it comes to Kierath. Most people on the Deputy Premier's side are embarrassed by the Minister for Labour Relations.

Mr Cowan: You cannot help yourself.

Mr McGINTY: Does the Deputy Premier fully support the Minister?

The ACTING SPEAKER: Order!

Mr Cowan: I do not support your actions, but I will give my support to the Minister for Labour Relations any time.

Several members interjected.

The ACTING SPEAKER: Order! Deputy Premier, I am trying to maintain order in the House. I am trying to stop these interjections. I ask members on both sides of the House to allow the member on his feet to speak to the Chair.

Mr McGINTY: The advent of the minimum conditions of employment legislation gave employees the right to claim the minimum wage of $7.93 an hour for the time they were working. That was never intended by the union, which had negotiated an on-call rate which would be applicable to those circumstances. It was never intended by the aged persons hostels; nonetheless the actions of the Minister for Labour Relations exposed the hostel operators to this liability, and they did not thank him for that.

Several members interjected.

The ACTING SPEAKER: Order!

Mr McGINTY: About six months ago the aged persons hostels were concerned about the liability to which they had been exposed as a result of the Minister for Labour Relations' action. The extent of the liability was quantified by the hostels as being about $9m across Western Australia's 170 hostels, with individual hostels facing back payments of up to $80 000. That is not a position in which the hostels for the aged should have found themselves. Had it not been for the negligence of the Minister, the issue would never have arisen. It is necessary now for Parliament to pass retrospective legislation - to which most of us have an aversion - to correct the error and to remove the liability that the Minister has imposed on the aged persons hostels.

Six months ago I met representatives of the aged persons hostels. The second wave legislation, as it was known, and the Minimum Conditions of Employment Bill were raised. Threats were made - one becomes accustomed to that from the Minister - about how he would progress the matter. This was not long after his gloating threat of a third wave of industrial relations changes. He has been disciplined for that; he has been pulled into line by the Premier and some of the more sensible elements opposite. I hope we have heard the last of that lunacy from the Minister for Labour Relations.

Mr Brown: At least until after the election.

Mr McGINTY: Certainly for the next few weeks. I am sure the Minister will be kept under wraps; people will not want to let him out to further frighten the horses in the electorate. No doubt if let loose he will do exactly that. I have no reason to doubt that he was dumped from the Health portfolio about 10 months ago because of his performance, and that he was seen by the more sensible element in government as a significant liability for the Government in that very sensitive area.

[Leave granted for the member's time to be extended.]

Mr McGINTY: The issue raised in this legislation has been brought into even sharper focus as a result of the recent agreement between the federal Minister for Industrial Relations and the Australian Democrats. The Western Australian industrial legislation contains many deficiencies. Perhaps the greatest of those deficiencies is that the legislation was designed, particularly by the use of the workplace contracts, to enable employers to downgrade and worsen the take-home pay, salary, wages and conditions of employment of employees in this State. It appears to have been admitted by the Minister that at least 20 per cent of people who entered workplace agreements are worse off as a result of that experience.

Mr Bloffwitch: That is impossible to believe.

Mr McGINTY: These are the Minister's figures. I can provide numerous examples, if the member does not believe it. In my electorate of Fremantle, the young kids who speak to me are not very interested in politics. However, they frequently express their anger about not receiving the award rate of pay. The legislation and the way in which employers treat young kids working in retail outlets, cause those kids to become embittered. They do not believe justice has been done, because they receive less than the award rate of pay - often between 20 per cent and 40 per cent less. Seventeen and 18 year old youths are not well paid on junior rates of pay. For employers to offer them between 20 per cent and 40 per cent less than the award rate is to rip off the system. The simple solution is, as the federal coalition proposes, to insert a "no disadvantage" test into the legislation. However, the zealot and ideologue opposite would not do that because that would stop some people exploiting others. Its absence is one of the major shortcomings in this state legislation.

In the past few weeks, at the instigation of the Labor Party, the union and employers concluded their negotiations and agreed to an on-call rate of $5 an hour for the time people sleep on premises awaiting a call. That is a sensible outcome. As members opposite will know, that meeting took place at my insistence in light of potential conflict.

Mr Kierath: They negotiated $5 a long time ago.

Mr McGINTY: The agreement reached in the past couple of weeks arose out of my intervention requiring that they meet. They reached agreement on this very important matter. The problem with the legislation is that the day on which it is passed, an aged persons hostel owner or manager or any other employer in a similar situation can insist that employees sign a workplace contract which requires that they accept a dollar or nothing for on-call work. That is simply not fair, but it is what this legislation allows.

Some interesting things occurred during discussions on this issue. First, when Archbishop Peter Carnley and the 11 representatives of the various religious groups responsible for running the vast bulk of the aged and disabled persons hostels in this State met me - only two or three weeks ago - we discussed that they should reach agreement with the union on the new regime of on-call allowances. They agreed to $5 an hour and I was delighted that they reached that agreement. Secondly, the Opposition said that it would not frustrate the passage of this legislation through the Parliament. We indicated that we would seek to ameliorate some of the harmful side effects of the minimum conditions of employment legislation when parallelled with the compulsory workplace contracts legislation. Nonetheless, we supported the notion of removing that liability to back pay hanging over the heads of the hostels. The second element of the Opposition's support of the legislation through the Parliament was present.

The third element of that agreement was our settling on some wording which Lyndon Rowe from the Western Australian Chamber of Commerce and Industry took to the Minister. It will remove the liability that hangs over the head of the hostels, but it will confine the legislative solution to the problem to aged persons hostels. Archbishop Peter Carnley and I shook on that because it had the three components: Opposition support for legislation, union agreement with the employers to the $5 allowance and wording changes to the minimum conditions of employment legislation. However, oh no, the Government would not be in that by satisfying everyone who recognised there was a problem and who had applied their minds to solving it. The Government was interested in creating conflict.

Another interesting thing that occurred in all this was that the push to have this legislation introduced in the Parliament did not come from the aged persons hostels, from Archbishop Peter Carnley or the people who run the

aged persons hostels; it came from the Government because, given where we stand in the political cycle, it was interested in creating conflict.

Mr Kierath: That is the biggest Richo you have ever told in this place, and you have told some whoppers.

Mr McGINTY: The Minister should listen. Archbishop Peter Carnley told us that the introduction of this legislation was at the instigation of the Premier. The Minister and the truth are absolute strangers so it will come as a bit of a shock to him that someone is telling the truth about what occurred. The people involved were told by the Premier that he wanted to put this issue onto the legislative agenda. They were somewhat surprised but realised that a problem had to be resolved. The whole thing was done to create conflict and a problem where the Government would be seen to be on the side of right and the Opposition on the side of wrong.

Unfortunately for the Government, the Opposition played the role of peacemaker in sorting out all the problems involved. We took a package to the Government to which the union agreed and the Opposition indicated its support for the legislation. The signs of bitter disappointment on the face of government members really struck home when they saw that we had resolved a problem they hoped would become a nasty situation and something the Government could use to its political advantage. Therefore, it refused to agree to the Labor Party's wording, which we should have debated a couple of weeks ago; in other words, given it a quick tick and put it through the Parliament so that everyone would walk away happy with the solution. The art of being a good Industrial Relations Minister is to find common ground on which to reach agreement to solve problems, rather than create them, which is the hallmark of the term of the Minister for Industrial Relations. He is all about conflict, clashes and constant carping about unions. He is not interested in applying his mind to solving problems for the betterment of all interest groups in the equation.

The Government was bitterly disappointed when it was obvious that the Labor Party had done what the Minister should have done; that is, solved the problem. Nonetheless, now before us is this legislation. It is deficient and unfair to employees. It will enable employers to exploit employees - and that is wrong. Had the Government, as is proposed federally, inserted a "no worker shall be worse off" or a "no disadvantage" provision, this legislation would be much more acceptable. Recent commentary from the Australian Democrats and other observers was that the Western Australian industrial laws are the most discriminatory in the nation and lack a balanced approach to looking after the interests of people on both sides of the fence.

We have a whingeing Minister who has been criticising his federal coalition counterparts because they proposed something which is much more balanced than what he proposes. His action has been completely unbalanced, but that was to be expected. The criticism of his federal colleagues for agreeing to a provision which will ensure their election promise that no worker will be worse off is demeaning of the Minister. The Minister then said he would give consideration to inserting into the State legislation a "no disadvantage" test for employees covered by federal awards as an inducement to their leaving federal awards and changing over to his state workplace agreements. In the absence of a "no disadvantage" provision they would have to have rocks in their head or be threatened by their employer to come into the state workplace agreements legislation.

How discriminatory and hypocritical is it to have a "no disadvantage" test for people covered by federal awards while state agreements allow discrimination and worsening conditions of employment? How discriminatory is it for employers to have the right to destroy award wage rates and conditions of employment that have been built up over a long period if the employees do not have the protection of a federal award?

The agreement between the Australian Democrats and the federal coalition in many respects makes what was generally unpalatable legislation more tolerable. The "no disadvantage" test will ensure that unions can still operate, albeit with some difficulty, within the federal system.

It does not contain within it the ideologically driven hatred of the union movement, which has become a hallmark of this member's term as Minister for Labour Relations, nor does it contain that obsession which is driving and consuming the Minister.

The Opposition is concerned about this legislation. It will open opportunities for discrimination and exploitation. It is seriously flawed. However, given the goodwill with which the churches and the unions which cover the employees in question have approached the matter and given the generality of the agreement arrived at, the Opposition believes this legislation, in principle, should be passed by this House. However, it has grave reservations about the expressed content of the legislation.

MR BROWN (Morley) [12.21 pm]: The Bill seeks to make a substantial change to the principal Act by including in section 3 of that Act a provision dealing with the situation when an employee is on call. Essentially, the amendment moved by the Government seeks to insert a provision whereby an employee on call is not considered to be at work for the purposes of the Act. That means the minimum wage that would otherwise apply to an employee at work does not apply to an employee on call. It also means that an employee placed on call or required to be on

call is not guaranteed any minimum rate whatsoever. An employee could be required to be on call, either at the employer's establishment or away from that establishment, for no additional remuneration other than the ordinary rate of pay the employee would be entitled to receive for the hours worked. Translated fully, it means that in accordance with the Minimum Conditions of Employment Act as amended and the Workplace Agreements Act, it would be possible for an employer to require an employee, as a condition of employment, to work a 40 hour week for the minimum wage - shortly it will be $332 a week - and in addition to be on call for another 20 hours a week for which no extra remuneration would be paid. In effect, the employee could be required to set aside 60 hours a week for the purposes of employment, but for which only the minimum rate of $332 a week would be applicable. Is that fair in 1996? In my view it is not.

This change potentially affects all employees who either are not engaged under the provisions of an award or who are engaged under the provisions of a workplace agreement. Therefore, it could have very wide ramifications. It could also potentially affect those employees covered by a state award today but who may, on changing jobs, be required to enter a workplace agreement to obtain employment. In his second reading speech the Minister said -

> This amendment will clarify and confirm the position that under the Minimum Conditions of Employment Act the time a person spends on call in order to be available for an emergency is not, as has been claimed by some unions, time that has been worked for the purposes of an entitlement to a minimum rate of pay under the Minimum Conditions of Employment Act 1993.

With respect, that is not entirely accurate because it is not a question of whether an employee is called on in an emergency. This provision will have wider effect than an employee being called on in an emergency or being required to remain on call and work only in an emergency. In a number of occupations employees are required to hold themselves in readiness, and they do not necessarily undertake any active work during that period. However, they are required to respond immediately should certain circumstances arise. Some of those employees are ambulance officers, who have duties during the day but during the evening are required to hold themselves in readiness in the event of an emergency call and to respond to that call as quickly as possible. Likewise, it includes officers in the fire brigade and some officers in the Police Service and the prison service. It potentially includes employees at all-night service stations. It includes a range of people who are not required to undertake active work or to work at all but who are required either to be at a certain place or to hold themselves in readiness at their home. This amendment impacts on all these employees and it could be used in a way that would quite substantially affect the minimum conditions of all those employees in the industries and occupations to which I have referred.

The Government will no doubt claim this amendment is fair because in its view the Workplace Agreements Act is fair. The Government has often expressed the view, through the Minister for Labour Relations and others, that in the workplace environment everyone is loving and sweet to one another, everyone negotiates fairly and reasonably, and no-one uses a position of unequal bargaining power unreasonably. It is all based on the fantasy land belief that, in this area of human endeavour, everyone is fair to everyone else without the requirement to be so, which is different from other areas with which this Parliament deals, about which there is no such belief and about which experience has shown there is a need for Parliament to regulate behaviour.

Yesterday we dealt with amendments to the Strata Titles Act. Amendments to that Act provide procedures for the resolution of disputes between people who live in the same strata title units who cannot reach agreement about insurance or other matters. Therefore, in most areas of disputes, whether they be between strata title owners, or, as the Minister for Fair Trading indicated today, between tenants and landlords of commercial properties, there is a need to lay down mechanisms for the way in which human beings deal with each other. However, in the employment area, the Government claims mystically that there is no need for those mechanisms because absolute fairness prevails.

I am concerned about these changes and the way in which they will impact on employees in a range of sectors, because it has been extremely difficult, if not impossible, to extract from the Government details about the manner in which the workplace agreements legislation has operated in this State. I have put on notice question after question seeking details about the outcomes of workplace agreements and their impact on employees. Whoever writes the parliamentary answers has done his or her best to avoid or evade answering my questions. It is interesting that, when I continue to press these matters, eventually I get answers which show the inconsistencies of the Government's approach to workplace agreements and the Minimum Conditions of Employment Act, and the way in which there has been an attempt to hide information that might reveal to the public the disadvantage being suffered by workers under these arrangements.

In a moment I will talk about some of the concerns that arise from those answers, particularly now because it is proposed the Act be amended again to enable employers to require employees to hold themselves in readiness without payment to the employee. Before I do that I want to deal with a couple of general issues. Government members often claim that deregulating the labour market in this State has benefitted employees. However, there is no real evidence of that. I will refer in a moment to the reasons for there being no evidence. Before I do that, I shall refer to the

situation in other deregulated labour markets. Australia has had one of the few regulated labour markets. Many other countries, including Organisation for Economic Cooperation and Development countries, do not have regulated labour markets. Their labour markets are comparatively unregulated. Perhaps the closest example to that is the United States labour market. In the US labour market currently, fewer than 10 per cent of employees are union members, something I am sure the coalition would find very desirable in Western Australia. Also in the US, as President Clinton said, the average middle class worker in the last 20 years has not received a real wage increase. The middle class is contracting and the under class - I do not mean the working class - is expanding. In the United States where people bargain on a one-to-one basis, 13 per cent of all working people had an income below the poverty line in 1986. In 1991, 20 per cent of all American workers had incomes below the poverty line. In the United States of America, more workers are employed on the minimum wage today than ever before, and the minimum wage there has just been increased by Congress to the "huge" amount of $US5.15 per hour.

The United States unregulated labour market experience indicates that an increasing number of blue collar workers and white collar workers are employed on the minimum rate. The number is still growing. Parallels can be drawn between social dislocation and the way in which US society has changed including reforms to the industrial relations system over the past 40 years. United States academics who have plotted the regression of US society emphasise how changes to industrial relations laws have impacted on ordinary working people.

There is no doubt that if the current law in Western Australia persists, we will be encountering the same form of social dislocation in probably as short a period as it has taken in the United States. In 10 or 15 years we will probably see the horrific impact of this form of deregulation on ordinary working people. There is simply no question about this being the case. If we look anywhere else in the world where labour markets are unregulated, we can see that situation. The difference between the earnings of men and women carrying out the same job is less in Australia - or, should I say, it was less in Australia - than in most other Organisation for Economic Cooperation and Development countries, because our labour market is regulated. In deregulated labour markets there will be a higher differentiation of income between men and women doing the same job. Other adverse effects will impact on society as we know it today. If we go outside OECD countries, we can see the notion that individual bargaining means that everyone will be fair and sweet to everyone else and will negotiate fairly and reasonably is false. Potentially, we face those things in years to come. We are starting to see some of those changes now.

I echo what was said by the member for Fremantle about young people. Recently I had some young TAFE students carry out a survey for me. Their job was to go to local shopping centres or wherever young people congregate to ask them about their concerns, whether employment, education, environment or whatever. They were to ascertain what sorts of things they want government to be examining. I was very surprised with the results. There was a loathing among young people - a real antipathy - about the way they had been treated in the workplace.

Before I deal with this issue, I observe the Government has spent about $1m on advertising and promoting its workplace agreements. It has been a fairly major propaganda exercise. According to information supplied in answer to my questions on notice, the number of government employees covered by workplace agreements is about 10 per cent of the government work force. Interestingly, in the critical areas of government not one employee is engaged on a workplace agreement. The Minister for Police is here and he can confirm that the other day the Police Service rejected workplace agreements. Not one serving police officer is on a workplace agreement. In the Ministry of Justice not a solitary employee is on a workplace agreement. In Family and Children’s Services not one employee is on a workplace agreement. The Government has run a $1m advertising campaign. Allegedly, according to the television campaign, workplace agreements engender flexibility, better working relationships and all sorts of things, yet according to the Government's own information in the police, Family and Children's Services, prisons, and other critical areas, workplace agreements have been rejected by the Minister's own colleagues.

This Bill will further downgrade workplace agreements legislation. We can see the hypocrisy of the Government's position. On the one hand, it has an advertising campaign about sweetness and light and how workers will be better off under workplace agreements and, on the other hand, it has introduced this Bill which removes rights and entitlements. The juxtaposition and contradiction could not be more stark.

I will expand on the worries I have with this Bill. We have tried to find out how many people are worse off and how many people are better off as a result of the existing legislation. Has the income of employees improved or gone backwards under the existing legislation? I want to take members through some of the questions I asked and the answers I received. It is interesting to look at what the Government has said on this matter.

The ACTING SPEAKER (Mr Johnson): Are the questions related to the Bill? I have been very lenient. The member has had half his time so far and has digressed quite a bit. I have given a lot of leeway but I ask the member to speak to the Bill in front of the House.

Mr BROWN: The essence of my comments is that this Bill downgrades the Minimum Conditions of Employment Act. When we look at the problems already with the Workplace Agreements Act, this is not the way to be going. Therefore, I want to draw out the situation as it is today and then show what it might well be if these changes are allowed.

The ACTING SPEAKER: The member has done that very skilfully. At the appropriate time when I have been looking at the member he has gone back to the Bill in front of the House. I ask him to keep as much as possible to the Bill.

Mr BROWN: I am happy to do that. This Bill seeks to amend minimum conditions per se in such a way that it could cut across a whole range of circumstances dealing with the passive time of employees, which affects a whole range of occupations and working arrangements. It is very difficult to be narrow in the debate.

The ACTING SPEAKER: To speak along the lines that the member is now speaking is appropriate.

Mr BROWN: Thank you, Mr Acting Speaker. Let me go into my concerns about how this Bill might further affect the employment relationships and outcomes that we have seen develop so far under workplace agreements. In my question on notice 1307 of 1996, I asked -

> Before registering a workplace agreement, does the Workplace Commissioner attempt to analyse or obtain a comparison between the earnings an employee would received under the relevant award and workplace agreement for working the same number of hours?

Part (2) of my question is -

> Before a workplace agreement is registered, does the Workplace Commissioner or any of his staff, attempt to ascertain for comparative purposes, the value of the conditions under the relevant award and workplace agreement?

Those questions are not difficult. They ask what the commission does for the purpose of comparing the relevant award with a workplace agreement at the time of registration. The Minister answered the two parts together -

> (1)-(2) Workplace agreements are examined to ascertain possible differences with any relevant award and questions are asked to ascertain the outcomes for employees and employers in respect of earnings and the value of conditions. The commissioner and his delegates make an assessment as to those outcomes, for the purpose of assisting with their assessment of whether the parties want the agreement registered.

The Minister said, in effect, that when a workplace agreement is submitted for registration the commissioner, or one of his nominees, will ascertain what the earnings of an employee would be under an award and a workplace agreement. In question 2000 of 1996 I ask -

> (1) Has a recent survey undertaken by the Commissioner of Workplace Agreements shown that 83 per cent of employees have had an increase in their rates of pay under workplace agreements?
>
> (2) Is it true to say the survey does not disclose or record whether the same employees had an actual increase in their take-home pay?
>
> (3) Is it true that a certain percentage of the 83 per cent receive a lower take-home pay than they would have received previously?

I asked that question because the report of the Commissioner of Workplace Agreements indicated that a number of workplace agreements contained a higher rate of pay than the relevant award, although they contained inferior conditions; that is, some employees had surrendered conditions like overtime and shift allowances to receive a higher base rate of pay. The $64 question for employees is: Will they get more or less money if they are working the same number of hours as previously? The question is not whether the make-up of their income comprises a base rate, shift rate and overtime or simply a salary, but what in fact does that mean? Does it mean that people are better or worse off?

It is not a test to compare the award rate of, say, $380 a week, with a workplace agreement of $420 a week and say there has been a $40 wage increase, if under the award the employee was entitled to shift rates and penalty loadings and received $480 a week. It is not a $40 a week increase, it is a $60 a week drop when, under a workplace agreement, the employee works the same hours as he worked previously and receives $420. Is the test based simply on numbers in a document or is it based on the actual income received? The purpose of that question was to ascertain whether the figures were based simply on documented numbers or on real wage increases for real people. The interesting answer to that question is -

> The information published was collected from an examination of agreements and discussions with the parties in respect of outcomes between agreements and relevant awards. While the data showed that 83.05 per cent of agreements had higher ordinary rates of pay than relevant awards, it also showed reductions in other conditions such as penalty rates and annual leave loading.
>
> However, given that employees genuinely wished their agreements to be registered, it is reasonable to assume that the vast majority had an increase in their take-home pay.

It is not a fact or reality; it is an assumption. The Minister continues -

> In other cases, particularly for casuals in some industries, the outcomes in respect of take-home pay have been improved because of the availability of more hours of work. Outcomes other than take-home pay are considered important by other employees.

The test is whether a person who receives $200 for 20 hours' work under the award will get $200 or $180 for working the same hours under a workplace agreement. However, in applying the comparitive test, extra hours of work under workplace agreements are not counted. An employee working an extra five hours a week and receiving $210 a week is said to be better off. Most people will not accept that working an extra five hours a week for an extra $10 will make them better off.

That is the comparison that has been given; the fudging of figures that has been done. It is even worse than that, because the Minister's first response was that the commissioner knew the outcomes and knew whether a person was better or worse off even though they do not make the comparisons and include the numbers in the report. The commission prepares that test for the purpose of public consumption.If that is the way those statistics are manipulated under the existing arrangements, what will we find under this Bill? Under this Bill employees are not entitled to anything for on-call work, and employees who are currently paid the award hourly rate for passive time will, if pushed into a workplace agreement under this Bill, not be entitled to one cracker.

Those are my concerns about this legislation. If we had accurate answers to the questions that I previously asked, and a full and comprehensive overview, we would be able to make clear judgments about the implications of this Bill, and the way it may be used throughout the work force. However, by its own admissions in these questions, the Government has deliberately sought to hide the information for the purpose of only presenting the glossy image of workplace agreements. For example, in other answers to questions the Minister has confirmed that, before he introduced the workplace agreement legislation in this House, he made a prediction that one in five employees would be worse off.

In all of the Government's million dollar advertising campaign - these glossy brochures showing the Minister's smiling face - has the Minister included just a small article about his prediction that one in five employees would be worse off? This is allegedly an honest and open Government. At any time has the Minister included that prediction? The Minister makes all sorts of other predictions about increasing productivity and reducing workplace accidents, yet another prediction that one in five employees will be worse off has not been included in the Government's advertising. Has the Minister included that in the publication? One need not be Einstein to work out the answer, which is, "No we have not put that into any of our publications because that does not look nice." The Government does not want to tell people that it believes these changes will make 20 per cent of workers worse off.

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

Debate thus adjourned.

[Continued on page 7543.]

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

MOTION - STANDING ORDERS SUSPENSION

Information Commissioner, Functioning and Independence of

MR KOBELKE (Nollamara) [2.33 pm]: I move, without notice -

> That so much of the standing orders be suspended as is necessary to enable consideration forthwith of a motion relating to the proper functioning and independence of the Information Commissioner.

MR COWAN (Merredin - Deputy Premier) [2.34 pm]: Notwithstanding that a matter of public importance is to be debated later this afternoon, we have come to an arrangement behind the Chair which will allow this matter to be debated for a limited time. Having reached that agreement, the Government will accept the motion.

Question put and passed with an absolute majority.

MOTION - INFORMATION COMMISSIONER, FUNCTIONING AND INDEPENDENCE OF

MR KOBELKE (Nollamara) [2.35 pm]: I move -

> That this House calls on the Premier to explain why he failed to support the proper functioning and independence of the Information Commissioner when she wrote to him complaining about the actions of the Minister for Planning and which led to the following comment in the 1996 annual report of the Information Commissioner -
>
> > In the circumstances, I consider the approach by the Minister to be entirely inappropriate, demonstrating a disregard for both my position as an independent statutory officer, my function and responsibilities under the FOI Act, and the procedures of my office for dealing with complaints in such a way as to ensure fairness to all parties.

The item contained in the Information Commissioner's annual report is a serious matter which goes to the heart of the functions of democratic government. The Office of the Information Commissioner was established by the Freedom of Information Act 1993. The Information Commissioner is an independent officer, directly accountable to Parliament for the performance of her functions. Ms Bronwyn Keighley-Gerardy is the current holder of that office. The Attorney General is the Minister responsible for the administration of the FOI Act. The Information Commissioner has two roles: First, as an arbiter - the role at the centre of this debate - required under the Act to make decisions. It would not be wrong to describe that position as semi-judicial.

The Information Commissioner is required to make judgments on the release of information. In that respect, the commissioner follows the standard procedures of law, in trying to ensure that a fair hearing is given to both sides in any case. Her formal determination is a printed document providing the reasons the Information Commissioner would or would not release information. Therefore the functioning of the office is very important and the proper procedures need to be followed. It is not simply a matter of dealing with one's mates - that is something the Minister for Planning might like to do, but it is not appropriate when it comes to the functioning of the Office of the Information Commissioner.

In the report tabled today, the Information Commissioner clearly points out that when the Minister approached her wishing to have a meeting, she was a little tentative because she was aware of a case that the Minister had challenged in the Supreme Court. I refer to the Taweel case. It would not have been appropriate for the Information Commissioner to discuss some of the fine details of that judgment which may become part of the proceedings in the Supreme Court. Further to that, as the member for Nollamara, I had an appeal against the decision of the Minister for Planning to withhold documents.

That related to the special approval given by the Minister for Planning to allow the former deputy Liberal Party leader, Ian Laurance, and his company to develop a McDonald's Family Restaurant at Innaloo. Previously I have debated the issues involved, so I will not go into them again. However, it needs to be said briefly that all the information is on the record, because I have pursued a freedom of information application through the City of Stirling. None of the information on the record gives substance to the decision by the Minister. No material fact or reasoning would allow the Minister to look after someone who is clearly a friend, a former political colleague, and permit the development of the McDonald's Family Restaurant at Innaloo to proceed.

When I sought the documents which the Minister was not willing to release, the Information Commissioner decided largely in my favour; the key documents were to be made available to me. The Minister has now taken me to the Supreme Court to try to stop me getting that information. With that background, we now find to our surprise in the report tabled today that the Minister went one step further. The Minister met with the Information Commissioner when preconditions had been clearly established, according to what is in the report. Those preconditions were that the Information Commissioner could not discuss the issues relating to the Taweel case which was before the Supreme Court or the appeal case which was still proceeding before the Information Commissioner. It would have been totally inappropriate to discuss those matters.

The Information Commissioner's report says that the Minister did not discuss those matters; however, his behaviour was totally objectionable. The Information Commissioner believed that the Minister was putting undue pressure on her to decide in that and future cases in favour of the Minister for Planning. That is stated clearly in the report tabled

today. Remember, Mr Speaker, I have already indicated that the Premier is not the Minister responsible for the Freedom of Information Act. I assume that, if it was a matter relating to the Freedom of Information Act, the commissioner would have complained to the Attorney General. She did not; she went to the Premier. She went to the Premier because the issue related to the behaviour of a Minister of the Crown. It was not a matter relating to the Freedom of Information Act. The Premier did not follow up that complaint. That matter was not replied to in the letter which the Premier has tabled. I will return to that in a moment.

The Premier would have us believe that there was a misunderstanding between the Minister for Planning and the Information Commissioner. If the Premier is going to address this issue logically, there are only two possibilities: First, the Premier is suggesting that the Information Commissioner is incompetent; or, secondly, he is suggesting that the Minister for Planning is not telling the truth. I do not see how he can have it any other way. The Information Commissioner has a semi-judicial role. She is an independent officer of the Parliament. Let me give the House the example of a court case in which the behaviour of certain people in the court may not be acceptable to the magistrate or the judge. We have very severe contempt laws. If the magistrate or the judge believes that a person's behaviour in the court is intimidating, threatening, or abusive of the office of the judge, the judge takes action. The perception by the arbiter or the presiding officer is crucial in a judicial situation.

It is not a matter of someone weighing up what the Minister intended to do or to impress upon the Information Commissioner. The crucial issue is what was the perception of the Information Commissioner. That perception is clearly recorded in her annual report. Therefore, if the Premier is suggesting that her perception of events was wrong, he is calling into question her competence to listen to someone and make a judgment about what that person said. She has indicated that the actions of the Minister were totally inappropriate, leading her to take the considered action of writing to the Premier and putting it in her annual report. It was not a fleeting thought that the Minister for Planning had upset her.

She considered her options and wrote to the Premier to complain about the behaviour of the Minister for Planning. If the Information Commissioner did that on the basis of a totally incorrect perception of that meeting, the judgment of the Premier is that the Information Commissioner is incompetent. I do not believe that to be the case. While I have had differences of opinion with the Information Commissioner and I will take issue with her on matters of administration, I have found her to be a very competent lady. I have read many of her decisions and have found them to be lucid and to have a lot of depth. I believe that the Information Commissioner perceived what went on in the meeting in the same way that any other person with commonsense would have perceived it.

Is the Minister for Planning someone who people find easy to deal with and someone who is rational and willing to explain points? I have not found too many people who have had that experience of the Minister for Planning. Currently, the media is reporting a dispute between the Minister for Planning and councillors of the City of Nedlands, a Liberal controlled council. They cannot get on with the Minister for Planning because of his attitude towards them. I could put this case to dozens of councillors in Western Australia and ask them who they believe, the Information Commissioner and what she says in her annual report or the letter from the Ministry of the Premier and Cabinet saying that it is a misunderstanding and the Minister did not do what is alleged by the Information Commissioner. I can say without doubt that dozens of councillors and their planning officers would unanimously agree that the Minister caused this problem because they have had similar problems with him. His reputation for abusing people is legend. The Premier's defence does not stand up.

In his letter, the Premier suggested that a witness was present at the meeting - a Mr Gordon Smith, director of the office of the Minister for Planning. He works under and very close to the Minister. I would not have been surprised if Mr Gordon Smith, a man who has had a long career in planning, supported the Minister and opposed the Information Commissioner. However, he did not. The Premier led us to believe he did, but the letter contains nothing to indicate that. The letter says that Mr Gordon Smith was present. Mr Gordon Smith also presented information for the drafting of this letter. However, if Mr Gordon Smith supported the Minister, there is no mention of it in the letter. Therefore, the Premier's defence of the Minister is pretty thin.

The Minister tried to use his bullyboy tactics, which he also tries to use on local government, on the Information Commissioner. He refused me access to the documents relating to Ian Laurance with the McDonald's development at Innaloo. Obviously, that is something about which he is greatly concerned because of the lengths he has gone to, to try to cover it up so that the public will not become aware of the corruption and impropriety that has gone on. He now has me in the Supreme Court to try to tie it up so that information cannot be released. In addition, he tried to heavy the Information Commissioner to ensure she did not give a decision in my favour. The Information Commissioner was not bullied by the Minister because she gave me access to the information I was seeking. The trouble is that the Minister has taken me to the Supreme Court to cut off that avenue. Why is the Minister so worried about disclosing what he did in looking after his mate Mr Ian Laurance and the Innaloo McDonald's development?

We must move to the Premier. Is the Premier so totally remote from the administration of his department that he knew nothing about this? Who did this? Was it one of the Premier's political advisers who fixed up this little ploy for him? Will the Premier accept responsibility for the letter written by Mr John Pritchard, the acting director general? That letter does not respond to the key issues raised by the Information Commissioner.

The Information Commissioner quite clearly points out what she saw as the problem with the approach by the Minister for Planning. In the last part of her report to Parliament she wrote that the letter once again repeated the Minister's view of the issues central to the two matters dealt with by her, but did not deal with the inappropriateness of the Minister's approach to her. There we have it; the Information Commissioner does not consider that letter addresses the concerns she raised with the Premier. She did not raise those issues with the Premier because of something to do with freedom of information. If that were the central point, she would have taken it to the Attorney General. She raised it with the Premier because the issue was the totally inappropriate behaviour of one of his Ministers.

The Premier can stand by and say, "I do not care about standards. I will go into the Parliament and make high-sounding statements. However, when I have to make decisions and deal with the tough issue of a Minister stepping out of line, I will step back, get lost and run for cover." That is what the Premier does time after time. He has the opportunity today to see if he can change his spots and address the issue up front by telling us whether the Minister's actions were inappropriate.

If the Premier is happy with the Minister's actions because the Information Commissioner simply misunderstood what happened and got it totally wrong, will he take appropriate steps to have the Information Commissioner removed from her position? I do not think the Premier should, but that is an option open to him. She is a very important officer in this Parliament. Many people hang on her judgments which appear in the form of quasi-judicial determinations. Her judgments appear in reports in libraries all over the country and are quoted in determinations in other States. The Premier is saying that she simply got it wrong; that she was in a meeting with the Minister, and she totally misrepresented the fact that he got a bit boisterous and she somehow felt threatened when she should not have. The Premier cannot run that line. With another Minister he might get away with it, but with the Minister for Planning no-one will believe him.

The onus is on the Premier. He can step back and run away as he normally does or address the substantive issue of the behaviour of the Minister for Planning and the totally inappropriate way in which he tried to change the views of the Information Commissioner.

Several members interjected.

The SPEAKER: Order!

Mr KOBELKE: We will be asking whether the Premier is also implicated in the special little deal for Mr Ian Laurance, the former deputy leader of the Liberal Party. Is that what the Premier is involved in? Is the Premier being dragged into some big coverup or is he taking his normal stance of being a hands-off Premier who takes no responsibility for ensuring that the Ministers of his Government uphold the standards expected of a Minister of the Crown?

The SPEAKER: The Deputy Leader of the Opposition formally seconds the motion.

MR COURT (Nedlands - Premier) [2.55 pm]: If there is one lesson that the members opposite should have learned in recent months, it is not to come into this Parliament and make unsubstantiated allegations. If a member comes into this Parliament and says that I am involved in some corrupt act, as the member for Nollamara has just done -

Several members interjected.

Mr COURT: You did, my friend.

Several members interjected.

The SPEAKER: Order! Order!

Mr COURT: If the member for Nollamara does that, the Opposition will continue to be where it is forever and a day. I take exception to him -

Several members interjected.

The SPEAKER: Order! The member for Cockburn again.

Mr Thomas interjected.

The SPEAKER: Order! I formally call the member for Cockburn to account for the second time.

Mr COURT: It is typical of what the member for Nollamara does. I do not mind debating the facts of these matters -

Mr McGinty interjected.

The SPEAKER: The Deputy Leader of the Opposition, order!

Mr COURT: When the member shifts from the facts to making those sorts of allegations, he has lost the plot.

Mr McGinty: Get into the facts.

The SPEAKER: Order!

Mr COURT: I will get into the facts. The member has gone off half-cocked on this matter. He has mentioned the appropriate role for a Premier when a complaint like this is received. Does he think it appropriate that I personally go and discuss the matter with the different parties at the meeting or that I get a very senior public servant, such as the Director General of the Ministry of the Premier and Cabinet, who, I think the member might agree, is one of the most senior public servants in the State, to talk to the different parties involved?

Mr Kobelke: That is correct. He should give you a report, and you should take some action.

Mr COURT: When the member hears all the facts he might be a bit slower before he jumps up and down. The member commented that the letter from the director general says nothing about Mr Gordon Smith. Does he accept that Mr Gordon Smith is a reputable public servant?

Mr Kobelke: I mentioned in my speech that he was there.

Mr COURT: The member said that nothing in the letter indicated that Mr Gordon Smith supported the position -

Mr McGinty interjected.

The SPEAKER: Order, the Deputy Leader of the Opposition again!

Mr Kobelke: I clearly stated that Mr Gordon is a person of longstanding in planning, and that he was present at the meeting. However, you suggested that he was saying things in support of the Minister. Nothing in the letter supports that position.

Mr COURT: We will give the member that information. Four people were at the meeting.

Mr Kobelke: Who were they?

Mr COURT: When the Minister gets up he will table the information of the four people there. I cannot recall the fourth person's name. The information will also make it very clear that that person, who, the member says, is a reputable public servant, had a very clear understanding of what happened at the meeting. Then the member might change his tune a little.

I want to make two points: The first is that the role of the Information Commissioner, as I mentioned in question time, is to provide assistance to members of the public and agencies on matters relevant to the Act. The member's party has never acted in government under freedom of information legislation. The former Labor Government passed legislation but was not prepared to operate under it.

Mrs Hallahan interjected.

The SPEAKER: Order!

Mr COURT: If the member's party had wanted to operate under it, it would have proclaimed the Act.

Dr Watson interjected.

The SPEAKER: The member for Kenwick, order!

Mr COURT: I have said publicly on many occasions that we have a lot of difficulty with parts of the freedom of information legislation. It causes a great many practical problems. That is why the legislation quite rightly must be reviewed to address some of those issues. The director general has made it clear that he has come to the conclusion that there was a misunderstanding between people. I have asked him to talk to the parties involved in order to find out what is the situation. The Minister's position is supported by Mr Gordon Smith. The Minister will provide that information.

Several members interjected.

The SPEAKER: Order!

Mr Pendal: The commissioner says far more than that.

Mr COURT: The commissioner also implies that pressure was applied in that particular case. Is that the point the member is making?

Mr Pendal: She says that the Minister acted in an offensive and aggressive manner. The implication is that it was to try to subvert the enforcement of the Act.

Mr COURT: Another person present at the meeting also put forward his position about the behaviour.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The very important matter that the member was alluding to was that the Minister might be trying to discuss and change a particular case. The director general makes it very clear that the court case was mentioned and it was agreed its subject matter was not the subject of discussion. Again, there is no difficulty in relation to that matter as it is proper for the Minister, or any other public servant, to discuss the operations of that Act. In fact, it would be ludicrous if we were not able to discuss these matters with the Information Commissioner.

Mr Kobelke: That is totally contrary to the second last paragraph on -

The SPEAKER: Order! The interjections keep coming. The member for Nollamara faced a few interjections when he spoke, but he was able to give his speech without any significant interruption. That is not case at the moment. Half a dozen people keep wanting to interject repeatedly which is not a reasonable proposition. I ask members to desist from that degree of interjection.

Mr COURT: The commissioner quite rightly has put this matter in a report. A report on the operation of a body is the proper place to put a complaint about the behaviour of a Minister. Members must understand that another senior person investigated the matter and reached the conclusion that a misunderstanding had occurred between the two people. The member for Nollamara must be fair and accept that, if the Director General of the Ministry of the Premier and Cabinet and the public servant to whom he referred have credibility, a misunderstanding could well have occurred.

Mrs Roberts: Are you aware that your Minister has a problem dealing with women, especially women of any authority? It is a fact.

Mr COURT: I find that quite objectionable because I know the Minister's wife extremely well!

Mrs Hallahan: It has nothing to do with his wife.

Mr COURT: Hang on! The member has made the accusation that the Minister has that problem but if the level of debate has stooped to that level of personal abuse, the member opposite may have a problem. We are trying to debate a serious issue and the member makes that sort of allegation.

Several members interjected.

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

Mr COURT: This matter is regrettable. However, anyone trying to work through the functions of government can have arguments, misunderstandings or whatever - it happens. The Information Commissioner is a very competent person and does a good job.

Mr Kobelke: But she does not understand what people mean when they speak.

Mr COURT: No. When the member obtains a little more information, he will find that the meeting was heated, but that can be a two-sided exercise.

MR LEWIS (Applecross - Minister for Planning) [3.05 pm]: It would be ridiculous for anyone to suggest that I would make arrangements to visit and speak to the Information Commissioner with the idea of disparaging her. I respect the independence of her office, but it should also be understood that she is not a judicial officer.

Mr Kobelke: Does that make it okay?

Mr LEWIS: No. I believe it is appropriate, as the Act prescribes, for me as a Minister and for any member of the public to discuss with the Information Commissioner any matter on which people may have some thoughts. I have responsibility for the town planning ministerial appeals process.

Mr Kobelke: Does it make you judicial?

Mr LEWIS: No, it does not. Notwithstanding that, I have already advised the House that a test case is before the Supreme Court. The member for Nollamara, with his theatrics, suggested that I am persecuting him by taking him to the Supreme Court. The simple facts are that, in matters of law, when a disagreement arises, there is only one recourse; that is, to get the courts to make a determination and establish a precedent at law. It is obvious that the freedom of information legislation can be interpreted differently; I believe that even the member for Nollamara accepts that fact.

It is the proper course for me, acting on behalf the of the Crown, to take a matter to the Supreme Court if I believe that a person is interpreting the legislation wrongly. I am firmly of the opinion, on very senior Queen's Counsel advice, that the Information Commissioner was interpreting the legislation incorrectly. Members opposite, when in government, would have been in a position to do exactly the same thing to clear up a matter at law. It is quite appropriate for me to see the Information Commissioner.

As her report says, we did not discuss the matters that were before the courts at all. We discussed in general terms her interpretation of the legislation, and disagreement regarding those interpretations. That is quite proper. If I, as a Minister in administering the ministerial appeals process, cannot talk to the Information Commissioner to achieve some understanding of how she will handle matters, and if she is not prepared to listen to how I see matters, what is the good of trying to discuss and resolve problems?

My office set up an appointment with the commissioner and gave a general understanding of what was to be discussed. She obligingly agreed that we should meet. The member for Nollamara likes to expand on the account of the meeting and claims something untoward went on and that it was, if one likes, a very acrimonious meeting; that was not the case.

When people have convictions of belief, they argue their cases rather forcibly. The Information Commissioner is no shrinking violet. She is a woman of standing, has a law degree, and she made her case very strongly to me. However, I did not meet with the lady to then sit back and say, "Yes, commissioner; no, commissioner; three bags full, commissioner. Thank you for slapping me over the wrist. I will not discuss it any more." I visited to put a position which should be considered further. This will be read in the minutes of the meetings.

The member for Nollamara should stop going off half-cocked. He turns a little information into a very dangerous thing. He becomes a misguided missile making improper allegations impugning people.

Mr Kobelke: Just like the Information Commissioner.

Mr LEWIS: I did not say that at all.

Mr McGinty: Tell us your version of the event then.

Mr LEWIS: Let me finish. I attended a meeting, as did the commissioner, Ms Wookey of the commissioner's office and Mr Gordon Smith. Mr Smith is a highly regarded, longstanding officer of the State Government. Also, he has a very high office in his lay business with regard to his religious activity. Mr Gordon Smith is one of the most reputable and honest people from whom one could ever seek an opinion. Therefore, when I received advice from Mr Pritchard regarding what the commissioner had said, I said to Mr Smith, "Gordon, will you recount exactly how you saw it? I want to say no more about it." He did that. He took notes of the meeting in question, which I am happy to table. The minutes were recorded on 16 April. The minutes state -

> The Commissioner sought to assure the Minister that personal particulars were never disclosed but that the legislation was clear with respect to all other papers that they should be publicly available through F.O.I. In response to a request by the Minister that a more flexible interpretation of the legislation might be taken by the Commissioner to accommodate the sensitivity of the appeal process, the Commissioner took a very legalistic and somewhat aggressive tone seemingly not wishing to accept that the appeals process was any different to any other public documents and referred to the way the legislation was framed both in this and in other States to justify her position.
>
> The Minister commented on the aggression -

In other words, I told her that I believed she was being aggressive towards me. As Mr Gordon Smith has stated, she initiated the aggression. It appears from that report that we might have been at different meetings. Mr Smith's report is clear and lays it out very simply. There was a disagreement, and I suggest that disagreements occur in every sphere of life every day of the week - we cannot all agree on everything.

The Opposition prosecutes its case vigorously in this place, as does the Government. Sometimes a little acrimony might emerge. The Information Commissioner is a very strong lady, but I will not be spoken down to either.

Dr Gallop interjected.

Mr LEWIS: I will not. Quite simply, we agreed to disagree and nothing further need be said. For the member for Nollamara to make a federal case out of a report -

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: The Opposition is saying that when I go to meetings I should sit and be berated or spoken down to. I have a responsibility as well, and I am just as entitled to argue my position with some vigour.

Dr Gallop interjected.

The SPEAKER: Order!

Mr LEWIS: I do not have a problem with the Information Commissioner, but it appears that she might want to have it all her own way.

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: I see it as a discussion -

Mr Marlborough interjected.

The SPEAKER: The member for Peel will come to order!

Mr LEWIS: - between two strong-minded people. We departed cordially and without conceding any ground on either side. If members were to look at these matters maturely, they would accept that these things often happen. I do not have a great difficulty with the report. If the Information Commissioner feels that I was aggressive towards her, I believe she was very aggressive towards me - as Mr Gordon Smith has stated in the minutes.

Several members interjected.

Mr LEWIS: I will conclude by tabling the minutes of that meeting between the Information Commissioner, Mr Smith, Ms Wookey and me. I was surprised to be advised that the Information Commissioner took the position that she did and that she thought that I was aggressive when in fact I believe she was aggressive.

[See paper No 697.]

MR PENDAL (South Perth) [3.15 pm]: The story outlined at pages 15 and 16 of this report adds a bit more to the picture of how grubby politics has become in Western Australia. First, this debate does not have, nor should it have, anything to do with the previous Deputy Leader of the Opposition, Ian Laurance, or with the merits of the argument being debated between the Minister, the Information Commissioner and Mr Laurance, part of which is the subject of a Supreme Court action. However, if members were to read the plain meaning of the Information Commissioner's report, they would see the issue at the heart of this; that is, whether we uphold proper parliamentary and ministerial standards.

I regard the Minister as a friend. I can say that because I know that it will not do him any damage as he is retiring.

Mr Shave: Along with you.

Mr PENDAL: I can assure the member for Melville that long after he has departed from this place - for all that he has done to bring the Liberal Party into disrepute - I will still be here.

Several members interjected.

The SPEAKER: Order!

Mr PENDAL: Our ignoring the Information Commissioner's remarks would be tantamount to tearing up the Freedom of Information Act. Members cannot have it both ways.

I was one of those who believed the Information Commissioner's appointment may well have been a political gesture, although I had no substantial reason to think that. However, the woman has shown a great deal of courage in

reflecting adversely in the way she has, knowing that she is an appointee of this Government. Nonetheless, she has very serious obligations at law. In fact, her position is not unlike that of the Auditor-General and the Parliamentary Commissioner for Administrative Investigations. The position has extremely high status. I will later refer to the role which she suggested for you, Mr Speaker, and which regrettably you decline to act upon.

I note also that she is critical of the member for Nollamara. The Information Commissioner's comments reflect on all members, whether we be Ministers, opposition frontbenchers or private members. Following her judgment on the Minister for Planning, the Commissioner states -

> I was concerned that the comments made by the member for Nollamara did not accurately reflect the processes adopted in dealing with both the particular access application and the subsequent complaint to me and, accordingly, the processes and procedures generally under the FOI Act.

I would not like to have that sort of judgment delivered about me. We are dealing also with a senior member of the opposition front bench.

Mr Speaker, as you know, the Information Commissioner gives you a mention in dispatches. She was concerned enough to request that you table the documentation that had been going backwards and forwards in relation to this matter. At page 16 she stated -

> I wrote to the Speaker of the Legislative Assembly setting out at some length the full history of the matter and requesting that my letter be tabled in the House in order that the Members may be properly informed.

She then explained the importance of her remarks. She concluded -

> I have since been informed by the Speaker of the Legislative Assembly that my letter was not tabled as requested.
>
> The Speaker advised that he reserves the tabling of correspondence for especially unusual circumstances.

I am the first to admit that one makes a value judgment there. However, surely this set of circumstances qualifies as being unusual in the extreme. It comes down to this: First, it is not often a senior officer in an independent statutory position is called upon to make a judgment on a Minister and, secondly, it would be with the greatest of reluctance that a senior public servant would even follow that course, were that senior officer to believe it was not warranted. This is what the Information Commissioner said. It is not something that has been made up, manipulated or manufactured by anyone, rather it is a statement of fact on her behalf. She goes on to say -

> However, although he did not specifically refer to the appeal before the Supreme Court, nor to the then current complaint before me, the Minister commenced, in an aggressive and offensive manner, to endeavour to persuade me to change my view in respect of the issue that was central to both those matters.
>
> In these circumstances, I considered the approach by the Minister to be entirely inappropriate, demonstrating a disregard for both my position as an independent statutory officer, my function and responsibilities under the FOI Act . . .

I ask whether members recall the reason the then Leader of the House resigned in the face of the report of the royal commissioner four years ago. If I remember correctly - I have not had a chance to check the words - Mr Pearce was found to have acted improperly; no more, but no less, and certainly not corruptly. That is what the Information Commissioner is alleging in the case of the Minister for Planning.

That is the kernel of what we are dealing with here. It has nothing to do with the former Deputy Leader of the Opposition. It has nothing to do with whether people received approvals, or whether they did not. It has everything to do with what everyone in this House, including me, has been bleating about for 10 years that I know of; that is, when will we return to the position where we demand higher, not lower, standards? If we will not make a demand for higher standards, we must at least come to the conclusion that we will not lower the benchmark any further.

I take this matter seriously, not because I want to - I have a close personal regard for the Minister involved in this matter - but when a statutory officer of the status of this woman says that something is amiss, Parliament must take notice, otherwise it should remove her and do something about removing that Act from the Statute book. We have reached a stage in this case where we should seek to change the position of the Information Commissioner from being just another statutory independent position, and elevate it to one of the statutory principal officers of this Parliament, alongside the Auditor General and the Ombudsman. The time has come in at least those three appointments, if not more, where the Parliament should have a direct say in the appointments.

As you know, Mr Speaker, we have recently been through the process of appointing an Ombudsman. Notwithstanding the provisions of the Act, from all of my inquiries, I know effectively it is an appointment of the Government of the day. That is not a condemnation of this Government, any more than when the previous Ombudsman or his predecessor were appointed. This Parliament, more than Governments, is to blame because we have let it happen. The time has come to elevate the status of the role of the Information Commissioner in the way in which I have suggested. The first way we can elevate it, even before we begin to change the law, is by showing respect for this position, which this Parliament demands, but which the report suggests is not being shown to her or the great position she occupies.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.24 pm]: I remind the Premier and members of the Government that according to section 55(2) of the Freedom of Information Act 1992, the Office of the Information Commissioner "is not an office in the Public Service".

My first general point is that all of us understand that the office of the Information Commissioner is one of the special positions created in our system of government that lies in between the executive arm of government and the parliamentary side of government and is there to defend the interests and rights of Parliament and all that represents in our system of government.

The second general point is that, despite the fact that the Office of the Information Commissioner is not a Public Service position, the appointment and terms and conditions are laid down by the Governor, and that immediately imposes a special responsibility upon those who are in government in the way they conduct their affairs in relation to the Information Commissioner. It is possible for those conditions to be altered by the Government of the day.

I will simply quote one paragraph from the letter dated 16 April 1996 of Mr Gordon G. Smith, which was tabled by the Premier in the Parliament today -

> The Commissioner sought to assure the Minister that personal particulars were never disclosed, but that the legislation was clear with respect to all other papers that they should be publicly available through F.O.I. In response to a request by the Minister that a more flexible interpretation of the legislation might be taken by the Commissioner to accommodate the sensitivity of the appeal process, the Commissioner took a very legalistic and somewhat aggressive tone seemingly not wishing to accept that the appeals process was very different from any other public documents and referred to the way the legislation was framed both in this and in other States to justify her position.

In other words, the Minister told the Information Commissioner that she should adopt "a more flexible interpretation". We are talking about an independent officer of the Parliament. Of course the Information Commissioner reacted to that comment by the Minister, who was in a position of being able to have power over her under the Act.

That was an attempt by a Minister of the Crown to influence the affairs of an independent officer of this Parliament. It is absolutely clear, and it is stated in this letter. It backs up what the Information Commissioner has said in her report to Parliament. This is a very serious matter.

Mr Court: What does that say? Just read that part.

Dr GALLOP: It states -

> In response to a request by the Minister that a more flexible interpretation of the legislation might be taken . . .

How else can that be interpreted other than the Minister trying to influence the Information Commissioner? She became aggressive, it says. Of course she did, because a Minister of the Crown was trying to influence her in the conduct of her duties. She was defending the independent office that she holds - of course she became aggressive.

Do we in this Parliament support the independent officer, the Information Commissioner, or do we defend the executive arm of government? I know whom I will defend when this vote is taken - the legislation of this Parliament and the independent commissioner who has a crucial role to play in relation to the Executive. That the executive arm of government is trying to twist her arm is clearly evident in the very letter that the Premier tabled.

Ministerial standards are at stake. The independent Office of the Information Commissioner is at stake. Indeed, as the member for South Perth said so well, the whole way we conduct politics in this State is at stake, in terms of the way in which we will deal with this motion.

Question put and a division taken with the following result -

Ayes (21)

Ms Anwyl	Mr Graham	Mr Pendal
Mr Brown	Mr Grill	Mr Riebeling
Mr Catania	Mrs Hallahan	Mrs Roberts
Dr Constable	Mrs Henderson	Mr D.L. Smith
Mr Cunningham	Mr Kobelke	Mr Thomas
Dr Edwards	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Ms Warnock *(Teller)*

Noes (27)

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

Pairs

Mr Ripper	Mr Day
Mr Bridge	Mrs Parker
Mr M. Barnett	Mr Johnson
Mr Leahy	Mr C.J. Barnett

Question thus negatived.

MATTER OF PUBLIC INTEREST - PUBLIC HOSPITALS WAITING LISTS FOR SURGERY

THE DEPUTY SPEAKER (Mr Strickland): Today the Speaker received within the prescribed time a letter from the Leader of the Opposition in the following terms -

> Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.
>
> That this House -
>
> (1) Expresses its concern at the lengthening waiting lists for surgery in Western Australian public hospitals and the failure of the State Government to reduce the time which patients must spend waiting for treatment; and
>
> (2) Calls on the Government to increase efforts to ensure timely access to public hospitals for all Western Australians who require surgery.

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

[At least five members rose in their places.]

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

DR GALLOP (Victoria Park - Leader of the Opposition) [3.33 pm]: I move the motion.

The performance of this Government in the area of health has been abysmal. I suppose the best example of its performance is in its policies and attitude and approach to our public hospital system. We have seen a systematic and sustained assault on the public hospital system in Western Australia. As a result, the ability of that system to respond to the demands placed on it has been radically undermined. Throughout our major teaching hospitals in the State, including non-metropolitan areas, the ability of that system to respond and guarantee equal access required under the law of this State has been radically undermined and reduced.

This is no better illustrated than by referring to elective surgery waiting lists and waiting times. Earlier this year I wrote to the Minister for Health asking him to provide me with details of the teaching hospital elective surgery reports

published within the system every month. He replied to me on 18 October 1996, when I received the reports for the past 12 months.

The elective surgery reports were published by the previous Labor Government. However, discontinuation of their publication occurred after the change of government. The Opposition believes these reports should be available to the public, particularly general practitioners. When they consider options for their patients seeking elective surgery, talk to specialists and access the system it is important they have a full range of information available to them. It was totally unjustifiable for the then Minister, Hon Peter Foss, to discontinue publication of the elective surgery waiting times documentation. The Opposition commits to the opening up of that information to our health system, particularly the general practitioners in our State.

The Government promised to reduce waiting lists not only before the election, but also in a major policy statement delivered by the then Minister for Health, Hon Peter Foss, in June 1993 in which he said that the coalition was committed to reducing public hospital waiting times for elective surgery and ensuring they are clinically reasonable and acceptable.

In the term of this Government, waiting lists and average waiting times have increased. More significant is the fact that waiting times in Western Australia are the longest of all the mainland States' lists. That is a cause for shame for the Government of Western Australia. I note that since the Opposition figures were released in a press statement this morning, we have received the next "Teaching Hospital Elective Surgery News" of 30 September 1996.

That indicates that the average waiting time at the change of government in February 1993 was 4.4 months, it increased to 4.5 months in August 1996 and on 30 September it was 4.76 months. Despite the record revenues this Government is receiving - the coalition Government receives more revenue than any other Government in the State's history - the waiting times for people in Western Australia for elective surgery have increased. It is interesting to note that these are only average figures; they are not individual cases. The figures have increased for patients who have been waiting for elective surgery for more than 12 months. For example, in the past 12 months the number of people requiring orthopaedic surgery who have been waiting for more than 12 months for that treatment has increased by 70 per cent in the major teaching hospitals in this State. The figure increased from 418 to 723.

This morning I raised the case of Mr Fred Taylor of Thornlie. He is a fine citizen who has been involved in the Thornlie community for many decades. He is a life member of the Thornlie Football Club and in the early 1950s he had the privilege of playing league football for Subiaco. He is a well known identity in the area and a great citizen. He has needed knee reconstruction for some time. In 1992 it was determined that his right knee needed reconstruction and within six months it was carried out at the Fremantle Hospital. He has nothing but praise for the treatment he received at that time.

Mr Prince: It was in June 1993.

Dr GALLOP: Obviously, he first made the request in late 1992 and the treatment was carried out in June 1993.

Mr Shave: We were in government then.

Dr GALLOP: If the member for Melville is suggesting that his party being in government for two months had any impact on the elective surgery waiting lists, he is pushing a hard line. In 1992 the Labor Government put together a special program, which then began bearing fruit. Mr Taylor has been waiting two years and four months for his left knee to be reconstructed, and he has been told that it will not be done until May of next year. He must take pain killers every day and cannot do the things he would normally do for any extended period. He is in constant pain, and must wait almost three years for this surgery.

Why has this happened under the coalition Government? First, budget cuts have severely damaged the system. The impact of those cuts has so damaged the system that its ability to respond to the demands on it have been severely reduced. In answer to a question in the upper House recently it was revealed that 377 nurses and 523 medical and technical staff have left the system. In the last Budget, the allocation to hospitals was reduced in real terms. Secondly, there is administrative chaos with much uncertainty, and the loss of senior health officials, including senior staff in the hospital system. Thirdly, privatisation and contracting out has undermined morale and created dysfunction in the hospital system. It means that the capacity of our hospitals to cope with the demand has been radically reduced. The Deputy Leader of the Opposition, the shadow Minister for Health and I have been talking to people in the hospital system, who tell us that earlier this year the Government talked about bailing out all hospitals and about the extra money it would allocate to reduce waiting times. However, it has so damaged the system and undermined its functioning that the ability of the system to respond to such a package has been reduced. As a result, those people have a very pessimistic forecast in the short term.

A complete change is needed in the attitude to the way in which public hospitals function and work. This State should have a waiting list Ombudsman, such as the Ombudsman in New South Wales who is at the heart of the system and helps general practitioners and patients to access health care. There must be better use of smaller hospitals, a tougher set of performance indicators and more information supplied to GPs and others in the health system. First, there must be a commitment to the public health system, and that has been lacking in the four years of this coalition Government.

There must be a commitment to the public hospital system, its integrity and the staff who work within it. Currently staff in the major teaching hospitals, particularly nurses, are stressed out of their minds. Two months ago a delegation of nurses came to me from one of the leading teaching hospitals. They had bags under their eyes, they were tired and depressed, and some had decided to become agency nurses working on a short term basis. Although their income would be lower and they would have fewer opportunities to develop skills and training, at least they would have a decent lifestyle. Those people have been betrayed by this Government. Their commitment to the public health system has been betrayed.

This Government has increased taxes and charges and the revenue into its coffers has increased more than at any other time in this State's history. At the same time the waiting times have increased and the number of people on the waiting lists has increased, despite all that revenue and growth and the investment boom the Premier so often speaks about. It does not mean a thing to the Fred Taylors of Western Australia or the individual citizens in this State who want to access elective surgery. Under a future Labor Government that direction will be reversed. The commitment of that Government will be to the public hospital and health system, and it will be provided with the resources it needs to function properly.

I conclude with a set of damning statistics published in the Labor Party's paper "Hospital Waiting Lists - Labor's Action Plan" released last week. It contains details of the performance indicators, which show that in every respect Western Australia is behind the national target created in other States. It is behind in the total clearance time, the number of urgent patients waiting more than 30 days, the number of urgent patients admitted after more than 30 days, the number of semi-urgent patients waiting more than 12 months; and the number of semi-urgent patients admitted after more than 12 months. These performance indicators count, and Western Australia lags behind the rest of the nation. The reason for that is the lack of commitment by the coalition Government to the public hospital system.

MR McGINTY (Fremantle - Deputy Leader of the Opposition) [3.49 pm]: The most recent figures from the Health Department on hospital waiting lists in Western Australia at the end of September 1996 confirm three things. The first is that there are now far more people on the waiting lists. At the change of Government in February 1993, there were 9 465 people on the waiting list. Today that figure has increased by 35 per cent to 12 200 people. It is a significant increase.

The second point these statistics make is that in July last year Western Australians had the longest waiting time for surgery in public hospitals for 14 years. We have seen the mean waiting time for surgery increase in the life of this Government from 4.4 months to the current figure of 4.8 months. At this stage I take the Minister for Health to task for misleading the public today in the media statement that he put out. I draw attention to the fact that in the press statement dated 30 October the opening sentence says that the average waiting time for elective surgery in Western Australia has reduced dramatically under the coalition Government. That is not true. It is a lie.

The DEPUTY SPEAKER: Order! The word "lie" is one of those words that is unparliamentary if it impugns another member. The deputy leader has indicated a situation that gets close to impugning another member by inferring a deliberate untruth has been published by the Minister. I caution the Deputy Leader of the Opposition and warn him that he is very close to that.

Mr McGINTY: The Minister was profoundly mistaken. He goes on to say in that press statement that according to health department figures, in January 1993, when Labor was in Government, the average waiting time for elective survey was 5.3 months. In the figures produced by the Health Department, the Minister has profoundly mistaken the clearance time, which is what the Minister has quoted, for the figure that is used to determine the average time on the waiting list; that is, the median waiting time on the list. The clearance time is an interesting statistical notion of no practical relevance. It is a figure which, in the Health Department's own words, can be conceived of as the length of time it would take to clear all patients from the waiting list if the rate of clearance remained constant and no more patients were added to the list. That is an interesting notion, but it is not what the Minister describes in his press statement as being the average waiting time for elective surgery. The average waiting time for elective surgery is a simple statistic. It is what is referred to in the Health Department figures as "median waiting time on list". That is a different figure.

For the sake of the record, having drawn attention to the error in the Minister's press statement, both the clearance times and the median waiting time on the list have increased during the term of this Government. If we compare

February 1993 with the latest figures of September 1996, the true figure which the Minister should have quoted - namely, the median waiting time on the list - has increased from 4.5 months to 4.8 months. The clearance time, to the extent that it is relevant, has increased from 3.5 months to 3.9 months. The Minister is profoundly mistaken in saying, as he did in his press release today, that the average waiting time for elective surgery in Western Australia has reduced dramatically under the coalition Government. In fact, it is highly misleading and certainly not truthful.

The waiting time in the crucial area of orthopaedic surgery, which presents the most difficulty to the patients, has increased and the number of people on the waiting list for orthopaedic surgery has increased by 60 per cent in the past 12 months to a figure as at today's date of 3 602 people. Of greater significance is the number of people on the orthopaedic waiting list who have been there for more than 12 months; in other words, those people who have real and significant complaints about the waiting times. That figure has increased by 70 per cent in the past 12 months. In these crucial areas, contrary to what the Minister has asserted - that average waiting times for elective surgery have dramatically reduced under the coalition Government - the trend in the past 12 months is an increase of about 70 per cent in the number of people on the waiting lists. We have also seen the longest waiting times for surgery generally across the board, and the number of people on the list is also blowing out.

These figures indicate the extent of the increase in human suffering and misery which has been caused by people being left unattended as a result of not having their operations in the time a good public health system would deliver those operations to them.

I will make a number of points about those basic statistics that show our public hospital system is letting down too many people. The first point is that there is no room to deal with this most important issue with quick fix, short term solutions. It cannot be solved by people throwing a pot of money at the waiting list question. What do we see in the Budget that was handed down immediately prior to a state election? A figure of $30m over two years is set aside to address waiting lists. It is a pity that was not done last year or the year before, because the experts in this field tell me that we need long term commitments to enable the staff to be employed, to modify the operating services and put all other services in place. A quick fix in a Budget before an election that is designed only for two years is not an appropriate response. It has been met with a high degree of pre-election cynicism by the people associated with it, and they believe it is inappropriate. A long term commitment to this matter is needed.

The hospitals cannot achieve a high level of throughput if they have staff on short term contracts. The hospitals need specialist staff with permanency. Although short term contracts unfortunately are becoming an increasing part of our way of life, in this area it is only through permanency, long term contract stability and certainty that the hospitals will properly address this problem.

The second point I want to make is that the cancellation rate of people being told they are coming in for surgery on a particular date and in some cases being prepped for that surgery, is blowing out. I know that at Fremantle Hospital in my electorate over the past 18 months the number of people who have had surgery cancelled has increased four or five-fold. That is an enormous increase. There is a reason that has occurred; however, it is most distressing to the patients who have been prepped or have been told that their surgery is about to take place. They make family arrangements. They leave work and make arrangements with relatives only to find that their surgery has been cancelled.

My electorate office has received a dramatic increase in complaints from people whose surgery has been cancelled. We know that the surgeons, nurses and people associated with providing surgery in our public hospitals are achieving all time highs in productivity. The throughput on elective and emergency surgery is the highest ever. Any time a bed is vacant in a hospital a patient is booked in and told to be ready for surgery. There is no slack whatever in the system. Accordingly, if something crops up such as equipment breakdown or an emergency, the person who was called into hospital and sometimes prepared for the operation is told to go home because the hospital cannot tell that person when the operation will be. That is no way to treat human beings, particularly as it is happening all too often. I will refer to two cases from last Friday. I have written two letters to the chief executive officer of the Fremantle Hospital on this very subject, both of which are dated 25 October. The first letter reads -

> I am writing on behalf of Mrs Calhoun . . . who was booked in to surgery for her gall-stones this morning.
>
> Mrs Calhoun was informed that her surgery had been cancelled just hours before it had been scheduled. Whilst Mrs Calhoun appreciates that the problem was caused by the breakage of equipment she is concerned that she has no indication of when the operation may now take place.

I requested that there be some intervention to give her a measure of certainty about the future. The second letter reads -

> I am writing on behalf of Mable . . . Jackson who was due to have ear nose and throat surgery on Wednesday the 23rd of October.

> Unfortunately her surgery was cancelled due to an emergency operation. Ms Jackson was prepared for surgery, she had her nose and throat sprayed and an orderly was sent to take her to theatre.
>
> Ms Jackson was then informed that her surgery had been cancelled but was not informed why. She was told to wait for an answer but was then told to go home.
>
> She has since had an explanation from the hospital for these problems, but is now concerned that there are no vacancies available until November 13th for her operation.
>
> Ms Jackson's fiance's mother had travelled to Perth from the Eastern States especially to help care for Ms Jackson. Unfortunately she must leave just three days after the newly scheduled surgery date.
>
> She is concerned that she may not be able to care for herself adequately and that the family has gone to great expense to assist her which appears now to be wasted.

These events are becoming daily occurrences in my electorate and, I presume, elsewhere. We cannot underestimate the human impact of this phenomena. In the last 18 months cancellations have increased four or fivefold, and that is unacceptable.

My third point is that currently there are problems with a lack of theatre space. Money cannot be thrown at a hospital just for it to put people through the operating theatre. Fremantle Hospital has six operating theatres, only four of which are currently operational. While the theatres are upgraded, fewer theatres will be available. Before the problem is rectified it will become more acute in the next six months. I come back to the Minister's assertion that the average waiting time for elective surgery in Western Australia has reduced dramatically: It will get worse in the next six months. Those people who have reason to believe they might have their operation at Fremantle Hospital within the next six months may be bitterly disappointed. In the long term, the situation will improve, but in the short term there is a real problem, partly because of the upgrading at the hospital and partly because of the cardiac program which will be introduced at the hospital.

Fremantle Hospital lacks equipment. It has one laparoscopic surgery unit. As soon as an operation is finished, another one cannot follow because there is not enough equipment. Even if the operating theatre is free and the surgeons and other staff are available to do the operation, it cannot be done because of the lack of equipment. Therefore, the staff is unable to maintain the patient throughput. Money must be allocated to both orthopaedic surgery and the funding of after care.

My fourth point is that significant advances have been made in minor surgery; for example, in areas like gastroenterology. The throughput in that area at Fremantle Hospital recently doubled. That occurred as a result of day surgery, which is fine for minor surgery. The real problem, which has not been addressed, is the cost of major surgery, particularly in the orthopaedic area - joint, hip and knee replacements. The cost of orthotics, long term rehabilitation and the provision of hospital beds are matters which have not been adequately addressed in the Government's response to this issue. Although there have been some successes, the throughput is great in the minor surgery area, but in the most crucial area of orthopaedic surgery the problems remain and they are profound.

The appropriate response is to look at this issue from the point of view of not only statistics, the hospitals and the surgeons, but also the patients, who are being messed around by the system. I raised the experiences of a patient who was in the advanced stage of preparation for surgery. I was amazed to find that her surgery was cancelled. One expects there to be some shuffling around at the hospital so it can operate efficiently, but the example given by the Leader of the Opposition should be considered by the Minister. It is extremely unfortunate that Mr Taylor had to wait for that length of time and I look forward to the Minister's explanation.

This State has a problem and it requires more than a commitment of funds over two years. It requires a long term commitment to address all the elements associated with surgery and not simply the provision of $30m over the next two years - an announcement which was made around election time. There must be the capacity to address those areas of surgery to which I have referred and which are causing the greatest level of apprehension, concern, pain and anxiety in the community.

The Government must come up with a comprehensive package to do that instead of saying, "Here is $30m and we will halve the waiting lists over the next two years." That is not credible and the Government must do more than that. It must regain the confidence of the people working in this area and make sure that in a real sense, as in New South Wales, waiting lists are reduced.

MR PRINCE (Albany - Minister for Health) [4.06 pm]: It will come as no surprise to the House that I do not agree with the motion. I will make a number of points in response to the matters raised by the Leader of the Opposition and the Deputy Leader of the Opposition.

First, I note with some pleasure that the shadow spokesman for Health took part in the debate. I appreciate he became shadow spokesman only recently and it was only today that he was able to have a briefing from the Commissioner of Health. I was going to ask which member of the Opposition was looking after Health issues. However, both the Leader and Deputy Leader of the Opposition have spoken in this debate and I draw to their attention that the member sitting on their right, the member for Morley, asked the following in his question on notice 2505 on Tuesday this week -

(1) What steps is the Government taking to reduce the waiting time for hip, eye and ear operations?

(2) What is the normal waiting time for -

(a) hip;

(b) eye; and

(c) ear

operations?

(3) Will any initiatives the Government has reduce the waiting lists?

(4) By what period will the waiting lists be reduced?

(5) When will the waiting lists be reduced?

The answer has been supplied.

Dr Gallop: He is a good local member who is looking after his constituents.

Mr PRINCE: It has absolutely nothing to do with looking after his electorate. It is an extremely general question which asks for information across the whole of the system. At the same time he asked questions about outpatient clinics in all hospitals in Western Australia and about seniors and others who require hearing aids. I advise him that the provision of hearing aids is a commonwealth program run by the Department of Health and Family Services. He also asked questions about dental care in nursing homes. All of the questions have been answered.

Mr Brown: I have not received the answers.

Mr PRINCE: I signed the answers this morning. I was interested to know who is looking after Health matters.

Dr Gallop: We are all interested in this area.

Mr Brown: I will inform my constituents that you take umbrage at my asking these questions.

Mr PRINCE: I do not take umbrage at all. I am merely pointing out that there are three members on the front bench opposite asking general questions on health issues. It is a pity they do not communicate with each other.

Dr Gallop: We do.

Mr PRINCE: I will deal with the case of Mr Taylor and some of the general matters which were raised. The matter concerning the Budget is the crux of the criticism levelled by the Opposition. It said that insufficient funds have been budgeted for the health system. In 1993-94 the Health budget was $1 529 995 000 and in 1996-97 it is $1 663 936 000. It is an increase of over $134m.

Dr Gallop interjected.

Mr PRINCE: I did not interrupt the Leader of the Opposition and I ask that he give me the same courtesy.

The Health budget has increased by more than a third of the total budget of the Police Service in the past three years. That demonstrates the level of commitment of this Government to health. It is a massive increase. The Leader of the Opposition has already mentioned the $30m that is earmarked to deal with the long waiting time for elective surgery operations. That strategy will take place over two years.

The next matter is average waiting times. The Leader of the Opposition referred to a paper that I sent to him, the "Teaching Hospital Elective Surgery News" summary as at 30 September. Definition No 4 on page three states -

> The median waiting time means that half of all the cases on that waiting list have been there for less than the median time while the other half of the cases on the list have been there longer. For example, 72 people with a median waiting time of eight months means that 36 people have been waiting less than eight months

while the other 36 have waited longer than eight months. The median waiting time of those admitted is generally shorter than the median waiting time on the list.

The statistics are useful when we compare one period with another. I seek leave to table that paper.

Leave granted.

[See paper No 698.]

Mr PRINCE: The press release that I put out in response to the provocative matters raised by the Leader of the Opposition this morning makes the point that when Labor was last in power in January 1993, the median waiting time for elective surgery was 5.3 months. It is now 3.9 months. In that time, there has been a significant increase in the number of people who have sought to have elective surgery in public hospitals.

Dr Gallop: We left government in February. Why do you conveniently use January?

Mr PRINCE: Because those were the figures given to me.

Dr Gallop: Do you agree that January should be used rather than February?

Mr PRINCE: Whatever is the appropriate figure, so long as we compare like with like.

Mr McGinty: It was 5.3 in January and 3.5 in February.

Mr PRINCE: There has been either a significant reduction or a slight reduction. In any event, there has been a reduction.

We all agree that there has been a significant increase in the number of people who are seeking elective surgery in public hospitals. The reasons are, in part, the number of people who have dropped out of private health cover. Last calender year, 27 000 people in this State dropped out of private health cover. That is largely related to the federal policies that have been put in place by the compatriots of members opposite in Canberra over the past 13 years.

Dr Gallop: A minor impact on our system, and you know it.

Mr PRINCE: Nonsense. It is also due, in part, to the increased ability of surgeons, particularly those who use laparoscopic surgery, to deal with a greater number and range of people in a given time. A greater number of elective surgery procedures are being carried out on elderly people than was the case three or four years ago. The number of people who are receiving elective surgery has increased for those reasons, and others. The articles that appear at page three of today's *The West Australian* come to mind. That is another reason that people are moving into the public hospital system.

Day surgery is a phenomenon that is very much on the increase. The Leader of the Opposition mentioned Fremantle Hospital. I was privileged to be at Fremantle Hospital for the opening of the day surgery unit under the guidance of Professor Fletcher, who is performing some remarkable operations. He is removing gall bladders on a day surgery basis. I am not suggesting he can do that for everybody, but for a significant number of people that is now a distinct possibility, whereas previously it required a stay in hospital of three or four days. Things of that nature enable a greater number of people to be dealt with. Day surgery is occurring in all hospitals and health services throughout the State, particularly in the teaching hospitals, and some moves are afoot to increase the capacity of the hospitals to perform day surgery. I will come in a moment to the operations that will be performed at Sir Charles Gairdner Hospital.

At the same time, by efficiencies that they have brought into play, hospitals have been able to deal with that increased number of patients, and the median times have either been reduced or remained much the same, depending upon the speciality. The number of operations last financial year was 26 289. It is anticipated that this financial year, the number will be over 30 000. The anticipation on the basis of the current level of activity is 30 145. That is a significant increase in the number of operations this financial year.

We intend to reduce the long waiting times by 50 per cent by June 1998. That is not a quick fix solution. That is not throwing buckets of money at something to try to come up with a quick fix. We have identified a significant difficulty because of a lack of planning and a strategy to deal with this matter, and that matter is currently the subject of work. The $30m that has been committed is not enough to bring about a lasting solution to the management of the waiting lists. I agree with the Leader of the Opposition that it is not just a matter of money. Without a management strategy in place to accompany the application of those funds, the lists will continue to grow unchecked, far exceeding the ability of anybody to be able to pay for them. There has been a lack of long-term planning for individual speciality services, which has resulted in stop start and quick fix solutions. That is what members opposite did in government for 10 years.

The problems which apply across the board include the consistency and comparability of hospital specific list management rules. The criteria, for example, of who will go on the list, and agreement across specialities about urgency classifications, vary from speciality to speciality and from hospital to hospital. Nobody seems to be managing the lists, so the lists are largely disconnected. The Health Department, at the instigation of this Government, has been working with all the major public hospitals, not just the teaching hospitals, in the metropolitan area to develop a waiting list strategy to meet those objectives. I hope that in the not too distant future, a waiting list strategy will be announced. The aim of the strategy is to achieve acceptable waiting times for elective surgery, particularly access to hospitals, and to improve the management of lists and data. The planning for that is well advanced, and it will come to fruition in the near future. That is the correct approach to the problem. It is not a matter of having a knee jerk reaction to try to find an amount of money to meet an immediate problem. It is a matter of addressing the fundamental structural difficulty of the lack of management of the waiting lists and of managing the whole of the hospital sector, particularly teaching hospitals and the major metropolitan hospitals.

A number of other matters have been raised as part and parcel of dealing with these matters. I have a considerable degree of sympathy for Mr Taylor. If it is true, as alleged by the Leader of the Opposition, that he has waited for that length of time, it is too long, as I have said publicly today. The information that I have from Fremantle Hospital is that Mr Taylor was first admitted in June 1993 for a right total knee replacement. Apparently that was first identified as being necessary in 1992, so he probably waited for up to 12 months, and perhaps longer. He has been reviewed at the outpatient clinic on six occasions, which is normal for any knee replacement surgery, and the first three outpatient clinic attendances related to the progress of that operation on the right knee. That has been quite successful, I am pleased to say.

The outpatient clinic notes show that in May 1994 Mr Taylor had some minor symptoms in his left knee. He was advised to come back if the symptoms deteriorated, but that otherwise he would be reviewed in his normal pattern of 12 months. He was reviewed in May 1995, at which time he was complaining of pain in his left knee. On 26 May 1995, he was booked for a left total knee replacement. In May 1996, he was again reviewed at the orthopaedic outpatients clinic. The nature of his symptoms at that time did not warrant a more urgent review of the waiting list time. In fact, the notes state that if his left knee had not been done in the next 12 months, he should be reviewed again in May 1997. In checking with the clerks today, and I have spoken to the Medical Director of Fremantle Hospital, I am informed that he has been booked in for 21 January 1997 for this operation. The fact that he was booked in in May last year and will be operated on in January next year is not an acceptable waiting time. However, he was assessed by the specialist and medical staff concerned as a routine patient, not having a higher classification. This is one of the problems I have referred to from a structural point of view: How do we assess criteria and are they the same from one hospital to another? Should the gentleman have been advised to look at another hospital? To a certain extent the Office of Health Review, which opened only recently, will be a useful facility for people who have these sorts of queries and complaints to get better communication.

As a general rule, all orthopaedic patients are told that there is a waiting list and people are dealt with on the basis of urgency and if there is some form of deterioration in their condition. As far as Fremantle Hospital is aware, Mr Taylor has not raised the matter with the hospital until today, through the media and the office of the Leader of the Opposition. The orthopaedic specialist, who is the most popular knee surgeon in Fremantle, has changed the number of sessions he does. His ability to put through a number of patients has been increased by 50 per cent recently as a result of changing his operating times so that he is better able to deal with a larger number of patients at any one time. The hospital has put an orthopaedic registrar on his team who deals with a number of the more minor cases. In 1995 an extra orthopaedic surgeon was employed. The part of the $30m over two years that will go to Fremantle is being used for the renovation of a theatre so that it can be used for orthopaedics. That work will be done in conjunction with the renovation of other areas relating to the cardiothoracic unit. The tender for that is about to be put out. The work should be completed by about April next year. I am sure the Deputy Leader of the Opposition will be pleased to hear that.

That is part and parcel of addressing, in a meaningful and long-term way, the problem for people like Mr Taylor who have been on the waiting list for far too long. It is not a quick fix solution. It is part of a strategy that says that the equipment must be there, and qualified and competent people must be in place to do the work. When a popular surgeon is performing these operations, his team must be augmented so that people can do the more minor work for him, and the way he operates must be changed so that he has a 50 per cent greater rate of throughput. There would still be a waiting time; therefore, something must be done about the theatre.

Dr Gallop: According to the Premier's own logic, who will accept responsibility for the disastrous situation this health system fell into?

Mr PRINCE: I am the Minister for Health; I accept responsibility.

Dr Gallop: You do? Why don't you resign then?

Mr PRINCE: I accept responsibility.

The theatre development is part and parcel of a proper, long-term strategy to address this problem. The Leader of the Opposition tries to make some capital out of agency nurses. On Tuesday, 15 October he asked a question on notice about the number of nurses employed at Sir Charles Gairdner Hospital, Fremantle Hospital and Royal Perth Hospital and what percentage of nurses were employed as agency nurses. In the case of Sir Charles Gairdner, in 1993-94 it was 1.46 per cent, in 1994-95 it was 3.32 per cent, and in 1995-96 it was 1.39 per cent. For Fremantle Hospital in 1993-94 it was 2 per cent, in 1994-95 it was 2.1 per cent, and in 1995-96 it was 2.8 per cent. For Royal Perth in the same years it was 1.5 per cent, 2.8 per cent and 3.8 per cent. These are not significant percentages.

Dr Gallop: But they are all increases.

Mr PRINCE: Yes, but they are not significant percentages.

Dr Gallop: When did I get those answers?

Mr PRINCE: The member got them on 28 October.

Dr Gallop: I haven't actually got them yet.

Mr PRINCE: They are in the system. The percentage of agency nurses in the hospitals at any one time is very small. The better rostering that has come into play as a result of the successful conclusion to industrial negotiations with the Australian Nursing Federation earlier this year is leading to a flexible rostering system, which is giving better patient care. That is part of the structural change to health that was required and that is occurring now. I commend the ANF for its attention to that and for being actively involved in it. Dealing with specialist doctors in particular is the subject of constant discussion and communication with the Australian Medical Association and also specialist colleges. They are prepared to be flexible in providing the best possible services within the resources available.

In summary, I reiterate the points I have made. This Government has a considerable and strong commitment to the health system, particularly to the public hospital system. It has increased the health budget enormously in the past three financial years. The extra funds going into health each year now amount to over one-third of the Police Service budget. I contend that the average mean times that are spent on the waiting list have decreased in the past three years and that the number of people being treated has increased significantly. The hospitals have become much more efficient and are able to produce outstanding results, which is a tribute to the management and staff, particularly the medical staff.

I hope that the initiatives the Government has put in place and the planning it is doing now will in future prevent cases like Mr Taylor's. I freely admit that Mr Taylor has waited too long for his knee operation. That is a matter of concern to me, the hospital, the doctors, the Health Department, and the Government in general. It is not a matter that we are prepared to simply ignore. It is something we are addressing. We did that in the last Budget through the commitment of extra money to reduce the long-term waiting list, and we have also addressed the whole question by developing a strategy, which I hope will be announced in the near future, that will address in a proper, meaningful and planned way the methods by which the waiting times on the list will be reduced permanently. For the reasons I have given, I reject entirely the motion that has been put by the Opposition.

DR TURNBULL (Collie) [4.28 pm]: I also reject entirely the motion that has been put forward by the Opposition. This motion was most likely prepared by three people - but at least two - who do not understand the process in the public health system in Western Australia. The reasons for that could be, firstly, they basically do not have an understanding; secondly, they are ignorant of the issues; or, thirdly - I think this is the correct answer - they are purely playing politics and they are not at all interested in what is happening in the health field in Western Australia now. I will reiterate the three facts the Minister highlighted today.

The first is that technology is advancing so rapidly that a massively increasing number of people can have a growing number of procedures applied to them. I can understand why this does not interest members on the opposition front bench one little bit. They do not want to listen to the facts. A dramatically increased number of people can now have a knee replacement. Four years ago, when the Labor Government was in power, it was possible for only a small number of people to have a knee replacement operation. Currently, the number of people waiting for a knee replacement has increased because the total number of people requiring such an operation has increased. That is the first basic fact, in which the politicians on the other side of the Chamber have no interest.

Secondly, members opposite do not want to hear about the statement by the former Labor Minister for Health in this House just before he resigned his portfolio. He resigned because he knew about the basic problem, and being a Labor Minister he could not tackle it. The basic problem is that Medicare is an open-ended system which advantages those who already are advantaged, over and above those people who are disadvantaged. In other words, middle income people are able to jump the queue ahead of disadvantaged people - whether they be the aged, invalids, people with

disabilities or from the outer metropolitan or country areas. These people are being disadvantaged by the system which allows middle income earners to absorb the available resources and seek knee, ankle and hip replacements or eye operations - all procedures which contain expensive components.

I wish to highlight two great initiatives of the Government which are now beginning to pay off and provide a return for country people. First, I refer to the increasing service for surgery and other procedures in regional hospitals throughout the State. I also point to the University Rural Surgical Service which is operated by Professor Tony House, supported by his wife Jill, who does all the liaison work. This service is provided in conjunction with the university, and a surgical team visits country towns which do not have a resident surgeon. This service does not apply to regional hospitals. The team visits country towns once a month to undertake day surgery. It has been providing the service for nine months and the number of operations performed is increasing.

Mr Riebeling interjected.

Dr TURNBULL: It is a great improvement, because Professor House will go to Paraburdoo, Moora, Bruce Rock, Quairading and other towns. I think he will soon go to Lake Grace as well. Many people, including elderly people, in those towns have great difficulty reaching the city or a regional centre, and these people will now be able to undergo operations as day patients. This is an enormous benefit to people in country towns.

This initiative will also result in a financial saving. For people willing to be placed on a waiting list for an operation at a tertiary hospital in Perth, it would cost $750 a day for the bed alone. The cost of the same procedure in a country hospital would cost $250 a day. So far, 200 procedures have been undertaken in country hospitals, which has resulted in a saving of $100 000. The initiative has also resulted in a financial saving for the patient assisted travel scheme. The travel costs for the team, in the introductory and the operative phase, has amounted to $170 000. The calculated saving for PATS during the nine months the team has been operating, is $140 000. The service is an enormous benefit to patients who do not need to travel or to face long waiting lists. With the new service patients wait only four weeks or less. The service is of great benefit to those country hospitals which the team visits because the nurses at the hospital will become more experienced, as will the local general practitioner. In a number of places, but particularly at Paraburdoo, the visits by the team will provide experience for local doctors as anaesthetists in country hospitals. This initiative is an extremely good one because it will result in a reduction in waiting lists and provide benefits to many country people.

[The member's time expired.]

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Grill	Mr Riebeling
Mr Brown	Mrs Hallahan	Mrs Roberts
Mr Catania	Mrs Henderson	Mr D.L. Smith
Mr Cunningham	Mr Kobelke	Mr Thomas
Dr Edwards	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Ms Warnock *(Teller)*
Mr Graham		

Noes (28)

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

Pairs

Mr Bridge	Mr Day
Mr Leahy	Mrs Parker
Mr M. Barnett	Mr Johnson
Mr Ripper	Mr C.J. Barnett

Question thus negatived.

TOWN PLANNING AND DEVELOPMENT AMENDMENT (MENORA AND COOLBINIA) BILL

Introduction and First Reading

Bill introduced, on motion without notice by Mr Catania, and read a first time.

Second Reading

MR CATANIA (Balcatta) [4.40 pm]: I move -

That the Bill be now read a second time.

I have introduced this Bill in opposition private members' time because the Government will not introduce the legislation for debate before the next election. The complementary legislation - amendments to the Land Transfer Act - will also not be introduced, even though the Leader of the House told me last week that it would be debated this week.

People residing in the Menora-Coolbinia area should be made aware that there is no genuine desire on behalf of this Government to act in a bipartisan manner as I have requested on a number of occasions. To the Government, this is a political game. It does not care for the wellbeing of the residents of the area who want to protect their dearest possession - their family homes and properties. If the Government were serious, it would have approached me and sought cooperation and, if it wanted to amend the Bill that I introduced on a previous occasion, I would have consented to the amendment, especially if it strengthened the Bill.

The member for Dianella has had my Bill for two months. He received it at the same time as it was given to all Coolbinia-Menora residents but has chosen to introduce his own similar Bill rather than support my Bill.

The Government has given instructions only in the last two weeks to the same draftsperson who drafted the provisions of the legislation to draft the new Bill and amendments to the Transfer of Land Act. That is plain political point scoring and a waste of time. The people in Coolbinia-Menora are smarter than this Government gives them credit for - they will work it out.

This Bill has been introduced to protect the plan of restrictive covenants in relation to certain land in the suburbs of Menora and Coolbinia. Clause 4 of the Bill introduces amendments to the Town Planning and Development Act restricting the Minister's powers to approve planning or town planning policy which conflicts with the restrictive covenants defined in the Bill.

The Bill also introduces new section 18D, which provides a shield for certain restrictive covenants on land in Menora-Coolbinia against planning policy powers under the principal Act. These powers can override private agreements affecting private land; for example, restrictive covenants.

New sections 18D(1) and 18D(2) define the restrictive covenants to which the Bill applies - namely those covenants on certain blocks of land in the Menora-Coolbinia area which provide that only one residence can be built on any of those blocks. Proposed section 18D(3) prohibits the Minister from approving any planning policy of the Western Australian Planning Commission or any town planning policy of any local authority or any regulation or code made under the principal Act where the effect of such policy, regulation or code extinguishes or varies a restrictive covenant to which proposed section 18D applies. Proposed section 18D(4) provides that the third schedule has effect. The third schedule describes the area of land in Menora-Coolbinia to which proposed section 18D applies.

This Bill would have been complemented by the amendment I would have moved to the Transfer of Land Act which would amend section 129C. This amendment would formalise the case law criteria used by the courts when considering an application under section 129C. It would strengthen the notice requirements on applicants seeking to undo the effect of a restrictive covenant by forcing applicants to advise all lot owners adjoining the land to which the application relates and to the owners of all lots in the immediate vicinity 28 days before the application is heard.

This Bill is a simple but important statement by the people of the area. They want their homes and properties protected against high density development. This action is not peculiar to this area as many land developments have restrictive covenants; for example, Thornlie, Armadale and Albany. Many areas have far harsher conditions proposed by the restrictive covenants; for example, colour of bricks and mortar used in construction.

People buy properties in the area because they know they will not be built out. The Coolbinia-Menora area has lots set aside which have been developed as high density unit zones. The residents want no more. People in the area want the R10 zoning retained.

This Government is playing with the security and emotions of people for political gain. If it does not pass this legislation immediately, the residents will be forced to spend more money and time defending their properties.

The Mount Lawley Ward Ratepayers and Progress Association Inc, through its president, Mr Arthur Mistilis and its active members have campaigned long and hard to achieve this end. I urge the Government not to play politics, but to debate the Bill and pass it. I commend the Bill to the House.

DR HAMES (Dianella) [4.48 pm]: I reiterate and reinforce my support for the concept that has been initiated to some extent by the Bill introduced by the member for Balcatta. I assure him and the residents of the area in which he and his campaign manager, Ian Taylor, live that they have my utmost support for introducing legislation which will have the effect of strengthening the restrictive covenants in Coolbinia and Menora.

Mrs Roberts: Why don't you debate this Bill and put it through today.

The ACTING SPEAKER (Mr Ainsworth): Order!

Dr HAMES: Is the member for Balcatta asking the member for Glendalough to do the interjections for him?

Mrs Roberts: Certainly not.

Mr Catania: I do not have to have anyone interject for me. You are playing political tricks for the people of Coolbinia and Menora.

The ACTING SPEAKER: Order!

Dr HAMES: Nothing could be further from the truth.

I am disappointed at the member for Balcatta for taking that attitude.

Mr Catania interjected.

The ACTING SPEAKER: Order!

Dr HAMES: Let me make the history of this legislation clear, so that the House will be under no illusions as to who is playing political games. In the first instance, in response to concerns expressed by local residents about a redevelopment that was proposed in Rookwood Street, Menora, the member for Balcatta proposed the amendment that is before us today to the Town Planning and Development Act in order to address the legitimate concerns of those residents. I indicated at the time in a letter to the residents that I was quite happy to support legislation that would do just that. The proposal before us went before the Lawley Ward Ratepayers and Progress Association, the president of which is Mr Arthur Mistilis. It was made clear at a public meeting, at which the campaign manager for the member for Balcatta was present, that the proposed legislation did not do the required job.

Mr Graham: He is also a resident and ratepayer.

Dr HAMES: Yes, as I mentioned earlier in my speech.

Mr Graham interjected.

The ACTING SPEAKER: Order!

Dr HAMES: At that public meeting I indicated once again my support for finding a proposal that would work. The meeting agreed that this legislation would not work because the residents wanted to stop having to go to court every time someone put up a proposal for rezoning. This Bill does not achieve that. I will be pleased if the member for Balcatta could indicate one part of the Bill which does what the residents require. He knows that it does not because Mr Arthur Mistilis has told him that it does not.

Mr Catania interjected.

The ACTING SPEAKER: Order!

Dr HAMES: He has told the member that the Bill is flawed.

Mr Catania interjected.

The ACTING SPEAKER: Order!

Dr HAMES: I spoke to Mr Mistilis today and told him that this Bill was to be introduced. I will not say what he said. If the member asked Mr Mistilis what he said, he would tell him himself, but let me just say that he was not impressed. The Bill does not do the job; it does not stop people going to court at any stage. The relevant provision

is under the Transfer of Land Act. The member for Geraldton has prepared amendments to the Transfer of Land Act. Last week when I brought the members of the Lawley Ward Ratepayers and Progress Association to meet the Premier to express their concern, the members were handed a copy of his proposed amendments. It was felt by three of the members to whom I spoke afterwards that not only did some not understand the proposal but also those who had some inkling of the proposal still felt that it did not do the job. By that stage, because the member for Balcatta and I had agreed that we would work together, the member for Balcatta said that he had drafted an amendment to the Transfer of Land Act. I asked for a copy because it would help me. He was aware that I was working with the Department of Land Administration and the ministry to try to draft some new legislation. I asked him for the amendments on three separate occasions. I did not receive them for about two weeks -

Mr Catania: Ten days ago!

Dr HAMES: So what?

Mr Catania: Ten days ago!

The ACTING SPEAKER: Order!

Dr HAMES: That is true. I gave the amendments to Mr Arthur Mistilis and others. They said that they were no good and would not work. What was the good of relying on the member's amendments to the Transfer of Land Act?

Mr Catania interjected.

The ACTING SPEAKER: Order!

Dr HAMES: They turned up after I had asked for them on three separate occasions. They would not work. In the meantime, through my efforts, we have come up with a proposal for two amendments. One does part of what the member attempts to do with this Bill and more. The second effectively amends the Transfer of Land Act and does exactly what the residents require. I presented my proposed legislation to Mr Arthur Mistilis, the president, and members of the action group. They agreed that although it needs work to ensure that it is exactly correct, because they do not know the legal definitions of some of the contents of the draft, they very much support the principles of my legislation and certainly believe that my legislation is a lot better than the member's.

Mrs Roberts: You copied the ideas and the legislation of the member for Balcatta.

Dr HAMES: If it were not improper for me to say a three letter word -

Several members interjected.

The ACTING SPEAKER: Order!

Dr HAMES: - that properly describes what the member has just said, I would use it and then have to withdraw it. The member knows what I am referring to. Her statement is so totally untrue as to be ludicrous. It is true that in working together with the member for Balcatta, I looked at what he has done in his initial legislation and took it into account. I have talked about its deficiencies with the Lawley Ward Ratepayers and Progress Association and with representatives of the Government. I have used it as part of my legislation that I first read into Parliament in order to have a Bill which will work. The residents do not want some cheap political stunt that does half the required job; they want legislation that will work and be successful.

Mrs Roberts interjected.

The ACTING SPEAKER: Order!

Dr HAMES: The member has not a clue about what I would have done.

Mrs Roberts: You would have done nothing!

The ACTING SPEAKER: Order!

Dr HAMES: What a joke! That is a most political comment. Why does the member not comment on the residents in her electorate and leave the residents in my area to me?

Mr Catania: You would not have known the problem existed.

Dr HAMES: I would not have known had the member not told me. I do not live there; the member lives there. The first I heard of the problem was when it was raised by the member for Balcatta. The court case had been in existence for two years. Not only that, but also the local member for Perth supported the person who was putting in the application for rezoning.

Ms Warnock: He asked for my help. I was doing my job!

Dr HAMES: Yes, against the wishes of all the local residents in Coolbinia and Menora.

Ms Warnock interjected.

The ACTING SPEAKER: Order!

Dr HAMES: The member's name is there as supporting it. The member for Balcatta is trying to do exactly the opposite of what the member for Perth did when she was there. She is the local member!

Ms Warnock interjected.

The ACTING SPEAKER: Order!

Dr HAMES: The member for Balcatta asked why I did not know about the problem. I did not know about it because I was not endorsed at the time. This action has been going on for two whole years and suddenly the member introduces legislation to fix the problem and asks why I did not know about it. What an absolute joke! The legislation I proposed will do the job. The problem is that it must be exactly right. Mr Mistilis has looked at the legislation and expressed minor concern about one part of it. I will not proceed with my legislation until I am sure it is exactly right. It would be ludicrous for me to come into this Parliament and as a political exercise try to do it.

Mr Catania interjected.

The ACTING SPEAKER: Order!

Dr HAMES: If I can get the proposed amendments corrected in the near future and we have enough sitting days left, I will be pushing like anything to make sure this legislation gets through the Parliament before we rise. I support it, agree with it and definitely agree with the concept. The Premier expressed support at the meeting that he had with the residents. They were very happy with that. I expect this legislation to be introduced in the near future, once I clarify certain aspects that were pointed out to me by the president of the ratepayers association. The wishes of Mr Mistilis and the local residents action must be taken into account. The restrictive covenant must be strengthened to stop them having to go to court every time someone puts in an application; however, the Bill before the House will not do it.

Debate adjourned, on motion by Mr Cowan (Deputy Premier).

MOTION - LEGISLATIVE PROGRAM

DR GALLOP (Victoria Park - Leader of the Opposition) [5.00 pm]: I move -

> That this House advises the Premier to ensure that before this session of Parliament is concluded -
>
> (a) both Houses of Parliament have fully debated important legislation still on the Notice Paper;
>
> (b) the Government has proclaimed significant legislation already endorsed by the Parliament but not yet in effect; and
>
> (c) the Government has presented to the House all the legislation which it promised the Western Australian community it would introduce during this term of Parliament.

The motion considers undebated, unproclaimed and unpresented legislation, and in so doing it is worth reflecting on the job we have as members of Parliament. When we talk to others about our job, many of us tend to say that we work in the electorate and promote the causes of our electorate, be they relating to individuals, associations or to particular economic interests that our electorates represent. Secondly, as members of the Government or Opposition, we debate the issues of the day relating to the way the State is administered. A lot of parliamentary time is spent with the Government defending its position and the Opposition criticising or questioning that position.

Thirdly, as elections draw closer, members of Parliament must consider their futures and start to prepare for the ultimate test with the electorate. That test requires members to work with their supporters, be it Independents with their general supporters or members of political parties with their branches. They are all very important activities.

However, the most important activity we are given under the Constitution is to legislate. Sometimes it is important to remind ourselves that the basic duty of each Parliament is to discharge its legislative duties properly. That ensures that the issues of the day which require legislation are placed on the Table. It requires that the detail of that legislation be debated properly with principles outlined and the philosophy contested. Each clause of legislation is dealt with by the Parliament to ensures that its detail covers all contingencies. We have a system in which measures

are debated in two Houses of Parliament; therefore, in theory, a House of Review function should be performed. That is our basic duty as legislators.

The basic duty of the Government is to ensure that when the legislation passes through the Parliament, it is proclaimed and comes into operation within a reasonable time from its passage. Of course, administrative processes and other requirements need to be set in place so legislation can come into operation and apply in the designed way.

However, it is the duty of the executive arm of government to ensure that the proclamation process proceeds in an orderly and proper way. Proclamation is not another form of legislation; it is not a third Chamber. The Opposition argued strongly that the recent de-proclamation of the real estate legislation represented a dangerous precedent: A Bill went through the Parliament and the proclamation process had been completed, yet the Bill was de-proclaimed by the executive arm of government.

We must perform these legislative duties with great seriousness and diligence. People in our community demand that the legislation introduced in this Parliament represent their real interests. The Opposition believes that the priority set by this Government over its term in office has unfortunately directed the legislative process towards issues which are not seen as important by electors in the same way as they are seen as important by the Government and the interests it represents.

We have seen legislation to restructure many government departments, and in the process 10 400 jobs have disappeared from the public sector. In fact, the Opposition predicts that should the coalition be returned to office, many more public sector jobs will go. We have seen legislation enabling the Government to proceed with its privatisation process. We have seen legislation making changes to workers' compensation and motor vehicle third party insurance to reduce the benefits available to people under common law and the legislated system of workers' compensation.

We saw the breakup of the City of Perth and the redistribution of income and power to the central business district. We saw a reduction in job security for thousands of Western Australian families with the draconian first wave industrial relations laws, which a Labor Government would abolish to apply justice in the workplace.

The Government's priorities are to ensure that the power in the workplace shifts to benefit the interests the Government represents; and to ensure that the public sector is radically altered through privatisation and contracting out.

Mr Court: You did all of those things.

Dr GALLOP: There is a huge difference: The Labor Government made an effort to bring about more efficiencies in the public sector but, first, it was achieved with consultation with and the cooperation of organised workers and, second, the radical policy of contracting out and privatisation pursued by this Government are in a different world from anything performed by the Labor Government. The difference is between a quantitative and a qualitative change. The Labor Government made certain changes in the system, but the Premier has introduced qualitative changes because of his party's ideological predilection towards privatisation.

Mr Court: You personally fought hard to have the private sector do the Collie power station. It was a private project. The Government is now building the Collie power station. What do you say to that?

Dr GALLOP: We know that down the track the Government has every intention of selling that power station.

Mr C.J. Barnett: Not true.

Dr GALLOP: The Minister has given every indication that that is very much in his mind.

Mr Court: How can you accuse us of privatisation when the biggest expenditure item is being carried out by government? You wanted the private sector to build it.

Dr GALLOP: The State Energy Commission of Western Australia was for all intents and purposes a monopoly system which needed some competition to improve the situation for consumers. However, the health and education systems are in a competitive market with the private sector, and the metropolitan-wide public transport system was delivering its services well. The Labor Party is about horses for courses.

Mr Court: So it is okay to privatise power generation?

Dr GALLOP: The new generation coming on-stream to add to capacity in that case assisted the process of improving efficiency. It is horses for courses - that is the Labor approach.

Mr Court: It is an interesting argument: Horses for courses.

Dr GALLOP: Absolutely. There is not an appropriate privatisation horse which should be applied to the course of the privatisation of public transport in this State.

Mr Court: You said on radio the other day that a Labor Government would not deregulate trading hours.

Dr GALLOP: I said no further deregulation. It is a simple position.

Mr Court: Do you remember that a couple of days later you went down to Rockingham and advocated the deregulation of trading hours for Rockingham?

Dr GALLOP: I cannot recall doing such a thing.

Mr Court: You advocated tourism precinct trading hours in Rockingham.

Dr GALLOP: The Premier's advisers should check up on that point.

Mr Court: There is no need to check up; it was in the newspaper. Your candidate proposed it, and you went down there too. The article has a picture of Santa coming to Rockingham!

Dr GALLOP: The Labor Party view is for no further deregulation of trading hours, and the Premier knows that.

Let us get back to the real subject the Premier is avoiding; namely, the failure of his Government's legislative program to be based upon the needs and interests of the Western Australian people. The bottom line is that 26 pieces of legislation are still to be debated. I will not list all of them, but they include the Criminal Injuries Compensation Amendment Bill, which is designed to allow for the appointment of an additional assessor to cut the waiting list. Victims of crime must wait years to rebuild their lives because the Government has not passed this Bill. In his second reading speech, the Health Minister said that there were more than 2 500 outstanding applications at the end of 1995 and that applicants were faced with lengthy and unacceptable delays. He said that the Government was not prepared to allow that situation to continue. In fact, victims of crime are still waiting for their cases to be assessed.

The Labor candidate for Joondalup has been in contact with a northern suburbs woman whose five children have been waiting more than two and a half years to have their group criminal injuries compensation claim assessed. These five young people were all sexually abused by a relative and need counselling to help them get over the damage they have suffered. This very important legislation should be dealt with.

The Human Tissue and Transplant Amendment Bill is still undebated. This Bill will stop pathologists removing body organs after death without gaining the consent of the deceased's senior next of kin. It will remove current doubts about and misinterpretations of the law that allow this invasive practice to cause immeasurable grief and distress to families. Each year that this Government has been in power it has promised to pass the mental health legislation, and each year it has broken that promise. This legislation is important in establishing the rights and interests of the mentally ill and in setting up the review panel and community treatment orders.

The National Environment Protection Council (Western Australia) Bill is also undebated. The Government has been reluctant to join the National Environment Protection Council. The Opposition has cooperated throughout the debate on the legislation and it is most important that it be passed. Passing this legislation would have ensured that the White Opal mining application to drill for oil on the border of Ningaloo National Park would have been subject to a proper environmental impact assessment. The Bill also facilitates state involvement in the management of commonwealth land. That is something this State has wanted to do for years.

The Workers Compensation and Rehabilitation Amendment Bill, which will allow for full redemption for partially but permanently incapacitated workers, also awaits debate. Workers awarded compensation continue to have to pay thousands of dollars whenever a compensation magistrate upholds an employer's appeal against a decision by the review officer. In the second reading speech, the Industrial Relations Minister said that that was particularly onerous on the worker whose position had been determined by the review officer.

We have cases that reveal the importance of the compensation and rehabilitation legislation. Two years ago, Mr Sam Collins of Kelmscott injured his shoulder after being assaulted by a co-worker. This man is unable to get on with his life until the Bill is passed. He is unemployed and has no hope of returning to his highly paid job. Vocational rehabilitators point out how damaging it is for people not to work and to have their rehabilitation stuck in limbo. Insurance companies say that they want to stop paying partial redemptions ad infinitum and settle cases with lump sum payouts.

All of these Bills are yet to be debated in this Parliament. They affect the lives of Western Australian citizens, and none is more important than the mental health legislation. What is of even greater concern is the fact that we have a whole range of unproclaimed Bills. This Government's period in office has seen four 1994 Bills still unproclaimed: The Electricity Corporation Bill, the Hospitals Amendment Bill, the Mining Amendment Bill, and the Jurisdiction

of Courts (Cross-vesting) Amendment Bill. Ten 1995 Bills and six 1996 Bills are yet to be proclaimed or are only partially proclaimed. This is important legislation. The Coroners Bill has still not been proclaimed. Last week we read with horror how young mental illness sufferer Shaun Rawlings committed suicide in Casuarina Prison. The horror was intensified by the fact that his brain had been removed during the autopsy without the permission of his parents. The Coroners Bill would protect the dignity of loved ones when they suddenly and unexpectedly die. It would also prevent the harvesting, retention and disposal of body organs without the relatives' consent. This is very important legislation that is still not proclaimed.

The Witness Protection Bill is still not proclaimed. That legislation will be important in the fight against organised crime. In his second reading speech, the Deputy Premier stated -

> I should stress that persons are not placed onto the state witness program in a perfunctory manner. Often death threats or threats of physical harm are made against a person or family members which necessitates their placement on the program.

The Security and Related Activities (Control) Bill 1994 - very important law and order legislation - is still not proclaimed. Allegations have been made about security agents or bouncers abusing their positions to assault nightclub patrons or sell drugs. This legislation will impose stricter controls on the industry and on security guards, who at present work without so much as a criminal record check. The Official Corruption Commission Amendment Bill, which sets up the Anti-Corruption Commission in a revised form, and the Listening Devices Amendment Bill are also still not proclaimed.

There is a mixture of undebated and unproclaimed legislation. It is important to note that our Parliament is not performing in the way that it should. Too much legislation remains unproclaimed after being passed. We should be in a position to change the standing orders so that, as is the case at the commonwealth level, at least twice a year the leader of the Government is obliged to table a schedule showing which provisions of legislation come into effect on proclamation and which have not been proclaimed as at the beginning of that month, together with a statement to the Parliament on why they have not been proclaimed and a date for their proposed proclamation. In addition to publication in the *Government Gazette*, every proclamation relating to commencement dates of legislation should be formally communicated to the House by the leader of the Government. Some Parliaments stipulate that, if legislation is not proclaimed within a period of time, it should automatically come into operation. It is interesting to note that the legislation dealing with the bank merger that we debated only yesterday - the Bank of South Australia (Merger with Advance Bank) Bill - requires the legislation to come into effect if it is not proclaimed within two years of passage.

The Legislature of Western Australia is not being taken seriously enough in the processes of government in this State. There is too much emphasis on the executive side of government. That is revealed in the culture of this Parliament, in the way in which the so-called House of Review functions and in the emphasis that the majority party places on its legislative duties. It is incumbent upon us to look after the interests of the citizens of this State and to ensure that, before this session of Parliament is concluded, all of that important legislation still on the Notice Paper is subject to proper debate. We have had too many guillotine motions during this Parliament. The Opposition has opposed every such motion moved by the Leader of the House. We could have managed the affairs of this House through cooperation and consultation without the guillotine.

Mr Court: If you went back into Government would you use that time management procedure?

Dr GALLOP: We should cooperate in relation to the program, as we did during the previous Government. I am sure that the now Deputy Premier, who would probably be leader of government business in opposition, would cooperate on these matters. If it were the current Leader of the House, hopefully he would also.

Mr C.J. Barnett: That was a backhanded compliment.

Mr Cowan: I think we take it that your answer is yes.

Dr GALLOP: We would negotiate behind the Chair about the times to be taken, as we used to. There were no problems under the previous Government. Those opposite know that. The former Leader of the House, Hon Bob Pearce, did an excellent job in that capacity.

Mr Cowan: I can remember the looks of anguish every time my colleague the member for Wagin got to his feet.

Dr GALLOP: We did not gag him. The former Leader of the House, who was excellent, did his job through negotiation; it should be the case under the Westminster system.

First, we have a duty to the people of Western Australia to make sure we discharge our duties completely and properly before this Parliament rises. That duty does not just fall to us as legislators, but it relates to the specifics

of the pieces of legislation that so desperately need to go through. I can mention no better example than the Mental Health Bill. Second, the Government of the day has a duty to ensure legislation that has been endorsed by the Parliament is put into effect by the proclamation process. We think the standing orders should be improved so that the proclamation process is subject to the accountability of this Parliament. Currently the rules are biased in the direction of the executive arm of Government. Third, the Government made promises to the community about legislation that it has not yet introduced. My colleagues will be putting forward in this debate very interesting examples of promises that were made about legislation that has never been introduced.

I urge the Premier to give serious consideration to this issue on behalf of the citizens of the State, to indicate to them that he takes his legislative duties very seriously and will ensure this Parliament deals with all of those matters properly.

DR WATSON (Kenwick) [5.21 pm]: Many people in the community have come to my office to raise issues about legislation that they expected to have been passed, legislation that affects the lives of ordinary people. Last week we learned of the death in custody of a young man named Shaun Rawlings. His mother, Mrs Lennon, specifically requested that if an autopsy were to be performed, no body parts would be removed. She learned later that his brain had been removed and kept. The funeral is not to be held until that young man's brain is returned and buried with him.

Earlier this year I raised the issue of proclamation of the Coroners Bill. I was told that the Coroner's Bill had not been proclaimed at that time and that it would be proclaimed when the State Coroner was appointed because a number of procedures were to be left with that appointee to put in place. In the meantime, stories like Mrs Lennon's will be commonplace because most people do not know the legislation is unproclaimed, or of the procedures that occur when an autopsy is performed. I am very angry about this, because when the Bill was introduced and second read in this House on 22 June 1995, the then Attorney General acknowledged the legislation would meet several long-overdue needs in respect of our State's coronial system. The development of the legislation has a long history, dating from 1989 when there was a review of the Coroners Act. In 1992 the member for Mitchell commissioned a study on autopsies. Members will recall that the Royal Commission into Aboriginal Deaths in Custody reported in 1991. Coronial investigations were quite a big part of that report's recommendation.

In the time leading up to the presentation of legislation, nine dates were given for when it would be introduced into the Parliament. It was handled appallingly. People were dismissed; they were not consulted. The Attorney General would not meet them and she would not release all the documents that were available. As I say, nine dates were given before the legislation was finally introduced into the Parliament. I ponder why the Government is reluctant to change the coronial system. Notwithstanding this legislation was passed by the Legislative Council in May this year, it is still to be proclaimed.

One of the provisions of the Coroners Bill was to repeal section 28(3) of the Human Tissue and Transplant Act, which allows tissue to be removed during a coronial autopsy for research and teaching. Under the unproclaimed Coroner's Bill, it is an offence for a medical officer to remove tissue for teaching, scientific purposes or therapeutic purposes without the written and informed consent of the senior next of kin. For the information of the House, I will run through the detail. *The West Australian* misreported the process. If a coroner reasonably believes it is necessary during an investigation of a death to order an autopsy, he can do so, but the senior next of kin has an opportunity to appeal to the Supreme Court, if that person does not want a post-mortem examination to be conducted. Most people want to know the cause of death and acknowledge that an autopsy will help in coming to terms with the grieving process. An autopsy consists of an incision from neck to pubes, with the body laid open and an examination of body organs conducted.

Under some circumstances the Coroner may direct the pathologist to examine specific body organs, in which case they will be removed. An example is a driver who dies when his car runs off a road in the country but does not appear to have slammed into a tree. The Coroner may be anxious to know whether the driver had a heart attack or a cerebrovascular accident. In that case, the brain and the heart would be removed. An explanation of the cause can assist people to come to terms with a death. In those circumstances the post-mortem examination is directed at establishing the cause of death. In the next instance, the doctor who is doing the post-mortem examination may want to remove tissue from the body for therapeutic, medical, teaching or scientific purposes. It would be an offence to do that against the wishes of the senior next of kin. That can be done only with that person's informed and written consent.

The stories we have heard from 1990, 1991 and 1992, which were covered in the second reading debate and in Committee, sadly are continuing. On the same day as the Coroners Bill was introduced so, too, was the Human Tissue and Transplant Amendment Bill. That has languished on the Notice Paper, undebated, since 22 June 1995. It is the sister Act to the Coroners Act, but it is quite different in that it provides the authority for transplantation.

It also provides the authority for post-mortem examinations to be done, not so much to investigate the cause of death, but rather the extent of disease. Those are colloquially referred to as hospital deaths.

Mr Cowan: Do you have a copy of that Act with you?

Dr WATSON: The debate has been obfuscated by concern about the removal of body parts. I know of parents who have given consent for the removal of kidneys, corneas or a liver after their child has been suddenly killed, only to discover that other body parts have been removed without their consent or authority. One of the reasons we have such a low transplant consent rate in Western Australia is that people are concerned about what can be described as body part snatching.

A number of other Bills should have been brought before the House. The Leader of the Opposition outlined why the mental health legislation should be passed before the election. Two other Bills are an important adjunct to the functioning of a new Mental Health Act.

Mr C.J. Barnett: How many hours do you think it would take to conclude the mental health legislation?

Dr WATSON: The Leader of the Opposition said that those issues should be discussed and agreed behind the Chair. An agreement can be reached.

Mr C.J. Barnett: You bleat about not progressing the Mental Health Bill. If you can tell me or the Deputy Premier that we will deal with it in, say, three hours, we will find a way of dealing with it.

Mr Ripper: I told you what to do with it on Tuesday night; pass it on to a legislation committee.

Mr C.J. Barnett: You grizzle about it not being brought on; yet when we bring it on, what do we get -

Dr WATSON: Members on this side of the House know a number of constituents or families of people who have mental illness. Those families have a great deal of knowledge about how that legislation will affect the people at whom it is directed. That legislation would do very well in a committee of the House so that each clause could be examined appropriately, as was the censorship legislation. We are legislators. We are here to scrutinise legislation, not to hasten debate. The original Human Tissue and Transplant Act debated in 1982 was rushed through this House prior to an election. No consultation took place and it has been a dismal failure. That is what happens when legislation is rushed.

A number of other pieces of legislation in which I have had particular interest have long been promised. I understand that at long last today in the upper House the Attorney General introduced a restraining orders Bill to protect women who are subject to domestic violence. It is the Government's response to the gender bias task force report of the Chief Justice. How many weeks before an election? It is near enough. It is the only thing the Government has done for women who are subject to violence. It is a very cynical exercise. Nonetheless, I am glad that legislation is here. It must be examined and it will need full and proper debate in the Assembly as well as in the Council.

In 1994 after the defeat of a private member's Bill here the then Attorney promised me that legislation would be before the House to protect people who were separating from de facto relationships or where a de facto spouse had died. That legislation has not appeared, neither has a Bill to protect people from discrimination by those who suffer from gender dysphoria.

A range of legislation that impacts on families within Western Australia has been promised, but has not been introduced. It is disgraceful.

DR EDWARDS (Maylands) [5.34 pm]: I support this motion. I refer first to the National Environment Protection Council (Western Australia) Bill which is at No 8 on the Notice Paper. The Opposition supports that legislation and has done so in the upper House. We urge the Government to consider bringing it on towards the end of this session. It is extremely important legislation. The idea has been around since 1990. Unfortunately Western Australia was the last State to join the council and I believe it is the last State to pass the legislation. If this legislation is passed, we will be party to national environmental protection standards which we undoubtedly need. The waters on our coast do not recognise what State they are in. They surround Australia. The soil does not change because it is suddenly part of the Northern Territory or South Australia. Fundamental issues such as that require national standards.

Mr Cowan: It does change; it is better managed over here.

Dr EDWARDS: Aside from that. Another fundamental issue for which national standards are necessary is noise. Work must be done towards that end. Our joining the National Environment Protection Council would force commonwealth agencies that have land in this State to comply with state planning and environmental laws. That is desperately needed. Litigation is imminent over conservation issues concerning airport land. We have no control over aircraft noise. We have no say in the siting of telecommunication routes and we have no say in the sale by the

Commonwealth of land containing unexploded ordnances. For all those reasons this legislation should be passed so that federal departments with interests in Western Australia will be forced to comply with the same legal requirements and obligations as Western Australian industry, agencies and other people. I urge the Government to bring on that legislation as soon as possible.

If we had passed the legislation, the recent debacle over the approval for exploration for oil at the site called White Opal near Exmouth would not have occurred. As this project is on Defence Department land we have had no say in its use and no environmental impact assessment of that project has been undertaken. The proposal is to drill in a beach car park on the waters of the Ningaloo Marine Park. It is disgraceful that the State has not had a say in this project and that no environmental impact assessment has been made.

Since 1994 the Government has made a number of promises to introduce legislation creating marine parks, marine reserves and a marine management authority. The Premier made a big announcement at a Liberal Party conference in 1994. He repeated it when the Wilson report was released later that year and when the New Horizons document was released late in 1994. In the Governor's address when he opened Parliament this year he promised this legislation. I know from discussions with the Department of Conservation and Land Management that the legislation has been in a form suitable for Parliament for about a year. A year ago I was told that it was ready and that it would be introduced into the Parliament late last year. We are yet to see it.

It was indicated in the New Horizons document that a good marine park system would bring certainty about marine issues into the planning process and the environmental arena. The establishment of marine parks and reserves would be another contribution to the protection of biodiversity in marine areas. The establishment of marine sanctuary zones would be a protection mechanism for fisheries and endangered species.

In the past few weeks I was fortunate to have a Murdoch student work as a parliamentary intern with me. She reviewed the need for marine parks legislation. She pointed out that the petroleum industry, the conservation movement and, from what we can ascertain, Fisheries generally support the ideas in the New Horizon document. Local people certainly support the idea of marine parks and reserves and a marine management authority overseeing them.

There is some urgency in this matter that should force the Government to introduce the legislation as soon as possible. The Wilson report was presented in 1994 and it took six years to compile. Legislation is urgently needed so that the information on which it is based is not totally out of date. The second urgency is that the companies involved in oil and gas exploration have stood by patiently supporting the "New Horizons" document, waiting for the legislation to be introduced into the Parliament and to become law. They will not be patient forever.

The greatest impact on the sensitive marine environment will be from people visiting the area for recreation and tourism purposes. At the moment there is no adequate framework to address problems that are likely to arise. I urge the Government to progress the National Environment Protection Council (Western Australia) Bill and to introduce the marine parks legislation. The Opposition will support both Bills.

MR COWAN (Merredin - Deputy Premier) [5.41 pm]: It goes without saying that the Government does not support this motion. The Leader of the Opposition spoke in somewhat general terms about three items: First, the requirement for the House to debate all important legislation that has been presented to the Parliament before the House rises for the period just prior to an election.

Mr Ripper: And for quite a period after the election.

Mr COWAN: Usually there is an autumn session of Parliament, which is rather a novelty. When I first entered the Parliament, it rarely met before July of each year.

Dr Watson: That was in the olden days.

Mr COWAN: Yes, it was. Since the early 1980s that system has changed and, bearing in mind that the elections have been held in the first quarter of the year, the incoming Government has recalled the Parliament in autumn so that legislation can be dealt with. I am not sure the member for Belmont is correct in saying that it will be for quite a period after the election.

The Leader of the Opposition then spoke about legislation which had been passed by both Houses but not proclaimed. He said it should be proclaimed. He was supported in that area by the member for Kenwick with one specific item to which I will refer later.

Finally in the motion, to which the Leader of the Opposition referred only fleetingly, if at all, was the requirement to deal with legislation to meet the promises that had been made by the Government. The Leader of the Opposition knows that is a very big ask. I have said from the beginning of my term as Minister for Commerce and Trade that

I wanted to rewrite the laws under which that department operates. I have been dealing with that, trying to get it right. At the moment the department operates under two Acts - the Industry (Advances) Act and the Technology and Industry Development Act. These Acts are fairly old and they are inadequate for dealing with the way in which modern departments and agencies operate. Although it was a commitment, and I am still committed to it, this Government will require a second term to ensure that commitment is honoured.

I will make the following point, but I will not dwell on it because this Government has no desire to set its standards by those of its predecessor. Nevertheless, it is quite common for the Government of the day to deal with legislation on the Notice Paper which it regards as important and to allow the remainder of the Bills to lapse once the parliamentary session ends and the Parliament is prorogued. It is probably appropriate to place on the record some comparative figures to indicate that this is not a new system. I acknowledge that Governments should give consideration to maintaining a legislative program that is relatively tight and can be implemented. Most members have a degree of optimism when they come to this place, and perhaps the first thing they forget is that the very nature of Parliament is to preserve the status quo. If there is a need for change, that need must be demonstrated time and time again through the processes of the Parliament. That is the reason for the first reading, second reading, Committee, and third reading of a Bill, and the bicameral system whereby the process is repeated in another place. Although most of us are optimistic that, as legislators, we will effect significant change, it is not necessarily the case. It is always the case that some Bills may be on the Notice Paper in the hope, and perhaps expectation, that they will be dealt with, but they lapse at the end of the session following the consequent prorogation of Parliament. At the end of the session in 1992, for example, 17 government Bills on the Notice Paper lapsed. I am quite sure members will recall some of those Bills, which included the Aboriginal Affairs Planning Authority Amendment Bill, the Acts Amendment (Annual Valuations and Land Tax) Bill, the Acts Amendment (ICWA) Bill, and the Adoption Bill. I could go through a number of others to demonstrate the number of Bills that lapsed.

Dr Gallop: There is one difference, it was a minority government at the time.

Mr COWAN: It certainly was. Another Bill which lapsed was the Fremantle-Mandurah Railway Bill. I am sure the Leader of the Opposition will concede that that Bill was introduced not for the purpose of passing it through this place but to gain some political mileage by demonstrating intent. I am sure the member for Maylands has a list somewhere of other Governments that have done the same thing. At the end of the session in 1988, 15 Bills on the Notice Paper lapsed. I am quite sure the member for Balcatta will be interested to learn that one of those Bills was the Commercial Tenancy (Retail Shops) Agreements Amendment Bill.

Dr Gallop: We passed it later.

Mr COWAN: It was on the list of Bills that lapsed.

Dr Gallop: It was passed in the next Parliament.

Mr COWAN: I will refresh the memory of the Leader of the Opposition. That Bill was introduced by the then Minister for Small Business, the member for Kimberley, on 16 November 1988. The Bill was not progressed to the second reading stage, so I am confident it was not passed. It did not reappear until the following year, when it was debated at that time. It was not given Royal assent until November 1990.

Dr Gallop: Is the assumption of your speech that Parliament is about to be prorogued?

Mr COWAN: No, it is not. I am presenting some facts to the Leader of the Opposition, because I would not want the Leader of the Opposition - he has not done this in the past and I would not want him to fall into the habit - to suffer from those convenient memory lapses which demonstrate a degree of inconsistency that some members opposite exhibit. I will give the Leader of the Opposition his due: In most instances he demonstrates a degree of consistency. Nevertheless, I remind him that some of the things he has talked about and raised in debate and in his motion are not unusual. Legislation on the Notice Paper always lapses at the end of any session. I referred only to those sessions of Parliament that were just prior to an election period, although I could have given the Leader of the Opposition the other period as well because there is not a significant difference, but I did not think it was appropriate to provide that information to the House. The Government has not set any precedents in the way in which it has operated.
The member for Kenwick made some comments about the number of Bills that had been passed by the Parliament and had not been proclaimed.

Dr Watson: I mentioned the Coroners Bill.

Mr COWAN: I do not want to delve into the issues that the member for Kenwick raised; however, it would be appropriate for the member to refresh her memory about the provisions contained in that Act, particularly section

34(2), to see whether some of her claims are in fact right. Once she has read that section she might come to a conclusion about whether the claims she has made are right.

Dr Watson: The Deputy Premier should read sections 34(3), (4) and (5).

Mr COWAN: I will not enter into a debate over that. I made a suggestion to the member for Kenwick. I am perfectly happy to discuss that issue with her behind the Chair. However, I will not restart this debate with the member now by responding to an interjection.

The Leader of the Opposition has taken up this issue because he has fallen for something that the media decided to raise because there was a flat news day; that is, it might be appropriate to stir things up on the political front by indicating there might be an early election in Western Australia. As a consequence, the Leader of the Opposition was a little bit concerned that the Government's legislative program might be curtailed. I do not think that anyone will acknowledge there is any substance in that. The Government is working its way through a range of Bills that are important to it. The media claimed that the firearms legislation was put forward only as a token gesture and it would not be passed through the Parliament. I know it is moving somewhat slowly through another place, but it is moving. I am one of those members who would be happy if that legislation did not quite make the grade and lapsed. I would feel much more comfortable about taking that message to my constituency. However, I understand that Western Australia is a signatory to agreements reached at the Australasian Police Ministers' Council conference that say the State of Western Australia will enact legislation that further strengthens the State's already very tough firearms laws. My constituents may feel some resentment because they believe they are being categorised with someone who has the potential to violate the law and use a firearm irresponsibly, and they are about to have their right to own that property removed from them. However, we have made progress with that legislation and a number of other Bills.

Dr Turnbull: Yes, the Strata Titles Amendment Bill.

Mr COWAN: It became apparent that there were difficulties with strata titles. The Opposition has played its part. It has debated the strata titles legislation, and it has not lost sight of the objective, which is to get this legislation through this place and to another place and complete it. Notwithstanding all the rumour and innuendo, the Government has set itself the task of completing its legislative program for those Bills which are important. I understand fully that the Opposition may give greater importance to certain Bills than does the Government, but that was ever the case, and will continue to be.

Mr Ripper: If Parliament proceeds as scheduled, we will be able to deal with all of those priorities. However, if it concludes, all the important things will not be done.

Dr Gallop: That is all. It is simple.

Mr COWAN: Let us see how much progress we make.

Dr Gallop: Why do you ask that question? We have many weeks to go.

Mr COWAN: It was not a question it was a statement. I confess that I have been amazed at the rapidity with which legislation that the Government regarded as difficult made its way through this Parliament. I am beginning to think that perhaps the Opposition is encouraging the media in their view that we should have an early election and is trying to convince the Government that it needs an early election. The Opposition cannot wait to get started. I have been amazed at the speed with which we have progressed both last week and this week. We believe the Opposition is encouraging speculation that there will be an early election.

I am sure the Leader of the Opposition understands that the Government opposes this motion. It has no relevance. We have never seen in the history of this Parliament the Notice Paper completely tidied up. We are following a practice that has been followed in the past.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Graham	Mr Marlborough
Mr M. Barnett	Mr Grill	Mr Riebeling
Mr Brown	Mrs Hallahan	Mr Ripper
Mr Catania	Mrs Henderson	Mr D.L. Smith
Mr Cunningham	Mr Kobelke	Dr Watson
Dr Edwards	Mr Leahy	Ms Warnock *(Teller)*
Dr Gallop		

Noes (26)

Mr C.J. Barnett	Mr Kierath	Mr Shave
Mr Blaikie	Mr Lewis	Mr Strickland
Mr Board	Mr Marshall	Mr Trenorden
Mr Bradshaw	Mr McNee	Mr Tubby
Dr Constable	Mr Minson	Dr Turnbull
Mr Court	Mr Nicholls	Mrs van de Klashorst
Mr Cowan	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Prince	

Pairs

Mr Bridge	Mr Day
Mrs Roberts	Mr Johnson
Mr McGinty	Mr Omodei

Question thus negatived.

Sitting suspended from 6.04 to 7.30 pm

MINIMUM CONDITIONS OF EMPLOYMENT AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR BROWN (Morley) [7.32 pm]: I have outlined the complications of the Bill and illustrated its negative consequences on employees who are either award free or covered by a workplace agreement. In referring to the negative consequences of this Bill I drew the attention of members to the weaknesses in the current Act and outlined how the provisions of this Bill will exacerbate those weaknesses and leave certain employees vulnerable.

I instanced exactly what happened to employee incomes under the workplace agreements legislation. I referred to the Minister's claim that 83 per cent of employees covered by workplace agreements are paid a higher rate of pay than that prescribed in the relevant award. I also made the point that the method used in that assessment is suspect. In fact, the 83 per cent of employees who are deemed to be better off under workplace agreements simply have a higher rate of pay specified in the agreement compared with the award; however, no assessment has been made to determine whether such employees actually receive a higher weekly or monthly income than they received prior to entering into a workplace agreement. The figure of 83 per cent which the Minister used and to which the Government often refers in its propaganda on workplace agreements is fictitious because a thorough assessment has not been carried out to ascertain whether employees' incomes have increased or decreased under workplace agreements.

One of the other problems with this Bill is that the Western Australian workplace agreements legislation does not contain a no disadvantage test. An agreement has been reached between the coalition and the Democrats at a federal level to insert into the federal industrial relations legislation a no disadvantage test provision. This provision will ensure that the wages and conditions of an employee who is engaged on an Australian workplace agreement are not less than what he would be entitled to under the relevant award.

The Western Australian workplace agreements legislation does not contain a no disadvantage test provision; therefore, employees who are virtually compelled to enter into a workplace agreement, may receive an income which is less than they would be entitled to under the relevant award because they are not protected. The inclusion of this provision in the Minimum Conditions of Employment Act, which will require employees to be on call for no remuneration whatsoever, is a clear reduction in the already miserable standards contained in the legislation.

I am concerned that this Parliament is unlikely to receive any accurate reports from the Government on the implications of this Bill once it passes through this Parliament. The Government has claimed on many occasions to be honest and accountable. In answer to my parliamentary questions the Minister for Labour Relations claimed the Government is in favour of honest communication between all of the participants in the industrial relations arena. However, the commitment to honest communication seems to be somewhat fragile when it comes to the Minister and his department being honest about the implications of workplace agreements and awards.

Recently I raised with the Minister an article which appeared in a publication produced by the Department of Productivity and Labour Relations entitled "Workplace". The article referred to an interview with a particular employer who had made a number of claims about the Workplace Agreements Act and the award system. One of

those claims, which was repeated in the article, was false. The article maintained that under the award system, employees could not be paid more than the relevant award rate. That is patently false. The publication produced by the Minister's department, which ordinary people are entitled to believe is accurate in the way it describes the operation of the law, clearly gave out misinformation, which I am sure the Government is happy to peddle because it creates a false and negative impression of the award system compared with the system of workplace agreements.

I am concerned that once the minimum conditions of employment legislation is changed, as it inevitably will be by this Bill, it will not be possible to find out by way of questions in this place or by way of any other information exactly what the implications have been, because we have seen a clear determination by the Minister and the Government to hide any information which may be contrary to its political agenda.

I also note that the Government has claimed great success with its workplace agreements legislation, yet in answer to a question earlier this year about how many workplace agreements had been entered into between 1 December 1993 and 31 July 1996, the Minister said that some 50 224 agreements had been registered, but the Minister was unable to say how many of those agreements were operative at that time, because there was no mechanism to make that information available. It seems, however, that over the period of two years and eight months since the introduction of workplace agreements - that is, since 1 December 1993 - workplace agreements have extended to approximately 5 per cent of the Western Australian work force. I asked the Minister at that stage to put a percentage on the number of employees covered by workplace agreements in Western Australia, but the Minister declined to do so. Making certain assumptions and using those figures as a base, it seems that some 5 per cent, or less, of employees in this State are covered by workplace agreements.

The concern is that, because there is no mechanism for resolving differences of opinion, the workplace agreements legislation, and the Minimum Conditions of Employment Act which underpins it, rely on fair and honest dealing between the parties, but that will not happen in every case. It is instructive to look at some of the experiences that have come to the public's notice about the operations of this legislation. I refer to a decision of the Australian Industrial Relations Commission in print N5681, involving the Australian Liquor, Hospitality and Miscellaneous Workers Union, CSBP and Farmers Limited, Wesfarmers CSBP Limited and the Australian Workers Union, by Deputy President Drake that was delivered in Sydney on 16 October 1996, just a short time ago.

That decision highlights the manner in which workplace agreements can be manipulated by people who are prepared to be quite Machiavellian in the implementation of arrangements that are best suited to them. The decision illustrates the degree of honesty and openness that is the reality in some workplaces. The union claimed that the industrial regulation of its members at CSBP was changed by the employer in circumstances that should be totally unacceptable to the commission; that is, the workers were deceived or tricked into accepting a set of employment conditions that was not put before them properly.

The decision is enlightening for a number of reasons. Firstly, it examines some negotiations that took place between the company and the Australian Workers Union, and it refers to the manner in which the negotiations between those two parties was reported to the commission when it had to make its decision on this matter. The decision observes the information provided to the commission was very misleading and it was on the basis of misleading evidence that the commission authorised initially an agreement between the AWU and the company. It deals also with the company's activities with regard to workplace agreements.

I will quote some of these passages because they are quite instructive and I would hate them to be lost in time. The decision states at page 14 -

> Parallel to the AWU Award and Agreement coming into being, the company was conducting a campaign . . .
>
> Various memoranda and correspondence were tendered concerning this issue. Persons gave evidence concerning the company's conduct and intentions during this period.

Later on, it describes how the company organised for a lawyer to speak to the work force about the benefits of workplace agreements. This lawyer was paid for by the company. The decision states -

> Ms Siddons made presentations to the workforce on workplace agreements. These were presented as if they were independent information for the benefit of the employees. Ms Siddons was not a legal adviser who could be said to be independent in the sense of providing "independent legal advice". She is a senior solicitor of Freehill Hollingdale and Page. Her time was presumably paid for by the Employer.

Of course, Freehill Hollingdale and Page was the group of solicitors used by the employer to represent the employer. The decision then refers to a videotape that was shown to the employees. No expense was spared in trying to hoodwink people. It states -

> As a marketing exercise, the video was a masterpiece. The casting and costume were masterful. The particular person employed was alternately chatty, informative and giggling. She was non-threatening. She was introduced as Ms Crowhurst and presented herself as former "check-out chick", blue collar worker, union delegate, union official and now labour lawyer. As an accurate information session it was very well done.

The commission observes also -

> The only concept not covered in a comprehensive, accurate and frank fashion was that which most closely concerned the company's agenda in relation to the Applicant Union. This issue was who could be a bargaining agent.

Later in the decision the commission states -

> At no time was there any reference to the obligation the Employer had to bargain with the Applicant Union or any other Union if that organisation was notified by the employee as the bargaining agent under the Act. This is significant.

This decision shows the way this legislation can be manipulated. Employees can be hoodwinked and, therefore, have their employment conditions and income placed in jeopardy. That is only one of a number of instances where that can occur.

In conclusion, although I support the agreement entered into between the Miscellaneous Workers Union and the aged care hostels that has led to this legislation, and I would be happy to see that agreement ratified formally in proper amendments to this legislation, I am concerned that this Bill will do much more than that; it will leave Western Australian workers very vulnerable.

MRS HENDERSON (Thornlie) [7.52 pm]: I point out at the outset that the reason the legislation is before members is a legacy of the obsessive desire of the Minister for Labour Relations to get his industrial relations package through the Parliament some two years ago in the fastest possible time. Few of us will forget the way that legislation was rammed through this House. It was a disgrace to this Parliament. It evoked widespread community condemnation; it provoked rowdy demonstrations in this Parliament; and it provoked some of the most volatile scenes I have seen during the time I have been a member in this House.

Members will remember that the Minister presented his package as being the most radical change to the industrial laws of this State that Western Australia had seen. One thought that such a radical change would have deserved close scrutiny. The Minister was determined that the Parliament not give the legislation close scrutiny. Enormous chunks of the legislation were not debated in this Chamber. My recollection is that some 100 clauses of the legislation were not debated in the second reading stage, in Committee or in the third reading stage. Some of those parts of the Bill were also not debated in the other place. In other words, that legislation became the law of the State without being debated in either House of Parliament. It is a legacy of the Minister's obsessive desire to ram his ideologically driven legislation through the Parliament that has led to this Bill tonight. This Bill is to fix up the errors the Minister made.

This Bill is before the House because of problems that have arisen in relation to hostel aged accommodation, particularly that which is church-based, where people have traditionally slept overnight and have been on call on the employers' premises and paid a small hourly rate. The Minister's minimum conditions legislation provided that those persons should be paid the minimum hourly rate for the time they spent on the employers' premises. The employers realised that that would cause them enormous financial difficulties if such a claim were pursued. Indeed, the union signalled that it would take a test case to establish whether its members were entitled to the minimum hourly rate for the time they spent sleeping on the employers' premises.

Most people would sympathise with those church-based organisations. Many of them run on a shoestring. They depend on government grants and on income from the pension entitlements of their residents, and many of them are non-profit. Those on this side of the Chamber understand and appreciate that those organisations are not in a position to pay a full normal hourly rate to people who sleep over in those hostels. However, because the Minister has again sought to draft something that would quickly solve the problem, he has opened up further problems. I predict that we will be back here within 12 months trying to fix up the problem that is here tonight.

Mr Kierath: That's what you said last time.

Mrs HENDERSON: I was right: We are here debating this Bill, as we will be with the workers' compensation legislation that the Minister also messed up.

The story with tonight's legislation is that the amendments are drafted so widely that they will potentially lead to exploitation, particularly of young people in the fast food industry. I will give some examples. At the moment many

young people in the fast food industry have signed workplace agreements. For most of them there was no choice. They were told that if they wanted the job, they must sign the agreements. In many cases they are being paid an hourly rate that is below what they were previously paid under the award. That was always the Minister's intention. No matter how hard he tried to disguise it, it was always his intention to reduce wages, particularly in those sectors where people traditionally had little bargaining power. He has succeeded. In my electorate there are literally dozens of youngsters and married women, particularly in the retail industry, whose take-home pay has been substantially decreased as a result of the Minister's legislation. I hope he sleeps easily knowing that that is the case.

In some cases those young people are given workplace agreements under which their normal working hours in the establishment are from eight o'clock at night until midnight. During those four hours they are paid an hourly rate. After midnight they are on call. They sit in the kitchen, and if the company needs them because business speeds up after the cinemas or the local nightclub closes, for example, the company will call them back out from behind the counter and pay them by the hour. I have been given examples already of young people who have been presented with those kinds of workplace agreements. They are effectively placed on call on the employers' premises to be available from time to time as the business needs them. When this legislation is passed, as it will be tonight, the wages of those young people will be totally deregulated while they are on call. No minimum rate will apply to those young people. They could be paid 50¢ an hour while they were sitting in a kitchen, giving up four or five hours of their time in case they were needed to conduct some work for the employer. In fact, they could be paid 10¢ an hour under this legislation because they were not their normal hours of work as defined in this Bill. If their normal hours of work were from 8.00 pm until midnight, and then they were on call for the next two or three hours, this legislation contains no requirement for them to be paid the minimum rate during the time they are on call.

That was the intention of the Bill. The intention was that when people work in aged persons hostels and stay overnight on call - that is not their normal hours of work - they can be paid $4 or $5 or whatever the church group agrees to pay, and they are not covered by the hourly rate in the minimum conditions of employment legislation. That is not acceptable these days.

The Minister could have drafted a Bill that would not have allowed that to happen. He could have drafted a Bill specifically related to the situation he is trying to resolve - that is, the church hostels situation. Instead he has brought in a broad brush amendment. It is the easiest way to fix the problem, but it creates further problems. Although I will not be here, and nor will the Speaker, I guarantee that members will be back here amending this legislation in 12 months. The federal committee of the Senate which came to Western Australia and took evidence about workplace agreements found evidence and examples of young people being exploited under the existing system. Its report is damning in its comments about Western Australia and the Minister's legislation. That is one of the reasons why John Howard has rejected outright the Minister's model. The Minister can bleat as much as he likes that he is angry and that John Howard has let him down. John Howard has probably read the report or at least received advice on it, so he knows that for all the Minister's bleating that his workplace legislation would provide a choice, it has not done so. For all his bleating about people not having their wages reduced, those wages have been reduced.

For the benefit of the member who seeks to win the new seat of Ballajura, I can tell her that even in Thornlie I have received telephone calls from people living in Ballajura who have been offered workplace agreements which have cut their take-home pay by up to $60 or $70 a week. Without question, that has happened, and this Bill will exacerbate the situation. The Minister has claimed that was never his intention. His intention was to create a more flexible situation. I do not believe that, for precisely the same reason offered by the member for Morley in his example: A young, well schooled lawyer who works for the same firm that assisted the Minister to draft the legislation, was scathingly criticised by the federal commission for her subterfuge, and for the way in which she presented herself in the television advertisement promoting workplace agreements. She sought to give the impression that she was an independent person giving advice on workplace agreements when in fact she was employed by the lawyers of the company promoting workplace agreements. The commission was not impressed by that kind of behaviour.

Mr Speaker, I do not know whether you peruse the employment columns of *The West Australian* at the weekend; perhaps you do not. However, I perused the executive employment columns last weekend, as I frequently do, and I noticed that under the government appointments -

Mr Kierath interjected.

Mrs HENDERSON: I do not need a job. I noticed in the government appointments that even at the most senior level people are being offered one set of salary and conditions if they work under the award, and a higher salary if they agree to sign a workplace agreement.

Mr Kierath: Isn't that fantastic!

Mrs HENDERSON: The Minister is so desperate to put people on workplace agreements that he is prepared to offer a job where the duties are the same whether under the award or a workplace agreement. However, he says that if people sign a workplace agreement they will receive more money, because he is desperate to put people on workplace agreements. He is embarrassed that so few public servants in this State have signed workplace agreements. I understand that not one electorate officer has signed a workplace agreement, although they have been encouraged - to put it mildly - to sign. Those people realise they would be worse off under a workplace agreement. Therefore, the Minister must offer additional incentives -

Mr Kierath: They have a choice.

Mrs HENDERSON: These people will undertake the same duties. They will perform the same work, but the Minister offers them more money if they agree to sign a workplace agreement. I call that a bribe. There is no other word for it. It is a bribe to get people to sign workplace agreements. The Minister has indicated that he will stop at nothing to get people onto workplace agreements, to try to boost the figures he brings regularly to this Chamber, hoping to be able to crow about the number of people on workplace agreements.

Mr Kierath: Would you like me to crow again this week?

Mrs HENDERSON: A significant number of angry parents come to my electorate office to speak to me about their youngsters who have signed workplace agreements. They are angry to see their young people being exploited and ripped off as a result of this Minister's legislation. As mentioned earlier, significant numbers of adults, particularly married women caring for children, have come to me complaining about their wages being cut under workplace agreements. The Minister's views were very clear in the newspaper yesterday when he expressed his disappointment that John Howard was not choosing to take his path. He said that if they applied the no disadvantage test and the award as the standard, they would not be able to get rid of penalty rates. The whole aim of his legislation was to get rid of penalty rates and the benefits people had enjoyed for working unsociable hours at the expense of the time spent with families. The Minister's legislation is the most anti-family legislation that one could encounter. The legislation before us now is another example of that.

I wish to ask the Minister a specific question, because I saw him shaking his head when I was describing the situation of a young person in a fast food shop. I will give the Minister an example of a hypothetical workplace agreement that includes the following words. It is a workplace agreement for a young person to sign under this new Bill.

Mr Kierath: Is this real or pretend.

Mrs HENDERSON: It is a hypothetical situation. I want the Minister to tell me -

Mr Kierath: I do not give free legal advice.

Mrs HENDERSON: I am not asking for legal advice. It would not be worth asking for. Like me, the Minister is barely a kindergarten lawyer.

The proposed workplace agreement is not dissimilar to the kind of wording used in workplace agreements -

> Counterhands are required to attend the workplace between the hours of 8.00 pm and 2.00 am Thursday to Sunday - 24 hours per week.
>
> Between the hours of 8.00 pm and 12 midnight counterhands will be paid at the rate of $10 per hour.
>
> Between the hours of 12 midnight and 2.00 am counterhands are required to remain on the premises available for work if required but otherwise counterhands are off duty. During these 'on call' hours the rate of pay will be $1.00 per hour provided that for any time during this period where counterhands are called to work the rate shall be $10 per hour.

That is the example I have been painting, where young people have specified ordinary hours of work from 8.00 pm to midnight. They are to remain on the premises for a further four hours or whatever, to be available on call at $1.00 an hour. If they are called to work behind the counter they are paid the normal rate. If they are not, they are paid $1.00 an hour to be available at the discretion of the employer. I would like the Minister to state for the record whether that kind of agreement would be acceptable. In my view, that agreement falls within this legislation.

Mr Brown: I bet he does not do it.

Mrs HENDERSON: I have placed it in *Hansard* -

Mr Brown: He will run away at a hundred miles an hour.

Mr Kierath: I will provide an answer to the question. If the member wanted an answer tonight, she should have given the question to me this afternoon.

Mrs HENDERSON: I have explained the question to the Minister two or three times. I do not believe he does not understand it. On previous occasions, when we have asked specific questions, especially in the Estimates Committee debates when we asked the Commissioner of Workplace Agreements about coercion and people signing workplace agreements, the answers were less than satisfactory. The Commissioner of Workplace Agreements was not able to give us any comfort whatever that workplace agreements were scrutinised for people having been coerced to sign them. In fact, precisely the opposite was my impression when we asked him for details of how many follow-ups were made of people who rang in and complained that they felt they had no choice. The answers given in the Estimates Committee about the number of individuals who were followed up, whose workplace agreements were scrutinised, who were individually talked to and asked whether they were coerced into signing a workplace agreement and whether they understood it, were highly unsatisfactory. That kind of evidence was presented to the Senate committee when it held its inquiry in Perth. That is why John Howard is running away from this legislation at a hundred miles an hour.

I would like from the Minister a response on the examples that I gave him.

MR KIERATH (Riverton - Minister for Labour Relations) [8.11 pm]: Before addressing the members' comments, I want to address a consistent theme in their speeches. The first question asked was why this Bill is before the House. It has been portrayed by members opposite as a mistake by the Government. That is not true. In fact, nothing could be further from the truth. The Western Australian Chamber of Commerce and Industry approached the Government early in 1994 and said it had a legal opinion that the Minimum Conditions of Employment Act could apply to people on call or on sleep overs. I said that I would seek Crown Law Department advice because it was an issue that we had considered in the drafting of this legislation and rejected. We sent instructions saying that the legislation was to apply only to hours worked and should not cover on call. In those deliberations we would have been surprised if the wording had allowed that. The essence of the Crown Law advice was that the Act was specific; it related to actual hours worked and not to hours on call or on sleep overs. I relayed that advice to the CCI, which again came back to me saying that it disputed our legal advice. I then asked whether it would be prepared to make a copy of its legal advice available, to which it replied it would. I gave Crown Law a copy of that legal advice; therefore, it had the benefit of the conflicting legal advice. I then asked it to reconsider its opinion in the light of that advice, which is something that any responsible Minister would do. Crown Law then replied that although it did not disagree with every part of the advice, it was still firmly of the view that a court would not interpret the conditions of the Act to cover people on call or on sleep overs.

There members have it. It was a fairly simple, fairly strong legal opinion to government that the Act did not need amending. If it had not been for the persistence of the union concerned, we probably would not be here amending the Act. However, the churches wanted protection. They said they did not want to be subject to the vagaries of the court. They did not want to have to wait to find out because the union had made a claim for back pay since the introduction of the legislation. This is fascinating stuff, because the union and the Australian Labor Party opposed the introduction of the Act in this Parliament and opposed it at every stage of its passage through both Houses. It was the very first time that a safety net had been extended to not only award workers, but also everyone regardless of their cover. I thought the Labor Party would support that. Even if it did not like the level of the safety net, I thought it would support the introduction of the safety net.

Faced with this blackmail by the union, the churches wanted some protection and some guarantees because it was too much of a risk. If the union got an industrial magistrate's court decision, the churches could be exposed to up to $9m and they would go broke. We are amending this Bill because of the actions of a very voracious union which is almost totally ruthless in the techniques it uses to batter someone into submission. That is why we are here tonight. We are not here because of any shortcomings in the legislation. We are here because of these terrible antics of this union.

Because of all the rubbish that has been espoused by members opposite, I want to give the House a brief history of this issue. Prior to 1993 - this is important - all on-call provisions and sleep overs were determined on an award by award basis. Prior to the Minimum Conditions of Employment Act, payments were determined by their awards. If there was no award, they were determined by negotiation and what we call common law agreements. That has been so for the last 100 years. Members opposite said we had no need for a Minimum Conditions of Employment Act. Yet, for all those years, their provisions were okay and now, suddenly, members opposite are saying that if they are not covered, they will be left to the mercy of the employer. It will go back to the same as it has been for the last 100 years; that is, the same system that members opposite have defended to the hilt. Is that not fascinating? Now that we have new legislation that they voted against every step of the way, suddenly this Act affords protection and according to them we should not take that protection away from people! It is the same protection that we insisted

was never to be part of our legislation. Therefore, from our point of view it was never imposed in the first place and should never have been imposed. It was a deliberate decision at that time; it was too complex. We considered the issue of on call and sleep overs, but the Act would have been too complex and we wanted a simple Act.

On 1 December 1993, the Act came into existence and I confirmed that it was never our intention for that Act to cover these provisions. In early 1994, the Australian Liquor, Hospitality and Miscellaneous Workers Union claimed that the hostels covered by the aged and disabled persons hostels award had to pay their employees $6.88 for sleeping overs. I think the award at the time covered them for $1.46. Suddenly, the union was using this legislation to try to ratchet up the minimum rate that was payable for sleep overs. On 5 April 1994, the CCI wrote to me - I referred to that letter earlier - saying that the Act should be amended. On 19 and 23 May 1994, the Crown Solicitor's Office provided advice to the Department of Productivity and Labour Relations and the Health Department that the hours worked should be interpreted to exclude those periods during which the employee is on call or on a sleep shift. On 7 June the CCI obtained an opinion from H.J. Dixon which said that an action by the union was likely to succeed. On 18 July, the Crown Solicitor's Office commented on Harry Dixon's advice to the effect that while not entirely disagreeing with it, it was still of the opinion that the court would not adopt the interpretation that Mr Dixon believed it would. On 10 April 1995, Cabinet endorsed the legislation being drafted to provide that comfort to the churches. On 21 September 1995, over a year ago, it was introduced and second read in this Chamber. So it is not something that has come in of late; it has been around for an awfully long time. In fact, it has been around because it was a provision in that group of amendments which the Opposition would not allow to pass the upper House.

One member made the most outrageous claim that this has been brought on by the Government to create conflict. What a ridiculous claim. What an absolutely stupid, ridiculous and unreasonable assertion. It has been around for a long time. The reason it has taken so long to get here is that the Opposition opposed it in the other place by preventing its passage.

Mrs Henderson: We do not have the numbers in the upper House!

Mr KIERATH: The Opposition was able to frustrate and stall, which is what it has done each time.

If the union were sincere in its belief that the minimum rate of $7.93 should apply, rather than adopting the strategy of a prosecution in the industrial magistrate's court, it could have gone to the Industrial Relations Commission and got an interpretation of the provision of the Minimum Conditions of Employment Act. If the union were genuine in saying that its members had a genuine need, it would have got an interpretation and the churches would have accepted it, even if they did not particularly like it. However, the union did the dirty deed by claiming back pay to December 1993, knowing full well that those institutions could not cover that sort of money. I find those sorts of tactics reprehensible. They are not very fair, and I will do whatever I can, even if it means coming in here and swallowing my tonsils or eating humble pie, to overturn those sorts of disgraceful tactics. The union used this backdoor method to try to get around the commission's wage fixing principles. If the union had to go through the commission, it would have to argue a special case. It would not meet the special case needs or the wage fixing principles. That is why the union chose this backdoor method of going to the industrial magistrate's court and claiming back pay. Those terrible circumstances are not fitting for a responsible union.

The member for Fremantle claimed that this would allow hundreds of employers to force employees into compulsory workplace agreements to avoid paying a fair wage. We believe the words in the legislation reflect our legal advice and, therefore, we do not believe it takes anything away from anyone. The situation returns to what it was prior to December 1993. Whatever awards, agreements, conditions or contracts applied to on-call and sleep-over rates will continue to do so. What has been around for 100 years will continue to be there. He also said that the union never intended to apply the minimum rate. I have outlined the reasons that is not the case. The union has insisted on applying the minimum rate. In June of this year I negotiated with the union. It promised that under certain circumstances it would push out the court case while further negotiations occurred. I asked parties recently if that had happened and they told me that no meaningful negotiation had occurred and the union was still holding out for more than $5 an hour. This time it was asking for slightly less than the minimum rate. It is interesting that in the case before the court it demanded the minimum rate and yet in negotiations it said it was prepared to accept less than the minimum rate. The union cannot have it both ways.

The member for Fremantle accused me of negligence. As a Minister in this Administration, I have proved that to be totally wrong. He also said that workplace contracts were to downgrade wages and conditions. I showed last week that wages and conditions in this State have risen far more than those in any other State. We have had the highest increase in take home pay in the nation. Whether one takes average weekly earnings or whatever, Western Australia is leading the country in take home pay. I said yesterday that the increase in the minimum rate over the past four years has been 20 per cent in this State as against 10 per cent in the last four years of the former Labor Government. Our record proudly speaks for itself.

Mr Trenorden: Who had the bigger inflation rate?

Mr KIERATH: The former Labor Government had a higher inflation rate, a high unemployment rate and almost zero job growth. It had all the negatives but none of the positives. We have delivered higher wage increases. Productivity has gone up and inflation has gone down. Unemployment has come down to be the lowest in the country. The youth unemployment rate is 7 per cent better than the national average. Therefore, we are the leading State in the country for youth employment. The member for Morley said that wages and conditions would be downgraded. Perhaps that has occurred among some of our young people but perhaps they have jobs instead of sitting at home with nothing. The member might care to reflect on that. I would rather have young people employed than sitting at home doing nothing. I must confess that one of the great growth areas in workplace agreements is in supermarkets and retail shops. Among young people there is a large growth in workplace agreements. Obviously that need has existed in the market.

Another outrageous statement the member made was that the union agreed because of the Australian Labor Party. Both the ALP and the Government met the union in June and it was still intransigent.

Mr Trenorden: We embarrassed it in public.

Mr KIERATH: Yes, and then the union pushed the court case back. In the intervening time it was supposed to negotiate. It has done nothing to negotiate. Only when the Bill was to be passed did the union reach agreement. The one thing I regret about bringing the amendment to the House is that the only effect it will have is to bring an intransigent union to the table to reach an agreement. That is a poor excuse for legislation. Legislation should not be passed to do that, but it is the only thing that group of people understands.

The member for Fremantle also said that if this Bill were passed people would go back to being paid $1.50 an hour or nothing. That is absolute rubbish. They will go back to the awards which the Labor Party so staunchly defended and which we have left intact. Where people are not covered by awards they have agreements, and they will continue to cover those people. If these amendments were to be passed tonight, instead of the doom and gloom the Opposition predicts, the position would be as it has been for the last 100 years.

Mr Trenorden interjected.

Mr KIERATH: The ALP has lost sight of this because it has picked on a very vulnerable group.

Mr Trenorden: They are a very real threat.

Mr KIERATH: Indeed. The member for Fremantle also said that the Bill is before the House to create conflict and that the Government wanted conflict and the church did not. We had no wish to bring on this Bill. I tried to discourage the Chamber of Commerce and Industry and the churches and asked them why they did not negotiate a deal. The legislation was brought in on 21 September last year, over 12 months ago. We do not want a conflict. All of our people would rather not deal with it. The antics of the union are the only reason we are dealing with this Bill now. It is indeed a sad day.

I have mentioned that the Miscellaneous Workers Union used the Act as a negotiating tool to try to dramatically increase the amount of pay. I mentioned $1.50 an hour and I confess I was wrong because it is $1.46 an hour. However, when the member for Fremantle was secretary of the union there was a consent agreement between the union and the employers. Therefore, until this Act came along the union was quite happy with $1.50. It knows it has mechanisms to adjust the amount, but it has chosen not to use those mechanisms. Interestingly it has chosen to use the Act as a negotiating tool.

Of all the things he said the member for Morley perhaps mentioned three aspects which relate to the Bill and the rest related to other legislation. The first point he made was the protection of people on call and whether they would be disadvantaged. I ask what protection they had before the Minimum Conditions of Employment Act came into being.

Mr Brown: They had awards.

Mr KIERATH: They will still have the awards. It was never the intention of the Act to cover that. If the award is all the protection they have, it will protect them to the end. If they do not have an award, they have a common law agreement, contract of employment or whatever. That will still protect them. If they are lucky enough to have a workplace agreement, the workplace agreement and the dispute resolution procedures within it will protect them. The member said that this Bill was designed to downgrade conditions and rights. If it was never the intention for the so-called right to be in the legislation, how can we downgrade something people never had? The member for Thornlie said that the only reason this Bill is here is because the original legislation was rammed through. The original legislation may well have been rammed through but, as I have said, not only parliamentary counsel but the

Crown Solicitor has said that we do not need to amend the Act. As far as they are concerned it does not cover on call or sleep over.

Those provisions are only in the legislation to protect the churches from that disgraceful action by the Miscellaneous Workers Union. Let us get real - the inclusion of the provision is for nothing more nor less than to protect the vulnerable people from attack from a powerful and vicious union.

The member for Thornlie went on to say that the on-call area will be deregulated. That is garbage. They will go back to the previous arrangements under awards or otherwise.

The member then digressed from the legislation, complaining that I had bleated about choices, and saying that people had had wage cuts. I take pride when I speak in this Chamber - I guess it could be said that I bleat - about increases in wages, productivity and rewards for the people of this State. People now have a say in how their reward packages will be tailored to suit them, rather than that process being left to people in the union movement.

The funny thing is that some of these people have not been listening to members opposite. We have an agreement whereby the unions have agreed to increase the working week to 40 hours and to push out long service leave. People said, "We would rather have more up-front money and less in conditions." That should be a decision made by individuals, if that is what they want, rather than others determining what is good for them. If people want a higher wage equivalent and lower conditions, or vice versa, they have the right to choose as circumstances change throughout their lifetime.

The member for Thornlie referred to the federal legislation. Believe it or not, I have tried not to bag the federal legislation. I have some disappointments; however, the legislation is a major step forward in whatever form it comes. Obviously, if one is after 100 per cent and is offered 60 or 70 per cent, one is disappointed. Nevertheless, it is 60 or 70 per cent better than what we have at the moment.

The Opposition tried to focus on the differences, but it should look at the positives. The national IR legislation is modelled on the legislation introduced in the west in 1993 - nearly three years ago.

Mrs Henderson: You're in fantasy land.

Mr KIERATH: I am not. That point is clear if members look at the changes. For example, the employee advocates have a role more like that of the office of the Commissioner of Workplace Agreements, with a vetting system in place, individual negotiations and agreements, along with a range of issues like civil remedies for dealing with unreasonable people. Those reforms will support the legislative change the Government has made. I support the changes the Howard Government has made, but I have always tried to be a straight shooter and I will point out any shortcomings I see.

Mrs Henderson: Will you answer my example?

Mr KIERATH: I apologise. If the member gives me a copy of uncorrected *Hansard* tonight, I promise I will try to get an answer tomorrow.

Mr Brown: I said that you would not give an answer! No way. You do not have a clue!

Mr KIERATH: If the member really wanted an answer, he would have allowed me to put that information to the department.

Mr Brown: He does not have a clue how it operates!

Mr KIERATH: The member does not want to listen. If he were interested, he would have made the information available, and I would have given it to the department and provided a reply. Members opposite do not want to do that; they want to raise a point.

One could not find elsewhere a number of points which are as wrong and off beam as the points Opposition members made today. In view of the treatment of this debate by members opposite, I would not trust anything they say - not a thing! However, I am prepared to put that prejudice to one side, and if the member provides that information, I will get the Department of Productivity and Labour Relations to report and provide a reply as quickly as possible.

I have attempted to address all the issues raised in this debate. I thank members - I hesitated to say that - for their comments, and I hope the Committee stage will be a little more constructive.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Ms Warnock) in the Chair; Mr Kierath (Minister for Labour Relations) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended -

Mrs HENDERSON: This clause is the guts of the legislation, and the one which causes me greatest concern. It will insert a subsection into the principal Act which states that -

> In this Act a reference to a period worked does not include a reference to a period outside the hours the employee was required ordinarily to work during which the employee was on call.

Under proposed subsection (2), the words "on call" will apply if, in that period, the employee was required to remain at his or her place of employment or to be available to undertake duties of employment. It defines on call to include the situation where the person remains at his or her workplace rather than a person who remains at home with a beeper and is available at the time to undertake work duties. I am particularly concerned about this provision.

The period that a person is on call and available will not be included in the ordinary hours of work. The Minister will allow people signing workplace agreements to have a lower rate of pay than that prescribed by the Minimum Conditions of Employment Act for hours of work outside the ordinary hours of work and during which they are on call.

It is a long-established principle that, if one is required to turn up to work before one starts work, or to remain at work after the prescribed time, one is still paid for that time. If a person is required to turn up 15 minutes early to wash and put on his or her uniform, that is still time away from private time contributed to the employer so the worker can prepare for work. Similarly, if workers are asked to remain at the premises after they close to clean up or for other duties, they are still under the employer's discretion. The time is not their own. Under awards, people are always paid for that time.

Under this provision, not only will people who sleep over in hostels, women's refuges or whatever, be allowed to be paid a minimal rate per hour less than the minimum rate in the Minimum Conditions of Employment Act, but that rate will also apply to young persons in situations I explained to the Minister. For example, it is frequently the situation in America that young people spend 12 hours at a workplace, during which they work for three hours. The rest of the time they are expected to remain on the premises in case they are needed. If the restaurant is busy, they are called on for a half-hour. They then sit down for another three hours. If the restaurant becomes busy again, they are called in again. That is total exploitation and abuse of young people. That person is not free to pursue other activities during that time. They are there at the employer's pleasure, sitting, waiting to be asked to carry out duties. That is exploitative. It is not restricted to aged hostels run by church groups; it is wide open. I gave the Minister a good example of that and I ask him to consider it. I do not believe it is so complicated that he is unable to form a view; he is quite capable of doing that and he does not need advice from his departmental officers. In any event, he would normally have officers here during Committee. The Minister avoided this question in the second reading debate; he said that they will have the protection they have always had under an award. These people are not covered by an award; they have signed workplace agreements. Their ordinary hours of work are specified and additional hours of work are required at the employer's discretion. What will happen to them during those additional hours when they are on call?

Mr BROWN: I have concerns about this clause because, as the member for Thornlie indicated, it is the primary clause of the Bill. In effect, it provides that a person can be required to remain at his or her place of employment or be available to undertake the duties of employment and, where the two exist, the minimum wage prescribed by this Bill does not apply. Therefore, if a person is required to remain at the workplace on call, or is required to be on call, no minimum rate applies.

The Minister said in the second reading debate that employees now have a say in the conditions applying in workplace agreements. Indeed, that was always an argument used in support of workplace agreements: That for the first time workers will be able to negotiate conditions of employment that are suitable to them as individuals. However, we find in practice that that is not happening. If members consider, for example, workplace agreements being implemented by a number of the major mining companies, they will see that they are standard workplace agreements. They are not negotiated between the employer and the employee; they are drawn up by the company's solicitors. Prospective employees are told that these are the conditions of employment and the rates, and they either accept them or they do not get a job. There is this theoretical view about negotiations, this theory that somehow -

Mr Bloffwitch: Until you have a job there is nothing to negotiate.

Mr BROWN: The theory is that people will be in a position to negotiate either once they have a job or before they have a job. Of course, what we see - and it is nothing new - is the exercise of power. Those in the work force who do not have any bargaining power have the very limited option either to accept what is being proposed or forgo employment. It is as simple as that. Therefore, it is possible on that basis to set terms and conditions of employment under the workplace agreements legislation that are significantly inferior to the terms and conditions in awards.

It is not correct to say that the award protection will still apply, because an individual company can adopt a policy, as some companies have, that no-one will be employed in particular occupations unless they enter into a workplace agreement. So, the protection provided in the award, while theoretically there, does not apply. It is replaced by a workplace agreement and that agreement must comply only with the minimum conditions of employment legislation. That legislation, with this change, will provide that workplace agreements can be drawn up requiring employees to remain on call as part of their contract of employment, but will not provide any rate of remuneration for those employees while they are on call.

Mr KIERATH: Obviously I support the clause. The member for Thornlie gave me the wording of this so-called hypothetical deal. I would normally treat hypotheticals with the lack of respect they deserve. However, I have said that I will take this hypothetical and seek departmental advice, and I am more than happy to do that. At first glance, these people would continue to be covered by whatever arrangement has applied until now. We still maintain that the amendment is not necessary. The legislation has never given protection to on-call or sleep-over rates. This clause simply ensures that it cannot be misinterpreted by mischievous people and it makes it very clear that the minimum conditions of employment legislation does not apply to on-call and sleep-over rates. Whatever the current agreement - whether it is a workplace agreement, an award, an industrial agreement, a common law contract, a federal award and so on - those employment arrangements will continue to cover the rates of pay.

I would like to show members the hypocrisy of the union involved - and its actions have resulted in this situation. The rate in Queensland is 55¢ per hour; that is $4.45 per night for eight hours of duty. The respondent union is the ALHMWU. The rate in Western Australia was $1.46 per hour and it is now $5 per hour. Again, the ALHMWU was the original respondent. The rate in the Northern Territory is $3.10 per hour, and again the respondent union is the ALHMWU. In New South Wales, under the IRC, the rate is $2.56 per hour and, again, the respondent union is the ALHMWU. The rate in South Australia is a bit higher at $4.50 per hour and, once again, the respondent union is the ALHMWU. Across the country it has negotiated rates ranging from 55¢ per hour to $4.50 per hour. In not one of those States is there a claim anywhere near the minimum rate of pay applying here.

That shows up exactly what the union is all about. This has been a campaign to get a pay increase and to avoid the wage fixing principles and all those other issues I outlined. This clause has been brought in to prevent that sort of disgraceful action, when the union record speaks for itself. In every other State and every other jurisdiction, the rates have been much lower than they are here. This clause is to clear up that issue.

Mrs HENDERSON: I have no doubt that in his limited studies the Minister has come across the concept of wilful blindness, where persons deliberately ignore and pretend not to understand the issue that is before them. The vindictive attack upon a union, which has characterised the comments of the Minister tonight, does not deal with the issue about which we are talking; that is, a new option opened up by this legislation for people in a wide range of occupations to be placed on call. This legislation does not say that the on-call provisions apply only to employees sleeping over in aged care hostels. There is nothing to stop people being placed on call under this legislation. Their pay would not be covered by the minimum conditions.

The Minister has constantly responded to our inquiry that these people will be covered by whatever they were covered by before. The truth is that before people who worked in a Hungry Jack's outlet or a Pizza Hut outlet, or wherever, were not placed on call.

Mr Kierath: Hungry Jack's has an industrial agreement.

Mrs HENDERSON: It does, but some people are on workplace agreements in those fast food industries. They were not placed on call because the provision did not exist for that to happen. The Minister is now introducing an on-call rate which is payable at whatever the employer chooses. It is not covered by the minimum hourly rate of pay. We keep asking the Minister what protection he will provide for those young people who I have absolutely no doubt will be placed on call; who have been placed on workplace agreements; who have had their wages cut; who will be put on split shifts for three hours in the morning and three hours in the afternoon and will be required to stay at the employer's accommodation for the four hours in between. These people will be ripped off. All the Minister does is to stand in Committee and vent his spleen about a union with which he had a row 10 years ago. That is not good enough. This legislation has the capacity to affect hundreds of employees, and the Minister is just ignoring it.

Mr Kierath: How can it when it has never applied in the first place? The Crown Solicitor advised it never applied in the first place.

Mrs HENDERSON: Is the Minister saying that no employer can now place people on call at 50¢ an hour?

Mr Kierath: I am saying that the minimum conditions legislation never covered on-call sleep over rates. There has been no change.

Mrs HENDERSON: I am saying that these people were not placed on call before because there was no capacity for them to be placed on call. They were either employed or they were not. They were either at the place of employment or at home.

Mr Kierath: If you think a benefit has been imposed through workplace agreements, I am saying that the Minimum Conditions of Employment Act does not change any status in relation to on-call sleep over rates. If the member thinks what she is saying is a valid argument, that may be a reason to look at the Workplace Agreements Act, but not the Minimum Conditions of Employment Act.

Mrs HENDERSON: The Minister fails to understand the nexus between the Minimum Conditions of Employment Act and the Workplace Agreements Act.

Mr Kierath: I do understand the nexus; I understand better than you do.

Mrs HENDERSON: That is the only thing that provides a floor for the conditions in the workplace agreement legislation. If that floor is taken away under the on-call provisions -

Mr Kierath: You know that 100 000 people, who were employed before the Minimum Conditions of Employment Act, had no safety net at all.

Mrs HENDERSON: The Minister should not change the subject. That is no reason people should be placed on call and paid 50¢ an hour. Nothing in this legislation protects young people from that scenario.

Mr Kierath: There never was.

Mrs HENDERSON: That is because it did not exist before workplace agreements were brought in. If young people were on the award, they were paid the award rate from the moment they turned up at their place of employment, irrespective of whether they were washing their hands or putting on hairnets or their uniforms. They were paid from the moment they walked through the door and were required to be at the employer's premises. This legislation says that they can be placed on call, sitting in the kitchen, waiting until enough orders come in before they are deemed to be at work.

Mr Kierath: It does not say that at all.

Mrs HENDERSON: It does; that is exactly what it says.

Mr BROWN: I return to the issue I raised earlier; that is, the notion that this change to the Minimum Conditions of Employment Act will not have any substantial impact on employees' incomes. That appears to be based on the Minister's view that an employee will have the capacity to negotiate with an employer a fair and reasonable rate, presumably for any on-call work that is required. I remind the Minister that earlier this year I asked question on notice No 1997 which, in part, states -

(9) Does the Commissioner of Workplace Agreements ask employee parties to those agreements if they were involved in developing the agreement?

(10) Has the Commissioner of Workplace Agreements found any occasion where employees were not involved in the development of an agreement?

(11) Has the Commissioner of Workplace Agreements rejected the registration of any workplace agreement where employees were not involved in the development of the agreement?

(12) On how many occasions has that occurred?

Mr Kierath: They are all questions relating to the Workplace Agreements Act. They are not to do with the provisions of the Minimum Conditions of Employment Act. I am just pointing out that this is not the appropriate place to raise them.

Mr BROWN: They are questions that relate directly to the issue of people being required to be on call either at the employer's establishment or away from it, without any remuneration - nothing. The Minister's answer, in part, states -

> Inquiries are made with employers and employees to ascertain whether employees were involved in the development of a workplace agreement as part of the process of determining whether the parties appear to understand their rights and obligations under the agreement and that they genuinely wish to have the agreement registered. Agreements are not refused solely on the basis that an employee is not involved in the development of the agreement.

This notion that the employees will sit down and negotiate and develop joint agreements is just that; it is not reality.

Mr Bloffwitch: You are being unfair there; in some cases it is.

Mr BROWN: I agree with the member for Geraldton, but to say it is the situation in every case is not a reality. I can provide the Minister with very carefully drafted agreements giving the illusion of rights which have been drawn up by solicitors representing quite powerful, large employers - not small employers - but when they are read carefully, people realise they contain no rights. The only option for prospective employees who might be desperate for a job is to sign an agreement. There is no negotiation. What is more, because it is under a workplace agreement, there is no review.

Mr Kierath: How much negotiation do they have under an award? None. They had the award, and that was it.

Mr BROWN: Under the award, through the union, they could go to the Industrial Relations Commission -

Mr Kierath: They had to abide by the award, and that was it. They had no choice at all.

Mr BROWN: No. They could go to the Industrial Relations Commission and seek to modify conditions.

Mr Kierath: The employee could not.

Mr BROWN: That is right.

Mr Bloffwitch: If you did not have the union supporting you, you had no support at all. In a range of industries employees with bargaining power would earn more than the award. However, in industries where employees had less or no bargaining power, they were assured of the award provision.

Mrs HENDERSON: I refer briefly to the Senate inquiry that came to Western Australia and examined the position here since the introduction of the minimum conditions and workplace agreements legislation. My experience is similar to that of the member for Morley. Many people have come to my electorate office and in every single case - they are not just young people - they had no choice in what comprised the workplace agreement they were offered. In most cases they were handed a typed document. They were told that if they wanted a job, they had to sign the workplace agreement. I am talking about men of 40 and 45 years whose often long-held positions were reclassified, at which time they were offered workplace agreements. In some circumstances their conditions were substantially inferior to what they had been used to during the previous 10 or more years.

In its report the Senate committee points out that -

> Opponents of this provision -

That is the provision for individual workplace agreements.

> - feel that it will effectively give an employer the opportunity to require the signing of an AWA on the employer's terms or the job would not be offered. It was argued that these provisions mean that employers will have the upper hand in job negotiations and employees have only one choice: AWA or no job.

The inquiry goes on to say -

> Many witnesses described experiences of this sort in the less regulated States;

The committee quotes examples from Western Australia -

> I wish to share my experience of being on a [Western Australia] Work Place Agreement . . . I was fortunate enough to receive an interview for my current position . . . I was told that the job was a Work Place Agreement position only and that to get the job I had to sign a Work Place Agreement. I would have preferred to have been able to join a union but the interview and the job offer were made in such a way that you knew if you didn't sign you didn't get the job. You also knew that if you asked whether it would be possible to join a union you would kiss your chances of getting the job goodbye. I was obviously too scared to ask about this as I was desperate for the job . . .

That is a typical example of people who come to see members of Parliament. They feel exploited and bruised after having their conditions reduced by workplace agreements. It is happening throughout the retail industry, particularly

the fast food industry. I specifically asked the Minister tonight to give some kind of assurance, especially to young people, because they are the vast majority of people in the fast food industry, that they would not be exploited in the way I have outlined. The Minister has declined to do that. He can make whatever jokes he likes about hypotheticals, but I asked him a straightforward question about young people being on call at workplaces. The Minister has repeatedly declined to tell me that those young people will be protected, that they will not be able to be defined as being on call under this legislation and paid 50¢ or $1 an hour. He can come back as many times as he likes and say that they can negotiate, but a 16 year old negotiating with the owner of a franchised fast food outlet has no chance of imposing his will.

Mr Kierath: They have always been able to do that.

Mrs HENDERSON: They had an award, and under the award they were never paid 50¢ an hour to be on call. I am not making up these examples. Young people have already come to me who have been asked to sit on call. I suggest that if they took their cases under the existing legislation to the Industrial Magistrate, it would be found that they were entitled to the minimum rate, in the same way as the people employed by the church groups. However, once this legislation is passed they will have no opportunity whatsoever to get more than they are offered. If they are offered 30¢ an hour to sit in a kitchen for five hours waiting for the number of people who want to buy pizzas to increase, that is what they will get. The Minister is not offering one word of comfort to those young people.

Mr BROWN: I support the comments made by the member for Thornlie. A short time ago I received a call from a truck driver who had applied for a job. He was fairly knowledgeable about the award and said that under the workplace agreement he was offered more money than the award. However, for the extra hours he had to work in effect he would have been working for $5 a hour.

Mr Kierath: That is impossible under the Minimum Conditions of Employment Act.

Mr BROWN: I am referring to the difference between the award rate for a 38 hour week and the rate the company was offering under the workplace agreement for the hours it required. The difference between the rate and the hours worked out at $5 an hour for each additional hour. If we use the methods to assess its "success", the Commissioner of Workplace Agreements would say that person would be receiving a wage increase. However, for most people who work extra hours, $5 an hour is not very appealing. Fortunately for my constituent, he is a relatively skilled truck driver and was not desperate for money, so he did not take the position. However, some of the other 30 people who had applied and to whom he spoke were quite desperate for the job. Although he could not say that someone finally took it at the conditions offered, his perception was that someone would have accepted it.

That is an example of what has been described in the United States of America as a race to the bottom. Now in the United States people negotiate individually - at least for 90 per cent of the workplace. Millions of workers are on the minimum wage. They cannot be paid any lower than the minimum wage. It is not because American workers are unintelligent or that American employers are more hard-nosed than Australian employers; it simply means that with one-to-one bargaining, where many employees have little or no bargaining power, wages are forced down to the very minimum. Until Congress increased the minimum wage last year to $5.15 a hour it was $4.25. Millions of Americans are trying to survive on $5.15 an hour. The change in this Bill will allow people to be pushed into workplace agreements with on-call provisions which are part of a contract of employment and which provide no remuneration.

Mr Kierath: Our minimum rate is now $8.30 an hour - twice what it is in the United States .

Mr BROWN: Irrespective of that, the minimum rate here is much lower than the award rates. The US experience shows that as people were taken off collective agreements, the union busters under Reagan and Bush successfully broke up the unions and new membership declined by about 10 per cent. In the United States it is possible to have a collective agreement only when a union is involved, and there cannot be a collective agreement otherwise.

Mr Kierath: Under our system you can.

Mr BROWN: A loss of individual agreements.

Mrs HENDERSON: I hoped the Minister would respond to some of the points made, particularly the specific examples raised by me and the member for Morley. In that way I hoped we could progress this debate, having received some assurances. The Minister has repeatedly said that this legislation is only about those church bodies where people sleep over.

Mr Kierath: I did not say that, you are putting words in my mouth. I said the Minimum Conditions of Employment Act was never intended to cover any on-call or sleep-over rates. Crown Law advice is that it does not cover it.

Mrs HENDERSON: I accept that it was the Minister's belief, but he should understand that people on call at a religious institution where they are sleeping in bed are not the only workers on call.

Mr Kierath: I accept that.

Mrs HENDERSON: I cannot understand why the Minister will not respond to the examples raised. The member for Morley discussed the question of a truck driver and people in that type of occupation who may be required to work split shifts.

Mr Kierath: If I get up, will you listen to what I am saying?

Mrs HENDERSON: Of course, I always do. I often comment on the Minister's response. A bus driver may drive for four hours, be on the premises for a period, and then be instructed by the employer to drive for another three or four hours. We both know that bus drivers, fire brigade officers and other people engaged in emergency work are effectively on call on the premises until something happens, and they are always paid a reasonable rate for being there. It was always recognised that people who are ready and willing at the disposal of the employer are working. There is a difference between those people and those who work at the church hostels and sleep during the night. That is the distinction we are trying to draw, but it does not exist in this legislation. It is quite possible for a fire brigade officer or bus or truck driver to sign a workplace agreement and to be on call during certain hours. Under that workplace agreement a driver could be required to be available pending the loading of the vehicle and during that time could be paid a minimal rate.

The Opposition raises these concerns because they are real and genuine. It is not good enough for a Minister to say these people will have whatever protection they had before. Once people sign a workplace agreement, it totally displaces the award. If there were a provision that a person who sits at the employer's premises and waits for a vehicle to be loaded will be paid because he is ready and available to work, it would be contained in the award. Nothing in this legislation prevents an employer from drawing up a workplace agreement that would require a truck driver to be in the depot at 9.00 am, wait until the truck was loaded and ready to drive at 11.00 am, and to receive 30¢ an hour for that two hour wait. That person would be on call and would not be covered by the Minimum Conditions of Employment Act. I ask the Minister to address that issue.

Mr KIERATH: In the hope that the member for Thornlie will listen, I will repeat my earlier statement. She has certain ideas in her head that she continues to put that have nothing to do with what I have said in relation to these conditions. I repeat that it was never the intention that the Minimum Conditions of Employment Act should impose any minimum condition with respect to on-call and sleep-over hours. In other words, hours during which no work was done were not covered in the Act. It was considered at one stage, but it was so complex and complicated that it was abandoned because we could not find a satisfactory mechanism at the time to deal with it. It does not mean it will never be done. We still do not have a satisfactory mechanism but if someone suggests one in the future, it will be considered. I cannot be fairer than that.

This clause will ensure that no-one can interpret it in any other way. The legislation does not give people something and then take it away. It has always been the intention not to provide protection in that area. The Minimum Conditions of Employment Act does not cover a range of other issues, and the amending Bill covers only those matters covered by the Act. If on-call time is not covered by the Act, it has never imposed a right. It did not have a right on 30 November 1993 and it did not impose a right on 1 December.

Mr BROWN: I refer to the Minister's claim that workplace agreements -

Mr Kierath: We are not debating workplace agreements, we are debating the Minimum Conditions of Employment Amendment Bill.

Mr BROWN: We are debating the Bill in relation to on-call time. This will change the minimums under workplace agreements so the two are linked. In any event, whether or not we are debating it, the Minister claimed that Western Australia has the highest rates of pay in Australia. I assume he is suggesting that somehow workplace agreements are responsible for that. It is drawing a long bow. Less than 10 per cent of the work force is covered by workplace agreements, and it is not true to say that Western Australian workers have the highest rates of pay in Australia. The Western Australian average weekly earnings are the highest in Australia and male average weekly earnings are higher than those in other States of Australia. However, the female average weekly earnings are much lower than those in other States, notably New South Wales, Victoria and the ACT. To determine why that should be, one should look at the structure of industry in which female employees are engaged in Western Australia, and also examine the bargaining power of women workers compared with male workers in Western Australia, given the nature of the economy. The argument that somehow this change to the Minimum Conditions of Employment Act will not impact on employees because they have the highest average rates of pay in Australia today in my view is fallacious. Even

if the claim were correct, it would be fallacious, because of the structure and the effect of workplace agreements applying at present.

The Minister also claimed that it was necessary to bring this Bill before this Chamber because the Opposition in the other place would not let it pass. That is an interesting concept. My understanding of numbers is that normally 18 is greater than 14 and that if 18 people vote one way and 14 vote the other way, the 18 will win.

Mr Kierath: If you can get it to a vote.

Mr BROWN: The coalition has shown its propensity to sit 23 hours straight to get Bills through the other place. However, when Labor was in power the coalition members decided to go home at 11 o'clock before any legislation could be debated. Now if the so-called House of Review wants to debate legislation, it can and does sit all night. It is untrue to claim that the Opposition can hold up the Bill forever and a day. The coalition has also applied devices in the other place that will limit debate. I wanted to ensure that we put on the record for the sake of completeness and accuracy that the Minister's claim is not credible in 1996. It might be the situation at a different time, and that will be a matter for another day.

Clause put and passed.

New clauses 5 to 8 -

Mr BROWN: I move -

Page 3, after line 8 - To insert after clause 4 the following new clauses to stand as clauses 5, 6, 7 and 8 -

Section 10 amended

5. Section 10 of the Minimum Conditions Act is amended by inserting the following definition -

" **"on call work"** has the meaning assigned to it by section 3 (3).".

Section 11 amended

6. Section 11 of the Minimum Conditions Act is amended by inserting the following paragraph -

" (c) in the case of an employee performing on call work, an hourly rate prescribed by order under this Part. ".

Section 14 amended

7. Section 14 of the Minimum Conditions Act is amended by inserting the following paragraph -

" (a) review the hourly rate for employees performing on call work; and ".

Section 15 amended

8. Section 14 of the Minimum Conditions Act is amended -

(a) by inserting in subsection (1) after "pay" the words -

" and the hourly rate prescribed for employees performing on call work "; and

(b) by inserting in subsection (2) the following paragraph -

" (c) the hourly rate prescribed for employees performing on call work. ".

The purpose of these amendments is to enable a minimum rate to be set for on-call work under the Minimum Conditions of Employment Act. The amendment proposed to section 10 of the Minimum Conditions of Employment Act seeks to insert an interpretation of the words "on call work". The amendment proposed to section 11 deals with the entitlements to minimum rates of pay so that an employee is entitled to be paid. The amendment to section 14 will make provision for the Industrial Relations Commission to review the minimum weekly rate of pay and the proposal is that the Industrial Relations Commission would review the hourly rate of pay for employees performing on-call work. The amendment to section 15 seeks a change to enable the Minister to determine the hourly rate for employees performing on-call work. This amendment is a soft amendment in that it departs from the Opposition's principle of awards and accepts that the Government has a policy that it will not accept anything relating to awards.

Although we do not agree with that as a philosophy, we accept that as the Government's view. This provision takes up that government view, and this amendment proposes that an hourly rate of pay be prescribed for on-call work. That hourly rate of pay would be recommended by the Industrial Relations Commission in the same way that the minimum wage is recommended by the Industrial Relations Commission and then the Minister on the recommendation of the commission would determine the hourly rate of pay to be provided for on-call work.

All that is not a terribly desirable set of affairs but it is in accordance with this legislation, which is not satisfactory, and would at least provide some measure of protection for employees under workplace agreements who are required to be available for on-call work.

Mrs HENDERSON: I add my strong support for these amendments. I accept that the Minister indicated previously that the original Minimum Conditions of Employment Bill was not intended to cover people who were on call. The Minister gave us at some length the views that he had obtained that those persons were not covered. However, having now found that they were covered, he has deregulated that area. He has claimed that by deregulating it he has done no more than what was intended.

Mr Kierath: We do not accept the workers are covered and Crown Law opinion is that they are not covered.

Mrs HENDERSON: I said that the Minister said they were never covered. The union claimed and showed that there was a possibility they were covered. The Minister said he is amending the legislation so that employees will not be covered and that is precisely the original situation. That may well be the case, but the Opposition is concerned that there will be potential for exploitation if employers seek to use the fact that people have no minimum rate of pay while on call. In a very minimal and conservative way, the Opposition's amendment seeks to strike a minimum rate of pay for persons who are on call. I am talking about people who perform extremely important jobs; for example, firefighters, nurses, electricians and a range of people whose work includes the notion of being on call.

Mr Kierath: Are they covered by awards?

Mrs HENDERSON: Yes, they are currently covered by awards. The Minister frequently gets up in this place and crows about how many people are on workplace agreements and are not covered by awards. It is his dream that nurses, firefighters, electricians, plumbers and others will not be covered by awards, but by workplace agreements. If that happens, there will be no minimum rate of pay for them when they are on call. It is part of the nature of their jobs for them to be on call. It will always be necessary to have firefighters and nurses on call. So long as it is possible for those people to be exploited and be paid $1 an hour, as is the case under the Minister's legislation, it is a loophole and it needs fixing. In a very orderly way the Opposition's amendment seeks to give those people a minimum rate of pay. The Opposition is not suggesting what that minimum rate should be or that it should be the same rate of pay per hour that they would get while they were performing their duties. However, the Opposition is suggesting that it is not good enough for that section of the population to be unprotected. It is not good enough for the Minister to say that they never had any protection. They did; almost all of them were covered by awards which provided them with protection. It is the Minister's undermining of the award system that exposes these people to a situation where they will not be remunerated when they are on call.

The Opposition will not be surprised if the Minister does not accept its amendment. I would like the Minister to give an undertaking that, when the abuses which have been foreshadowed tonight start to emerge and people are paid 50¢ or $1 an hour to be on call at the work premises, he will accept that people need protection and amend the legislation so that there will be a minimum rate of pay for people on call.

This Bill has the potential to affect a large section of the population who do not deserve to be treated differently. I have already indicated that a lot of them perform vital work in the community. While some are highly-skilled, others are unskilled and, for that reason, are vulnerable to being placed on call. I refer in particular to the young people in the fast food industry. I am most concerned about them because they have very little bargaining power. I am equally concerned about nurses and others because they will be affected by this Bill.

Mr KIERATH: Again, I advise the member for Thornlie that she should have listened to the comments I made earlier. I said that when the Government was drafting the Minimum Conditions of Employment Bill, it considered setting a minimum on-call rate for hours which were not worked. However, it found the issue far too complex and a simple solution could not be found, therefore the attempt to impose on-call or sleep-over rates was abandoned.

I advise the member that I have always said that, if abuses occur, I would be only too happy to amend the legislation accordingly. If the doom and gloom she is predicting tonight occurred - I am sure if it happens she and her colleagues will not hesitate to raise the issue with me - I would pledge my resources to consider the issues to try to resolve them. The Government does not want the Minimum Conditions of Employment Act to, at this stage, cover the on-call rates because a satisfactory solution cannot be found.

The member is right; I cannot support the amendment. Apart from the reasons I outlined, the Government believes that the wording of the amendment will impose a rate in the legislation which goes against the philosophies of the Act. It is not a satisfactory way to resolve the situation and it will cause more problems than it will fix.

I did not want to go into the issue of workplace agreements, but members opposite continue to raise them. It is not necessary for people to enter into a workplace agreement; it is purely voluntary. Very strong protections have been put in place to ensure that they are voluntary. Awards are still available to those people who prefer them. The amendment is contrary to the provisions of the legislation which is designed to deal with minimum, not actual, conditions. The on-call rate was never intended to be a minimum condition. It is contrary to government policy and to the intention of the Act. It was agreed that only the conditions specified in the Act would be covered as a safety net and there would be a range of other employment conditions which would be the subject of negotiation, but would not be the subject of the safety net which contains the minimum conditions.

Mr BROWN: I am disappointed that the Minister has decided not to accept what is a conservative amendment. Basically, the amendment would have stipulated the amount an employee would be paid when on call. By rejecting this very soft amendment some employees will be exploited by this legislation. By "exploited", I mean they will be required to attend a workplace and be on call for no remuneration because it will be inherent in their conditions of employment. They could be paid a very small amount, certainly not an amount which would compensate them for not being able to go about their normal private business.

It does not surprise me that this amendment has been rejected by the Minister. There is no doubt that, according to the Minister's figure, 17 per cent of workers on workplace agreements will be worse off. The figure really is a lot higher. The assessment processes which have been undertaken to calculate whether someone is worse or better off under a workplace agreement has been manipulated. The mere fact that 17 per cent of people are worse off under workplace agreements and the Minimum Conditions of Employment Act is sufficient to make sure that appropriate safeguards are built into the legislation so that the work force is not disadvantaged. However, it seems that is not to be. It seems that, unfortunately for many Western Australian employees, we are heading down the United States' track. It seems that those who will come after us will have to pick up the pieces of this socially damaging legislation which is being put through this Parliament. I will be very pleased in 15 or 20 years if I am still around to be able to read in *Hansard* my strong and unequivocal opposition to this legislation when we see the social damage it will cause to the community and to working people in this State. There will not be much point in looking back then and saying, "I told you so", because if this legislation is unable to be changed through this Parliament by then, the changes will be so ingrained that it will be difficult for any Government of any political persuasion to improve the position for a large section of the work force.

The Government is pushing us here in the direction of some developing countries, not the Organisation for Economic Co-operation and Development countries. Some developing countries are improving their standards in the workplace and things are getting better, but we are going in the reverse direction, and this legislation will be just one more nail in the coffin of drawing us back to the 1890s and to the low standards that we see in some developing countries. I am very pleased that I have opposed and will continue to oppose this legislation, because it is anathema to most Western Australians.

New clauses put and negatived.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Kierath (Minister for Labour Relations) and passed..

APPROPRIATION (CONSOLIDATED FUND) BILL (No 4)

Second Reading

Resumed from 24 October.

MS ANWYL (Kalgoorlie) [9.44 pm]: I note that I am not the lead speaker. We often tend to become bogged down in detail in this place, and while comments have been made repeatedly by the Leader of the House about quality of debate, and I do look forward to hearing some quality debate from the Leader of the House, I must say that having been here now for seven and a half months, and I think I spend more time sitting here than does the average member,

although I have racked my brains to remember, it has not been often that I have heard the Leader of the House rise to address substantive issues in this place.

I turn now to make some comments about budget matters that affect my electorate. Government is about according appropriate priorities to what we all recognise as finite amounts of money that are available to the Government of the day. While it has long been said that politics is the art of the possible, I think it was President Mitterrand who said some time ago that it is not so much the art of the possible but of making what is necessary possible.

Mr Minson: The art of the achievable.

Ms ANWYL: I am sure that is another way of putting it, but that is a much more nebulous way of describing it than saying it is the art of making what is necessary possible.

The fundamental differences in priorities between this Government and the Opposition are evident with regard to policy on the major fronts of health, education and the provision of public services such as transport. What is to me most crucial in making what is necessary possible is how we treat the disadvantaged in our society. Last week, the Governor General, Sir William Deane, saw fit to make some public comments when addressing the Australian Association of Philanthropy about three things which he said he instinctively knew but has had confirmed. He said -

> The first is a generalisation. It is that the collective plight of the disadvantaged in Australia constitutes a national problem of overwhelming dimensions. It is a problem that national self-respect and the standards of decency and fairness of a mature and caring nation such as ours preclude us from ignoring.

I do not think anyone in this place would dispute that that is a priority, but not so long ago the Victorian Council of Churches found it necessary to remind the Government of that State that the test of a just and fair society is the manner in which it treats its most disadvantaged people. Those disadvantaged people include the sick, the elderly and the infirm.

Today in this place, a petition was presented about cuts to funding for seniors' mobility programs. I believe those are federal cuts, and while this Government has expressed some willingness to take up that federal slack, which I certainly applaud, it is far from certain that it will do so. In my electorate, I have been approached by a number of elderly people who are extremely concerned that due to staff shortages, seniors' mobility programs in the form of an aqua-rhythmic program each week and what is referred to as gentle gym have been suspended. That is just one example of disadvantaged people, because the bulk of the people who attend those classes are pensioners and reside in government housing or government subsidised housing. That is just one small example that I have drawn from a petition that was presented in this place today. There is a great deal of uncertainty and fear among the elderly in the community about the federal government cuts to assistance for housing in the form of nursing homes and so forth. We have heard a lot of political debate and rhetoric about the precise amounts of those costs to the individual. However, it is clear that those elderly people who do not have private means of support are concerned about what will become of them.

The second issue referred to by the Governor General is a matter that he says should be before us all the time. He states that the most important general cause of disadvantage and the gravest social problem facing our nation is unemployment, particularly youth unemployment. He goes on to say that some areas visited by him had youth unemployment rates of up to 40 per cent and more. He equates that high level of youth unemployment with the attendant loss of self-respect and often destructive social pressures and consequences, which for many have become accepted as the norm. He refers also to areas where unemployment in some families has reached the third generation. He identifies the third issue as the appalling situation of Aborigines. I will return to that issue in the context of an instance of a lack of will to provide funding to a very successful program that combats infant mortality and perinatal mortality rates in my electorate.

I refer to the need to prioritise government spending because finite funds are available. It is particularly galling to a number of sectors of our community that millions of dollars are being spent on self-promotion by this Government. Although I do not believe all Ministers are guilty of that, it appears to occur in some ministries more than others. The public can see through this thinly veiled electioneering stunt. It does this Government no good at all.

Another glaring example of wasted funds is the constant push for privatisation at any cost and the concomitant loss of public sector jobs. I referred recently to an example of that in my own electorate; namely, Kalgoorlie Regional Hospital and what I call the mindless push for privatisation of the laundry and catering services. I am told that a decision is yet to be made on that. The rural benchmark teams have been around, but nobody seems to be able to get access to any figures. Although I was recently chastised for referring to workers potentially being sacked and was told that they would get redundancies and might be redeployed elsewhere or taken on by a private contractor, the reality is that many will not be. Whether they receive redundancy packages or not, it is effectively a sacking.

I turn to the Westrail effects on the *Prospector* rail service between Kalgoorlie and Perth. The Right Track program set an initiative of removing more than 1 200 staff. Fifty have left the Kalgoorlie West Westrail premises since 1993. However, in the same period services have decreased rather than improved. Track maintenance has worsened, particularly between Merredin and Kalgoorlie. Although some improvements have been made to services for people who reside in Northam, the *Prospector* rail cars that serviced Kalgoorlie are being used to provide the Avon Link. However, only in the last Budget have we seen the commitment of $2m to the restoration of rail cars. Since then a further announcement has been made by the Minister for Transport. It was an extremely misleading announcement because it was only when I was able to get answers to questions on notice, which took me about a month, that I discovered that a further announcement of $5.2m included the amount that had already been announced in the previous Budget.

I was quoted in the media as saying that it was too little, too late. I did not say that. However, I made the point that if the huge number of experienced staff had not been discarded, it would be unlikely that the railway and cars would have fallen into such a bad state of disrepair. Answers I received from the Minister representing the Minister for Transport on 24 October suggest that $2.4m is to be spent on those rail cars and $2.8m on track maintenance. I presume that the bulk of that will be on the track between Merredin and Kalgoorlie because that is the track that has speed restrictions applying to it, more so than the track between Merredin and Perth. I was suggesting not that the funding was too little, too late, but rather that if there had been good management in the first place, it would not have been necessary to spend those sorts of funds. Those funds will go to private contractors. I cannot see any evidence that the work could not have been done as effectively by the staff who were employed prior to the Right Track program.

In that period of discarding staff, an acknowledgment was made by the Minister and the Commissioner for Railways that rail maintenance had worsened. That is evidenced by the speed restrictions that have been imposed. Rail car maintenance has seriously worsened. The same cars are required to do more work. They are effectively required to do 31 services, or about 16 000 kilometres, a week. The commissioner is on record as saying that the five power locos and three trailers must be treated like old cars; that is, we must do what we can to keep them on the road. That is not the right attitude to display. If the Government is serious about that rail service, it must get that work under way immediately. One of the features of this privatisation thrust of the Government is that not only does it put off government employees, but it then employs a wide range of consultants to prepare numerous reports. Only in June a report was prepared on the *Prospector* service; however, we are waiting for another one. Despite all these reports, 29 rail services have been cancelled since the end of March 1996. Fourteen services have been cancelled because of mechanical problems with rail cars. That situation could have been avoided. The answers also revealed that since June group bookings have been restricted to groups of less than 20. The rail service has been widely acknowledged as a service which promotes tourism in my electorate, yet bookings have been unavailable to groups of more than 20 since June.

I turn now to employment, particularly youth unemployment. The long term unemployed, whatever their age, should be a priority, but it is necessary to stimulate the economy. In my electorate, employees in the gold industry say that the industry is under siege. Major companies running marginal operations repeatedly say that if a gold royalty is imposed, those marginal operations will not survive. I acknowledge that may be only rhetoric, because we have heard similar arguments about the imposition of a diesel fuel rebate.

Mr Cowan: Stay with the gold industry, and refer back to the noise made when it was decided to exempt income from gold for income tax purposes. It was said then that the gold industry would fail.

Ms ANWYL: I have already acknowledged there may be some degree of rhetoric in the comments that have been made. I began to refer to the diesel fuel rebate argument. We still face the removal of $100m by way of that rebate, so again the industry is facing some uncertainty. Unfortunately I do not have time to debate that matter.

Mr Cowan: You can seek an extension.

Ms ANWYL: I will seek an extension but I will not have time to debate that matter, because I wish to address a number of other issues.

I made the point relating to the need to stimulate the economy. I fail to see how the imposition of a gold royalty will stimulate the economy in the goldfields or in any area reliant on the gold industry, especially when the multiplier is applied which is widely acknowledged as necessary to gauge the effect of job losses in the industry. Many metropolitan members have a large number of constituents employed in that industry. The Government is not prepared to come clean about what it will do regarding a gold royalty, before the next election.

It is often said that education is the key to employment. However, if there are no jobs to be had, it does not matter how well educated people are. We hear a lot of debate about education. The most topical issue at the moment relates

to truancy and literacy. The Attorney General has referred from time to time to truanting. I refer to a debate in the other place on 4 September. The Attorney General was talking about the causes of crime. He said that truanting is one of the best litmus tests of the possibility of someone eventually becoming involved in at least juvenile crime and possibly adult crime; that even then that is not the earliest stage at which people can be detected as likely to be involved in crime. He said that kindergarten teachers will tell us who are likely candidates for crime at the age of five; other people will tell us what is the likelihood before people are born. The Attorney General appears to think that truanting is one of the gauges of a propensity to crime. Therefore it was to my surprise that I discovered recently that the welfare officer responsible in part for truanting in my electorate has been cut from a full time position to a half time position in 1997.

[Leave granted for the member's time to be extended.]

Ms ANWYL: It is worth noting that the truanting rates at the Eastern Goldfields Senior High School have increased in some areas, although not across all years. Therefore, given the Attorney General's comments about detecting before children are born whether they are candidates for crime and about truanting being a major issue, I fail to see how it is appropriate to cut a welfare officer who services not only Kalgoorlie-Boulder but also Esperance from a full time position to a half time position. I have raised this matter in the House previously, but I do not believe there will be any change in that decision by the District Education Office. I cannot see the justification for that decision, considering the number of children truanting in the Kalgoorlie-Boulder area, and the number of Aboriginal children in the area who are being locked up in detention centres. The statistics must be almost right, if not entirely right, because they demonstrate that Aboriginal youth are locked up at a rate exceeding that applying to non-Aboriginal youth.

A Ministry of Justice funded report which cost about $30 000 and relates to youth offending in Kalgoorlie-Boulder and the goldfields was made available in February this year. That report contains 29 recommendations. Some efforts have been made by the committee to ensure that those recommendations become a reality. However, some of the easier recommendations relate to the employment of a street based youth worker and greater attempts at retention of students and so on. If a truanting officer is working half time in an area greater than metropolitan Perth, dealing with more than a few thousand people, it is difficult to see how an impact can be made on truanting at the basic level. I call on the Minister to do something about this appalling situation, which flies in the face of the Government's rhetoric about taking some action in regard to truanting. I note the Minister for Education's remarks about Aboriginal youth and the need to put them into institutions so that they can be educated, yet he has cut the truant officer's services by half.

The Eastern Goldfields Senior High School is bursting at the seams, with more than 1 300 students expected to attend next year. This year 313 year 8 students attended that school. We hear much talk about the upsurge in resources, yet people in country areas - particularly the north west and the goldfields - are scratching their heads because they cannot see how that boom is being translated to infrastructure dollars in the regions. Primary schools are also facing some problems. Constituents come to me because their children cannot be guaranteed full time preprimary places next year. The waiting lists are increasing, because students continue to arrive at goldfields schools during the year. Enrolments continue to increase at the Eastern Goldfields Senior High School, and that is partly a reflection of the extraordinary levels of commitment and energy displayed by the school principal, Ian Lillico. I cannot help wondering whether this State Government is dinkum about providing for goldfields children at that school because it desperately needs to know how many transportable classrooms it will have next year so that curriculum details can be finalised. I do not think it is too much to ask how many transportables will be available, because it is widely accepted that no school buildings will be available in 1997; we understand that. However, we would like to see some commitment about how many transportables will be made available. Currently five are used and I understand that at least another seven are required. The Liberal State Government has already broken its promise made during the 1993 election campaign to build a second high school. Having flagrantly broken that promise, it does not have the decency to ensure that some planning is made for what should happen in 1998. I have perused the capital works program and I note that some money will be spent on "Boulder primary rationalisation", to quote the document; otherwise there is nothing even in the planning stage for the high school.

As I said, the school principal has instilled confidence in the community generally about the quality of the school. Part of his innovative moves have been to offer a range of practical courses such as aviation, which commences next year. Practical classes have an optimum class size of 22 students instead of 32. The aviation course has already received expressions of interest from more than 100 year 8 students, which is a fantastic testimony to the vision of those in the school -

Mr Bloffwitch: It is very popular in Geraldton, I can tell you.

Ms ANWYL: That is interesting. Those people have expressed an intention to pursue the course which is staggered over the remaining years through to year 12. However, the school and in particular the parents and citizens'

association are being frustrated by the effect that this cramping of classrooms is having on students. One of the committee members approached me not long ago to explain that when his son was moved around in the class, he started to achieve better results because he was able to get more simply by being in a position where he could concentrate on what was going on.

Student welfare concerns are very relevant to truancy and literacy problems. The school is lucky to have achieved a new senior position of head of student services next year. Student services covers a wide range of professionals, including a school psychologist who now must be situated inside the library so that students will not have to cope with the stigma of being seen by other students when using the psychologist's services. The school also has a youth education officer and a low achiever teacher who must use two offices because he cannot get his own classroom. Year coordinators and house leaders are scattered across the school. There is also a nurse and a police officer, although that position is vacant at the moment. It makes no sense to have these very important professionals scattered across the school; therefore, adequate classrooms are needed urgently. We acknowledge that that will be by way of transportable classrooms initially. However, even as late in the year as this, it is not known what will happen next year; therefore, the best efforts of teachers and administration are being thwarted by the lack of bricks and mortar available.

The Governor General referred to Aboriginal disadvantages. No issue is more complex. I draw attention to the irony of the Ngunytji Tjitji Pirni, the mother and infant health program, being nominated as one of four finalists for a community service industry award sponsored by the Department of Family and Children's Services. That program has no funding for 1997 because the State Health Department will not commit funding. The Save the Children Fund has now intervened to recommend the program to a German benevolent organisation so that it will have some future into next year. That is the sort of failure to commit which is a disgrace. On the one hand the Government will be holding up this group as a success, but on the other it has failed to commit funds to the program for 1997, leaving a very experienced team, including a paediatrician, without any certainty of employment next year. That is one of the best local examples of an Aboriginal organisation which runs without bureaucracy and where all employees are hands-on professionals. It should have funding. I call on the Minister to do something about that disgraceful situation urgently.

MR MARSHALL (Murray) [10.15 pm]: It is amazing what can be completed in a four year term with the assistance of a visionary budget allocation. Nearing the end of my term as the member for Murray, it is pleasing to be able to mention some of the pre-election promises that have been achieved, and I would like to share some of them with members. A pre-election promise in 1993 was that a TAFE college in Mandurah would become a reality. The cost was budgeted at $5.2m. Three and a half years later that TAFE college is a reality. There was some discussion about where it would be located. Initially, it was thought that it would be placed in Ravenswood. However, it has been built off Gordon Road, very close to the city and near the greyhound racing track. For the first time in the history of the Peel region, tertiary education has become a reality.

Sewerage to Yunderup and Furnissdale was also achieved. That helped with the health problems of the area because the land is low lying and swampy and breeds mosquitos. Sewage from septic tanks comes to the surface in the winter. However, the new sewerage lines have solved that problem. It also means that five and 10 acre blocks can be subdivided, which will open up that area.

We said that we would put extra police into the area. When we were allocated two it was like winning Lotto. However, we now have eight. Their presence on the streets of Mandurah, as well as extra police cars, have done a lot to reduce the crime rate in the Mandurah area.

I guess the biggest need in the area was a new hospital. The hospital in Mandurah is a 30 bed facility inherited from the previous Government. It is like a doll's house - an annex for a very large population. The Mandurah people had to go to the regional hospital in Pinjarra if they required serious operations or had serious health problems. Only last week it was announced that a $35m hospital will be built in Mandurah. Work will start next month. On 12 November the front end loaders will begin moving the sand and a year and a half later there will be a hospital in Mandurah of which we will all be proud. It will have 110 public beds and 20 private beds. All the health facilities associated with that sort of campus will be under one roof. It will be a magnificent hospital and a great achievement for the community. I am proud of the Government for giving the member for Mandurah and the member for Murray the backing they needed to get this very big project up and running.

We also introduced a fast lane bus service between Mandurah and Perth. It now takes 55 minutes to travel from Mandurah to Perth. Shoppers can board a bus in Mandurah at about 9.30 am and be in Perth by 10.30 am. They are then able to spend four hours shopping. It has reduced the travelling time between Mandurah and Perth. The people of Mandurah no longer feel quite so isolated. Although we are only 55 minutes from Perth, Mandurah is a country town; it does not belong to the metropolitan area. Therefore, it is important that we maintain our lifestyle but are still

able to get to the metropolitan area in a short time. Transport has been lacking and we have been able to solve the problem.

Mandurah is the fastest growing area in Western Australia. It has gone from a retired pensioner kind of image to one of young families with young children. Naturally we needed more schools. Two of the four new primary schools built in WA two years ago are in Mandurah. One was built at Riverside Gardens and the other at Halls Head. Because of the influx of youth to Riverside Gardens it has now four transportables. It cannot keep pace with the youngsters coming to the city. These schools passed the level of the appropriation of numbers and are an acquisition to our city.

When I look back over four years I can understand why the time has flown. We have been able to abolish the rural drainage rates to farmers. According to the size of their farms they can save from $5 000 up to $20 000 annually. We have reintroduced recreational net fishing. The previous Government stopped recreational net fishing in the Peel and Harvey estuaries. It was reduced overnight from seven days to nothing. That really upset the elderly people in my electorate. We fought to get it back. We wanted three nights a week but we only got two. However, I will settle for that because it is a very important way of life for the people of the Peel region. They now can put out their nets on Wednesday and Friday nights. I am proud of the backing that we had from the Fisheries Department on that project.

In the early days we lobbied to try to get a $1.2m dream for an indoor sports centre at Pinjarra. Our Government set the pattern by coming up with $430 000 for one-third of the cost. Local government then backed the project and the community then raised money. Money was tight, but to our surprise people rallied. The netballers had barbeques, games and quiz nights. All sporting organisations contributed. Last week we launched the magnificent $1.2m indoor sports centre, the first of its kind in the Peel region. We can all be proud of that. We have the third stage of the Coodanup Senior High School at a cost of $1.75m, promised and achieved. The time has flown as those achievable projects have come to reality.

In just four years I am proud to say that I have been part of establishing a coastal management strategy. I have been part of an implementation plan to keep the Mandurah ocean entrances open all year. We have the Dawesville Channel entrance and now we must keep the entrance at Mandurah open to allow yachting club members to bring in their big sloops and sail throughout the year. That has been done. We have seen the Dawesville Channel opened. What a magnificent occasion that was. We have had to ensure that monitoring of the channel has taken place. Tourist opportunities have been created in the Peel region as a result of the project. I was honoured recently to be asked to open the $350 000 boardwalk over the stromatolites at Lake Clifton. Stromatolites are very special to our region because of the tourist opportunity. They are the world's oldest living organism. They were being destroyed by tourists who were walking all over them. Now that we have the boardwalk out into the middle of the lake, on the right day when it is quiet people can see the stromatolites above the water and the reflections of the sky in the still lake, and hear the birds chirping. They will not find anything in the world as serene and as much a part of nature as the boardwalk area, which has been developed to give people an appreciation of what nature in my area has to offer. It has certainly been a lot of fun representing such a vibrant electorate.

Besides those major promises, we have achieved many other things in this short time. A caravan park will be opened on Friday at Dwellingup. This project was dropped by the previous Government and picked up by a new steering committee. It had good consultation and the involvement of the community, the local progress association, environmentalists, planners and councillors from Murray Shire. We have been able to set up a caravan park which, when opened on Friday, will be an acquisition for the area because Dwellingup, with its fine wood projects, the POW camp at Marrinup and the North Dandalup dam, has suddenly become a golden place for tourists to come. At present they cannot stop overnight, but the caravan park will solve that problem.

One of the goose bumping things that has happened is the venue change of the Murray playgroup, which had grown too big for its one room facility. It did not have any money to move to a new one. There was no money in government, so we approached the Murray Shire. We were told, "Here is a location, if you can get the money." I then took three of the lady committee members to Margaret River, where we saw a self-help playgroup. The people there had converted an old shed. It was magnificent. Everyone took heart that it could be done without money. On the way back I rang Homeswest to see if it had any old homes. Believe it or not, by the time we got back to Mandurah we had a house. We then had to get someone to transport it at a cost of $12 000, and we found someone. Then Alcoa used its contractors to put in a car park. We had carpenters, painters, electricians and all the various maintenance people through the parents and community self-help. In a fortnight we officially open the new Murray Playgroup. It just shows what can be done with vision. I compliment that very hard-working committee, which started with only $5 000 or $6 000 in the kitty, and, through chicken raffles at three tickets for a dollar, now has a facility worth more than $40 000.

If members had told me three years ago that I would be involved in a history-making occasion of creating a new football side in the Western Australian Football League, I would have said they were crazy, but that is exactly what has happened. Twenty years ago I formed the Old Wesley Amateur Football Club. I was foundation president/coach. From there we got 1 000 footballers into the amateur organisation because Scotch College followed, then Aquinas, Trinity and John XXIII. That was pretty good. However, never in my wildest dreams did I think that we in Mandurah could be the first country side to be part of the WAFL competition. That is exactly what will happen in 1997. We had our knockers. My old club of East Fremantle, of which I am a life member, did not want us, and neither did South Fremantle, Claremont or Subiaco, but we put up such a top submission that we were able to convince the Football Commission that we were worthy. At the final meeting, its representatives asked, "What kind of board will you have? We have been told that you cannot get a board to match any of the local football sides." We said, "Neil Stedman is our chairman and is also the chairman of The Forum, which has 124 retail outlets. He is a fairly knowledgeable man commercially. Our solicitor will be Brett Clement, whose son plays for the Dockers. He is a leading solicitor in the town. Our chartered accountant is David Burgess, who is a brilliant accountant in Mandurah." I believe we were already matching or ahead of the board members of the other major clubs. Then we happened to drop in that Harold Harper would be the administration manager. He was the football manager of South Fremantle and played over 80 games for that side, so his knowledge is impeccable. Then, as a little coup, we threw in the legendary name of Haydn Bunton as our football manager. That floored them. Immediately they realised our team, which is now called Peel Thunder, would be a club of which to take note. They queried our sponsorship. Our budget indicated that we would have $130 000 of sponsorship in our first budget year. It costs $500 000 a year to field a side. We have already exceeded that because we already have three sponsors totalling $140 000, and we have not approached the local people yet. The Peel Thunder team will be wonderful thing for the town.

We have appointed as our coach Geoff Miles, the former Geelong player and premiership player for the Eagles and Claremont. Paul Harding, who played in a premiership for Hawthorn and the Eagles, and also played for St Kilda, rang me and said, "I am impressed with what you are doing down there; can you use me at no cost whatsoever?" Such an offer is unusual in today's football. Paul will be the chairman of selectors and ruck coach for the club. When one has a new side which is very community minded, top people come to the club like bees to honey. We may not be so competitive next year as a playing force, but our club will be financial, and in four years, Peel Thunder will win the premiership of the Western Australian Football League.

Some other nice projects were achieved, such as obtaining funding for the new emergency sea rescue craft. Mandurah is a boating place with many tourists, and people get in trouble with the Dawesville Channel's fast tides. Therefore, a different rescue boat was needed, which was provided with assistance from my Government and the Mandurah City Council.

A new library was provided to the Dwellingup Primary School. This was a good project which the whole community got behind. Also, last weekend, I had the thrill of opening the Yalgorup bridle horse riding trail. This is in the Yalgorup National Park, and it is unusual to have horses in national parks. Their droppings leave seeds which can break down the environment in a national park. However, by forming a horse riding association of 49 members, and because of our conditions and orderly manner, we were able to convince the Department of Conservation and Land Management that a riding path should be permitted through that area. It goes from Tims Thicket to White Hill, through to Yalgorup park and along the beach for another 15 kilometres, eventually linking up with the 10th Light Horse Park. It is one of the nicest trails for horse people in Western Australia.

Of course, we have also had tremendous support from the Government of Western Australia with mosquito control funding. Mosquitos are a problem with the large waterways we have in Mandurah. The Peel and Harvey inlets are four times the size of the Swan estuary. Therefore, one will have more mosquitos. Statistics indicate that 5 per cent of Ross River virus cases come from the northern part of our State, 5 per cent come from Mandurah, and 55 per cent come from the Margaret River-Busselton area. Our mosquito control is obviously working.

In summing up, one of the achievements in which I feel real pride is the hospital in Mandurah. The member for Mandurah and I worked diligently for that facility. Also, for the first time in the history of the Peel region we have tertiary education provided through a TAFE college. We have extra police and a fast track bus service. We have opened the Coodanup Senior High School third stage, and we have developed the Lake Clifton boardwalk. Also, the Halls Head Bowling Club was a beautiful club without a club house, but one was provided at a cost of $450 000. Opening that facility a couple of weeks ago gave a lot of pride to many people of the area.

In conclusion, it has been an honour to represent the constituents of Murray over the past four years. A change of boundaries will apply at the next election; therefore I will be leaving Murray to be become a candidate for the new seat of Dawesville. I like to think that in years to come, when quizmasters at local fundraisers ask who was the last member for Murray when the seat disappeared, and who was the first member of the new electorate of Dawesville, the answer will be the same person.

DR EDWARDS (Maylands) [10.34 pm]: I will raise issues dealing with the environment in my contribution to the budget debate. Firstly, the state Budget allocated $50 000 to coast care projects, which is an appallingly low sum of money given that we have 14 500 kilometres of coastline. In fact, the Minister for Planning has previously spoken about the need for at least $500 000 for this purpose, and I found it surprising that he was happy to settle for one-tenth of that amount in his budget papers.

Fortunately, the Commonwealth has offered $400 000 for coast care projects and has also offered to employ five coast care coordinators. The State now needs to match those funds. I urge the Minister to take up that offer. Also, I ask him to explain where the money will come from when he takes up that offer; he must tell us about that as soon as possible. Only yesterday a story appeared in the local media about cliff falls in the northern suburbs as a result of beach erosion over the winter. More coast care work is urgently needed and, at the same time, the community has a hunger to be involved with it. The Government should capitalise on that opportunity.

We have been promised marine park legislation for over three years, but it has yet to hit Parliament. There was fanfare in the Liberal Party conference in 1994 when the Premier made a big announcement that marine park legislation would be introduced by the end of 1994. Subsequently he released the Wilson report, a study conducted over six years looking at particular marine areas in the State recommending areas which should be preserved and ways of managing those areas.

In late 1994 the Government released the "New Horizons" document, which built on the Wilson report and promised a system of marine parks, marine reserves and marine management areas overseen by a marine management authority. I was gratified at the beginning of the year to hear in the Governor's Speech opening Parliament that the marine park measure was part of the Government's legislative program. I am disappointed that so far we have not seen that legislation, and we are unlikely to see it before next year.

I am curious about this delay. One contributing factor is that no money is available in the Department of Conservation and Land Management budget to set up the marine park and reserves authority. When I asked CALM representatives about funding for this marine authority, I was told that they could not answer the question and they would have to take it on notice. The subsequent response was that a marine management authority would be set up, but funds would need to be redirected to it within CALM's budget. It is obvious upon reading CALM's budget papers and its annual report that this redirection must come from the nature conservation program run by CALM. The issue of redirection raises many questions.

As an aside, I now make a few comments about the federal Budget cut of 13 per cent in the area of the environment. A significant part of that was the cut to the Great Barrier Reef Marine Park. Also, funding was not only cut to the marine park, which has heritage listing, but the Commonwealth markedly increased the fees for people using the park. People are hit twice now when they visit that park. Therefore, the State will find no comfort in looking to the Commonwealth for funding for the environment. The future estimate for the commonwealth environment budget is that by the end of century, it will have been cut by 50 per cent.

When we talk about redirecting money within CALM's budget to set up a marine management authority, two significant problems arise. First, CALM's budget in the nature conservation area has not grown at all and, second, this particular part of CALM's budget relies heavily on federal government money through the Australian Nature Conservation Agency. In the federal Budget this year, ANCA had its funding cut by 20 per cent. I have obtained a list of ANCA-funded projects undertaken by CALM this year, and it is clear where we will see the cuts. A large proportion of the money is spent on dieback research and control. Another significant proportion is spent on threatened species recovery plans. Members will remember the excitement when the then Minister for the Environment spoke about the recovery of Gilberts' potoroo near Albany. That animal was previously thought to be extinct but subsequently recovered. Money is now being spent on a recovery plan, but I have had complaints as recently as a couple of weeks ago from people working on the plan that because federal money was drying up they could no longer do the work. ANCA money is also used by CALM for recovery of the chuditch and to investigate the drupella, which is causing a lot of damage up and down the coast.

I recently asked the Minister for the Environment whether the Federal Government contributed to the western shield program. The answer was that no particular federal government money went into that program. However, that was qualified by the fact that a lot of federal government money went into complementary programs; in fact, the figure was over $100 000. The answer went on to point out that some money had come rapidly from the Commonwealth to investigate the effects calicivirus was likely to have on native animals. Clearly, federal government money has provided a buffer. I am concerned that the cuts in the federal Budget and the similar smaller cuts in our own state Budget mean that very valuable nature conservation work will not continue.

It is no wonder that CALM scientists have told me there is not enough money for research within their nature conservation budget. There is enough money for the salaries and overheads, but they must fund their own research

projects. CALM's annual report contained an efficiency indicator that rang some alarm bells for me. It said there had been a 13 per cent increase in species needing special conservation attention. That shows that there are very real and increasing conservation needs. It is clear from the Budget and the money that the department is not getting federally that these needs will be extremely hard to meet. Another concern in the Budget relates to a comment from the Auditor General that the efficiency indicators were not adequate to the task. I hope CALM will take note of those comments and correct that deficiency.

The area of nature conservation involves severe jeopardy: We have state cuts, federal cuts and good strong promises - particularly relating to the introduction of marine parks legislation - and increased demand; that is, 13 per cent of species need special attention. My fear is that without the money and commitment to that area, nature conservation will suffer.

The federal Budget cuts to the Australian Heritage Commission have also impacted on the State. I recently asked the Minister for Heritage a question about the impact on the Western Australian Heritage Council as a result of the federal Budget cuts to the Australian Heritage Commission. The answer was that the Heritage Council last year received over $600 000 from the Australian Heritage Commission to administer national estate grants programs in the State. There are three parts to this program: The natural environment; the indigenous environment; and the cultural and historic components. Unfortunately, this latter part has now been discontinued; no money will be available for the Heritage Council to give to small groups or to government bodies to undertake those types of cultural projects. That is a real shame. The answer signals some concern on the part of the Heritage Council that this funding has been lost.

I refer members to another heritage area: Our Museum. I had the pleasure last Friday of visiting the Museum to took at its nature conservation activities. I had not realised until I went to there that it was established in 1892. It is an extremely significant building in the Perth district. When it was first established it was solely a scientific institution and it dealt with only natural science. Obviously that role has expanded into education and a large component of exhibition work. The Museum is the one body required by legislation to collect, preserve and manage the cultural heritage of the State. In fact, the Museum has over two million items in various collections. Unfortunately, it faces quite a number of problems. First, its nature conservation work is not appreciated; it goes unrecognised and appears to be undervalued. However, some of the scientists are doing an amazing range of valuable work. The Museum has nationally and internationally regarded scientists who are doing extremely valuable work not only for the State but also for other parts of the country and even overseas. Those people need greater recognition.

The second issue of concern is the working conditions in the building, and there are some extremely serious conditions at the Museum. It stores very large amounts of alcohol, which is flammable. I gather it most likely breaches Department of Minerals and Energy chemical storage guidelines and regulations. The alcohol also obviously permeates the whole building. It was my impression that the air-conditioning systems are probably connected, because wherever one walks there is a stench of alcohol. Apparently the people working there have become immune to it, because when I commented on it they looked surprised.

I have been led to believe that the Museum has traded off an occupational health and safety position for a technical position for which it was felt there was a greater need. We now have a building with stored toxic chemicals that poses a considerable fire risk. I have been informed that some of the workers are suffering occupational diseases as a result of exposure to these chemicals. During my visit to the working areas, I was concerned to see that there were no adequate venting hoods and systems. I gather that steps have been taken to tackle the problem. I know that people have been removed from certain areas and that they are being told they can work in other areas only for short periods. Not enough is being done quickly enough, given the fact that the Museum has about 700 000 visitors a year and about 32 000 school children go to the building regularly to do project work. The Museum is a real asset to the State, but these problems are so serious that the Government needs to act urgently to provide a much better building that is safer for the workers and the community.

A very large issue is looming in the suburb of Maylands. We have a local government advisory board dealing with the future of the City of Stirling. It is almost certain that the suburb of Maylands will be removed from the City of Stirling, but it is unclear where it will go. Presumably it will go to the City of Bayswater, the Town of Vincent or to some new authority created in that area - although the creation of a new authority is pretty unlikely. Councillor Rob Rowell, who is chairing this -

Mr Strickland: The people of Maylands do not want that; they do not want to be hived off to Bayswater.

Dr EDWARDS: The ratepayers' meetings have voted that the highest -

Mr Strickland: They want to go to Bayswater and pick up the bits.

Dr EDWARDS: This is part of the problem with the process. The ratepayers' association -

Mr Strickland interjected.

Dr EDWARDS: We will probably find that it is out of Maylands' control. Again, this is one of the problems. Councillor Rob Rowell, who is chairing the advisory board looking at the splitting of the shires, has until March next year to report. However, the City of Stirling must report to that committee by the end of December. At this stage the council has not started its round of consultative meetings. The main activity so far has been initiated by the ratepayers' association, which has organised two public meetings and provided a lot of information to people. The issue at the moment is that people know there will be some sort of change, but it is unclear exactly what that change will be. My hunch is that the committee is more likely to come up with some suggestion involving the Town of Vincent moving through East Perth and Mt Lawley, and encapsulating Maylands in that way. I have no inside knowledge about this issue, so I will not know the outcome until the report is presented in March.

Two things are going on in Maylands at the moment that require some certainty. One is the future of the Maylands claypits. In January, the City of Stirling will advertise for either a developer or a joint venturer to develop this area. There are concerns within the community that if the split occurs around the time that is being considered, the previous commitments about how it will be developed, the type of development and the density of the development may not flow through. Other concerns put to me by developers include that recognition of this land as a sensitive area may not occur either. The community needs much more reassurance that, first, the process of splitting up shires will proceed fairly quickly so that the uncertainty is ended quickly and, secondly, all of these issues will be taken into account when decisions are made about where suburbs go.

I refer now to a service need of the people of Maylands. We have a very old child health centre that should be upgraded. More importantly, parts of Maylands have been identified as having a very high child protection order rate. Very good services should be provided for families, particularly those with young children. Today I was informed that at this stage the City of Stirling is not interested in looking at an upgrade of the infant health centre, because it does not want to get involved in a project dealing with a facility that, after the split, may not remain within its responsibility.

That is not an adequate response, given the high rate of child protection work that is occurring and also given the surveys that have been initiated through the Maylands interagency group. This group, through its surveys of parents, has discovered deficiencies in services for young families; for instance, there is no toy library, playgroup or meeting place where parents can go to obtain support from each other. In addition, there are no easily accessible financial and counselling or legal aid services, and it is very difficult for people in some parts of Maylands to access public transport.

A group of local people, including quite a few mothers with young children, have been working to get a multipurpose centre; however, for that to come to fruition, the input of the local council is needed. It is clear that we will not get that input until the future of the city has been decided. I urge the Minister for Local Government to work speedily when he receives the report about the splitting of the two shires because we need the certainty and the stability.

I will refer to one final issue in my electorate; that is, a crosswalk in Inglewood. Outside my office there is a crosswalk where virtually every day an accident occurs. I have raised this problem with the City of Stirling and Main Roads Western Australia, and I have had meetings with all the parties involved in providing crosswalks. The City of Stirling has made repairs to it and improved it, but it is now up to Main Roads to pick up the ball and run with it. Main Roads produced a video of the crosswalk. The situation is so bad that it was shown on television the other night as a demonstration of how dangerous crosswalks can be. I urge the Government to look at that problem and act on it before we have a fatality at that site.

MR BOARD (Jandakot) [10.54 pm]: I take this opportunity to put on record an issue that faces not only my electorate, but all members of Parliament and all people in Western Australia - the future of our young people and some of the major issues facing them, and the way in which we will address them. One of the privileges I have enjoyed as a member of Parliament over the past four years, has been the opportunity -

Mr Cowan: You must have been in a different place from me; I have not seen any privileges.

Mr BOARD: Maybe it has been unique to where I reside. I have had experiences and been involved in issues and with organisations dealing with young people and their future, their prospects for development and where they may end up as they go forward in their careers.

The prospects for youth in this State are outstanding. The majority of our young people are achieving exceptionally well. Their education, the opportunities that are provided for them, the socioeconomic issues in the main that surround them, their health, their environment, and their job prospects are outstanding. In both national and world terms, we are well placed and our young people have great advantages. Notwithstanding that, there is a lot of pessimism among some young people. Our suicide rate is very high in world terms. It is unfortunate that the media

tends to spend a great deal of time looking at some negative issues facing young people and not enough on their positive achievements.

As the father of a teenager, I am aware only too well of the pressures facing young people. I have been exposed to that, not only as a member of Parliament, but also as a father. I know of the peer group pressure, the pressures produced by our commercial society and the pressures placed on young people to achieve, to go forward successfully.

As I said earlier, the future for our young is outstanding. Having said that, we may be able to improve the prospects for young people in some situations, particularly in terms of employment. I will spend the short time that is available to me tonight focusing on how we can improve job prospects for those people. The unemployment rate for young people in Western Australia is about 20 per cent. While that figure might be eight points lower than that in any other State in Australia - we could say with some pride that we have achieved a great deal in that regard - we certainly cannot accept an unemployment rate of 20 per cent for young people. There is no way young people see that as satisfactory.

Because of the time of the year, during the past few weeks I have gone to a number of year 12 send-offs at schools. It seems young people believe the biggest issue facing them is what will happen to them in the future. I was surprised to learn that in my area one-third of those students will not be sitting the tertiary entrance examination, but will be seeking employment. Employment for young people is the single biggest issue, yet the youth unemployment rate in Western Australia is 20 per cent. I would like to see that statistic improved dramatically.

Many people over the years have tried, through government financing, to address this issue. Many years ago, having come out of the Royal Australian Navy as an officer, one of my first jobs was in the Commonwealth Employment Service. It was not long before I found myself employed in the national employment training scheme from its inception. For many years we have adopted a policy of employment training and job creation with employment subsidies. Twenty years down the track I can say that job creation based on government subsidy does not work. There is no sense in creating false employment. There is no vision in creating a job that does not exist. There is no reason that a Government should produce a job in the community by providing false subsidy when the momentum does not exist for that job. The opportunity exists in our community right now to create employment through real growth. Employers, particularly those in the small and medium business sectors, want to grow. They are approaching banks and financial institutions for funding to enable them to grow and in turn provide more employment and create new goods and services. They are at the cutting edge, yet they are being retarded in that growth.

Although that retardation in their growth is occurring, the Government, particularly the Federal Government, is still seeking job creation via employment subsidies. As a community we must examine how to redirect our finances, investment and savings into social dividends. In other words, why not put some of the wealth in our community into the very areas which are creating the greatest social demand; that is, employment? Why not direct funds into the growth of small and medium businesses which are demanding investment in order to reach their potential? Why, in 1996-97, is a small business unable to borrow money against real growth or potential for sales when contracts are drawn? The banks are unable to lend money against that growth because those businesses do not have real estate - the security that banks require to protect that investment. Why are we unable to organise ourselves to bring on that growth so that the risk is spread throughout the entire community? This is a real issue facing us. Why in some instances is the taxpayer, through federal and state government funds, directing what I call false subsidy into employment growth when we could have real growth in the very businesses that are demanding expansion if only we were able to connect the two programs?

We must reassess our values and do some lateral thinking about how we can make some positive achievements in reducing unemployment and creating real employment growth, particularly for our young people. In the next few years the opportunity will arise to do that. Investment funds in superannuation are very high. I do not think they are presently achieving a great dividend for the taxpayer, particularly the young people of Australia. We should be able to create some opportunities in this regard. If, for example, the Federal Government were able to offer the taxpayers of this country tax incentives on investment in employment growth, such as is available in real estate, which does not create any real employment growth, particularly in the small and medium business sector where I believe the future of employment growth belongs, we could achieve a very sharp reduction in unemployment, particularly in the school leaver and youth market generally.

Mr Bloffwitch: A very good concept.

Mr BOARD: My vision, for example, is that the member for Geraldton may want to invest anything from as little as $5 to $10 000 or more into a fund set up by a bank which was lending that money at a marginal rate that was no higher than the prime rate for business growth. In other words if you, Mr Deputy Speaker, wanted to expand a business and did not have the security of real estate, but had contracts and a business plan, the banks could lend you the money at no greater rate than the mortgage rate. That money may be invested by the member for Geraldton, the

member for Roe or even me and the return on it would be tax free to the investor. A very large proportion of funds in Australia would go into this fund, which would then be lent to businesses for real employment growth.

At present that investment is wasted and for some reason we are unable to connect real opportunities with that huge amount of money that is spent on employment growth and unemployment benefits, which in the end do not achieve a great deal. Somehow we must marry the two programs. I have mentioned this previously. It is an area on which we should spend more time. The State Government is limited in opportunities to develop the program because of the limitations of our taxation system. With such a scheme we must link in with the Federal Government, but we must be creative. In Western Australia, because of the large number of small businesses that are being created here - we are the home of small business - we have an opportunity to show other States of Australia how to be creative. I hope that at some time in the not too distant future we can be more visionary in linking real investment, through the community, with some of the social dividends that should be paid, rather than through the taxation system.

Debate adjourned, on motion by Mr Bloffwitch

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Council's Resolution

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

> The Legislative Council acquaints the Legislative Assembly that it has appointed the Hons Derrick Tomlinson, Sam Piantadosi and John Cowdell as members of the Joint Standing Committee on the Anti-Corruption Commission and has nominated Hon Derrick Tomlinson as the Chairman of that committee.

ADJOURNMENT OF THE HOUSE - ORDINARY

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.09 pm]: I remind members that the House will sit tomorrow night. As is the practice on Thursday night sittings, the House will adjourn for one hour for the dinner break, from 6.00 to 7.00 pm. I move -

> That the House do now adjourn.

Question put and passed.

House adjourned at 11.10 pm

QUESTIONS ON NOTICE

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2188. Mr BROWN to the Minister for Water Resources:

(1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

(2) What was the nature of each contract?

(3) What was the contract price of each contract?

(4) Who was allocated the contract?

(5) How did the department or agency select the company/person to carry out the contract?

(6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?

(7) If not, why not?

(8) Does each department/agency have a list of companies or individuals that may be used for particular work?

(9) How do the companies or agencies get on the list if the work is not advertised from time to time?

(10) To what extent are such small contracts allocated to "mates", "colleagues" and "confidantes"?

Mr NICHOLLS replied:

(1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission Policy Statement (1.3) and Policy Guidelines is tabled. [See paper No 695.]

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2192. Mr BROWN to the Minister for Local Government; Multicultural and Ethnic Affairs:

(1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

(2) What was the nature of each contract?

(3) What was the contract price of each contract?

(4) Who was allocated the contract?

(5) How did the department or agency select the company/person to carry out the contract?

(6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?

(7) If not, why not?

(8) Does each department/agency have a list of companies or individuals that may be used for particular work?

(9) How do the companies or agencies get on the list if the work is not advertised from time to time?

(10) To what extent are such small contracts allocated to "mates", "colleagues" and "confidantes"?

Mr OMODEI replied:

(1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission Policy Statement (1.3) and Policy Guidelines is tabled. [See paper No 694.]

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2194. Mr BROWN to the Premier representing the Minister for Finance:

(1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

(2) What was the nature of each contract?

(3) What was the contract price of each contract?

(4) Who was allocated the contract?

(5) How did the department or agency select the company/person to carry out the contract?

(6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?

(7) If not, why not?

(8) Does each department/agency have a list of companies or individuals that may be used for particular work?

(9) How do the companies or agencies get on the list if the work is not advertised from time to time?

(10) To what extent are such small contracts allocated to "mates", "colleagues" and "confidantes"?

Mr COURT replied:

(1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission Policy Statement (1.3) and Policy Guidelines is tabled. [See paper No 693.]

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2195. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

(2) What was the nature of each contract?

(3) What was the contract price of each contract?

(4) Who was allocated the contract?

(5) How did the department or agency select the company/person to carry out the contract?

(6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?

(7) If not, why not?

(8) Does each department/agency have a list of companies or individuals that may be used for particular work?

(9) How do the companies or agencies get on the list if the work is not advertised from time to time?

(10) To what extent are such small contracts allocated to "mates", "colleagues" and "confidantes"?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

Please refer to question 2194.

GOVERNMENT EMPLOYEES SUPERANNUATION FUND - INTEREST PAID ON SUPERANNUATION LEFT WHEN WORKER OPTED FOR PRIVATE SCHEME

2342. Dr WATSON to the Premier representing the Minister for Finance:

(1) What interest is paid on superannuation left in the government fund when a worker has opted to pay into a private scheme?

(2) How is the rate set?

(3) Is it a competitive rate?

(4) Will it be increased to reflect the general market?

(5) What charges, if any, are such sums subject to?

Mr COURT replied:

The Minister for Finance has provided the following reply -

(1) The Government Employees Superannuation Fund comprises two lump sum superannuation schemes, the closed defined benefit scheme - Gold State Super - and the super guarantee accumulation style scheme - West State Super. Moneys left in Gold State Super or West State Super earn interest at the rate of the Perth Consumer Price Index plus 1 per cent and Perth CPI plus 2 per cent respectively.

(2) The CPI based rates are set by the relevant provisions of the GES Act.

(3) Yes, considering the rates are fully government guaranteed.

(4) No.

(5) Gold State Super has no fees, while West State Super has a bookkeeping fee of $2.55 per month.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS; MEN APPOINTMENTS

2396. Dr WATSON to the Minister for Water Resources:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1995?

(4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr NICHOLLS replied:

(1) 12.

(2) 91.

(3) Four.

(4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS; MEN APPOINTMENTS

2397. Dr WATSON to the Minister for Mines; Works; Services; Disability Services; Minister assisting the Minister for Justice:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1995?

(4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr MINSON replied:

In the case of the Department of Minerals and Energy, I am advised -

(1) Eight.

(2) 131.

(3) Three.

(4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

In the case of the Department of Contract and Management Services, I am advised -

(1) Four.

(2) 34.

(3) Two.

(4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

In the case of the State Supply Commission, I am advised -

(1) Two.

(2) 17.

(3) One.

(4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

In the case of the Disability Services Commission, I am advised -

(1) 15.

(2) Eight.

(3) Six.

(4) Five. Two women were not reappointed to the Disability Services Commission Board - one did not seek reappointment and one passed away - and three women did not seek reappointment to the Advisory Council for Disability Services.

In the case of the Ministry of Justice, I am advised -

(1) Four.

(2) 10.

(3) Five.

(4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

WATER CORPORATION - INFILL SEWERAGE PROGRAM, PORT HEDLAND; CORRESPONDENCE FROM DOMINIC PALUMBO

2413. Mr GRAHAM to the Minister for Water Resources:

(1) Did the Minister receive any correspondence from Mr Dominic Palumbo regarding the infill sewerage program in Port Hedland?

(2) If so -

(a) on what date did the Minister receive the correspondence;
(b) what action did the Minister take on receipt of the correspondence;
(c) on what date did the Minister respond to the correspondence?

Mr NICHOLLS replied:

(1) Yes.

(2) This is regarded as personal correspondence and therefore I would suggest the member contact Mr Palumbo to discuss the matter.

TRAVEL - MINISTER FOR WATER RESOURCES

Port Hedland Visit

2415. Mr GRAHAM to the Minister for Water Resources:

(1) Did the Minister visitor Port Hedland on 20 September 1996?

(2) For what purpose did the Minister visit Port Hedland?

(3) At whose request did the Minister visit Port Hedland?

(4) With whom did the Minister meet while in Port Hedland?

(5) Did the Minister travel by regular air transport?

Mr NICHOLLS replied:

(1) Yes.

(2) To speak with the Port Hedland Shire Council, visit the Port Hedland Port Authority and inspect the desalination pilot project.

(3) The visit was a ministerial decision and was in response to issues relating to Port Hedland.

(4) See (2).

(5) Part of the travel was by charter and part was by commercial airline.

WATER CORPORATION - SEWERAGE, MARY CARROLL PARK, GOSNELLS

2481. Dr WATSON to the Minister for Water Resources:

(1) What conditions, if any, have been put on the tender for deep sewerage connections in Gosnells, near Mary Carroll Park?

(2) What potential dangers are there in locating a sewerage pumping station so close to the lake/wetlands in Mary Carroll Park, Gosnells?

(3) What supervision and accountability mechanisms will be required during construction to protect birds and animals?

Mr NICHOLLS replied:

(1) While the tender documents are not finalised, they will contain additional clauses restricting the discharge for dewatering to nominated areas.

(2) None.

(3) As sewers will be constructed within road reserves, there should be no additional protection required for birds and animals. The requirements of the standard tender document are sufficient.

DISABLED ACCOMMODATION - COMMONWEALTH-STATE HOUSING AGREEMENT CHANGES; RESOURCING AGREEMENT

2478. Dr WATSON to the Minister for Disability Services:

What provisions, if any, are being considered within the Minister's portfolio to protect the accommodation - built environment - needs of people with disabilities once the Commonwealth-State Housing Agreement is changed?

Mr MINSON replied:

The State has an interim agreement with the Commonwealth Government that maintains the current level of resourcing for the Commonwealth-State Housing Agreement for the years 1996-97, 1997-98 and 1998-99. Negotiations regarding any longer term agreement are, I understand, not yet finalised.

QUESTIONS WITHOUT NOTICE

INFORMATION COMMISSIONER - ANNUAL REPORT TABLING

645. Mr KOBELKE to the Minister for Planning:

I refer to the Information Commissioner's annual report which was tabled in Parliament today.

(1) Is it true that the Minister behaved in an aggressive and offensive manner towards the commissioner in an attempt to intimidate her into changing her ruling with respect to freedom of information access to planning appeal documents?

(2) Given that the commissioner is an independent statutory officer who has presented this report to the Parliament, will the Minister resign?

Mr LEWIS replied:

(1)-(2) No, I will not resign. Obviously, when I met with the commissioner the last thing on my mind was to deliberately offend her. It is ridiculous to think that I would have met her with that preconceived idea. In respect of the office of the Information Commissioner, the only reason that I requested a meeting with her was to express my thoughts about the impact of FOI on ministerial appeals. I remind the House that there is a test case before the Supreme Court dealing with these matters and the reason I went to the commissioner was to discuss that with her.

INFORMATION COMMISSIONER - MINISTER FOR PLANNING'S BEHAVIOUR

646. Mr KOBELKE to the Minister for Planning:

I remind the Minister that the Information Commissioner's annual report said that in the circumstances she considered the approach by the Minister to be entirely inappropriate, demonstrating a disregard for her position as an independent statutory officer, her function and responsibilities under the Freedom of Information Act and the procedures of her office for dealing with complaints in such a way as to ensure fairness to all parties. Is the Information Commissioner totally wrong and has she fabricated that or did the Minister behave in a totally inappropriate way in an attempt to try to bully the commissioner into changing her mind?

Mr LEWIS replied:

My answer is simply that the commissioner's understanding of the meeting and my understanding of the meeting differ, and I will leave it at that.

EAST PERTH REDEVELOPMENT AUTHORITY - CHAIRMAN, RESIGNATION

647. Mr BLOFFWITCH to the Minister for Planning:

Has the Chairman of the East Perth Redevelopment Authority resigned?

Mr LEWIS replied:

It is with regret that I have accepted the resignation of the Chairman of the East Perth Redevelopment Authority, Mr Peter Solomon, who has decide to step down for personal reasons which in no way relate to his position as chairman of the authority.

Mrs Roberts interjected.

The SPEAKER: Order!

Mr LEWIS: His resignation is unfortunate.

Mrs Roberts interjected.

The SPEAKER: Order! The member for Glendalough will come to order.

Mr LEWIS: His resignation is unfortunate because all fair-minded people agree that he made a significant contribution to the success of the East Perth redevelopment project.

Mrs Roberts interjected.

The SPEAKER: Order! The member for Glendalough again.

Mr Thomas: "Glenda low".

The SPEAKER: Order! No. If the member for Cockburn were to read the appropriate papers, he would know that it is pronounced "Glenda lock".

Mrs Hallahan interjected.

The SPEAKER: Order! The member for Armadale will come to order.

Mr LEWIS: In nearly three years as chairman of the authority, Mr Solomon has spearheaded a huge transformation at East Perth to a high standard of development. We must understand that this is an award winning development.

Several members interjected.

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

Mr LEWIS: The development is recognised across Australia as probably the most successful Better Cities project in this country - it was carried out under the administration of this Government. The deputy chairman of the authority, Mr Allan Skinner, will assume the position of chairman in an acting capacity.

INFORMATION COMMISSIONER - MINISTER FOR PLANNING'S BEHAVIOUR

648. Mr KOBELKE to the Premier:

I refer to the meeting between the Minister for Planning and the Information Commissioner which is recorded in the Information Commissioner's report tabled today.

(1) Did the Premier reprimand the Minister for Planning for his totally inappropriate behaviour towards the commissioner?

(2) Why did the Premier fail to provide support to, and uphold the independence of, the Information Commissioner in the letter which responded to her concerns?

Mr COURT replied:

I thank the member for his question.

(1)-(2) I make it clear at the outset that the Information Commissioner has a number of functions, including providing assistance to members of the public and agencies on matters relevant to the Act. It is appropriate for the Minister to be meeting with the commissioner on those matters. The Minister sought clarification on some issues. I had the Director General of the Ministry of the Premier and Cabinet investigate this matter, and his reply to the Information Commissioner reads in part -

> There has clearly been a misunderstanding between yourself and the Hon Minister who advises that your recollections of the meeting do not accord with his own.

Similarly, the recollection of another person at the meeting, the Director of the Office of Planning Appeals, also rejects allegations of inappropriate behaviour.

Several members interjected.

The SPEAKER: Order!

Mr COURT: It is unacceptable for anyone, particularly Ministers, to act in an offensive way. The matter was investigated by the director general, and he came to the conclusion that there was a misunderstanding. I certainly hope that the issue can be resolved between the two people involved.

INFORMATION COMMISSIONER - MINISTER FOR PLANNING'S BEHAVIOUR

649. Mr KOBELKE to the Premier:

(1) In a case where someone is acting in a judicial or semi-judicial role, does the Premier take the view that if a person thinks that he or she is being abused or threatened, it is irrelevant whether the person acting in that way thinks that the intention is not to adopt such an abusive or aggressive stance?

(2) Must the Premier take consideration of the statutory officer of this Parliament who, in performing her duties, felt that the Minister abused her office in the way he approached her?

(3) What is the Premier's approach: Is he standing behind the statutory officer or sticking up for what his Minister is trying to hide?

Mr COURT replied:

(1)-(3) A number of people attended that meeting. I suggest that before the member gets too emotional -

Dr Gallop: She has included this in her annual report to the Parliament of Western Australia.

Mr COURT: I certainly hope the Information Commissioner has put it in the annual report. That is quite appropriate because the matter was brought to my attention and was investigated by the Director General. I would be upset if it were not in the annual report to Parliament.

Dr Gallop: She did not qualify her position.

Mr COURT: Before the member gets too excited about it, I suggest he get an understanding of all the details relating to the matter.

Dr Gallop interjected.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr COURT: The Director General came to the conclusion that there had been a misunderstanding between the parties. As I said, offensive behaviour is unacceptable, and I hope that that did not occur.

Points of Order

Mr KOBELKE: The Premier was clearly quoting from a letter, and I ask that it be tabled.

The SPEAKER: If it is not a private document - that is, it does not contain private notations - I ask that the Premier table it.

Mr COURT: It is a confidential document written to the Information Commissioner. I will seek advice as to whether that is appropriate.

Dr Gallop: Why were you quoting it?

The SPEAKER: If it is a confidential document and if the Premier quotes from it, and it is in a bald form, our practice is that it be tabled. If the Premier has made notes or has written comments of any type -

Mr Thomas: Quick, write a note.

The SPEAKER: I formally call to order the member for Cockburn for the first time. I am not in a position to judge whether the letter has notations -

Mr COURT: I will table the letter. However, I make it clear that the Director General was asked to follow the matter through and that was the conclusion.

The SPEAKER: Order! I take it that it is an official document.

Mr COURT: It is a confidential letter to the Information Commissioner.

[See paper No 696.]

Questions without Notice Resumed

POLICE SERVICE - OFFICERS, POPULATION RATIO

650. Mr BOARD to the Minister for Police:

The Friday evening before last I patrolled with the local police in my electorate. All calls were well attended by police and a number of cars were in attendance. How does Western Australia compare nationally in relation to the ratio of police officers to population?

Mr WIESE replied:

I thank the member for some notice of this question. I imagine that the House will find it very interesting to see how Western Australia compares with some of the other States.

Several members interjected.

Mr WIESE: I will give the member that information and he will love it.

At 30 June 1996, the ratio was one police officer per 385 Western Australian citizens. By February 1997, that ratio will have improved and will be down to approximately 1:375. That compares with a national average of one police officer per 412 citizens. In other words, Western Australia is about 10 per cent ahead of the Australian average.

Mr Catania interjected.

The SPEAKER: The member for Balcatta will come to order.

Mr Catania interjected.

The SPEAKER: I formally call to order the member for Balcatta for the first time.

Mr WIESE: The Western Australian Government has put about $72m extra into increasing the number of police officers in the community. In total contradiction to the press release issued by the member for Balcatta, which was totally and knowingly false, the ratio of police officers in Western Australia -

Several members interjected.

Mr WIESE: There will be an extra 500 police officers on the streets of Western Australia. Those officers will have graduated -

Mr Catania interjected.

The SPEAKER: Order! Member for Balcatta.

Mr WIESE: I have been trying to explain this to members of the Opposition for about two years, and they continue to fail to understand.

The other part of the 800 commitment is that the Government is putting 300 civilians into positions currently occupied by serving police officers, many of whom have 10 years, or more, of training. The effect of the civilianisation program is that another 300 fully trained and experienced police officers will get out from behind desks and onto the streets of this State. That is what members of the Opposition do not like to take account of. The House also should be aware that as a result of the enterprise bargaining agreement that this Government entered into with the Police Service, the equivalent of a further 255 police officers are now on the streets of Western Australia.

We have achieved not only the 800 police officers but also the equivalent of 255 additional police officers on the streets of Western Australia. That is what this Opposition does not like to hear. That is what the community in Western Australia is now seeing. That is why this Government has had considerable success in addressing the issue of crime and law and order in the Western Australian community.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - KYLE, PETER, ALLEGATIONS

651. Mr McGINTY to the Premier:

On "Four Corners" earlier this week, former Wanneroo investigator Peter Kyle said with regard to pressure being applied to him in his inquiry into Wanneroo, "Well I know I stood up against it." He said also that the pressure involved "all sorts of things that to the extent that it involves trying to persuade you to leave some matters alone and investigate some other matters. To that extent it is quite inappropriate as far as I am concerned - it just has to be resisted". Can the Premier assure the House that the terms of reference of the royal commission will permit this improper interference to be investigated; if not, will he cause the terms of reference to be changed to permit it?

Mr COURT replied:

I was also very interested in that comment, and I believe Peter Kyle has a duty to make it very clear just what he was referring to. I am not aware of any matters that he might be referring to, but I believe he has a responsibility to the people of this State to make those matters known.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - KYLE, PETER, ALLEGATIONS

652. Mr McGINTY to the Premier:

Given the Premier's uncertainty about the terms of reference, will he take immediate steps to ascertain from Mr Kyle the facts and report to the House tomorrow about the adequacy of the tems of reference and what he intends to do?

Mr COURT replied:

Peter Kyle has had two opportunities with regard to these matters, and a royal commission is currently investigating these matters.

Mr McGinty: We are asking you that very question about the terms of reference.

The SPEAKER: Order! The Deputy Leader of the Opposition.

Mr COURT: It is a very serious allegation.

Mr McGinty: Who would have a vested interest in interfering with Mr Kyle - your side of politics only!

Mr COURT: It has not taken the former Leader, now the Deputy Leader, of the Opposition long to get back onto this bandwagon. Anyone - I do not care whether it is Peter Kyle or anyone else - who wants to make serious allegations has a responsibility to make those matters known.

DISABLED ACCOMMODATION - SUPPORT PACKAGE ANNOUNCEMENT

653. Mr OSBORNE to the Premier

I refer to the Premier's announcement earlier today about an accommodation support package for people with disabilities. Will the Premier please inform the House how many people this announcement will assist, and in which areas of the State? Also, it has been suggested that this initiative is merely an extension of assistance put in place by the previous Government. Would the Premier care to comment on that accusation?

Mr COURT replied:

I would like to make it clear that absolutely no accommodation support assistance was given by the previous Government.

Mr McGinty: You are misleading the House now.

Mr COURT: The former Government had some disability housing programs through Homeswest, but it did not have the supported accommodation schemes that we have announced.

In 1993-94 there were 86 places; in 1995-96, 105 places; and in 1996-97, 177 places. In addition to that, the Government has a disability housing program through Homeswest which has provided 200 units of accommodation. Those opposite cannot understand that there is a difference between disability housing and the accommodation support that is required. I will read out a letter I received this week. It states -

> THANK YOU AND CONGRATULATIONS for your government's flexible and humane policy in allowing more choice in accommodation options for people who live with disability.
>
> Before you took office I pleaded, begged and 'cried' for 3½ years to the previous government for accommodation and support services . . .to NO avail! Not one member of our GROUP received accommodation of any kind!!
>
> During 3½years of your government, 19 of our adult members have been accommodated in brand new homes of their choice provided by HOMESWEST, and 7 more will soon move into their homes in Bentley.

I think that is in the electorate of the Leader of the Opposition.

Dr Gallop: I have been there. They are excellent houses.

Mr COURT: We have addressed the very serious accommodation problem in the disabilities area with a program to spend $125m over five years. Those opposite did nothing because they did not have the money to provide these programs. Those opposite had money to do everything else but to provide support for people in these critical areas. We are proud of what we have achieved and we are determined to wipe out the backlog with the accommodation support that is required.

MOTOR TRADE INDUSTRY - SATURDAY AFTERNOON TRADING AXED

654. Dr GALLOP to the Minister for Fair Trading:

A month ago the Minister denied doing any secret deal with the motor trade industry to axe Saturday afternoon trading and she announced that the Government would conduct a highly scientific survey of consumers on the basis of which a Cabinet decision would be made. She said that Reark Research had developed a swag of questions for consumers and that there had been no concoction. If there has been no concoction, given that Reark's research has found little conclusive data - that was said in the Minister's press release - what new information led to the Minister's sudden announcement yesterday to axe Saturday afternoon trading?

Mrs EDWARDES replied:

The Motor Trade Association of Western Australia put forward a submission earlier this year, which indicated that 94 per cent of those motor traders who had responded to the survey wanted an end to Saturday afternoon trading and a return to Wednesday evening trading. The Government decided that, before any change would occur to that regulation, a customer survey would be undertaken. That survey came back with the view that there was no clear, conclusive evidence that consumers did, or did not, want a change in trading hours. It concluded that there would be little impact on consumers, given the present lack of attendance by consumers in car yards on Saturday afternoons. The decision by the Government responded to the concerns raised by the motor trade industry.

Dr Gallop: Did your decision have anything to do with their threatened campaign in the coming election?

Mrs EDWARDES: Nothing whatsoever. The Government is always keen to listen to industry, to the industry's employees and also to the views of the consumer.

GRAFFITI - MIRRABOOKA, YOKINE AREAS, PROBLEMS

655. Dr HAMES to the Minister for Police:

Graffiti remains a major problem in Yokine and surrounding suburbs. To obtain a conviction graffiti taggers must either be caught in the act in person by the police or on video surveillance cameras.

(1) Will the Minister discuss this problem with the Commissioner of Police and request that he specifically allocate two police officers from the Mirrabooka delta region to address this problem?

(2) Could these officers be given the freedom to work flexible hours and have access to video surveillance equipment and the support of the graffiti task force?

Mr WIESE replied:

(1)-(2) I thank the member for some notice of the question.

Mr Graham: This would be an operational matter, wouldn't it, Minister?

Mr WIESE: I indicate that this is clearly an operational matter. It would be inappropriate for me as Minister to indicate to the Commissioner of Police that that was the sort of action that should be taken.

Mr Brown: However!

Mr WIESE: However, the Mirrabooka district office, which is where the responsibility lies, has already implemented strategies to provide a greater and more visible police presence in that district. A district support group has also been put in place which, in conjunction with local police officers, has identified areas where there is significant graffiti damage. That group will target those areas and concentrate its efforts to reduce the incidence of graffiti. Those officers have access to video surveillance equipment and have the support of the police graffiti task force. They will carry out significant work to apprehend the people who are responsible for the graffiti around the Mirrabooka and Yokine areas.

It is a significant problem. This Government's record on graffiti and the work of the graffiti task force have already had a significant effect on the amount of graffiti around the community. The Government, particularly the Premier, can take significant credit for that good initiative.

CYCLONE SEASON - LOCAL GOVERNMENT REGULATIONS

656. Mr GRAHAM to the Minister for Local Government:

I refer to today's warning from the Bureau of Meteorology of a severe cyclone season, starting on Friday. I further refer to the Minister's response to my private member's Bill that would have given the power to local authorities to order ratepayers to clean up to protect life and property in the event of cyclones. I remind the Minister that he undertook to have regulations drafted and in place by the commencement of the cyclone season.

(1) Are the regulations in place?

(2) If not, why has the Minister gone back on his concrete undertaking to me to have such regulations in place?

(3) What action will the Minister take to have the regulations in place as he has promised?

(4) Does the Minister agree with me that not giving local authorities these powers greatly increases the risk that someone will be killed if a major cyclone passes over a populated area in the north west of the State?

Mr OMODEI replied:

(1)-(4) The member will be aware that under schedule 3.1 of the Local Government Act, the scheduled amendment to regulations, a local government may take specified measures for preventing or minimising danger to the public or damage to property that may result from cyclone activity. The regulations the member asked for were put in place on Friday, 25 October and will come into operation immediately. Therefore, local government can take action to prevent any damage to property or persons that may result from cyclone activity. I commend the member for pursuing the issue. The head of power was available under the new Local Government Act.

BLACK SAFFRON THISTLE - SOUTHERN CROSS AREA, ERADICATION ACTION

657. Mr TRENORDEN to the Minister for Primary Industry:

A constituent has seen black saffron thistle in the farming area around Southern Cross. Is the Minister aware that thistle has got that far? If so, what action has been taken so that thistle will not spread into the wheatbelt?

Mr HOUSE replied:

The member for Avon will be well aware that there are a number of species of thistle, some of which are declared in certain shires and others of which are of no great danger to agriculture. However the saffron thistle is a declared plant in the Yilgarn Shire. If that thistle can be identified the landowner has a responsibility to take action to eradicate the plant. I will ask officers of the Agriculture Protection Board to get in touch with the member's constituent and identify the area in which the constituent saw the plant, in order to identify the species. If it is decided that the species is the saffron thistle, action will be taken to eradicate it.

GARDEN ISLAND - LIMESAND MINING PROPOSAL

658. Dr EDWARDS to the Minister for Mines:

(1) Will the Minister confirm that he wrote to the Federal Government advocating exploration for limesand deposits on Garden Island, even though the previous Federal Labor Government rejected the idea?

(2) Why did the Minister advocate mining of 200 000 tonnes of sand a year on the island, which would totally destroy its pristine environment?

Mr MINSON replied:

(1)-(2) I am not aware that I advocated mining of 200 000 tonnes of limesand. Under the Mining Act, exploration licences may be applied for but they may not necessarily be granted. A couple of weeks ago I received a briefing on available resources. Dongara and Geraldton were discussed. Apparently the amount of limesand in the area is much greater than first thought and is of world best quality. The proponents of the mining lease in the area indicated that it would be of limited economic value to mine because of transport

costs. We now know companies can compete anywhere in Western Australia. Therefore, five months have passed, and no matter what the Federal Government says I will not be granting an exploration licence. I pointed out also that only one in 1 000 approvals for exploration leases become mining licences. Although I am happy for companies to consider what is available - they can put together an inventory of resources - I am not supportive of mining on Garden Island, particularly not for limesand, because it simply is not necessary.

Mr M. Barnett: Would you actually reject it?

Mr MINSON: It will not get to that, but yes, I would. The public would not want it. The environmental concerns would far outweigh any benefit. I repeat, I am not unhappy for companies to look at available resources but there should be an inventory. Garden Island should remain as it is and while I am the Minister for Mines it will.

_____