



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 30 April 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

QUORUM

Mrs ROBERTS: Mr Speaker, I draw your attention to the state of the House.

The SPEAKER: There are 19 members present; we will move on.

Mrs ROBERTS: There were only 18.

Mr OMODEI: I point out for Hansard that there are only two members present on the other side of the House.

HEAVY HAULAGE LOADS

Petition

Ms Holmes presented the following petition bearing the signatures of 1 177 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned request the Parliament to reject proposals being considered by the Minister for Transport on new arrangements for the piloting of oversized heavy haulage loads in Western Australia, specifically the proposal to abandon Police escorts from vehicles of 5.5 metres wide.

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

[See petition No 193.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Discussion Paper No 1 on Telehealth

MR TRENORDEN (Avon) [10.04 am]: I present for tabling the Public Accounts and Expenditure Review Committee discussion paper number 1 on telehealth. This discussion paper is a part of the committee's ongoing inquiry on Government on-line.

The SPEAKER: Is the member prepared to move that the report be printed?

Mr TRENORDEN: I move -

That the report be printed.

The SPEAKER: Carry on with your speech.

Mr TRENORDEN: I am a bit fractured after last night.

Ms MacTiernan: Your conscience is getting the better of you.

Mr TRENORDEN: My conscience?

The SPEAKER: Order!

Mr TRENORDEN: I am pleased, Mr Speaker, that I have a conscience. I value the member for Armadale's point of view; she gives it to me quite regularly.

Ms MacTiernan: And you need it.

Mrs Roberts: What are you talking about?

Mr TRENORDEN: I am pleased that I have a conscience because the member for Armadale sometimes questions that.

Ms MacTiernan: At least that will dispel the rumours about that.

Mr TRENORDEN: That is right.

Mr Speaker, this is a discussion paper on telehealth. It will be followed by other discussion papers on tele-education and at least one, and possibly two, other reports including the final report. There is one other report in the four reports coming forward. I say to the House and to the public of Western Australia that this is not a matter to be taken lightly. Telehealth is not something that is out there in the stratosphere somewhere in a bit of dreamtime to use the Aboriginal term. It is a very solid, substantial tool to improve health delivery for Western Australians.

The SPEAKER: Order members!

Mr TRENORDEN: Perhaps the members are a healthy bunch Mr Speaker.

Telehealth is being used exclusively in other parts of the world to deliver substantial benefits to citizens in instant and better health information. I commend the report to the House. I hope the public and the health professionals of Western Australia will take an interest in the report and provide some feedback to the Public Accounts and Expenditure Review Committee. The committee will include this discussion paper in its final report.

Question put and passed.

[See paper No 1362.]

WEST KIMBERLY WATER PROJECT

Statement by Minister for Primary Industry

MR HOUSE (Stirling - Minister for Primary Industry) [10.07 am]: During 1992, the then Labor Minister for Agriculture, Water Resources and the North West and member for Kimberley, Ernie Bridge, established the West Kimberley Water Resources Development Office. The office undertook preliminary investigations into how the land and water resources of the West Kimberley could be harnessed and utilised for agriculture and other purposes.

This work has been continued by the coalition Government in a constructive and responsible manner. The process is overseen by a policy committee chaired by myself, as Minister for Primary Industry, with the Minister for Resources Development as deputy chair. Project activities including the responsibilities of government agencies are coordinated by the Department of Resources Development.

At the beginning of 1997, an expression of interest was advertised to seek proponents wishing to undertake and finance a feasibility study and subsequent development of an integrated large scale irrigated agriculture project in the West Kimberley. I present today a memorandum of understanding between the Government of Western Australia and the successful proponent, Western Agricultural Industries Pty Ltd. Western Agricultural Industries is a joint venture between Queensland Cotton Holdings and Kimberley Agricultural Industries Pty Ltd. The company has conducted agricultural trial work in the West Kimberley over the last five years; it currently occupies two pastoral leases and has expended close to \$2m in trials.

The MOU enables the company to proceed with the initial development of the project, which comprises feasibility studies into the use of groundwater and pre-feasibility studies into the use of surface water. The sequential development of this project has always been clearly intended, based on comprehensive investigations and extensive community consultation.

Members would be aware that the Fitzroy catchment area receives an extremely large volume of rainfall; the vast majority of this water flows out to sea. The eastern states experience suggests that a small part of this volume may be directed to off-river storages, which in turn can be used to irrigate agricultural land. Examples of which I am aware include a Colly cotton operation able to store close to 70 000 megalitres, which is enough to irrigate 12 000 ha of crop. Also Cubby Station has the capacity to irrigate about 30 000 ha of crop from 275 000 ML of water storage. For the information of members, one of the pioneers of this type of water storage system was Mr John Logan, a director of Western Agricultural Industries Pty Ltd. With careful planning and investigations to the highest possible standards, this West Kimberley project is potentially significant for both the region and agriculture in this State.

On behalf of the Government and Western Agricultural Industries Pty Ltd, I now table the signed memorandum of understanding, which formalises responsibilities, restrictions and timetable and which enables the commencement of a structured and rigorous approach to the project. At its conclusion there will be a state agreement Act which will require the consent of the Parliament.

[See paper No 1363.]

SELECT COMMITTEE INTO THE MISUSE OF DRUGS ACT 1981*Extension of Time*

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

That the date for presentation of the final report of the Select Committee into the Misuse of Drugs Act 1981 be extended to 25 June 1998.

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL*Council's Amendment*

Amendment made by the Council now considered.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Cowan (Minister for Commerce and Trade) in charge of the Bill.

The amendment made by the Council was as follows -

Clause 26, page 19, lines 1 to 9 - To delete the clause and substitute the following clause -

Annual report of the Council

26. (1) The Council must, as soon as practicable after 1 July, and in any event on or before 31 August, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year.

(2) The Minister is to cause the Council's report to be laid before each House of Parliament within 7 sitting days of the House after the Minister has received it.

(3) This section does not affect any duty of the accountable officer of the department under the *Financial Administration and Audit Act 1985* to prepare and submit an annual report containing information about the Council or the operation of that Act in relation to that annual report.

Mr COWAN: This amendment deals with the reporting requirements of the Technology Industry Advisory Council. That council is established under the authority of the Industry Technology Development Bill. Because of its work in providing advice to the Government on matters associated with technology or industry it was felt that body should report separately rather than its report being contained within the annual report of the Department of Commerce and Trade.

One member in another place felt that the Bill had the capacity for the Technology Industry Advisory Council not to report annually. The Department of Commerce and Trade has financial responsibility for the Technology Industry Advisory Council and is subject to the reporting provisions of the Financial Administration and Audit Act. In this case it is felt appropriate that the Technology Industry Advisory Council should report on an annual basis and that report should be tabled in the Parliament even though the council is not subject to the reporting provisions of the FAIA. In that sense it was determined that clause 26 should be amended to ensure that the Technology Industry Advisory Council presented a report to the responsible Minister any time after 1 July but before 31 August in each year, and the Minister be required to table that report before each House of Parliament within seven sittings days of receiving it. This amendment seeks to delete the original clause 26 in the Bill and substitute a new clause, which requires the council to prepare and present a report by 31 August in each year and then within seven days of the responsible Minister receiving the report that report must be tabled in both Houses of Parliament. I move -

That the amendment made by the Council be agreed to.

Mr BROWN: The Opposition agrees with this amendment for the reasons outlined by the Deputy Premier and I will not waste the time of the Committee in repeating them. I will raise one other matter in passing. This was raised in the context of this Bill, although it is a general accountability mechanism that relates to the recent recommendation of the Public Accounts and Expenditure Review Committee dealing with the nature of information that should be provided in annual reports. As I recollect, the recommendation of the Public Accounts and Expenditure Review Committee is that a standard clause be included in most Acts so that a direction by a Minister to an authority must be included in the annual report. The PAERC report earlier this year on the funding of the Global Dance Foundation recommended that the reporting requirements go one step further, and where a Minister has requested an authority or council to do certain things - that is, not a direction but a request - that likewise should be contained in the annual

report. That is because there is this distinction between directions which councils or agencies must follow and requests which, potentially, put people on independent bodies in a difficult position.

Mr Board: How do you define a request?

Mr BROWN: Such as that which the Premier made to fund the Global Dance Foundation, and on which the Tourism Commission said it based its decision to fund the Global Dance Foundation. The Premier argued it was not his decision to make, but in reality the Tourism Commission was faced with the position of either rejecting the funding and therefore having a head on difference of opinion with the Premier or accepting the Premier's view. That puts people in an invidious position and in terms of open and accountable government recommendations came out of the Public Accounts and Expenditure Review Committee. I do not have the report in front of me, but I think I have reported accurately on the committee's recommendation. It is not matter for today nor one that I raise directly in the context of this clause. I take this opportunity today as I have done with other like accountability provisions to draw, in this instance, the Deputy Premier's and the Government's attention to it. It is now the Government's responsibility to respond formally to the recommendations of that committee and I look forward to that at the appropriate time. For the purposes of today's proceedings the Opposition supports the message.

Mr COWAN: I refer the member for Bassendean to clause 25, which will impose important reporting requirements should the Minister give a direction to the Western Australian Technology and Industry Advisory Council. In that context, the text of the direction must be included in the annual report of the council, even though the council has a responsibility to deliver reports on matters associated with industry or technology determined by the council or by the Minister, who can request that the council deliver such reports. The member refers to a report on the general activity of the council rather than investigative reports to Government on specific matters. The Bill contains requirements that a report is made in respect of any direction the Minister may give. I have no difficulty with that.

The member questioned whether, once a direction is given, it should be contained exclusively within the report, or should be reported some time after the direction is given. We debated that point. That matter should rest more with the Department of Commerce and Trade, which has the financial responsibility for TIAC. Most of those directions relate to actions taken in the expenditure of appropriations to that department. In this sense, TIAC has a reporting requirement as it was established to provide advice and report on matters which may be raised on its own initiative or at the request of the Minister. That type of reporting needs to be set to one side as it occurs as a matter of course.

The reporting of operations where a Minister may give a direction to TIAC about its method of operation would be included in the annual report in the process outlined in clause 25. Proposed clause 26 relates to a report on the council's activity over the year.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

LIQUOR LICENSING AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

Committee

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

The amendment made by the Council was as follows -

Clause 44, page 38, line 23 - To insert after subclause (2)(c) the following paragraphs -

- (d) in paragraph (e)(ii) by inserting after "containers" the following -
" , or number or types of containers, ";
- (e) in paragraph (e)(iii) by deleting "the times at which" and substituting the following -
" the days on which, and the times at which, ";

Mr COWAN: I move -

That the amendment made by the Council be agreed to.

I have received advice from the Minister responsible for this matter and his chief executive officer indicating that they are willing to accept this amendment recommended to us by another place.

Ms WARNOCK: A colleague in the Legislative Council spoke to me about the matter, and indicated that the amendment was agreed to by the Government and the Opposition in the other place. It represents a great improvement on an already satisfactory Bill.

As the Deputy Premier knows, I have always believed in giving credit where it is due. The Labor Party has supported this Bill and made flattering comments about it. The purpose of this amendment is to toughen up in a small way a provision of the Bill relating to the supply of liquor in remote communities. It will give a community further power to regulate the use, sale and supply of liquor. I support that intent.

I made it clear in the second reading debate that the abuse of liquor in some communities is an immense health, safety, social and economic concern to us all. Although the majority of the community use alcohol in a reasonable and social manner, the health and private lives of some people are damaged, sometimes involving violence, as a result of liquor. People who have worked in remote communities know the devastation that can be caused through the abuse of alcohol.

A new and satisfactory thrust in this Bill is that the regulation of the sale of liquor must now consider public health as well as public order. It is an extraordinarily interesting new emphasis, which I applaud. It was developed with the help of the police, the Australian Medical Association and various health groups in the community which are concerned about the use of alcohol. This amendment moved by my colleague in the other place seeks to give remote communities more power to control the sale and supply of liquor. We support that goal. I applaud the Government's agreement to this amendment.

Dr TURNBULL: I speak at this stage because unfortunately when the Bill passed through this Chamber I was ill and unable to participate in the debate. I spent about four years assisting in the Government's development of these amendments to the Liquor Licensing Act. The most salient points are that we are trying to encourage responsible drinking patterns in association with the serving of food.

Many amendments in the Bill relate to the freeing up of the situation to allow a wider availability of alcohol in areas where it is associated with food. People will find those amendments to be a good innovation, particularly with the more social family atmospheres we find in cafes and restaurants all over Western Australia.

The next important item is responsibility in serving alcohol. Those who serve alcohol must be aware of the sobriety of patrons. The requirement for training in responsibilities is important.

The CHAIRMAN: I remind the member for Collie that we are dealing with the amendment from the other place. I know that the member missed her opportunity during earlier stages of the Bill, and I have given her latitude. However, I ask the member to refer to the amendment.

Dr TURNBULL: The next important issue concerns this subclause; that is, the ability for communities to put in place regulations suitable to their specific conditions. It will apply particularly to indigenous communities. I am also pleased that the amendment will give other communities more power to make decisions on how much alcohol is served in their community and where.

The legislation allows members of the community to lodge complaints in the Liquor Licensing Court. In the past, it has been extraordinarily difficult for a community to have a liquor licence revoked. It has also been very difficult for a community to present its point of view when licences are applied for.

The speedy processing of this legislation is important. That is borne out by the recent test case of service stations seeking authority to serve alcohol in their one-stop stores. I am pleased that ability was not granted by the Liquor Licensing Court. Changes to the legislation which provide more power to the community in determining these matters is very important. I am pleased that the Bill has almost passed through the parliamentary process.

I was involved with three other aspects of the Bill, one being to maintain some liquor trading restrictions on Sundays. That is very important, particularly for remote communities. Every community needs one day of respite for people who drink excessively.

Mr COWAN: I thank members who spoke on this amendment for their support.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

RAIL SAFETY BILL*Committee*

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Resumed from 29 April.

Clause 31: Railway employees -

Progress was reported after the clause had been partly considered.

Ms MacTIERNAN: As I said yesterday, the Opposition does not intend moving amendments to this clause; the provisions are adequate. I commented on the way drug testing is used and the inappropriateness of much drug testing and the Opposition's strong preference for measures which directly test employee's performance as a general principle. However, the Opposition and the unions involved in this area appreciate that, at least in relation to blood alcohol levels, a great deal of work has established fairly accurately the correlation between blood alcohol levels and performance impairment. In that regard the Opposition supports the provisions relating to blood alcohol testing.

However, I hope some of the Minister's explanations are wrong and I suspect they are. He tried to allay our fears by saying that section 31(2) will apply only when there has been a serious accident. Nothing in the legislation restricts this. If Westrail or any other rail operator tested only for blood alcohol or impairment after a serious accident, he would be in breach of section 31(1), which places a firm obligation on companies to set up preventive mechanisms which detect impairment before an accident takes place.

It is not acceptable to have an impairment program as part of the rail safety plan that is applied only after someone has died or been seriously injured. I hope that in trying to allay our fears about this matter the Minister has got it wrong and that companies will be required to establish plans to determine levels of impairment and that where they fail to establish those plans they will not be accredited at that time. If after being accredited they fail to implement those plans, those companies will be subject to a fine. We are looking at prevention rather than punishment.

The members for Bassendean and Peel and I have expressed concerns about the way drug testing can be used in the workplace. We urge government and all rail operators to implement more modern processes directly aimed at testing impairment.

Mr OMODEI: Clause 31 refers to railway employees. I thank members opposite for their contribution to this debate. Clause 31(1) is a requirement on the company or the accredited person; subclause (2) is a requirement on the employee. It would be a criminal offence for someone to carry out work while under the influence of alcohol or drugs, not unlike someone who worked for the Water Corporation or any government or private organisation driving with a blood alcohol level which would be an offence under the Traffic Act.

Clause put and passed.**Clauses 32 to 49 put and passed.****Clause 50: Self-incrimination -**

Mr OMODEI: I move -

Page 45, lines 23 to 26 - To delete the lines and substitute -

(2) The protection afforded by subsection (1) applies only if -

- (a) the person objected before the answer was given or the document, object or material produced on the ground that the answer or production might tend to incriminate him or her; or
- (b) although the person did not object as described in paragraph (a), it is proved that the person's attention was not drawn to the right to object in sufficient time to enable the right to be exercised.

Mr BROWN: I am pleased that the Minister has moved this amendment in recognition of some of the concerns raised by the Opposition. However, it unfortunately does not go far enough in ensuring that such inquiries are fair play and that people know of their rights.

I have referred previously to an inquiry in the Ministry of Justice. That inquiry was conducted under provisions not dissimilar to those contained in this legislation. Officers were called before the inquirer and questions were put to

them. Those officers believed, as it turned out mistakenly, that they were required to answer the questions. No advice was provided to them prior to the evidence being taken that they were not required to answer any questions that may be self-incriminating unless they were specifically instructed to do so and, if they were so instructed, any answer given would then be protected evidence. Had people been advised of that at the outset of the inquiry, they would then have made a deliberative decision on whether to provide that information voluntarily or to refuse to answer the question on the ground that it might incriminate them. The inquirer would then have put it back to them that they were instructed to answer the question. The person would then have answered the question under instruction, knowing that the answer would be protected.

The amendment provides that the protection afforded by proposed subsection (1) applies only if the person objected before the answer was given or the document, object or material produced on the ground that the answer might tend to incriminate him or her. That limits the protection available to an answer or information provided only to those circumstances where the person has objected to providing that answer or document. That is fine if the person has been advised of that position prior to such questions being asked or documents being requested. The Minister's amendment does not address that point. It provides that although the person did not object as described in paragraph (a), it is proved that his or her attention was not drawn to the right to object in sufficient time for the right to be exercised. These are not formal court proceedings in which full transcripts are taken and in which one can look at every word uttered in the sequence they were uttered to determine whether at the time the person's attention was not drawn to the right to object.

Mr OMODEI: I understand what the member is trying to say. However, the amendment covers his concern. If the person objected before the answer was given or the document, object or material was provided, that person would be protected. If he is not advised of his rights, he is still protected. We are talking about an on-the-spot investigation at the scene. I note with interest that the Opposition's amendment provides the opportunity to seek legal advice, which is not practical. The object of the exercise is to get to the bottom of the matter rather than to apply blame. Knowing full well that it was likely that this clause would be amended in the other place as a result of concerns raised in this place, it was decided to introduce this amendment in this place so that it can progress through the parliamentary process. I believe that the Opposition's concerns have been covered by this amendment and will support the amendment as it stands.

Ms MacTIERNAN: This amendment is severely deficient for a number of reasons that have been touched upon by the member for Bassendean. The insertion of the words "it is proved" changes the onus of proof. It means that the onus of proof is put upon those persons who would seek to invoke their immunity. For example, the railway employee would be required to prove that he was not told of his rights. That is a very hard thing to prove. As the member for Bassendean has said, these inquiries are not fully minuted - no record may be available.

However, if we were to leave the onus of proof, as it should be and it normally would be, with the investigator, who then sought to rely on that evidence, the investigator would, as a matter of routine, make it part of his or her procedure to give formal advice about rights. Normally, the investigator would ask the person being investigated to sign a document so that proof was readily available. In the practical reality of running an investigation and then a prosecution, all logic favours the onus of proof being on the investigator. We are requiring a person who may not be aware of any of the issues or legislative protections to go to the trouble of asking the investigator to sign a document saying that the investigator did not advise him of his rights. It is an absolute nonsense.

The problem we are trying to overcome is that people are not aware of their rights. In this clause we are saying that they can establish that only if they can prove their rights were not protected. Having not been aware of their rights, they are not in a position at the relevant time to require an investigator to sign a document that would establish that. That reversal of the onus of proof is completely unjustified. At this point it would improve debate if the Minister had an opportunity to respond to this issue of the reversal of the onus of proof. I will shortly seek to move an amendment to the amendment to delete the words "it is proved that", thereby putting the onus on the investigator who would, as a practical matter, go through the Miranda that one sees nightly on the police shows.

Mr Omodei: The words "it is proved that" are already in it.

Ms MacTIERNAN: I am saying we must delete that. The insertion of the words "it is proved" puts the onus of proof on the person being investigated. It is the most extraordinarily stupid proposition because the person being investigated does not know his rights. I am suggesting that those words be taken out. The clause would read that although the person did not object, as described in paragraph (a), the person's attention was not drawn to it. We have a prosecution that can easily be discharged by the investigator. Once those words are deleted, the onus on the investigator can easily be discharged by the investigator submitting to the court a document in which he has set out the rights and has had the person being investigated sign that. It is not possible to do it in the reverse because the person being investigated does not know his rights. That is why we need a clause like this. The reversal of the onus of proof does away with the whole purpose of having this provision.

Mr OMODEI: The person being investigated would have privilege under these clauses. I acknowledge that the person would then have to prove that the investigator advised him of his rights. I am prepared to accept the foreshadowed amendment. It puts the onus back onto the investigator, rather than the individual. It may be that the individual does not have the same capacity to prove the case as would the investigator, who will be an approved person.

Ms MacTIERNAN: I move -

That the amendment be amended by deleting the words "it is proved that".

This will make it quite clear that the onus of proof will be placed on the person who is best able to discharge it.

Mr BROWN: I thank the Minister for his cooperation in dealing with this matter. There seems to be agreement that a person should be advised of his rights and obligations under this clause before being obliged to answer the questions.

Mr Omodei: If they did not, they would be covered.

Mr BROWN: If there is common ground on that, and I am pleased to see there is, rather than having a clause that seeks to deal with the matter after the event - that is, saying that if these things did not happen, something applies - would it be better to have a clause that says that the inquirer shall do certain things at the commencement of the inquiry?

Mr Omodei: I think you will find they are covered under clause 42. Parliamentary counsel drafted the amendment I put forward, so it should be right.

Mr BROWN: There is nothing in clause 42, as I read it, that obliges the inquirer to tell a person the position in relation to -

Mr Omodei: Under clause 42(1)(b) the investigator must follow such procedures as are approved with respect to inquiries. I understand those procedures are being developed and they are quite comprehensive.

Mr BROWN: In the legislation there is no obligation on an inquirer at the commencement of the inquiry to state the nature of the inquiry and his obligations and rights under the inquiry. This is not a court of law where people have the option of sitting down with their solicitor and getting legal advice. This is an inquiry.

Mr Omodei: If the investigator does not tell the person being inquired into, it is of no value to the inquirer because he would be protected under clause 50.

Mr BROWN: That is as it should be, and I agree with that. We seem to be at one with that. We do not seem to be arguing about the principle. Why not have a clause that makes it patently clear to the inquirer that before commencing the examination or investigation he must inform the person into whom he is inquiring of his rights and obligations under these provisions and unless that occurs, the evidence collected by the inquirer cannot be used?

Mr Omodei: Is that not what amended clause 50 provides?

Mr BROWN: No. It says it after the event.

Mr Omodei: It says that if you don't advise him of his rights, his evidence is protected.

Mr BROWN: I am a simple, ordinary person. If I were doing an inquiry, it would be a lot clearer if the legislation said that I must do certain things, rather than talking about something after the event in terms of what is protected evidence. We may get the same result, but it is much more precise and clear. I do not know what is the inhibition for having that type of prescription. I am not seeking to move an amendment, but rather to have placed on the record why there is a reticence to have included at the outset a clear definition in the clause.

Mr OMODEI: The member for Bassendean raised a concern which in the main is covered in the amended clause. There will be comprehensive procedures. I understand that a procedures manual is being developed which will be common right across the country, State by State. Therefore, the member's fear is to a degree unfounded. An individual would be protected under amended clause 50 and those procedures being developed commonly across the nation. That is the advice I have been given.

Ms MacTIERNAN: The member for Bassendean is quite right. This clause is expressed in a very convoluted manner which does not lend itself to ready understanding. I can imagine a number of different ways in which this could be expressed. For example, one might chop clause 51 in half and say that if an investigator or prosecutor seeks to rely on any information collected by the investigator, then the investigator must have done certain things, including advising a person of his rights in sufficient time. That would be a much clearer way of writing the clause. It is

important that legislation such as this which will impact on ordinary people and very directly affect their rights should be expressed in plain English. In both its language and structure, this clause is not in plain English. Nevertheless, the effect of the clause will be that an investigator, knowing that if he wants to use this material in a prosecution or civil action, will need to have taken the precaution of alerting the person being investigated of his rights, otherwise the investigator will not be able to use the material.

One of the ways in which this may have come to be written in this way is that it might not always be evident to the investigator that a person might be in a position where he will be at risk until the investigator has commenced inquiries. For example, an investigator may ask questions of a person of whom he has no suspicions but who may be implicated through material coming out of his answers. That may lead the prosecutor to suspect the person who was not previously suspected. At that point the investigator, if he wishes to use any of the subsequent material, would have to give that warning. I guess that an investigator would not want to be making that warning to a whole range of people whose evidence would be non-controversial in terms of self-incrimination. That is how the logic of the clause may have arisen, but the member for Bassendean makes the good point that this clause is expressed in an unduly complicated fashion. That militates against the capacity of ordinary railway employees to come to terms with this legislation.

Mr BROWN: I sincerely hope that this amended amendment achieves the purpose for which there seems to be common agreement. I feel particularly strongly about this because I saw what I consider abuse and misuse of such provisions and what that did to a whole range of people and their families. I also saw the massive waste of taxpayers' funds, not in the rail area but in other areas. An onus is on this Parliament to ensure that sort of waste and experience is not repeated in the rail area or others; hence my concern. The Minister said that procedures will be drawn up.

I can only hope that those procedures make very clear to investigators their obligations to advise people of their rights in those matters, not to be selective about it, and not get to the point where a person twigs to this issue belatedly. I can only hope that investigators run very open inquiries, saying to people openly, clearly, precisely and unambiguously, "If you voluntarily provide information, it may be used against you. If you believe that the answer to a question put to you would be self-incriminatory, and you volunteer that information, that information can be used against you. However, if I instruct you to answer a question or provide information, the answer is protected." I can only hope that through this debate and through this amendment, that sort of procedure will be very clear indeed and that investigators will meticulously carry it out.

I have no problem at all about an administration being able to inquire into and get to the bottom of certain circumstances. That is absolutely important. I have a problem with what happened in the other case where provisions such as this were misused and where people's rights were taken away from them by use of an administrative provision. I am very strongly against that. As people happen to be public sector employees, they should not be put at a disadvantage compared with ordinary citizens. I strongly object to and resent employees being put in such a position. I take on trust what the Minister has said. There is nothing that would lead me to believe that the Minister's words have not been said in great sincerity. I hope the procedures will make the position abundantly clear to all concerned.

Mr OMODEI: I understand and agree with the comments made by the member for Bassendean. I give an undertaking that the Minister in another place will give some assurances on procedures and expand further on what will be contained in the procedures. That is all I can do at this stage.

Ms MacTIERNAN: Having expressed those concerns, we will support the amended amendment. I wish to signal that after that, I will move another amendment, which is to include in the definition of sufficient time a reference to reasonable time in which to seek legal advice.

Amendment on the amendment put and passed.

Ms MacTIERNAN: I move -

That the amendment, as amended, be further amended by adding the following -

- (3) For the purposes of paragraph 2(b), "sufficient time" includes adequate time to seek legal advice.

This is important. If we look at the practicalities of an investigation, the investigator is making inquiries through quizzing a rail employee. It may become obvious to the investigator that the statements being made by the employee have the potential to incriminate the employee in civil action or criminal proceedings. That investigator then wants to ensure that any further information that is obtained from the employee can be used in those civil and criminal proceedings. That is a very serious matter for that employee. At that point, it is absolutely appropriate that he be told of his rights - that is, if he continues to provide that information, it may be used in civil and criminal proceedings against him - and also that he be given the opportunity to seek legal advice about that matter.

Many railway employees may have little knowledge of civil or criminal law and may not appreciate the problems into which their statements may get them. They may not be aware of how the information which they provide may be put in a different light and given a different complexion and completely undermine their capacity to defend themselves in subsequent civil and criminal proceedings. We would not deny an ordinary citizen who was being investigated by the police the right to refuse to answer further questions until such time as his legal adviser was present. We should give that same protection to railway employees.

I urge the Minister to consider this amendment. It will not hamper the investigations. It will not mean that every person to whom an investigator may want to speak will want to race off and see a lawyer and that the investigator cannot continue to investigate. It will mean simply that if the investigator became alive to the fact that the statements that were being made had the potential to end up in civil or criminal proceedings and he wanted to use that information for those subsequent purposes and not just for the purpose of his inquiry, he should afford to that person the protection that any person who was being investigated by the police would have as a matter of right. That protection is fundamental to our adversarial system. Many criticisms are made about our adversarial system, and I agree with many of those criticisms, but we should not overturn it in this way.

Mr OMODEI: The Government will not support the amendment to the amendment proposed by the member for Armadale. The situation that she proposes is not practical and in some cases may delay the investigation for many months. An investigator who was interrogating or talking to a person on the site of an accident would want to get to the bottom of the matter as quickly as possible. The fundamental difference is that if the police arrest a person and that person gives answers to the police, those answers can be used in evidence against that person in a court of law. However, in the situation envisaged in clause 50, a person who has been advised of his rights and has objected is protected under the law. I am not a lawyer and I do not intend to get into a discussion about specific points of law, but I do not regard the proposed amendment as being helpful in the investigation. Adequate rights are provided under clause 50.

Ms MacTIERNAN: It is important to understand that this will not impede an investigation.

Mr Omodei: I beg to differ. If the person who needed legal advice was in downturn Mukinbudin, it might take some time to obtain that advice, and that would delay the investigation.

Ms MacTIERNAN: It will depend on what the investigator wants to do with the investigation. This will not impede the investigator. It is not saying that the investigator shall not continue with his investigation until he has given the person being investigated an opportunity to obtain legal advice. The investigator can continue. The employee may be saying extraordinary things, such as "We stopped off there and had a couple of beers, and we then got back in the cab and drove on". The investigator could take every bit of that down, he could continue to probe and to get documentation -

Mr Omodei: But none of it is legally admissible if that person has been advised accordingly.

Ms MacTIERNAN: That is right. We are seeking to preserve the fundamentals of our adversarial system, while at the same time introducing an investigative system. It is important to find out the truth of the matter, in the same way as a royal commission - and this Government is very fond of royal commissions -

Mr Omodei: The Government that you represented at one stage called a significant royal commission too.

Ms MacTIERNAN: Absolutely. It called a significant royal commission.

Mr Shave: The last royal commission did a very good job.

Ms MacTIERNAN: It certainly did not serve the interests of the people of Western Australia, and it is not the royal commission that we should have had. I use a royal commission as a case in point. Within a royal commission, a person is required to give evidence and to produce documents, and that person is not given the normal protections that he would be given outside a royal commission. However, the quid pro quo is that that material can be used in subsequent prosecutions only if the matter is a question of perjury. The substantive material that is revealed and adduced by a royal commission cannot be used in evidence. It may tell the investigators what the story is, but they then have to find corroborating evidence in order to bring charges.

This clause is proposing to give the investigators the powers of a royal commission. It is saying, "Go for it. Collect the data, and then you can use it in a court of law." We are arguing that an extra measure of protection should be provided before the investigator can go that step further. He can investigate all he wants, in the same way as can a royal commission, but if he wants to use that information not in the investigative stream but in the adversarial stream, as a basic principle in our adversarial system the person being investigated must have the right to obtain legal advice at the time that he gives his information. The Government cannot set up a system which claims to be investigative and give all those powers to an investigator, and then take the matter out of that system and put it into an adversarial

system. The person involved will already have lost the rights that are inherent and absolutely crucial to the proper functioning of an adversarial system. The proposal is highly improper, and it is inappropriate that a person be denied an opportunity to seek legal advice on these matters.

Mr OMODEI: The member for Armadale seems to believe that the intention of this legislation is to lay blame on the person at the scene of an accident.

Ms MacTiernan: No, I do not believe that is the intention, but it could happen.

Mr OMODEI: Under the provisions of clause 50, if a person is given those rights and the relative protection, that person cannot be prosecuted anyway. It is an attempt to get to the bottom of the cause of an accident.

Ms MacTiernan: We have no problem with that, but it cannot be used in criminal proceedings unless you give protections.

Mr OMODEI: Clause 42(1)(a), dealing with the procedures and powers of an investigator, states that in conducting an inquiry under this division, an investigator is to attempt to determine the circumstances surrounding any accident or incident to prevent the occurrence of accidents or incidents, and is not to apportion blame for the occurrence of accidents or incidents or determine the liability of any person in respect of any accident or incident.

Ms MacTiernan: That is right. That is no problem and it is the investigative stream. However, the Government is empowering the investigators to do that and having given them those very broad powers, it wants to grab the stuff obtained, take it from that system and put it in the adversarial system, having denied all the rights. The material so collected will be put in the system that does apportion blame.

Mr OMODEI: The explanations are contained in the legislation. The provisions in clause 50, as amended with the concurrence of the Opposition, will appropriately protect a person in the case of an investigation.

Ms MacTIERNAN: I will give an example of what I am talking about. Following an accident, an investigator may be talking to a signalman who says he did not think he did anything wrong, but he was playing cards on the night and he may not have seen a light go on. The investigator may say that he hopes the signalman realises that he must be formally advised that the information he is giving may be used in civil or criminal proceedings, and that the signalman has the right to object. The signalman may not understand, and the investigator may recite the words again. The signalman may want to ring the union, but the investigator can say he has told him what he is required to tell him and the signalman must answer the questions from that point. It is fundamental to the whole system of rights that people have the opportunity to seek advice on what those rights mean. It is an absolutely fundamental attachment to the concept of rights.

Mr Omodei: Are you suggesting that this good union guy would not utter the words "I object" and just cop it?

Ms MacTIERNAN: He may want to find out what is going on, and say he wants to seek advice and have a legal officer present. He will be denied that.

Mr Omodei: In downtown Mukinbudin, Southern Cross or wherever?

Ms MacTIERNAN: Even this Government has not stripped services in rural districts so far that telephones are no longer available. It is possible for someone to ring a union and obtain advice over the telephone, even in Mukinbudin, Southern Cross and those sorts of places. Contrary to statements made by the Minister for Transport, I am very familiar with the wheatbelt and I know that those places have telephone services.

The Government seems to be suffering from a complete lack of understanding of the interaction between investigative and adversarial systems. This is an improper crossover between those two, without due protections being offered.

Mr BROWN: The amended subclause (2)(b) now reads that although the person did not object as described in paragraph (a), the person's attention was not drawn to the right to object in sufficient time to enable the right to be exercised. What is the meaning of the words "sufficient time" in the amendment agreed to?

Mr Omodei: Before the questions are put.

Mr BROWN: Sufficient time simply means that the person is advised before the question is put. As the Minister knows, I support the amendment moved by the member for Armadale. The Minister has been a member of Parliament for some considerable time and I am sure that during that time constituents have told him that they have done or said things which at the time they were not aware were wrong, and that was their understanding of the law at that time. The criminal law is quite complex and very few people, apart from those in the legal profession, understand it. I recall being a member of an organisation in which it was thought that a particular course of action was correct. However, before that action was embarked upon, the organisation sought legal advice and was advised

by lawyers that if it followed that course of action it would be perilously close to breaching the Criminal Code. I had no knowledge that that would be the case but, fortunately, we sought advice and did not go down that path even though it seemed reasonable at the time. I had absolutely no idea that it could land the organisation in all sorts of difficulties.

The member for Armadale is seeking to ensure that when people are asked questions, particularly in relation to this matter, they understand the implications of what they are being asked. For example, the investigator himself - I am not sure of the qualifications required of an investigator - might be pursuing a course of questioning which he does not perceive as causing any real concern to the person. He may not say that the person is required to answer the question, and the person may volunteer the information. To some extent we have covered that in the amendment. Equally, it is important to ensure that whatever the line of questioning directed to the individual, he or she at least has some opportunity to gain some understanding of the implications of the information disclosed. That is generally a matter of fairness.

Mr Omodei: Can you imagine the situation following a serious accident when the investigator talks to the points man, guard or whoever and starts to ask some serious questions? Surely the person will say, "I am not sure whether I can answer that." That would cover him.

Mr BROWN: That may well be the case; however, when police officers stop people and ask why they were speeding, most people are perplexed and do not have an answer unless they have good reason.

Ms MacTIERNAN: I would like to hear the member for Bassendean expand his argument.

Mr BROWN: It is a question of fairness and reasonableness. I can understand that in certain circumstances it is necessary for investigations to be carried out immediately. Equally, even in the case of the most serious event, all the investigation, including detailed questioning, is not carried out immediately after the event.

In fact, in some instances, we would welcome more immediate investigation, particularly relating to mine deaths for which people are questioned much later, sites are not sealed off and many problems exist.

I do not know what causes the Minister a problem with the amendment. It does not seek to preclude an inquiry taking place immediately. As the member for Armadale said, it does not state that one cannot inquire immediately after an accident. It simply puts the nature of the information gathered in those circumstances into context if the person is not given sufficient time before responding.

If the Minister's view is that the provision should be designed to get to the bottom of the matter quickly without apportioning blame, I accept his view; however, this amendment moved by the member for Armadale does not preclude that intent. It does not hold up everything until advice is sought. An investigator can ask all the questions he likes. It simply places a protection on evidence which might be given immediately because the person was not given sufficient time to gain legal advice. If the intent of the Bill is to get to the bottom of a particular matter, the amendment does not cut across that intent.

Mr Omodei: It covers not only accidents and serious incidents, but also inspectorial powers. Clause 46 outlines a range of things. If we were to insert the right to seek legal advice, which is not necessary, it would place an impediment on getting to the bottom of many matters. It would relate to matters within the management plan. I have not looked closely at the provision yet; however, it refers to inspection of rail infrastructure and rolling stock; setting up posts, stakes and markers; vehicles; a person to produce a document and material; examining copies and taking extracts from a document; and taking photographs, films, audio and video. The list extends to paragraph (m).

Mr BROWN: That would not stop an inspector investigating in the same way that police investigators use forensic evidence, photographs or whatever is needed.

Mr Omodei: All that person needs to do is object.

Mr BROWN: That person needs some understanding of what is going on. We all talk about being governed by the law and abiding by the rule of law. People have a general perception about that. However, in reality, people do not understand the finer points. Earlier I referred to the case of officers in the Ministry of Justice who deal with the law all the time. They are senior people in some instances, and they deal with the law and warrants all the time. They have no legal training and they do not understand the finer points. That is the inherent problem. I do not suggest that the Minister need say that people must get legal advice before the investigation can go ahead. It is not the implementation of a quasi-Dietrich principle; it will not stop the investigation. If an incident occurs at midnight, the inquiry can proceed. However, certain protections should be afforded to the individual under this provision.

Amendment on the amendment, as amended, put and negatived.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clauses 51 to 64 put and passed.

Schedules 1 to 3 put and passed.

Title put and passed.

Bill reported, with an amendment.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Second Reading

Resumed from 8 April.

Points of Order

MS MacTIERNAN: We have an agenda showing that we are now to debate the Commercial Tenancy (Retail Shops) Agreements Amendment Bill. I do not have my notes on the Real Estate and Business Agents Amendment Bill with me. The Opposition understood that this was the Bill the Minister wanted to debate. It is a difficulty. We were contacted by the Minister's office last night to ensure that we had submitted our amendments to the Commercial Tenancy (Retail Shops) Agreements Amendment Bill because that would be debated.

MR SHAVE: We have a problem because the member for Armadale raised some issues regarding amendments to the Commercial Tenancy (Retail Shops) Agreements Amendment Bill she proposed to move in Committee. As I said in the second reading debate, the Government needs the details of those amendments so they can be considered by legal advisers and the parties involved who have a real concern about the issue. It is difficult for the Government.

Ms MacTiernan: Those amendments were put on the Notice Paper the day I raised them and at the same time that all the others were submitted. I told the Minister's staff yesterday that they were on the Notice Paper.

Mr SHAVE: I have not been given that advice. There is no need to get into that debate. The Notice Paper indicates that the Real Estate and Business Agents Amendment Bill will be debated today, and that is what I am prepared to do. If we are now to debate the Commercial Tenancy (Retail Shops) Agreements Amendment Bill, which is not scheduled for debate, I need my legal advisers to help me handle the technical issues in Committee. It would be inappropriate for me to debate that Bill now.

The ACTING SPEAKER (Ms McHale): I have called on Order of the Day No 4. The alternative is to move that another order of the day be considered.

Mr SHAVE: The member for Armadale has 12 minutes left to speak on Order of the Day No 4. She has made a number of points and would like me to respond to them, and I am happy to do so. However, I do not think that will take us much past 12 noon. We would face the same dilemma: We must then work out what we will do between 12 noon and 12.30 pm.

Mr Brown: I feel a speech coming on.

The ACTING SPEAKER: If the Minister makes his remarks he will close the debate on the Bill.

Mr SWEETMAN: At least one other member wishes to speak on the Bill and I would be grateful if the debate were not concluded.

Ms MacTiernan: It is very difficult because I am speaking on all three Bills.

Mr SHAVE: I will explain the difficulty, and I am not suggesting that the member is responsible for it. One of the issues that the member for Bassendean raised was a proposition that there should be an amendment in relation to core hours in shopping centres. He implied that if the Retail Traders' Association of Western Australia (Inc.), representing small businesses, conducted a poll and 50 per cent of the traders were prepared to agree to core trading hours, that should be covered in the Bill. He asked me to check on that, and it was central to a discussion I had with my staff this morning. However, they need to talk to the people affected to get agreement so that we can facilitate one of the amendments. If we debate the Commercial Tenancy (Retail Shops) Agreements Amendment Bill and move to Committee - not that I am prepared to do that because I do not have my legal advisers here - I would not be prepared to entertain that proposal because we have not consulted the parties involved. Throughout the consideration of the legislation, we have tried to have discussions with all parties. The member for Bassendean has raised a good point and I support it, subject to the parties involved supporting it. However, I will not pursue that route until I have talked

to those involved. It would not be in our interests to get into that detailed debate and to vote on the proposed amendments until I am sure that the parties involved are receptive to the proposal.

Mr Cunningham: You are making a good speech!

Mr SHAVE: I think I am doing very well.

I made a commitment to those parties that before we would entertain any amendments or changes we would go back to them to seek their support. I am prepared to do that.

Mr Osborne interjected.

Mr SHAVE: Would you like to speak also?

Mr Osborne: I will take a point of order.

Mr SHAVE: The member for Armadale made some very telling points in her second reading speech. In fact, she will be very pleased to know that I support one of the issues she raised in her speech, to which I am rather anxious to respond. Given the discussions that the member and I have had over time in this place, some people would probably find that difficult to understand. Nonetheless, I am a fair and open-minded person, and most members of Parliament and members of the public who have visited this place from time to time would agree. I see the look of sincere support on the face of the member for Girrawheen, so he supports that statement. If the House were to take Order of the Day No 4 at this point -

The ACTING SPEAKER (Ms McHale): That is the order of the day we have on the Notice Paper and are supposed to be discussing.

Mr SHAVE: Yes. The member for Armadale might recognise the point I am making, although she may not always agree with what I say. I made that point earlier in my speech. If the member for Armadale were to continue with the fine delivery she made earlier in this debate she would have another 12 minutes to go. I think I am right in saying that she spent 18 minutes in her initial delivery enlightening us on this subject. If the member for Armadale continued her debate and made a few other points, even though they may not be as pertinent as the first level of presentation she made, other people could speak on this issue. She did make a very fine and lengthy delivery.

Ms MacTiernan: Knock it off.

Mr SHAVE: Is the member for Armadale happy now? If she completed her delivery other speakers would be prepared to speak on this issue. In summing up, that would fit in nicely with 12.30 pm being question time today. Having made those few small comments and having the support of the member for Girrawheen I now suggest that the member for Armadale might like to complete her remarks.

The ACTING SPEAKER: There is no point of order. However, I thank the member for his contribution.

Debate Resumed

MR BROWN (Bassendean) [11.54 am]: Is the House dealing with the Real Estate and Business Agents Amendment Bill 1997?

The ACTING SPEAKER: We are on that Bill.

Mr BROWN: I will move to allow the suspension of standing orders to permit the members for Armadale and Mitchell to speak in this debate. As I understand it, the member for Armadale would like to raise some other issues in the second reading debate. However, having been prepared for the debate on Commercial Tenancy (Retail Shops) Agreements Amendment Bill she is not prepared to do so immediately. Equally I have been advised that if the debate continues directly with the member for Mitchell and any other members, the member for Armadale will be precluded from continuing the speech that she wished to make on the second reading. Hence I make no apology for moving this motion to suspend standing orders to enable the member for Mitchell to make an address he would make anyway. The suspension of standing orders is a device to enable the House to return to the debate and hear from the member for Armadale.

Mr Barnett: What are you proposing?

Mr BROWN: I will go over it again for the Leader of the House.

Mr Barnett: Just tell me quickly.

Mr BROWN: The member for Armadale had prepared herself to debate the Commercial Tenancy (Retail Shops) Agreements Amendment Bill. The member for Armadale has not completed her contribution to the second reading

debate on this Bill, and would like to do so. However, she is not able to do so without the notes she has prepared. The Bill has been called on. I am advised that if the debate continues and the member for Armadale relinquishes that position, she cannot speak again on the second reading.

Standing Orders Suspension

Mr BROWN: I move -

That so much of the standing orders be suspended as would preclude other members speaking on the Real Estate and Business Agents Amendment Bill 1997 prior to the member for Armadale completing her remarks.

This would enable other members to speak and the member for Armadale to resume her remarks on this Bill prior to the Minister closing the debate. It is an unusual step designed to try to overcome an administrative dilemma.

MR BARNETT (Cottesloe - Leader of the House) [11.55 am]: This is more than a bit unusual. This Government goes to great trouble to advise the Opposition in writing on the Friday before Parliament resumes about what the Government is doing. It advises the Opposition of the legislation; no previous Government has done that. The Government advised that on Thursday, 30 April all remaining stages of the Real Estate and Business Agents Amendment Bill 1997 would be dealt with. That notice, dated 24 April, was given to the Opposition. The Minister's second reading speech was made in this Chamber on 25 November 1997. It is not a recent piece of legislation. It is not my responsibility or the Minister's responsibility to organise the time of the Opposition. The Government will accommodate this but it has happened three or four times this year. It is about time the Opposition got its act together. It is the Government's right to bring on government legislation whenever it so desires. Out of courtesy the Government informs the Opposition of the program. The Government prepared a Notice Paper which lists somewhat mysteriously item No 4, Real Estate and Business Agents Amendment Bill 1997. The Notice Paper dictates the business of this House and it is the Government that decides how government time will be used. The Government will accommodate the Opposition but I assure those opposite that it will not happen again.

MS MacTIERNAN (Armadale) [11.56 am]: I am not being critical of the Government. The problem is that members were presented with this document this morning. I brought up my documents. I was responsible for the Opposition on all three Bills set out here. I brought up the Rail Safety Bill documents. I had discussions with the Minister's staff last night when they wanted to make sure that I had all my amendments ready for the second bill, the Commercial Tenancy (Retail Shops) Agreements Amendment Bill. I understood that the House would be going down the list. This is a genuine misunderstanding. All the Opposition is saying is that the member for Mitchell should be able to speak while I get my notes so I can speak on this Bill.

Mr Barnett: We will accommodate it.

Mr Day: Madam Acting Chair, I draw your attention to the state of the House.

The ACTING SPEAKER: There is a quorum present.

Question put.

The ACTING SPEAKER: This motion will require the support of an absolute majority. As there is not an absolute majority of members present and voting in favour of the motion, I declare the question negatived.

Question thus negatived.

Debate Resumed

MS MacTIERNAN (Armadale) [12.02 pm]: I have been responsible for the last Bill that we have been progressing, I thought with some cooperation. The order of business has been changed. I have not even been given the opportunity to go to my room to collect my notes. I have spent a considerable amount of time with the Minister's advisers since we last spoke on this Bill. I now find myself being precluded from making remarks that I want to make. I can tell you, Madam Acting Speaker, that I will be making them in much more detail during the Committee stage. It is quite unreasonable for this to have happened.

MRS ROBERTS (Midland) [12.03 pm]: I am concerned. I liaise with the Leader of the House over the order in which we deal with legislation. We were told we would debate this Bill next. I questioned the Leader of the House last night as to whether we were ready to progress with it. There was some question about whether the Minister needed to undertake further consultation. It seemed to me that is what we would be going on with. It seems now that the Leader of the House says he is entitled to jump to the next piece of legislation. He says that he was treated badly when he was in opposition and that somehow that excuses him for treating others badly. That type of logic does not cut much ice with anyone. If he had known even 20 minutes ago that he was proposing to change the order as listed

with me last night and the order which appears, I think, on his own day sheet, where he listed the Commercial Tenancy (Retail Shops) Agreements Amendment Bill before the Real Estate and Business Agents Amendment Bill, I would have thought it simple courtesy to let me know and certainly to let the member for Armadale know. Anybody following the Parliament would know that she is responsible not only for the Rail Safety Bill, which we dealt with previously this morning, but also for the Real Estate and Business Agents Amendment Bill, because of her other portfolio responsibilities.

It is not smart policy to come in here and bounce around the order of business. The Government should give the Opposition some small amount of notice rather than simply move on to a completely different Bill with no notice whatsoever. Even 10 or 15 minutes' notice would have been appreciated. It shows very poor management of this House, as we have seen already this week. Agreement was reached between the Premier and the Leader of the Opposition for private members' business to be curtailed last night. The Premier, the Leader of the House and the Deputy Premier were not even present in the Chamber at 8.30 pm when they had asked the Leader of the Opposition to move onto other business. How badly organised are they? Even the Speaker was totally unaware of any such plan to curtail private members' business. They are plainly disorganised. They are not ready, and have not properly consulted with people. They should have known last night what would be the order of business this morning. I was told a certain order of business. It seems now that has dropped by the wayside. How many minutes' notice have they given of that? Just a few minutes. If they want legislation to be properly debated in this House and all views to be put, they must give members the opportunity at least to collect their notes and to know what is coming up next.

Mr Bloffwitch: If people look at the Notice Paper, they will see that item 4 is the Real Estate and Business Agents Amendment Bill.

Mr Barnett: Look at the letter I wrote to you last week.

Ms MacTiernan: Where did this blue piece of paper come from?

Mr Barnett: That is your piece of paper.

Mrs ROBERTS: The Leader of the House should look at his own letter and see if he followed what he listed yesterday - he did not. He regularly changes things around.

The ACTING SPEAKER (Mr Baker): Is the member speaking to the Bill?

Mrs ROBERTS: The Leader of the House should look at what he wrote for Wednesday. He will see that he did not follow what he had written for Wednesday. How could I expect that he would follow what he wrote for Thursday?

Point of Order

Mr JOHNSON: It is obvious that the member for Midland is not speaking to the Bill before the House at the moment. I can understand her frustration. However, the Minister for Lands filibustered for about 10 minutes on a very obscure point of order to enable the member for Armadale to get her notes.

Ms MacTiernan: I could not go in case he sat down.

Mr JOHNSON: The member could have collected her notes because the Bill was before the House at that time and the Minister was being very generous in filibustering on a point of order which the Acting Speaker ruled was not a point of order. The member for Midland has not spoken to this Bill at all in the four minutes she has been on her feet. All she has done is attack the Leader of the House and other members on this side of the House. Mr Acting Speaker, she should be directed to speak to the Bill before the House.

Mrs Roberts: That is one of the longest points of order I have heard.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Mrs ROBERTS: I am asking the Leader of the House if we can work in a cooperative way not that we get petulant with each other. I would like us to have some decent communication so that the Parliament can work effectively. People have had late nights and tempers have been frayed. However, between us we should be able to work out what business we are going on to next and do so in a proper and orderly fashion. I am sorry if I have offended the Leader of the House. It was certainly not my intention. I simply want to know a little in advance if there is a change in plan.

Mr Barnett: It is on the Notice Paper and you were notified in writing.

Mrs ROBERTS: If I had followed what the Leader of the House had written in his letter to me last week about what he intended to do yesterday, I would have been wrong there because he changed his plan.

MR BARRON-SULLIVAN (Mitchell) [12.09 pm]: I will come up with a novel concept and talk to the Bill. I stress, on behalf of the number of people I have spoken to in my electorate about this legislation, and in view of the direction the Government is taking, that the Bill before us does not provide for the deregulation of real estate and business agents' fees. That initiative was taken a couple of years ago and was provided for by the real estate legislation amendment Act which took effect on 1 July 1996. It is important to stress that we are talking about a Bill to put in place measures to ensure that there will be adequate public protection in the event of the deregulation of such fees. I applaud that intention, because the Government has decided not to go ahead with any form of deregulation until appropriate safety nets and consumer protection measures are in place, in addition to what is already operating within the industry.

I will concentrate on the likely implications of this Bill for the residential home market, and I do so deliberately, because that is my main concern. My electorate happens to be the second fastest growing electorate outside the metropolitan area, and obviously it is characterised by a number of new residential areas. I deal virtually daily with a number of matters concerning young families who invest in real estate by buying a home package, which is for most people in the community, as members would be aware, the largest single family investment that they will make in their life. They have a great deal at stake. The contract to enter into the purchase of a property is very important for my constituents, and appropriate mechanisms must be in place to ensure that all aspects of real estate dealings are carried out as fairly as possible. To use the old cliché, it is vital to ensure that the great Australian dream does not turn into a nightmare for these individuals and their families.

It is also important to provide a balance for the industry. The real estate industry at times comes under a bit of flak, but generally the people in the industry are reputable operators and are trying to make an honest living. We need to have a legislative framework which provides an appropriate balance between the needs of consumers and the needs of the people operating within the industry.

An interesting mechanism for real estate fees is operating in this State. A scale of maximum fees is set in accordance with the current legislation and details clearly what real estate agents can charge for the sale of a property, depending on the value of that property. It is important to note that although that is a scale of maximum fees, unfortunately many people do not realise that, because of the way that schedule operates, there is a degree of competition within the marketplace and they can negotiate an appropriate fee.

A couple of years ago when I was on a local council, the council was contracting real estate agents to sell individual parcels of land and was blithely paying the maximum schedule fee. Fortunately, as the result of a simple initiative, we sent facsimiles to each of the real estate agents in the greater Bunbury area asking them whether they were interested in selling a particular parcel of land and to detail what they would charge; and they soon realised that they would not get any business from the local council if they charged the maximum fee, so we were able to save the ratepayers a few dollars. In the same way, private home buyers are entitled to negotiate according to that scale of fees.

That scale of fees has not changed for some time. These days, the real estate industry is operating in a very different way. A number of properties, particularly in the higher price bracket, are being sold on the Internet. I believe that as new sales mechanisms come into place, the existing arrangements will become increasingly redundant and the existing schedule of fees will become a thing of the past. Many home buyers do not realise that a competitive environment is already in place. I do not believe that the existing schedule of fees is flexible enough to cater for the direction that the industry will take in the future.

I was interested to hear the President of the Real Estate Institute of Western Australia speak on talkback radio a couple of weeks ago. A person rang in to say that he was very concerned that he had sold his house and paid \$20 000 in commission. I would love to know how much his house was worth! I can assure members he was definitely not my average constituent. That person said that he felt ripped off, because he did not know what he had got for his money. The president of the institute said that the fees are set down in a schedule that is controlled by the Government. While she later intimated that the fees were not fixed, I believe many people have the impression that real estate agents and representatives must charge the fees that are set down in that schedule for the sale of their home.

This legislation will pave the way for greater competition, not only in the way that fees are set, but also in the way that services are provided. Innovative real estate agents and representatives will be able to find new ways of promoting and selling residential properties. This is where the balance will come into the equation, because that will benefit both the industry and the people who are selling their homes - my constituents and average families.

My main concern is to provide safeguards for home buyers and for people who are selling their homes in the private market. The second component of providing protection for the community is to ensure that the fee structure is fair; in other words, once changes have been made and we go down the path towards deregulation, to ensure that there

is no undue blowout in fees. How does this Bill, in conjunction with the previous legislation which provides for deregulation, stack up? Deregulation of the real estate industry is not new. The Minister can correct me if I am wrong, but I understand that only Queensland has a scale of maximum fees for residential home transactions. Every other State is operating in some form of deregulated market, albeit with slightly different forms of consumer protection. The advantage of this situation is that we can look at what has happened elsewhere.

I have done a bit of homework on this matter, and the one point that stands out the strongest is that in Victoria and New South Wales, there has not been one example of gross overcharging in the industry since deregulation took place. I understand from talking to the Minister's counterpart in New South Wales that there has been no significant increase in fees in that State; and that was measured some year and a half after deregulation took effect. Importantly, I have been told that as a result of the changes in New South Wales, there is a high level of consumer awareness of the extent of deregulation in that State and that around 80 per cent of the people who enter into residential real estate transactions are aware that it is a deregulated environment and they can negotiate fees and have a direct say in the way in which their properties are sold.

Of course, the main safeguard to any potential blowout in fees is not what is set out in this Bill and is not what we talk about in this Chamber today, but is in the good old law of supply and demand - competition. I argue strongly that if we want to see a competitive industry, we cannot go past the real estate industry. In some people's minds there is a bit of a cloud over that industry, but I suggest that in my neck of the woods, the Australind-Bunbury area, there is, as the member for Bunbury would be well aware, an oversupply of real estate representatives and agents. That is my personal view. The market will determine how many people want to go into the industry and how many people earn a living from it, but there are many people in the industry. The member for Armadale said in the second reading debate that they are being churned out at a rate of knots. That is not quite true and the figures do not show a substantial increase in the number of real estate representatives. I will pursue that point later.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 2302.]

WOMEN'S PRISON AT PYRTON SITE

Statement by Member for Bassendean

MR BROWN (Bassendean) [12.20 pm]: Late last week and on the weekend I received a number of call from constituents in my electorate who advised that the Government had made a decision to build a women's prison at the Pyrtton site in Lord Street. I informed my constituents that I had no knowledge of the matter and that I would endeavour to have a question asked in the other place to ascertain what was happening.

Earlier this week Hon Nick Griffiths asked the Attorney General in the other place if it was the Government's intention to establish a women's prison at that site and, if a decision had not been made, whether any consideration had been given to the matter in government ranks. The Attorney General advised that the matter was being considered by the Government and that some delicate consultations had taken place at a community level. I do not know with whom those so-called delicate consultations have taken place, but certainly the Government has not advised the Town of Bassendean, in which the proposed prison is to be located, or any of the community groups of which I am aware. Certainly, it has not had the courtesy to advise the local member. There is some disenchantment about the way the Government appears to be going about the decision making process which, at the moment, is certainly excluding the local community, and to which the local community objects.

CARINE LOCAL DRUG ACTION GROUP

Statement by Member for Carine

MRS HODSON-THOMAS (Carine) [12.21 pm]: In response to escalating community concerns about drug abuse in the northern suburbs, the Carine Local Drug Action Group has been established. The first public meeting was held on the evening of Monday, 30 March, and it drew a positive response from concerned parents, community leaders, school representatives, and the police.

The Local Drug Action Group was formed with the assistance and cooperation of a number of individuals representing a range of organisations, including: Messrs Terry Murphy and Jeremy Bacich of the WA Drug Abuse Strategy Office, Mr Pat Cannon of the Whitfords Local Drug Action Group, Sergeant Peter Fowler of the Police Service, and Councillor John Italiano of the City of Stirling.

The high level of community concern is evident in the fact that seven local schools were represented at the steering

committee meeting held in early March. The strong response from members of the community, parents, teachers and leaders, clearly reinforces the fact that drug abuse is an important issue facing our youth. There is no single solution to the drug problem and no blame to apportion. Rather, the harmful effects can be minimised only through a combination of education, responsible parenting, law enforcement and community based action. Ultimately, the purpose of the Local Drug Action Group is to establish a mechanism for community based action, to complement the Government's drug education program and law enforcement initiatives, such as Operation Final Dose.

It is envisaged that this partnership between the community, schools and the police will be effective in addressing the devastating problem facing our society.

LANGFORD HOUSING REDEVELOPMENT PROGRAM

Statement by Member for Thornlie

MS McHALE (Thornlie) [12.23 pm]: I wish to pose a question to the Minister for Housing. Why is the community of Langford still waiting for the Government to take its needs for suburban renewal seriously? I refer to the fact that the contract between BGC Group of Companies, Len Buckeridge's company, and Homeswest has still not been signed. I understand Homeswest is probably as frustrated as the community in this matter. Contract negotiations started on 29 October, six months ago, but the contract has still not been signed. One must ask on behalf of the community why there has been a delay of six months. Why are other successful tenderers proceeding with work even though the details of their contracts may not have been finalised? Have those contracts in fact been finalised?

The shopping centre at Langford is under threat and is facing severe social and financial difficulties. The residents feel neglected, and Homeswest is equally as frustrated. The Minister for Housing should be personally involved in this matter, and should investigate why the contract has not been signed and why that significant community redevelopment program is not yet proceeding.

MANDURAH CRAB FISHERY TRIAL

Statement by Member for Dawesville

MR MARSHALL (Dawesville - Parliamentary Secretary) [12.25 pm]: The Minister for Fisheries is to be congratulated on his decision to allow Mandurah Estuary professional fishers to trial crab pots instead of using nets in the Peel waters. Crab pots have been used successfully at Cockburn Sound for some years now. It has been a contentious issue for years that in Mandurah professionals can set with untold metres of net, whereas amateurs have been able to use only two cuts or 60 metres of net. The use of crab pots will help preserve the fish stocks of the estuary.

Fish caught in nets may be undersized or damaged, but when crab pots are used only crabs are caught and all undersized crabs are easily put back into the water without being damaged. The trial is in its second year. Originally, only six of the 10 available licences were taken up but, such has been the success of the venture that all professional fishermen now want part of the action and they are all applying for 40 pot licences. The conversion rate between crab pots and nets has been determined at 40 crab pots per 1 000 metres of netting, and the number of total crab pots for the entire estuary has been set at around 500. The original six fishers used 40 pots with such success that all other professionals now want to change from netting too. The trial is in its final year and has been adjusted so that 16 professionals can each use 35 pots.

Mandurah is regarded as the home of the blue manna crab in Australia. It attracts thousands of small boat owners and recreational fishers annually, and Fisheries WA is to be congratulated for controlling the crab stock with this trial.

WADDINGTON PRIMARY SCHOOL BURGLARIES

Statement by Member for Midland

MRS ROBERTS (Midland) [12.26 pm]: Problems are being experienced in various suburbs because of the enormous police presence at the Fremantle wharf. I have received a call from someone about the Waddington Primary School in Koondoola. It has been burgled six times in the past month, and yet again this week. Among other things, the security camera at the school has been stolen. Staff cuts have been made and only one woman is left working in the office, and she is overworked and stressed. She had to telephone three different numbers in order to contact the police to report the burglary. The police said they could not come out to the school at that time. I am told that this morning or yesterday the police eventually turned up at the school to take the report.

The school has also been hit by graffiti vandals, and even though the security camera filmed it happening the police say there is not enough evidence to take the matter further. People in the community, and certainly those involved with the Waddington Primary School, are saying this is not good enough. They believe the police should do

something about these burglaries at the school. They put far too much work into school fundraising, at lamington drives and the like, in order to purchase computers, just to have those computers stolen and other facilities vandalised.

BANNISTER CREEK CATCHMENT GROUP

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.28 pm]: I was pleased to learn recently that the Bannister Creek Catchment Group has received financial assistance from the Commonwealth in the sum of \$51 525. This money is to be used to employ a coordinator who will assist the group with weed eradication, revegetation and its work to improve the water quality. The total cost of the project is \$135 955, and I am sure the Natural Heritage Trust funding will go a long way towards assisting the group to reach its goal of restoring the Bannister Creek from an urban drain to a living stream.

Bannister Creek starts in Canning Vale and eventually flows into the Canning River. It was one of the many environmental concerns raised in the submissions against the recently proposed specialised container transport freight terminal, which was to be located in the Canning Vale industrial estate. It was feared that runoff from the fuel and other pollutants, which would have emanated from the terminal, would eventually flow through to the creek. It is important to provide all the help we can to ensure the Canning River does not become polluted. To this end, I commend the Natural Heritage Trust for its support.

I also commend the work of the volunteers from the Bannister Creek Catchment Group and its many supporters, who include local residents and schools, as well as the City of Canning which has always provided an enormous amount of support.

BUDGET PRESENTATION - PHOTOGRAPHERS

Statement by Speaker

THE SPEAKER (Mr Strickland): I advise members that I have given permission for photographers from the print media to take photographs during the Budget speech for 15 minutes. They will be located at the northern entrance to the Chamber and have been instructed not to intrude into the Chamber in any way.

[Questions without notice taken.]

Sitting suspended from 1.00 to 2.00 pm

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

Second Reading

MR COURT (Nedlands - Treasurer) [2.00 pm]: I move -

That the Bill be now read a second time.

The best social dividend that any Government can deliver is to make sure that future generations are not burdened by excessive levels of debt at the same time as service delivery is improved. The 1998-99 Budget delivers this - it will secure our future.

This Budget marks an end of the discredited political practice of mortgaging our children's future to win votes today. This Budget will break the shackles of excessive debt that has tied Governments down since the 1980s. The State's debt five years ago was almost \$20 000 per family; today it is less than \$11 000. The annual interest burden per family has almost halved from \$2 251 to \$1 137.

Following this Budget, the State's net debt will be slashed to \$4.8b compared to \$8.3b when this Government took office five years ago. Interest payments on this debt have now fallen by more than \$400m this year across government and our debt levels have fallen from 20.1 per cent of state output to 8.2 per cent.

This Government has not squandered the proceeds from the sale of the gas pipeline to win short-term votes but, instead, has looked to the long-term interests of the State and used the majority of the proceeds to reduce debt. Indeed, \$1.8b of the \$2.4b proceeds will go to reducing net debt. The sale proceeds have also allowed for -

- New capital works \$244m
- Superannuation liability \$140m
- Stamp duty \$104m
- AlintaGas provisions and cost of sale \$103m
- Expansion of the pipeline corridor \$40m.

As a special dividend from the pipeline sale, the new capital works include \$100m for a schools computer program which will give our students among the highest ratio of computers to students in the world, and \$100m for a new convention and exhibition centre - a new century, a new international meeting place. An additional \$10m will be made available in 1998-99 to the community sporting and recreation facilities fund. This is in addition to the \$8m already provided this year as part of our three-year election commitment to this program.

With the shackles of debt now being broken, and lower interest payments, the State Government has the ability to deliver further dividends to the people of Western Australia. Even at a time of relatively low revenue growth, this Budget will deliver in 1998-99 alone -

an increase of \$90.5m in health funding;
an increase of \$70.7m in education funding; and
an increase of \$31.9m in funding for law and order.

Equally important, there will be a major boost to capital works projects including -

\$1.3b over the next 10 years to upgrade our public transport system and roads network; and
starting the \$203m conversion of Jervoise Bay into a new marine support precinct;

Throughout this Budget, there is a strong emphasis on information technology initiatives, including in the areas of Police and Commerce and Trade's communications "pipeline" initiative. An amount of \$131m will be committed for new information technology for the Police Service. This includes new communications systems which will lead to faster police response times. \$24m has been provided to identify and correct deficiencies in the State's communications technology, including \$10m for a "pipeline" which will extend technology capability in our regional areas and will be the catalyst in making our telecommunications interactive and compatible.

There is more. For the first time, this Budget will start to fully fund our annual superannuation liability, and legislation will lock this into law, so future Governments cannot renege on this commitment. A total of \$632m will be provided over the forward estimates period for this purpose.

The West State Super Scheme will be concurrently funded from 1 July 1998. This ensures our children are not burdened with a growing superannuation liability. To maintain the impetus of this important reform, we will introduce amendments to the Government Employees Superannuation Act to provide for a standing appropriation to the Government Employees Superannuation Board each year. Financial responsibility and accountability is delivering sustainable dividends to the people of Western Australia.

Most importantly, the major capital works program outlined in this Budget is being achieved without burdening the future generations with higher borrowings. Our children will grow up in a State with low debt levels and one which is forging ahead with state-of-the-art economic and social infrastructure for the next century. They will also grow up in a State which follows strict financial accountability principles.

In another major initiative, Western Australia will be the first State in Australia to present our accounts according to the Australian Accounting Standards, making the Government's books completely transparent. This applies to the budget year and the three forward estimate years.

ECONOMIC OUTLOOK

This Budget will sustain our strong economic growth and stimulate job creation. Western Australia's real economic growth has averaged over 6 per cent per annum since we came to office in 1993. This is considerably higher than the annual national level of around 4 per cent and, on current estimates, this State will continue to strongly exceed the national average over the medium term.

In our five years in office, more than 130 000 new jobs have been created. Around 30 000 additional jobs will be created next year. We have the lowest unemployment in Australia, including the lowest youth unemployment rate. This positive outlook will continue with employment estimated to grow again in 1998-99 by 3.25 per cent compared to 2.5 per cent in the current year.

These impressive statistics are being translated into community benefits. When compared to other countries and cities around the world, there is no doubt we have an enviable quality of life. We want to maintain that standard, and this Budget will give us the underlying strength to do so.

As a result of our action on debt reduction, net interest costs will drop across government by a further \$136m in 1997-98 and a further \$272m in 1998-99. The annual interest saving for 1998-99 will be in excess of \$400m across government compared to when we entered office.

While the outlook for the State's economy is excellent, we need equitable and fair financial arrangements with the Commonwealth. The High Court decision in 1997 on tax powers was a body blow which wiped out more than 20 per

cent of our tax base. We can no longer tax such items as fuel, liquor and tobacco, further narrowing our tax base. As well as suffering a huge reduction to our tax base, the Grants Commission has reduced our share of general grants. Our total cumulative loss from the commission over the past four years now stands at a staggering \$778m.

Western Australia, the best performing State in the country, continues to be penalised - the incentives are wrong. Strong performance should be encouraged, not penalised. The commission fails to take account of the enormous infrastructure cost that is necessary to produce our strong economic growth

Tax reform is a key element in addressing this problem and it is pleasing to note that the Prime Minister has recognised that tax reform needs to encompass reform of commonwealth/state financial relations. The States must have a strong input into that process.

The failure to provide certainty and workability with native title legislation also remains an issue of great concern. It has exacerbated the plight of development across Western Australia whether it be pastoralists, farmers, regional residential developments, tourism, exploration and mining, to name a few. For the good of the nation and all Australians this issue must be resolved.

OUTLAYS

Mr Speaker, this Budget will be remembered for a number of features. However, the \$100m commitment to computers in schools and \$100m towards a convention and exhibition centre are most likely to be seen in the future as major contributions to our economic and social progress. The computers program will give every young Western Australian a passport into the world's fastest growing technology.

Findings just released by the United States Government show that information technology, including business on the Internet, is expanding twice as fast as the overall American economy. We are investing \$100m to give our children the chance to be computer literate and to be fully equipped to share in this phenomenon. We have earmarked a special allocation of \$20m so that private schools which are not so well off can share in the computer program.

With regard to the convention and exhibition centre let me say this: Tourism is one of the State's biggest employment industries, with an estimated 78 000 participants, representing almost 10 per cent of the work force. We have some wonderful tourist destinations but we need more people to visit them. A convention and exhibition village will help to attract large professional and business conferences. This precinct will be a city landmark and a major attraction with exhibition/convention buildings, leading edge technology, and the centre could incorporate hotels, retail, theatres and apartments. We will shortly call for expressions of interest in this project.

The Government's \$100m contribution, to be provided from the pipeline proceeds, plus land, will create the impetus and incentive to involve the private sector in this major development.

As already announced, work will begin on a number of road projects, including the extension of the Perth to Mandurah Freeway and the widening of the Narrows Bridge. This is a major element in the \$1.3b community transport program.

The rapid growth of the offshore oil and gas sector, and the new downstream processing resource projects, is creating new opportunities for our construction and maintenance industries. This potential has not been lost on the Federal Government, which has joined us in the \$203m development of Jervoise Bay. This modern marine support facility will have the capacity for industry to access lucrative contracts associated with offshore oil and gas developments and onshore downstream processing projects. This investment will lead to more jobs and young Western Australians will be trained in the skills of shipbuilding and its allied technologies.

I now outline some of the budget benefits in individual portfolios.

Health

A record allocation of \$1.64b goes into Health this year - an increase of \$90.5m. Mr Speaker, in the next two years we will be boosting the health system with an additional \$252m. However, the State cannot address this huge problem on its own.

The commonwealth/state health financing arrangements are inequitable. The States have not been compensated for the large drop in the number of people privately insured which has placed an extra burden on our public hospitals. We call on the Commonwealth to do the right thing by increasing its health funding offer to the States.

We are fortunate in Western Australia to have first class facilities. Princess Margaret Hospital is officially rated as one of the best children's hospitals in the world and the Institute for Child Health Research has already made its mark on the national scene.

We have the latest medical technology in our teaching hospitals and the spread of services across the State is being expanded and improved all the time. Just one example is the initial allocation in this Budget of \$1.3m as part of a \$10m program to update or install new organ imaging equipment.

Western Australia has 720 health services and 113 hospitals. The new Joondalup campus, already in use, and the \$50.3m Bunbury and the \$46.1m Peel campuses will be the most modern regional medical centres in Australia. Work will also begin this year on the Armadale Health Service. This is another example of our initiative of taking more health services to where the people are - not concentrating all major health centres in Perth.

In this Budget, the State will be increasing its contribution towards staffing costs and patient care by more than \$75m.

Outside the metropolitan area, we are putting into place a comprehensive new health plan for the north west and south west regions, the magnitude of which has never previously been undertaken in the State.

With regard to the federal health offer now on the table for the States to consider, I must reiterate our position. We cannot accept a five year agreement that actually sees funding declining in the middle of that agreement.

It is an agreement which will leave Western Australia in a parlous position and we will continue to push Canberra for the missing millions.

Education

One of this Government's great success stories is education. This year's expenditure is \$1.23b - an increase of \$70.7m.

Our \$100m computer initiative will provide, in our public schools, one computer for every five secondary students and one for every ten primary students. This is amongst the best ratios in the world. The money for this initiative is available now through the state development fund. However, to ensure the most efficient utilisation of this technology, a phased introduction will be necessary.

In addition to the computer initiative, we are revolutionising the schools system with innovative new programs. In Parliament, we are debating the School Education Bill which will overhaul the old 1929 Act and address all aspects of education.

Six new schools will be built at a cost of \$21.2m. Many others will be renovated and improved. These improvements include a \$23.9m three year campaign to provide shaded assembly areas and to install automatic reticulation.

From 1999, average class sizes for years 1 to 3 will be reduced and this Budget includes an increase of \$1.4m to teach a second language to students in years 3 to 10.

The new curriculum framework for all students from kindergarten to year 12 has received widespread praise from educationists throughout Australia. It will be phased into all schools, starting in the first term in 1999. By the end of this year all young children will have access to preprimary education under the Early Childhood Education program and non-government schools are receiving support for the Good Start kindergarten and computer programs.

Provision has been made for additional administrative staff in schools, an increase in duties other than teaching time for primary teachers and for the 6 per cent pay increase for teachers.

Law and Order

Police and Justice expenditure increases by \$31.9m. We said we would put an extra 800 officers back on active duty and we have. Now, we are despatching 98 detectives to suburban duty so they can target known criminals at the local level.

The Delta Reform program is giving the Police Service a new culture, a new direction and making it more efficient.

This year we are opening new police stations at Murdoch, Dunsborough, Hillarys, Gosnells and Nullagine, and new district centres at Cannington and Mirrabooka. We have just opened new police stations at Morley, Halls Creek, Kununurra and Roebourne. Planning has begun on new stations at Bayswater, Clarkson, Lockridge, Geraldton, Wiluna and Busselton.

Over the next four years, \$37m will be spent developing the Delta Communications and Information Technology Project which will supersede outdated computing systems and processes.

The Police Service is also the lead agency in the development of the \$14m Emergency Services Call Taking and Dispatch System to handle emergency calls and speed up response time.

The estimated total capital funding for these technology projects will exceed \$130m.

A state of the art operations centre to be built at the old Midland railway workshops will be the hub of police communications and, in time, it may also serve the other emergency agencies.

Mr Speaker, three local councils have successfully initiated ratepayer subsidised security patrols throughout their suburbs.

The Government intends to adapt and widen this Safe and Secure Community campaign and has set up a ministerial working group involving the police, local government and the insurance and security industries. In this Budget, \$1m has been allocated to get the scheme off the ground. A new Police Academy will cost \$35m and \$8m has been allocated in this Budget to begin construction of the new training centre.

Justice

The placement of more police officers on active duty has led to more arrests. This, together with the implementation of tougher sentencing, is leading to a shortage of prison accommodation. The Government has already announced plans for a new medium security prison to hold up to 750 inmates and a further 100 beds will be made available at Riverbank, Karnet and Wooroloo. New justice centres will be built at Fremantle, Rockingham, Busselton and South Hedland at a total cost of \$30.4m.

There is \$7.1m available to complete the fit-out and operation of four more court rooms for the District Court and an additional judge will be appointed. Plans will be progressed for the transfer of police lock-ups, prisoner transportation and court security services to the private sector. An additional \$3m will be provided for legal aid services.

Fire and Emergency Services

The Government's emphasis on technology is further highlighted by our decision to upgrade radio communications for the volunteer rescue service and \$2.4m has been allocated to assist local authorities to convert and upgrade communications for the Bush Fires Board. Further funding will assist the training of volunteers and re-equipment programs and provide for the continued use of fire fighting aircraft.

Community Social Services

This Budget underscores the Government's commitment to people with disabilities with funding of \$6.9m for the "Count Us In" strategy, bringing to \$227.1m the total amount to be spent over a seven year period. The Government will increase employment opportunities for people with disabilities in the Public Service.

Family and Children's Services will receive increased funding to continue key domestic violence programs, including safety accommodation, women's refuges and outreach support services, family counselling and child care. A \$600 000 domestic violence education campaign will be launched in August. Thirteen new Family Support Services, totalling \$3.6m, are being built to take the total to 38.

The Government created the Drug Abuse Strategy Office to reinforce its fight against drug abuse, particularly among young people. An allocation of \$19.7m has been made for a range of activities including more local drug action groups and school drug education, including courses for parents. The Government has mobilised the entire Junior Football Development Trust competition to spread the Drug Free message. Every child playing football will wear the Drug Free identification and be constantly made aware of the dangers of drugs.

The Government's five year plan for the aged, entitled "Time on our Hands" will be released soon and \$250 000 has been allocated in this budget to implement its initiatives. The United Nations Year of the Older Person begins in October and we have set aside \$700 000 for activities in Western Australia.

More than \$10m will boost the training scheme for cadets in high schools and programs which encourage leadership and entrepreneurs among our youth. The success of the cadets and youth councils bears testimony to the community's acceptance of programs which can influence and give direction to young people. There are now 50 cadet units, and it is anticipated there will be 80 by the end of the year.

There are currently 59 Youth Advisory Councils. In this Budget, there is further funding for youth employment initiatives, such as Landcare traineeships.

The Government will progress the Homeswest New Living program which is rejuvenating old public housing in suburbs such as Kwinana, Lockridge, Balga, Koondoola and Girrawheen.

Regional and Rural Initiatives

Few Budgets in Western Australia's history have benefited the rural and remote regions as much as this 1998-99 Budget. Traditional assistance to the agricultural areas, which provide so much of our wealth, will, of course, be

maintained. In rural and regional health, the prognosis could hardly be brighter with a wide range of multi-million dollar enhancements. Four million dollars will be available to develop youth facilities. In education and training, Esperance will receive \$1m for a multipurpose campus and the \$9.5m upgrade of TAFE's science and engineering building in Bunbury will be completed this year. At Broome, we will spend \$2.9m relocating the TAFE Centre and the Moora TAFE will be upgraded. Broome and York High Schools will receive new additions.

Of great importance to business people in the bush is the Regional Buying Compact. This promotes economic development by giving country suppliers better opportunities to secure government contracts. The Pilbara, Gascoyne, Goldfields-Esperance, Great Southern and Kimberley Regional Development Commissions will all receive substantial funding for specific projects.

We have allocated \$6.5m for the Batavia Museum at Geraldton. Geraldton will also get \$6.8m for a marina foreshore development, with almost half of that total being spent in 1998-99. We will continue the \$6.2m upgrade of the Point Samson boat harbour and \$600 000 has been allocated for a floating jetty at Broome. New anti-pollution air monitoring stations have been, or will be, set up in Bunbury, Busselton, Dampier and Karratha.

Many other programs which will have a beneficial impact in the regions are spelt out in the accompanying papers.

Resource Projects

The resource sector is the main reason why Western Australia is known as the "engine room of the national economy" and why we produce more than a quarter of all national exports. A number of new projects are in progress or under consideration, worth over \$60b. New private sector investment in 1998-99 will exceed \$9b. In this and future Budgets, the Government will continue to provide the appropriate assistance to support these developments.

For example, \$25m has been made available to facilitate the building of a new port and roads at Oakajee which will be the nerve centre for projects such as Mt Gibson Iron and the An Feng-Kingstream projects. These projects will create jobs and business opportunities throughout the mid west. With this and other projects under consideration, Western Australia will become a major processor of iron ore and a steel manufacturer.

More than 40 companies have expressed an interest in building a petrochemical plant in the Pilbara. Downstream processing has been made possible by the cheaper energy available through north west gas. Our energy needs will get a further shot in the arm when the \$796m coal-fired power station at Collie, commissioned by this Government, becomes operational in 1999.

On the technology and scientific side, \$6.9m has been allocated in 1998-99 for the Department of Minerals and Energy's accelerated geological mapping and also planning for drillcore storage facilities. These facilities will safeguard crucial geological records for future exploration planning.

More than \$12m will be spent this year as part of the relocation of the Commonwealth Scientific and Industrial Research Organisation's \$33m National Centre for Petroleum and Mineral Resources Research from the eastern States to Technology Park in Bentley.

An allocation of \$1m will be used to establish a number of databases to record and trace potential dangerous contaminants in the mining industry.

Roads and Transport

Every cent of the money raised through increased vehicle registrations is going into the Transform WA package which will give us a world-class road network. It is the Government's job to provide the best possible facilities to attract exploration and investment in the remote but very resource rich areas. The access provided by a first-class road network is a vital tool.

In public transport, this Budget provides \$109.1m for a new bus acquisition program, including 100 new low-floor, low-emission high-tech buses to be added to the metropolitan fleet.

Environment

The coalition is particularly proud of its record on the environment. When we came to office in 1993, we set about finding a genuine balance between the needs of a modern population in a modern State and the preservation of our natural heritage. During the next four years, the Department of Conservation and Land Management will carry out capital expenditure programs of \$78m for the long term management of the forest ecosystem, provision of sustainable wood production, salinity control, improved tourist facilities, nature conservation and land management.

There is no question that the greatest environmental challenge facing Western Australia and other States is land degradation.

Dryland salinity has devastated large tracts of our wealth-generating wheatbelt and other areas. We have to meet the problem of salinity with the same zeal and determination we have shown in retiring the State's debt. The forward estimates include \$32m for the establishment and maintenance of a maritime pine estate as part of a program of salinity control in agricultural regions and coastal plains. In this year alone, Department of Conservation and Land Management estimates five million trees will be planted. With the promise of further funds from the Commonwealth and input from the private sector, we expect to spend \$100m on salinity control up to the year 2000. We are continuing Western Shield, the program to protect native fauna, and Western Everlasting is conserving our threatened plants.

This Government has created new parks and wetland and marine reserves and, in the coming 12 months, we will assess proposals to create a series of marine reserves from Geographe Bay to the Monte Bellos. The \$2.7m North West Shelf marine study will determine whether marine-based industries off the Pilbara coast can co-exist with long term environmental protection plans.

In the metropolitan area, enhancement of the major parks continues and in this Budget there is funding in the order of \$5m each for Bold Park and Kings Park. This includes provision for safety measures and improvements to the Mt Eliza escarpment.

We are now over a third of the way through our \$800m 10 year infill sewerage program. We have been spending an average of \$72m a year on this program which is safeguarding our ground water supplies and river systems and eliminating a potential health hazard. In just under four years 35 000 homes have been provided with a sewerage connection. In the coming year, \$85m will be spent on 60 infill projects and wastewater treatment in the suburbs and country.

We have increased facilities and services for the Environmental Protection Authority, taken measures to improve Perth's air quality, started eliminating contaminated sites and made significant advances in waste management and recycling. Our new computer tracking system to combat illegal dumping of sewage is an Australian-first.

This year the Government will be assisting more landowners to conserve native wildlife on their own properties.

We will safeguard the environment in the best possible way for all Western Australians to enjoy in the future.

Aboriginal Affairs

Sixteen more regional offices will be established by the Aboriginal Affairs Department in towns ranging from Derby to Esperance. They will identify and expedite support for Aboriginal people and give them a voice in the decision-making process. The Domestic Violence Community Education Strategy will include Aboriginal projects in the Pilbara, Kimberley, Narrogin and Northam.

In a major step forward in training and employment, up to 240 Aborigines will be offered apprenticeships in a new project. The State and Commonwealth Governments have entered into a joint funding agreement to provide \$1m of federal funds to assist Aborigines to obtain jobs in the Western Australian Public Service. Under this three year scheme, 120 Aborigines will be recruited and employed into traineeships and cadetships in government areas. The Department of Commerce and Trade is implementing the Aboriginal Economic Development Strategy, which is assisting Aborigines start-up in business. This initiative is the first of its kind in Australia.

Construction will begin on the \$1m Aboriginal Heritage and Cultural Centre in Carnarvon and the Bringing Them Home program will give Aboriginal people greater access to support services. The Essential Services Demonstration Project, which receives \$9m over the next four years, will provide remote communities with essential services up to the same standard as those provided in mainstream towns.

Commerce and Trade, Science and Technology

The technology revolution is continuing at a phenomenal pace, moving so fast that developments made today can be obsolete within months. The simple fact is that if people are not on this pace they will be left behind.

The Office of Information and Communications, which is an agency established this year under the Department of Commerce and Trade, will continue a \$14m program and plan and implement a new \$10m communications "pipeline" to provide all Western Australians with affordable access to world class communications. The initiative includes a partnership with the Commonwealth for 60 telecentres. Unless there is this upgrade to infrastructure, much of the regional population will be unable to take full advantage of the information age.

A marine industries technology park will be a feature of the new Jervoise Bay development and, in the nearby Coogee area, \$2.5m will be spent on restoring industrial land and providing an industrial estate for the animal and seafood processing industries.

The Government will provide an additional \$600 000 in 1998-99 and \$1.1m in each of the out years for further development of the solar energy industry through the Perth International Centre for the Application of Solar Energy.

Other features of the Commerce and Trade portfolio include funding for the Women in Small Business Success Program and for the Regional Enterprise Start Up Program, which will assist 70 new businesses.

Primary Industries

Mineral resources and agriculture generate the bulk of the State's wealth and in the recent harvest our wheatbelt produced more than half of the Australian crop. It is important that we do not take this great industry for granted and as a Government we must continue to give it strong support.

This Budget maintains the annual \$6m investment in crop improvement and a further \$3m has been allocated to develop a crop improvement centre. Funding of \$1.7m will be used to raise the State's profile as a market leader in supplying high quality, clean, safe food and residue-free fibre. Some \$7m, of a total of \$13.5m, will be spent in 1998-99 to relocate existing metropolitan aqueous wool scouring operations off the precious Jandakot water mound to a special wool processing precinct in East Rockingham.

Western Australia is renowned for the management of its fisheries and it is rapidly gaining a reputation for its research and development in aquaculture. The Government has allocated \$8m over four years in support of the Aquaculture Development Fund and there are excellent prospects for this industry in the Kimberley, the Gascoyne, Albany and Pemberton. In this Budget, we have made \$1.4m available for a replacement vessel to join the surveillance activities necessary to ensure that the fish stocks remain sustainable for future Western Australians.

REVENUES

Despite the growing demand on State finances, the Government has sought to keep increases in charges and taxes to a minimum. It has, however, been necessary, in order to deliver these improved services in a responsible way, to increase stamp duties on insurance policies, property sales and a range of nominal stamp duty charges. The treatment of chattels conveyed with real property will also change. With the State's very narrow tax base, there are few options for increases in revenues and the following tax changes amount to less than 1 per cent of this Budget's revenue.

Property Conveyances

Stamp duty rates on property conveyances will be increased by an average of around 12.5 per cent. These increases are subject to special concessions for home buyers. The \$500 stamp duty rebate for first home buyers will be extended from \$85 000 to \$135 000. In addition, the concessional stamp duty rate of 1.5 per cent will be extended for first home buyers and other buyers of homes and small businesses up to a value of \$100 000 and then graduating up to the full rate at \$135 000.

As an example of the benefit of these measures, a first home buyer purchasing a new house valued at \$100 000 would previously have paid \$1 900 stamp duty on the purchase. With the changes announced in this Budget, they will pay only \$1 000, a saving of \$900 or nearly half of the duty that would currently be paid.

In another measure, the current general stamp duty exemption for chattels conveyed with real property will, in future, be restricted to certain defined items, such as trading stock and chattels used in farming. This measure is intended to close an increasing source of stamp duty avoidance in property transactions.

In all, the changes to stamp duties on property conveyances are estimated to raise net additional revenue of \$37m in 1998-99, or \$44m in a full year.

Insurance Policies

Stamp duty rates on general insurance premiums will increase from 5 per cent to 8 per cent. This will mean that, for home and contents insurance where the sum insured is, say, \$120 000, and the total cost of the policy is \$560, there may be an increase of about \$16. That is a rise of less than 3 per cent. At the same time the concessional stamp duty rate of 3 per cent applicable to workers' compensation insurance premiums will be increased to 5 per cent. These measures are estimated to raise additional revenue of \$34m in 1998-99, or \$37m in a full year. These stamp duties will be more in line with rates applying generally across Australia.

OTHER DUTIES

Increases are also proposed on a range of nominal stamp duty charges. These charges have not been increased for almost two decades and, therefore, have declined substantially in real terms. The general nominal fee, for example, will be increased from the current \$5 to \$20. This measure is estimated to raise additional revenue of \$2 million per year. All these measures will apply from 1 July 1998. In the case of insurance policies, the increases will apply to

premiums paid after today's announcement where the period of insurance commences, or would normally have commenced, after 1 July 1998.

Land Tax

The Government is aware of the unfavourable impact that land valuation increases have on the ability of small businesses, in particular, to meet their land tax bills.

Accordingly, the Government will reduce land tax rates. This is the fifth such reduction since the coalition came to office.

Because of the strong growth in land values, revenue is still budgeted to increase in 1998-99, but that increase will be less than half of what it would be if the current tax scale was left in place.

The benefit to taxpayers is estimated to be \$13.5m in 1998-99.

Payroll Tax

There are no adjustments in this budget to payroll tax arrangements.

Mr Speaker, the revenue measures taken in this Budget are necessary if we are to provide services in a responsible manner. We would much prefer not to have to increase taxes. However, it is important that we remain a low taxing State and, even after these increases, I am advised that Western Australia will remain the second lowest taxing State in Australia.

Financial Reforms

This Budget sets new standards in accountability and disclosure of expected movements in public sector finances.

In summary, the reforms will tell taxpayers and the Government what they really want to know - what their services actually cost and what they are getting for their money.

For the first time, the budget papers include four-year forecasts prepared on an accrual accounting basis for whole-of-government and for each budget agency.

For the first time, the State's balance sheet and other financial statements will be forecast, providing information about costs being incurred now, but which will have to be paid for in the future.

It is also the first time that the budget statements contain information on performance targets for output quantity, quality, timeliness and cost.

Financial Responsibility Legislation

Financial accountability is also enhanced with the introduction, in conjunction with the Appropriation Bills, of the Government's financial responsibility legislation.

The framework will demonstrate to the community, the commitment by this Government to maintain a responsible fiscal policy. Additionally, there will be greater certainty about the intentions of government for private sector decision makers and investors. This is crucial to our ongoing economic development.

In the 1997-98 Budget we set ourselves a number of targets in relation to spending, revenue, balancing the Budget and debt. I am pleased to announce that the 1998-99 Budget and the three-year forward year estimates are within those targets.

This legislation, and the financial reforms already in place, put Western Australia at the forefront of financial accountability in Australia.

CONCLUSION

Mr Speaker, Western Australia is well on its way to becoming one of the strongest economies in our region. This is a Budget which sets the framework to take Western Australia into the next millennium with low debt and state-of-the-art infrastructure. We are on course for historic new developments which will be as advantageous to Western Australia as the great goldrush a century ago. This Budget is working on many fronts to deliver the community benefits to which we are committed.

I now turn to the formal purposes of the two appropriation Bills which seek the sums required for services in the coming financial year. Appropriation Bill (No 1) is for recurrent services and Appropriation Bill (No 2) is for capital services.

The recurrent expenditure estimates of \$6 665 700 000 include a sum of \$985 266 000 permanently appropriated under Special Acts, leaving an amount of \$5 680 434 000 which is to be appropriated in the manner shown in the schedule to Appropriation Bill (No 1).

The capital expenditure estimates and financing transactions of \$543 500 000 comprise a sum of \$74 700 000 permanently appropriated under Special Acts and an amount of \$468 800 000 which is to be appropriated in the manner shown in the schedule to Appropriation Bill (No 2).

I wish to pay thanks to the Treasury team that has worked to deliver the Budget. In particular, I thank the Under Treasurer, John Langoulant, and the Deputy Under Treasurer, Mike Harris, because it is no mean feat to present the Budget for this year and the forward estimates under the Australian Accounting Standards. Those officers can be extremely proud of their achievement. I also place on the record the commitment and involvement of the Minister for Finance, Hon Max Evans, because it has been his goal and dream for us to be able to achieve the presentation of these accounts.

I commend the Bill to the House and, in doing so, table -

Budget Speech - Budget Paper No 1
Budget Statements - Budget Paper No 2
Economic and Fiscal Overview - Budget Paper No 3.

[See papers Nos 1364 - 1366.]

Debate adjourned, on motion by Mr Cunningham.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)

Second Reading

MR COURT (Nedlands - Treasurer) [2.45 pm]: I move -

That the Bill be now read a second time.

Mr Speaker, the budget speech dealing with the consolidated fund estimates outlined details of both recurrent and capital outlays. I do not intend, therefore, to say more at this stage.

The Bill seeks supply and appropriation from the consolidated fund for the capital services and purposes during the 1998-99 financial year as expressed in the schedule to the Bill and as detailed in the Agency Information in Support of the Estimates in the 1998-99 Budget Statements.

Included in the capital expenditure and financing transactions estimates of \$543 500 000 is an amount of \$74 700 000 authorised by other Statutes, leaving an amount of \$468 800 000 which is to be appropriated in the manner shown in the schedule to Appropriation (Consolidated Fund) Bill (No 2).

I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

GOVERNMENT FINANCIAL RESPONSIBILITY BILL

Second Reading

MR COURT (Nedlands - Treasurer) [2.47 pm]: I move -

That the Bill be now read a second time.

The Government Financial Responsibility Bill essentially forms a framework for government financial targeting, planning and reporting. The Bill will set out a number of requirements for the Government and Treasury, with the intent of strengthening the financial accountability and transparency of government and so enhancing the economic outcomes of the State.

The Bill requires three tiers of "financial indicators" - principles; key elements; and targets. Only the principles are specified in the proposed legislation. The three financial principles are -

- reliance on the current generation for funding current services;
- stability and predictability in relation to spending and taxing policies; and
- prudent management of financial risks.

These principles are of enduring relevance and importance: The Bill requires the Government of the day to choose a financial strategy which is to be based on and is consistent with these principles.

The Bill further requires the Government to establish a reporting framework to communicate its financial strategy, how the targets which comprise the strategy are expected to be achieved and unique to Western Australia's Bill, whether they have been achieved. The financial strategy of this Government is detailed in the 1998-99 budget papers.

The Treasurer is required under the Bill to publish, as part of the papers supporting the Budget, a "government financial projections statement" containing "whole of government" forward estimates for the budget year and three out years. The timing for the release of this statement is to be linked to the introduction of the annual appropriation Bills in the Legislative Assembly.

The Bill requires the Government to table in Parliament and publicly release a "government midyear financial projections statement" to be released no later than 15 February. This statement will provide an update of the forward estimates provided in the Budget, taking into account actual performance.

To complete the circle of accountability, the Treasurer is required to publish a "government financial results report" within three months following the end of a financial year, in respect of that just completed financial year. The report is to provide an "after the event" comparison and evaluation of the actual result against the forward estimates and medium term targets. This requirement is a first for this type of legislation in Australian jurisdictions.

In the interests of openness and transparency, upon the calling of an election the Under Treasurer is to publish updated financial forward estimates which take account of all government decisions up to the time of the dissolution of the Legislative Assembly. Further, the proposed legislation defines principles for costing, in certain circumstances, of publicly announced election commitments following the calling of an election.

To enhance comprehension of the proposed reporting by government, the measurement and reporting practices are to be based on accepted external standards; that is, Australian Accounting Standards and government finance statistics principles. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

TREASURER'S ADVANCE AUTHORIZATION BILL

Second Reading

MR COURT (Nedlands - Treasurer) [2.51 pm]: I move -

That the Bill be now read a second time.

The Treasurer's Advance Authorization Bill authorises the Treasurer to make certain payments and advances for authorised purposes chargeable to the consolidated fund or the Treasurer's advance account within the monetary limit available for the financial year commencing 1 July 1998.

The monetary limit specified within clause 4 of the Bill represents an authorisation for the Treasurer to withdraw up to \$300m for the financing of payments and advances in the 1998-99 financial year.

The \$300m limit provides for an increase of \$100m on the previous financial year.

The last increase in the Treasurer's advance occurred in 1989-90, when the advance was increased from \$200m to \$250m. In 1991-92 it was reduced to \$200m. Since then, expenditure in the consolidated fund has increased from \$5 168m to an estimated \$7 144m.

The purposes for which payments and advances may be made from the Treasurer's Advance are set out within clause 5 of the Bill and remain unchanged from those authorised in previous years.

Where payments are made in respect of a new item or for supplementation of an existing item of expenditure in the consolidated fund, those payments will be charged against the fund and submitted for parliamentary appropriation in the next financial year.

Members would be aware that a number of activities, such as rental of government offices, are initially financed by way of a Treasurer's advance which is subsequently recouped from the department or statutory authority on whose behalf the service was performed or rental paid. Advances provided for other purposes are repayable by the recipient.

In addition, the Bill seeks supplementation of \$350m against the monetary limit authorised for the 1997-98 financial year.

The main factor giving rise to the need to increase the limit by \$350m is the transfer of \$244m from the consolidated

fund to the state development fund trust account. These funds will be used to progress a number of new capital projects in addition to those to be funded within the normal allocations of the capital works program. Details of these projects have been provided in the budget papers. The funds will be transferred to the state development fund this financial year, with the required cashflows over the forward estimates being provided as required to match the expenditure of the relevant projects.

Additional funding from the Treasurer's advance is also required to meet additional expenditures in -

Health - \$45m;
Ministry of Justice - \$25m;
Police Department - \$15m.

Treasurer's Advance funding of \$37m is required to continue the operations of the Department of Contract and Management Services. The department carries out some of the functions of the former Department of State Services. Until appropriate legislative amendments are made, it is necessary to fund its operations from the Treasurer's advance.

In addition, \$36m is required to fund the low interest loan scheme. In November 1996 Cabinet approved a change of funding arrangements such that loans will be funded by borrowings with only subsidies being charged to the consolidated fund. This arrangement requires amendments to the Education Act, to provide the Minister for Education with the power to borrow moneys. Until these amendments are dealt with by the Parliament, the scheme is being funded from the Treasurer's Advance. If the legislative amendments are in place before 30 June 1998, arrangements will be made to repay the Treasurer's Advance, otherwise the moneys should be repaid next financial year. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

PETROLEUM SAFETY BILL

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [2.55 pm]: I move -

That the Bill be now read a second time.

Part 1 - Preliminary: This Bill provides a new safety regime for the upstream petroleum industry for both onshore and offshore areas. It replaces and consolidates various regulations and standing directions of a safety nature made under the Petroleum Act, the Petroleum (Submerged Lands) Act and the Petroleum Pipelines Act. It will also apply its duty of care provisions to the commonwealth area adjacent to Western Australia; that is, beyond our coastal waters, by replacing schedule 7 of the Commonwealth Petroleum (Submerged Lands) Act.

The structure and intent of the Bill has been adapted from the State's Mines Safety and Inspection Act with the exception that it embraces a safety case regime. Under the safety case regime titleholders are required to, in respect of their particular operations, identify the major hazards and develop management systems which reduce the risk of these hazards to as low as reasonably practicable.

Part 2 - General duties relating to safety and health: This part sets out the duties of titleholders, operators, contractors and employees, which are all encompassing and provides various levels of responsibility. It embodies the philosophy that safety is everyone's responsibility but primarily that it is up to the employer to ensure, as far as is practicable, that the workplace is safe for workers. It also imposes certain obligations on manufacturers and in this regard is similar to the Mines Safety and Inspection Act.

Part 3 - Administration of the Act: This provides for the appointment of inspectors and outlines their powers, which include the ability to direct that work cease until a hazard or likely hazard has been removed. It also provides for special inspectors to be appointed and these may be people who have expert skills in a particular area. In all, the powers of inspectors are similar to those contained in the Mines Safety and Inspection Act.

Part 4 - Safety case: Resulting from the Piper Alpha disaster in the UK sector of the North Sea, a nationwide tripartite working group, COSOP, was established to ascertain how such an incident could be avoided in Australia. The result of this study, and a similar one undertaken in the United Kingdom, was the introduction of the "Safety case" regime. This approach is a departure from the prescriptive "regulation" style of safety management to an objective based regime. The objectives include identification of the major hazards which would confront a particular petroleum operation, and developing plans for managing these hazards.

This is the approach adopted and used in Commonwealth waters. Presently the "Safety case" regime is imposed by way of direction in state waters. This Bill now seeks to incorporate these requirements directly into the legislation.

Part 5 - Safety and health representatives and committees: These provisions are essentially the same as those

contained in the Mines Safety and Inspection Act and the broader Occupational Safety and Health Act. They provide for safety and health representatives to be elected from the workplaces and for the establishment of safety and health committees.

All decisions made in respect to these matters are capable of being reviewed by the safety and health magistrate and in that regard the provisions are consistent with the State's overall worker safety philosophy.

Part 6 - Dealing with safety and health: The Bill requires that a procedure be in place for resolving safety and health issues at a petroleum site. This approach leads to internal resolution of most safety and health issues, prior to any need for regulatory body intervention. Unresolved issues can be notified to an inspector.

An employee can refuse to do any work that he feels will expose him or her to a risk of imminent and serious injury or harm.

The Bill allows for the same provisions as the Mines Safety and Inspection Act and the Occupational Safety and Health Act for a "disentitled employee". A disentitled employee is one who refuses to work due to risk of injury or harm to health, but where such refusal is not reasonable.

Part 7 - Specific matters relating to safety and health:

Division 1 - Health surveillance: Provision is included for the establishment and maintenance of a health surveillance system for employees. The system will be a requirement imposed on the employer by way of a direction.

Division 2 - Reporting, records and accident sites: Provision is made in the Bill for reporting by operators of critical incidents where no injury or harm has occurred, but the potential for injury or harm to health is high. This requirement is additional to the present obligation to report certain defined events, from which injury or harm resulted.

The purpose of this is to increase the awareness to hazards across the industry. The petroleum inspectorate will disseminate widely the information collected and collated by this means. This will be a valuable extension to existing programs. It will also ensure that incidents with a high potential to cause injury or harm are investigated, and the root causes addressed.

Part 8 - Ministerial, safety and health powers: The Bill provides for the establishment of a Petroleum Safety Advisory Board to provide advice to the Minister for Mines on safety and health in the petroleum industry in Western Australia.

The Board will comprise representatives from the Department of Minerals and Energy and other relevant government departments, together with persons representing employers and employees in the petroleum industry.

The functions of the board are listed in the Bill and generally parallel those of the Commission for Occupational Health, Safety and Welfare, which was established to advise the Minister for Labour Relations.

One of the functions of the PSAB is to liaise with the Worksafe Western Australia Commission, the Mines Occupational Safety and Health Advisory Board and the Office of Energy to coordinate activities on related functions and to maintain parallel standards.

The PSAB will be structured to provide competent advice from a wide cross-section of expertise, drawn from the bodies and groups represented.

Provision has been made for the formulation and recognition of guidelines and codes of practice, which are of direct relevance to this industry.

Part 9 - Legal Proceedings: An appropriately structured system of penalties for offences has been incorporated throughout this Bill. Major offences under the Bill - the duty of care provisions - will be subject to a penalty of up to \$200 000 for an employer and up to \$20 000 for an employee.

Provision has been made for referral of certain matters and proceedings for an offence to be heard by a safety and health magistrate; that is, to be heard and determined as if it was a matter in which jurisdiction was conferred on the safety and health magistrate, by the Occupational Safety and Health Act.

Most proceedings for an offence under this Bill must be commenced within 12 months after the offence is committed. The Bill allows for vicarious responsibility of operators and employees if they are proved to have knowingly permitted or employed a person to commit the offence or the offence was committed with their consent. Continuing offences can attract fines of up to \$200 a day.

Part 10 - Miscellaneous: Provision is made in the Bill for exemption from personal liability for officers of the

inspectorate, and members of statutory boards and committees. This parallels the provisions in the existing Occupational Safety and Health Act and the Mines Safety and Inspection Act.

The Bill allows for the making of regulations covering the matters set out in schedule 1. Regulations may provide for penalties of up to \$5 000, and continuing offences of up to \$200 for each day the offence continues.

A review of the Bill is to be conducted by the Minister for Mines as soon as is practicable after five years from its commencement. A report based on this review will be laid before each House of Parliament.

Conclusion: Consultation on the development of this Bill has been widespread in its scope and depth. Intensive effort has been applied to canvass opinion on its content throughout the State. The process of refinement has seen the Bill finalised at the fifth draft and the final product is an excellent document. It is logically structured and has been drafted in plain English.

The Bill consolidates the safety legislation previously covered in a number of state petroleum Acts and will provide a consistent safety legislation across the various petroleum operations covered under these Acts.

This Bill provides the petroleum industry with a clear, logical, comprehensive, well structured and consistent framework of legislation for safety and health. This will enable it to build on the sustained improvement in safety performance which has been demonstrated to date. Improved standards in safety and health performance are fundamental to government policy. I commend this Bill to the House.

Debate adjourned, on motion by Mr Thomas.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR BARRON-SULLIVAN (Mitchell) [3.02 pm]: Before the luncheon recess I was talking about the significance of this Bill for families in my electorate. I am pleased to see in the Budget Speech a concession in stamp duty which will save a typical family several hundred dollars. The saving will be \$900 on the purchase of a \$100 000 house. This Bill and the Budget represent a comprehensive approach to these matters.

The main safeguard of any blowout in real estate fees is not what is contained in this Bill or what we are discussing in this Chamber; it is the presence of competition within the real estate industry.

Ms MacTiernan: You are dead right.

Mr BARRON-SULLIVAN: During the second reading debate the member for Armadale pointed out the abundance of real estate sales representatives in the industry, so it is well served. I argue strongly that competition will be a strong safeguard to ensuring that any fee system based on a deregulated arrangement will not result in a blowout.

Ms MacTiernan interjected.

Mr BARRON-SULLIVAN: Let us not get into a philosophical debate; let us look at the real world. The key in any area, as the member for Armadale is aware, is to ensure that people are aware of the environment within which they operate - that is, both real estate representatives and people who are either purchasing or selling their homes. I mentioned earlier that a short time after the market in New South Wales was deregulated there was a high awareness of the situation. I understand that the Real Estate and Business Agents Supervisory Board is keen to ensure that information is available, so that consumers in this State will be in a similar situation.

Ms MacTiernan: Have you looked at the NSW legislation?

Mr BARRON-SULLIVAN: If the member for Armadale had been in the Chamber earlier, she would be aware that I had spoken to colleagues in NSW and I am aware of the situation there. The legislation provides strong safeguards and I have spoken about the aspect of public protection. However, one thing that is not provided for at the moment which will be extremely important and useful is the provision in this legislation for a conciliation process. A number of the complaints that are put forward at the moment will be resolved through this conciliation process. An important result of that will be to free up resources for the more complex complaints to be thoroughly investigated.

It is worth looking at the present situation to see whether some of the reputation that the industry has picked up from time to time is entirely justified. We have heard the member for Armadale picking on individual cases and indicating they are a reflection of the industry as whole. However, when one considers the statistics objectively that is not the case. The member for Armadale mentioned on a number of occasions that 500 investigations were carried out in the previous year.

Ms MacTiernan: There were 500 complaints, but not all complaints are investigated.

Mr BARRON-SULLIVAN: Of those, there were 350 complaints and the other 150 were investigations generated by the existing consumer protection network in this State. The member was using the figures erroneously in that regard. As the member for Moore said, that is not at all unusual. Considering there were 44 500 transactions in 1996-97 and only 345 complaints, the ratio is 7.7 complaints to 1 000 transactions. However, when one considers the number of prosecutions, the situation clears up even more.

In Western Australia, 21 general prosecutions were conducted in 1996-97, which is 0.05 of 1 per cent, or half of one-tenth of 1 per cent of the transactions. That can be compared with much larger States such as Victoria and New South Wales which have a far bigger industry. The figures in Victoria and New South Wales are much greater, so our system is already working reasonably well and the safeguards that will be put in place by this legislation will only improve the situation.

The availability of a conciliation process will lead to considerable improvements as well. If conciliation does not work or the complaint warrants it, under this legislation the board can order a refund of unjust fees. Although the legislation contains no specific definition of "unjust", the provisions are not weakened. Some real estate representatives who have approached me in this regard believe that will provide far more consumer protection than had we attempted to provide some complex definition of "unjust". It is my understanding that that is what has occurred in New South Wales where some people in the real estate industry think the circumstances are pro-consumer.

I will touch briefly on a comment the member for Armadale made which raised the industry's hackles. She mentioned the increase in the number of people going into real estate sales and referred to them as cannon fodder, which is not a pleasant way of referring to people in this profession.

One of the amusing things the member for Armadale said was that the increase in the number of people going into real estate reflected the fact that this Government had been downsizing. She said that people no longer employed by MetroBus, for example, were rushing off to get their real estate licences because they no longer had a job as a result of government policy. In classic form, if we tell people something that is not true often enough, they might start to believe it.

The statistics indicate that in 1996-97 the number of active real estate representatives was 5 000. From her perspective that would be an increase on the previous year because of the wicked policies of this present Government. However, the year before there were 5 500 active real estate representatives in this State. In other words, the number declined by 9 per cent. Clearly that argument does not apply.

In conclusion, this Bill does not provide for deregulation; it is about public protection. The industry is very competitive and the legislation will provide a safeguard. The safeguards in the Bill against unjust fees, and which provide for conciliation, restitution of moneys and ultimately the provision of appropriate information, will go a long way towards ensuring harmony within this industry.

I thank all the members in my electorate who approached me about this Bill, including the south west branch of the Real Estate Institute in Bunbury, John Banks and Graham Stanley, for their advice and patience on these matters. I am pleased to support the Bill.

MR BLOFFWITCH (Geraldton) [3.11 pm]: Like the member for Bunbury I have been contacted in my area about the forfeiting of the real estate industry's fee setting arrangement that was enshrined in legislation. In the early 1970s in the industry I often wondered why we had -

Mr McGowan: You were in the navy.

Mr BLOFFWITCH: I was running a service station. We were prohibited from running an agreed set price for fuel. We were told it was collusion and anticompetitive. We were also told that the price lists we were receiving from the Motor Trades Association which showed, for example, battery chargers at \$3 and other minor recommended charges were illegal and amounted to collusion within the industry and as such we could be prosecuted and fined approximately \$10 000.

I have often wondered if we were subject to that law, why the real estate agents were allowed to continue their fee system for the next 20 years.

Ms MacTiernan: It was not a set price.

Mr BLOFFWITCH: I want to make my speech. It was not a set price with our fuel; it was a maximum retail price. Nevertheless, we were warned that if the association continued sending that recommendation, we would be accused

of price manipulation and collusion. I thought the real estate industry would be in the same boat. However, because government legislation permitted real estate agents to do that - in those days government departments were not covered by the Trade Practices Act - there was no reason for them to change. They did not change.

The rest of the small business world had to live by those rules while the real estate agents did not because they operated under state government legislation. In those days we were exempt from the federal legislation. We are all aware that 12 or 18 months ago we entered into the national competition policy. With that we agreed to adopt the Trade Practices Act which would apply to everyone.

As I said to my real estate agent, it does not matter whether he thinks what we are doing is right or wrong, the general agreement on a maximum price is illegal under the Trade Practices Act even if the Government is not setting it. As a result, real estate agents could be accused of price manipulation and collusion.

The Australian Competition and Consumer Commission has laid that very charge on retailers and they have been found guilty. I do not believe the Minister had any choice but to follow this course. Rather than the real estate agents complaining, they should be congratulating the Minister because he has certainly solved the problem.

Mr Shave: I appreciate your making those comments. I think deep down in her heart the member for Armadale supports me on this issue.

Ms MacTiernan: It is amazing how he can see into my heart.

Mr BLOFFWITCH: She must agree because real estate agents are doing something that is now illegal. In the small business world, if three car dealers agree to sell Ford Lasers at \$20 000, the ACCC will charge them with price manipulation and collusion. It is a very serious offence.

Members should not think that because the issue disappears, 10 real estate agents cannot get together and agree to charge 6 per cent. Within their own business environment people must work out what are their costs and what they must charge to make a reasonable dollar. They must be very careful.

I ask the Minister to ensure his Ministry of Fair Trading officers endeavour to make agents aware of just how dangerous it would be if three or four of them got together and set a fee. It could be fatal for their business viability. They should not do it.

As I say, we in this State are covered by the provisions of the Trade Practices Act. Initially, when the Federal Government passed the law it was applied only to corporations because the Federal Government could not legislate on behalf of private businesses. However, it got around that by legislating on behalf of corporations and in so doing brought in its version of the anti-trust laws from America - we call them the trade practises laws - which are in place to assist business. However, they have done nothing to help business. If anything, they have been a hindrance to us.

I am comforted by the federal select committee that produced a report on small business and the Trade Practices Act called "Finding the Balance". Its recommendations were excellent. Under the Trade Practices Act, as a small business, if I take court action I cannot even claim damages for my losses. The federal government committee examined those anomalies and its recommendations are first class. I urge the Minister for Fair Trading, when attending ministerial councils, to use all his powers of persuasion to convince our federal and state Ministers to support the changes proposed in that report and emphasise the need to have those changes made as quickly as possible.

The member for Armadale wanted to look at the legislation to do with leases, retail space and giving shop owners a fair go. What we are doing in that Bill pales into insignificance compared with the changes that will happen to the buying prowess of large companies and corporations, and the way we can deal with them and the ease of access they will have to markets if these changes are made to the Trade Practices Act. I urge the Minister to use all his efforts to push the federal Minister to bring forward legislation along the lines outlined in the report as quickly as possible. I believe all those in the small business world in Western Australia will be totally behind the Minister in that effort. I support the Bill. Given the changes that have been made to the Trade Practices Act, it is the only thing that we, as a responsible government, can do to ensure our small businesses are not prosecuted under the trade practices legislation.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [3.21 pm]: First, I thank members for their contributions. I will quickly go through some of the issues that were raised. In my speech in reply to the second reading stage, Mr McGowan -

Mr McGowan: The member for Rockingham.

Mr SHAVE: That is quite right. Is that south of Alfred Cove? In any event, he raised a number of matters and I

thought he did quite a good job filibustering while the member for Armadale was coming to the Chamber. He talked about the deregulation of fees being a mistake because where that has happened, they have increased. It is true that in some cases fees have gone up. Other evidence suggests that prices have stabilised and on some properties they have even gone down. There is no convincing evidence that the removal of the cap on the fees will result in an automatic increase in charges.

Ms MacTiernan: Have you made an evaluation of the properties that have been affected? There may well be a trend at one end of the market which is different from the trend at the other end of the market.

Mr SHAVE: That is the point I made when I said that in some instances there has been an increase, and in other instances the fees have gone down.

Ms MacTiernan: That is very important because we are very concerned about the fees being charged in the lower end of the market.

Mr SHAVE: As I said, the variation has been upwards in some instances, and in others it has been down. In its report in 1992, the Prices Surveillance Authority stated that regulatory regimes do not effectively protect consumers and inhibit efficient pricing. At that time its view was that the sort of protection this Government is putting in place within the provisions of this Bill is the appropriate way for Governments to move. The member for Mitchell who is not here at the moment said that Queensland is the only State left with regulated fees and they apply in only the residential sector. It is recognised nationally that the deregulation of fees is an appropriate way for the Government to move.

The member for Rockingham was critical of national competition policy reform. He stated that the original intent was to free up the electricity market on the east coast of Australia, but it has since broadened beyond that. That is certainly the case, but it was not limited to the electricity market as he indicated. All Premiers, Chief Ministers and the Prime Minister have signed a national competition principles agreement. I expect that agreement will be pursued and attended to in the appropriate manner.

At present agents are limited in the range of services they can offer because of the fee schedule. That is a disincentive to produce a better outcome for the consumer. The removal of the cap on the fees will provide an incentive for agents to compete on price and quality. Once again, the member for Mitchell made the comment that, given the number of people in the market place, in his view, competition will ensure there is fair pricing and proper trading. Even if that does not occur, in recognising there is a possibility that people do not behave in a proper manner, the appropriate action should take place to discourage them. This Government will certainly support that process. Some figures were quoted by the member for Mitchell who talked about a very slight percentage of transactions concluded and the ratio to the offences that were pursued.

The member for Armadale referred to unjust fees and said that she is not comfortable with that situation. I make the point that the term "unjust fees" is found in other legislation, including the Credit Act in Western Australia and the contracts review legislation in New South Wales. In both those Statutes, the term "unjust" is not defined. The board indicated that its preference was for the term not to be defined. It felt that by not defining it, it gave the board the flexibility it needed to look at all circumstances when determining whether a fee on the sale of a property was unjust. For several years the courts have dealt with similar concepts without being specifically directed by any guidelines or lists. Although it does not sit comfortably with the member for Armadale, it is the general view of the people who are charged with enforcing the regulations that the term is quite appropriate and reasonable. The member for Armadale also referred to 500 complaints being made against real estate agents. The member for Mitchell provided figures and talked about percentages for the transactions which were undertaken in the year. Although I have some of those figures in front of me, because the member for Mitchell has spoken about them, I do not propose to go back over them.

The member for Armadale also said that to increase prosecution rates, the Settlement Agents Supervisory Board and the Real Estate and Business Agents Supervisory Board are going after small fry. As an example, she referred to the boards trawling through trust accounts, particularly those of independent operators, to find some sort of irregularity and to enable them to show a greater number of prosecutions. That is a little unfair.

Ms MacTiernan: The question is: Is it true?

Mr SHAVE: Those boards are doing their job. They have a responsibility to do that. If the member wishes to use the term "trawl" to describe the way they go through trust accounts to determine which people are undertaking illegal acts, she may do so. However, I suggest that if the trust accounts of those in the legal profession were trawled at the appropriate time, it might be found that some of their clients might not have gone through some of the mental anguish and financial hardship that they have gone through in some instances.

Ms MacTiernan: They should trawl through the records of hoteliers.

Mr SHAVE: That is right. I do not wish to divert to any great degree, but the Taxation Office quite often trawls through hotel businesses. As a member of Parliament, I have had the Taxation Office trawl through my expenditure. I was pleased to find afterwards that it owed me a couple of hundred dollars. On occasions, the Taxation Office runs into people who behave in a very proper manner and that is appropriate. The Government does not support the assertion by the member for Armadale that trawling is going on and is not fair dinkum. A fundamental requirement is that the board looks at those areas and continues to do so.

The member for Armadale also raised concerns about conflicts of interest between real estate agents and business agents. I do not propose to enter into that debate at the moment. I have said in previous discussions - it is on the record - that many real estate agents have settlement agencies. The incidence of complaints against them is minimal. If one looked at the number of transactions they undertake and the number that solicitors undertake in the same sorts of transactions, one would probably find as many complaints against solicitors.

Ms MacTiernan: How do you account for the fact that Western Australia is the only State that allows it? You talked about the importance of looking at other States.

Mr SHAVE: The member must get away from her blinkered vision. Just because we are the only State that does something, does not mean that we are wrong.

Ms MacTiernan: You used the argument yourself to justify deregulation. You said that it is done in every other State.

Mr SHAVE: It is not done in every other State because it is not done in Queensland. I said there is a move towards that proposal on that issue.

Ms MacTiernan: There is a move towards cleaning up the settlement industry.

Mr SHAVE: Does the member suggest that with commercial tenancy we should not be transferring the cost of management fees to the property owners because in every other State the tenants are paying that?

Ms MacTiernan: I do not take the view that because every other State does it, we should do it. I asked you to consider why you think no other State allows it. It is because it is such an extraordinary conflict of interest inherent in the relationship.

Mr SHAVE: That is the member's view. It could be that the legal profession in those other States has an unhealthy alliance. I would not discount that.

The member for Armadale raised the Sure Sales Systems (Australasia) Pty Ltd investigations. She then tipped a bit of a bucket on the Ministry of Fair Trading, as she does from time to time, although she genuinely believes that it does a good job. I do not propose to get into that area of discussion because it is an individual prosecution. Such prosecutions will come up from time to time. They will be handled in the appropriate manner by the board. I do not propose to get involved in those prosecutions or to comment on them.

The member for Armadale raised the important issue of the remuneration of the chairman of the board. I support her view on that. She spoke of one of the investigations of the current chairman which will have to be overseen in a few weeks and will involve five days' sitting for the hearing. The annual amount payable to the chairman is \$29 400. That has been laid down on the basis that the work requires approximately one day a week from the chairman. It is a set amount. Without being unkind to the Public Sector Management Office, it is inappropriate for an amount to be set down for this position when the advice I am given suggests that more work is probably required from the chairman. It would be unreasonable for the Government to expect anyone in a qualified position to do that sort of important work without proper remuneration. The member for Armadale should know that it is my intention to put a proposition to the Public Sector Management Office over the next seven or 10 days to totally review the remuneration paid to the chairman.

If the view of the Ministry of Fair Trading is that the workload demands a greater or more appropriate remuneration, I will support that. I have had discussions with the ministry about that and it is supporting that position. There is a need to review the chairman's remuneration. We will be doing that. We can also look at other board members' remuneration. However, I am particularly interested in seeing that the chairman has the amount of time he needs and the ability to do what he wants to do and that he is appropriately remunerated.

Ms MacTiernan: I am also concerned about other board members and people like Bill Goddard. The amount of time they are required to give up, basically sacrificing their business, is becoming very onerous. Are they currently paid on a half daily basis or a single meeting fee basis?

Mr SHAVE: My understanding is that the amount is worked out on an hourly rate but there is a ceiling on what can be paid over a year. The member mentioned Mr Goddard. The reality is that some of the members are doing the work because they believe they are contributing to their industry.

Ms MacTiernan: That is right.

Mr SHAVE: It is not reasonable for the Government to assume that simply because members are prepared to provide their time they should not be compensated for it. We will look at all of those areas. I am particularly concerned at looking initially at the chairman's remuneration, but we will be looking at the whole matter as a package proposition and putting something to the Government.

The member for Armadale suggested removing the rights of appeal to the District Court on decisions of the board. In general principle that looks attractive. I made some comments during her speech that I have a problem with people going before the board and then a disappointed party with financial support or clout being able to go to another court and causing people who do not have that financial support severe disadvantage. There are some problems with that right of appeal. I have sought advice from the ministry and the board on their views. They pointed out that by putting no appeal right into the legislation one would not only limit the rights of the agent but also reduce the consumer's right to challenge the board's decision. I fully understand the concerns of the member where it involves \$6 000 or \$8 000. We do not want people to go to the board and find that after a fair and just decision they will have to spend another \$10 000 on legal fees.

Ms MacTiernan: The new provision and the question of adjudication on unjust fees is where the right of appeal should be eliminated.

Mr SHAVE: We will give consideration to that. As I said, in principle for what is reasonable to the people involved I understand the concern of the member for Armadale. It is something we will look at.

Ms MacTiernan: Knowing your hatred of lawyers, that might appeal to you.

Mr SHAVE: I do not think hatred is the appropriate word.

Ms MacTiernan: Contempt, perhaps.

Mr SHAVE: Probably contempt is a better word.

Ms MacTiernan: And I am always defending hotels! I cannot believe it!

Mr SHAVE: Probably my greatest concern about lawyers is overcharging and incompetence. Incompetence is perhaps a better description of my feelings towards some of them. Of course, there is good and bad in everyone.

The DEPUTY SPEAKER (Mr Bloffwitch): I am pleased to hear you say that.

Mr SHAVE: I guess there are some cheap, competent lawyers, but I have never found them. They all seem to cost me, and they are not all competent.

Mr McGowan: What about publicans?

The DEPUTY SPEAKER: Order! May we have a bit of order and allow the Minister to finish the second reading debate?

Mr SHAVE: Thank you, Mr Deputy Speaker. I commend the member for Rockingham for raising the issue of publicans. Many people are employed in the hotel industry, and it is a very important industry for Western Australia. I am sure the member for Rockingham recognises the value of the employment that industry provides to the people in his region.

Mr McGowan: Do they want smoking in bars?

Mr SHAVE: Smoking in hotel bars is not something that hoteliers want; and if the member for Rockingham has any doubt about that, he should have a chat to his local publican about it.

The member for Armadale mentioned during her briefing on the Bill, although she did not raise it in the debate, that she was interested in the figures for the general purpose fund, in where the money was spent and how it was spent. Those figures are being prepared at the moment and she will get them in the next few days.

The member for Armadale said that since this Government has come into power, union representation has been taken off virtually every board under my control. As the member talked about virtually every board, to use her words, I said that I would check to see what union representation we had decimated in the Ministry of Fair Trading.

Ms MacTiernan: I said that your ministry is one that has not done it much.

Mr SHAVE: I am not sure that is what the member said. She had better go back and look at what she said. I could talk about the Builders Registration Board and nominate the union members, the Painters Registration Board and -

Mr McGowan: My speech on this was better than yours!

The DEPUTY SPEAKER: Could members let the Minister make his speech and then judge?

Mr SHAVE: I am not sure whether he is talking about my address now or my first speech. During the recess between my first speech and this speech, a lot of people complimented me on the delivery that I had made, and I received quite a lot of letters in my electoral office, so I am a bit disappointed that the member for Rockingham feels that I have been less than stunning in this address.

The member for Geraldton was kind enough to support the legislation, and I thank him for that. There is probably a lot of merit in what he said about price fixing. He mentioned the petrol industry. It used to amuse me, because my father was in the petrol industry, that when I went into service stations in the metropolitan area, they all charged the same price, but when I went into the country, I had to pay 10¢ a litre more for petrol. That was very disappointing. This Bill will lead to some competition in the marketplace, which is what the Government intended, and that will be healthy and in my view will assist people when they are buying or selling a home.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Shave (Minister for Fair Trading) in charge of the Bill.

Clause 1: Short title -

Ms MacTIERNAN: I will take this opportunity to make some further comments on this Bill. Members who were here this morning will be aware that I did not have the opportunity of concluding my remarks on the second reading. It is important to make it absolutely clear that we recognise that the vast majority of people in the real estate industry are extremely professional, do a good job, and are very committed to and like their work. I accept the statement by the member for Mitchell that things go wrong in only a small percentage of the large number of real estate transactions each year. I have never been of the view that the industry is falling apart. However, we are concerned that there are structural problems in the industry that have the potential to cause substantial difficulties, and we need to address that conflict of interest.

The second concern is that when these complaints are made, they are not adequately dealt with by the board. That is partly because of the shortage of resources in the board, partly because of the inadequacy of the legislation and, perhaps, to some extent because the board is not as broadly based as it could be. I noted in my earlier comments that the new chairman may demonstrate that the situation can be improved. I am certainly not in any way trying to slight the entire industry, but I think it is quite silly for the member for Mitchell, or anyone in the Government, to believe that because the large number of complaints to the board result in very few prosecutions, therefore, those complaints by and large are not of great substance. I have set out in this Parliament on many occasions cases that have not been resolved by the board and where the board and the ministry have been unable to deal with issues, which I think are evidence that the low prosecution rate is not reflective of the triviality of the problems coming before the ministry and the board.

The Minister has said he thinks that in my heart of hearts I support the deregulation. I have made it absolutely clear that I have no difficulty with deregulation in the commercial sphere or in the upper end of the residential market, where people can be presumed to have a degree of commercial sophistication. However, in my heart of hearts I am extremely concerned about the proposals to deregulate at the bottom end of the market. I would like an assurance from the Minister about the provisions he intends to put in place to monitor the effects of deregulation. The Opposition does not believe the mechanisms to be in place as a protection are adequate. They are nowhere near as comprehensive as the provisions in the Credit Code, to which the Minister has referred.

Mr SHAVE: I have already indicated in the response to the second reading debate that the Government intends to look at one of the areas of concern raised by the member, and it will also look at the other areas. I have no difficulty with appointing appropriate people to investigate issues that arise. There is no funding problem in this area, and that is not conceding that there is a funding problem in any other areas. I consider the current chairman to be a very competent person, and if he suggests changes to the method of investigation or that other people should be appointed, the ministry will take cognisance of what the board suggests about mechanisms that should be in place. The

marketplace will determine what happens. If people are charging excessively high fees or are unreasonably exploiting a certain sector of the marketplace, all these issues will be looked at. I am sure that if people are being discriminated against or unfairly treated, the board will take appropriate action when that is brought to its attention.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 12AA repealed and a section substituted -

Ms MacTIERNAN: These comments apply to a number of clauses throughout the Bill and I will not comment on them individually. A fair amount of work has been done to identify deficiencies within the legislation that do not allow the board a full scope of power, or that create uncertainty as to the scope of power of the board to deal with all the issues with which it should properly deal. Many of the amendments are not to simply deal with the question of how the board might be empowered to adjudicate on unjust fees, but also to do a broad sweep in picking up the loose ends identified in the Act over the past few years. The Opposition supports that. I will disagree with one or two of them, and will argue against those points as they arise.

I have been very disappointed that one deficiency identified in the legislation has not been addressed. I raised during the second reading debate the situation of a virtual no man's land on renewal of agents' licences and representatives' registration. That was the situation with Mr Charles Patrick O'Leary. A number of complaints had been made against him, and when he applied for renewal of his registration the board basically did nothing. It has been pointed out that because of the previous chairman the board was somewhat tainted in this area, and it chose to do nothing. The result was that Mr O'Leary's registration was allowed to limp on without any determination for a period of 12 months. From my reading of the Act, it is not clear that it would be limited to that period. There is a process, supposedly, whereby licences and registrations must be reviewed annually. However, in many cases, it is sufficient to apply and for the board not to determine. There should be a provision - it cannot be done by amendment to this Bill because the relevant section is not being dealt with - that imposes upon the board an obligation to deal with any application for renewal within three months of the application's being made. It is unacceptable to all parties concerned. I believe it is a failure of the board to exercise its jurisdiction properly if it allows an application to be made, does nothing about it, and relies on a loophole that allows the registration to continue even though it has not been renewed.

Mr SHAVE: Under section 102 of the Act a registrar, one of the officers of the ministry or another person can make a complaint against an agent and the board has the capacity to consider that complaint and take action prior to a renewal. I do not want to get into the rights and wrongs of the O'Leary case, but, as I recollect, some of the matters pertaining to his behaviour were still under consideration and had not been dealt with by the board.

Ms MacTiernan: Nor have they been dealt with now, although his licence has been suspended.

Mr SHAVE: They have made that decision.

Ms MacTiernan: That is not the point.

Mr SHAVE: I thought your point was that the board did not have the capacity to take action.

Ms MacTIERNAN: The situation is bizarre, so I am not surprised the Minister is having difficulty coming to terms with it. I did not believe that it was the way in which the legislation worked until I received the Minister's response to a question I asked in this place last year. Each year agents and sales representatives have an obligation to apply for the renewal of their licences. The renewals last for a year and then they must renew them again. Let us say that in May last year a person - Mr O'Leary or anyone else - made an application to renew his or her licence and a number of question marks were hanging over this hypothetical person, but the board did nothing. It said it was too hard and it did not want to deal with the matter. It is not that the board does not have the power to deal with the issue. It has clear powers to deal with it and the amendments proposed in this Bill will ensure the board can consider a much broader scope of matters. However, the board does not have to do anything, so this person's registration continues.

On the one hand the Act says the registration must be renewed each year, but on the other hand there is this giant loophole. If one has a mate on the board it can decide not to look at one's application and the registration continues. That is what happened in this case. A person who was chairing the board had been involved in the transaction that led to the question marks over the representative concerned and informally it was decided not to make a decision. Even though this agent's registration had not been renewed, and the Act says it must be renewed each year, he was able to continue operating indefinitely. The board has the power, and we must oblige it to make a determination on a renewal within the space of, say, three months from the time of that application for renewal. The current situation makes a mockery of the process of annual renewal.

Mr SHAVE: I do not want to get bogged down in the O'Leary case. I can understand the member's concern. It is

bit like making a complaint to a police officer and nothing is done, then one finds out one's complaint related to his cousin.

Ms MacTiernan: My concern is with the way the Act is structured; there is no obligation on the board to deal with it.

Mr McGOWAN: The board is composed of real estate agents and when an agent is called before the board that complaint is prosecuted by a lawyer from Crown Law or some other government department. I am concerned, firstly, that the normal rules of evidence that apply before any court in this State are not adhered to by the board. Those rules of evidence exist to ensure justice for an accused person. Secondly, the board can make a finding against a person which can be as serious as the finding of any court. For example, if a real estate agent was found to have engaged in misconduct that would have a detrimental effect on his or her earning capacity and career. The basis of the board's operation means that it does not operate in accordance with the accepted standards of behaviour of bodies of this nature in our society.

I am also concerned that the board is composed of real estate agents. Those people are not legally qualified. They are too close to the issue to be able to apply a reasoned, balanced, just approach to the matter. A board member will have a range of preconceived ideas and prejudices on the matter, whereas a judge is trained to put aside any prejudices he has in hearing the matter and to approach an issue in a completely objective fashion.

What happens if a real estate agent who sits on the board knows something of the person who is being prosecuted? He or she may have heard of that person, may know the person, or work in a rival firm of agents and there will be a benefit if a finding is made against the agent who is appearing before the board. An agent could appear before his or her peers from a competing business. It opens up a tremendous opportunity for conflict of interest by the people hearing the case against the person who is appearing before them. In a matter that is heard by a court, a judge or magistrate who knows the accused will disqualify himself, or, if he knows a juror, will disqualify the juror, so there is no sense of conflict of interest or opportunity for these things to take place. We need radical reform in this area.

Mr SHAVE: This issue arises with other boards. When I was the President of the Hotels Association I went before the licensing court to appeal against the granting of other liquor licences in the locality of my hotels. I came into conflict with one of the people on the board.

Mr McGowan: The court now recognises the difficulty.

Mr SHAVE: If the member for Rockingham examined the history he would find that one of the people who strongly advocated that proposal and put those recommendations to the Government was me, because I shared his views.

I am comfortable in the knowledge that the chairman is a qualified legal practitioner. It gives me additional encouragement that the member for Armadale has endorsed his capabilities.

If we were required to appoint a different chairman or deputy chairman, the Government would look for someone from the independent bar again. The member for Rockingham's comment that there could be a problem with people having a conflict of interest has some merit. The people on the existing board are highly competent and, as discussed earlier, they are probably not being remunerated as well as they should be. That is no reflection on those people. If a decision must be made on a legal matter, at the end of the day a qualified person should make that decision.

I can remember lawyers representing me and other people before the licensing court and the people on the bench asking the lawyers from both sides to clarify points of law. They were trying to make a legal decision but they did not have sufficient legal knowledge. That is not to show any disrespect to Herb Graham, the chairman at the time, who did a good job within his capacity. He was not a legal person. It is unfair to put people in those positions. In many instances governments put people in those positions because of their knowledge. To have someone on the board from the real estate industry or other consumer areas is not a bad thing, but when it comes to making a final determination of law wherever possible legal people should be doing it.

The views expressed by the member for Rockingham on this issue were similar to the views I expressed this morning to my policy people. The matter is under consideration.

Mr McGowan: But it is not being done as part of this Bill?

Mr SHAVE: No.

Ms MacTiernan: Earlier, the Minister was going to clarify the renewal of the licence fees.

Mr SHAVE: My advisers have nothing further to add other than to say that the matter comes up for renewal every 12 months. If complaints are made the board has the capacity to act on it. No deeming provision is included to allow them to operate in a different manner.

Ms MacTiernan: I do not know whether the advisers appreciate the problem; that is, an agent can continue operating even though no decision has been made about the renewal. That will put people in limbo which is unacceptable.

Mr SHAVE: My advisers tell me they understand what the member for Armadale is saying but they have no clear answer to the issue she raised.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 19 amended -

Ms MacTIERNAN: There are many thousands of real estate agents and representatives in Western Australia. I appreciate that it is an enormous administrative task processing all those applications. The board is required to do that through a formal process to enable those renewals to be considered. Probably 99 per cent of them should be discharged and dealt with routinely. Indeed, I understand that is one of the aims of this proposed section.

My difficulty with proposed subsection (9a) on page 4 is that it goes overboard in delegating those renewals. My concern is a very practical area of concern; that is, in situations where an outstanding complaint has been made against an agent or representative those matters should not be dealt with in the routine way. They should not be matters capable of going to the registrar for a routine signing.

The member for Mitchell said he thought that only about 400 consumer based complaints were generated each year. Therefore, not a huge number of renewal applications would need to be determined in the full way by the board. My amendment is designed to quarantine those cases. I am not saying that the mere fact that a complaint is outstanding against a person means his licence should not be renewed. It should not mean that his licence can be renewed in an automatic and administrative sense. In those situations there should be a process of deliberation.

My amendment is to improve the caveat that exists on these delegations. The existing caveat, in unusual legal language, requires that "as long as there is no objection in respect to a licence and special conditions not imposed or charged". That provides that we can deal with a licence or registration renewal in a routine administrative way provided no-one has objected to that.

The reality is that the vast majority of those 400 or 500 people who have lodged a complaint are not aware of the process of licence renewal, let alone that they have a right to object formally to a renewal. The caveat that is contained in proposed subsection (9a) is cast too narrowly. As I say, I seek to broaden it. If there is any outstanding complaint, that matter cannot be dealt with purely administratively and the situation must be looked at. It is important to stress that, because the member for Hillarys is concerned about the livelihood of some people being summarily put to one side. That is not to suggest that this should automatically cause a suspension; rather that the full process of determination should take place under those circumstances.

Mr Shave: This is based on the presumption of innocence before someone is proved guilty.

Ms MacTIERNAN: I move -

Page 4, line 8 - To insert after the word "changed" the following -

and provided that there are no outstanding complaints in respect of the agent or representative concerned

There is a difficulty with the Minister taking advice while I am speaking on this matter because obviously the advisers might not hear my comments. This has nothing to do with the presumption of innocence. I will take members through it. This provision allows the renewal process to be delegated, to be dealt with in a routine way by the registrar, for example. It also recognises that a certain class of cases should not be dealt with routinely; that is, those in which someone has made an objection. As the law is being proposed, if people make an objection, it does not give them the right to insist that the licence is not renewed. They merely have the right for the matter to be considered. That is fair enough; I have no difficulty with that. I am saying that we must broaden that class of items which prevent a licence from being renewed automatically, not just that prevent it from being renewed.

Many of these complaints may be trivial. I am the last person in the world to suggest that because Mr Rosario has put forward a complaint, it should mean a person is automatically prevented from renewing his licence. Let us take the case of someone such as Mr O'Reilly. There was probably no objection to his licence being renewed. People are not aware of the process of objecting on renewal. They are aware of the process that they may go to the board to complain about the way they have been treated. The fact that a complaint has been made should be treated equally as a formal objection that has been made and so preclude any such application for renewal from being considered as a routine matter. It means that someone on the board must look at the circumstances and ask whether this licence

should be renewed. This is not an issue of presumption of innocence or guilt; it is the opposite. It is saying that in certain classes of cases we need to turn our mind to whether the licence should be renewed, rather than dealing with it automatically.

Mr SHAVE: We will not be accepting this amendment. I will give the member for Armadale an example. Let us say that I am running a real estate business in the northern suburbs and I have a competitor down the road. He is causing me a lot of pain because he is doing very well and I am not. I walk in one day before his renewal is due and put in a complaint. Under the proposal of the member for Armadale, the registrar could not deal with his renewal and the competition would be out of business.

Ms MacTiernan: No.

Mr SHAVE: This is the way I interpret what the member is saying: If the complaint goes in, the board must deal with it. What will happen if the board is not in a position to deal with it straightaway? Should the competition stand up and throw his hands in the air and simply go out of business for three weeks or three months?

Ms MacTIERNAN: No. Apropos the discussion we had before, the registration continues. All we are saying is that in the process of renewal, it would then have to be dealt with formally and not by way of delegation. I do not think the Minister understands this. I will explain it. This is an important matter because it is causing the board to be discredited in its dealings. I will walk members through this step by step. We all agree that the vast majority of applications can be dealt with administratively. We do not have any problem with this proposal, which allows a delegation of that renewal process. The parliamentary counsel who prepared this document recognises that we could not possibly let that happen to every application, that some must be quarantined. The class that has been chosen for quarantine includes those about which a formal objection to the renewal has been lodged.

Let us go back to the example of the Minister and his rival down the road. Being well aware of the provisions of the legislation, the Minister, the complainant in the example, would come to the board and say that he formally objects to the renewal. That just means that the licence is not granted administratively and that the board must think about it. From the long discussions we had during the debate on clause 4, we all know that until such time as the board thinks about these issues, the renewal continues unabated. There is no question that the registration will continue. Although the person the clause is seeking to eliminate will not be able to achieve what he wants to achieve, he could lodge a formal objection as contemplated by the Government's amendment. Most people making a complaint do not distinguish between these two processes. They have a problem and they go to the board. They do not know there is another process whereby they can make a formal objection. All we are saying is that in that class of applications that is quarantined from being dealt with administratively, we include those about which there are outstanding complaints. Do members follow what I am saying?

Mr Johnson: It could take two months for the board to gather the evidence. Are you suggesting these people have a temporary licence in these cases?

Ms MacTIERNAN: If the member had followed the debate on clause 4, he would know that it has become very evident that the schema of the legislation is that once an application for renewal has been lodged, it continues until such time as the board makes a decision either way. There is no suspension of the licence. It continues. All it means is that at the end of the day it is a question of who will make the decision and whether this type of decision should be made administratively.

Mr Johnson interjected.

Ms MacTIERNAN: We know from the schema of the Act and the way it is worded that one's licence continues unabated until such time as the board makes a decision, so there is no disadvantage.

Mr Johnson: I do not see the point you are making.

Ms MacTIERNAN: It means that when the matter is up for consideration - most matters are considered within three months - the board can hand some, or all, of those matters to the registrar and say, "You deal with them", except for the small class where there is either a formal objection or an investigation.

Mr Johnson: If the licence continues while they are investigating the complaint in detail, and if that complaint is found to be justified, they can then take back the licence.

Ms MacTIERNAN: The schema of this proposed section recognises that some applications should not be dealt with in that routine way and recognises those instances where there has been a formal objection. The vast majority of people with complaints do not know that they have an entitlement to make a formal objection, so this class is based on a very unfair and unjust way of separating the wool from the sheep.

Mr SHAVE: The advice I have is that section 27 of the Act clearly gives the board the power that it needs and under subsection (b) it must be proved that a person is of good character and repute. If, under those circumstances, a complaint were made to the board, it would not be fast-tracked as proposed under the amendment. Therefore, we do not accept the member's amendment.

Ms MacTIERNAN: It is very frustrating. The Minister does not understand the Act and the way it is operating, and that makes a farce of attempting to deal with it. One can only hope that the Attorney General has responsibility for this in the other place and we might have someone who knows how it works.

Amendment put and negatived.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Divisions 4 and 5 inserted in Part II -

Ms MacTIERNAN: I do not know why I bother.

Mr Cowan: Neither do we.

Ms MacTIERNAN: When these things start going wrong, as they did with the industrial relations and workers' compensation legislation and numerous other Acts, we can say, "I told you so." We had some vague hope that by our raising the issues, the Minister might become slightly familiar with the legislation under which he is operating.

Mr McGowan: Vindication and revenge.

Ms MacTIERNAN: That is right.

Mr Shave: You are being very rude.

Ms MacTIERNAN: I am sorry. I do not mind if the Minister for Fair Trading does not agree, but what I find depressing is the fact that he does not understand.

Mr Shave: You are normally more gracious than this and attack the Attorney General. Now you are telling me he is a man of intelligence. You must take a position - either he is a dope or he is not.

Ms MacTIERNAN: I do not normally attack the Attorney General.

Mr Shave: Yes you do, constantly.

Ms MacTIERNAN: I normally incite the Minister into making defamatory comments about his colleagues because I enjoy seeing the power play of the Liberal Party.

Mr Shave: I have never said that he was not a fine Attorney General.

The DEPUTY CHAIRMAN (Mrs Holmes): Order!

Mr Cowan: We do not have to incite that in the Labor Party - we see it all the time.

Ms MacTIERNAN: The Attorney General has certain characteristics on which one might reflect from time to time, but one must admit that he has the capacity to read legislation.

The DEPUTY CHAIRMAN: Return to the Bill please, member for Armadale.

Ms MacTIERNAN: I apologise Madam Deputy Chair, I was goaded by the Minister.

Mr McGowan: Talk more about the Attorney General; he is more interesting.

Ms MacTIERNAN: I am concerned about the advisory committees for a number of reasons. Firstly, the system that has been proposed seeks to give the Minister a substantial degree, and perhaps an inappropriate degree, of influence over the board which is supposed to be an independent operation. This complex system does not allow the board to set up committees - with which we would have no difficulty - but rather enables the Minister to set up advisory committees, not to advise the Minister, but to advise the independent board. There is something quite unusual about that proposal. Secondly, under proposed section 23A(9) these advisory committee members are to be paid out of the general purpose fund, about which we sought further information last week. The Minister assures us that the information is forthcoming - no doubt after we have finished considering this legislation. It is quite possible that a plethora of these committees could be established, and could gobble up an unjustifiable amount of these general purpose funds, and thus in turn deplete the capacity of the board to discharge its other functions. Thirdly, my most

important concern is that we have a supposedly independent board and we are giving the Minister the right to set up advisory committees - not to advise him on advice given by the board, but rather to advise the board. We need an explanation of why that is the appropriate way of dealing with the matter. I understand that the board may need people to advise it and to share its workload, but these committees should be appointed by the board and not by the Minister.

Mr SHAVE: We do not accept this amendment. This is reds under the beds stuff. The member is saying that, for some reason, the Minister is going to set up these committees for ulterior motives.

Ms MacTiernan: Not ulterior motives - just to influence the board.

Mr SHAVE: That is in very poor taste and I am quite offended. It makes me worry a little that, if a Labor Government is returned to Western Australia, that is exactly what will happen. I am advised by the department and the board that the capacity to do this will benefit the orderly administration of the industry. I accept that and have confidence that other Ministers who come along after me will act in an appropriate manner and run their affairs properly. The member for Armadale is worried about a Minister putting a couple of people on an advisory committee to try to influence someone. There is more than one way to skin a cat; there are plenty of other ways to do it. This clause is appropriate and I will support the advice given to me.

Ms MacTIERNAN: I move -

Page 8, line 4 - To delete "be represented by another person" and substitute "have legal representation".

This clause seeks to set up a conciliation process. I understand the objectives of having a conciliation process. Although we have some difficulty with conciliation processes, on balance we support them. The reason we have some scepticism is that we have seen them operate in the area of workers' compensation where over 50 per cent of people who go through the conciliation process under WorkCover tribunals report a great deal of dissatisfaction about the way in which they are treated. We know from research that in that conciliation process people who are unrepresented and unaware of their real entitlements are being harried into accepting settlements that are far less than those to which they are legally entitled. I understand that the whole process of conciliation and settlement is to give away some of one's rights, but that should be consciously done and not in the way that conciliation is practised in WorkCover where people are not aware of their rights and are being deceived into early settlement. My concern is that we may see the same situation arise here.

The particular aspect of the conciliation process about which we are concerned is that which says that a party to a transaction cannot be represented; for example, where there is a dispute between a consumer and a real estate agent that person must go along on his own and do battle for himself. Our concern is that will place consumers at a very real disadvantage. They will largely be taking action against real estate agents who by and large, one would assume from the process of their registration, are familiar with the Act and their entitlements and living with the subject day in and day out. For the consumer it is probably the first and only time that he will appear in this conciliation process. We are not trying to introduce lawyers into the conciliation process, although there would be a strong argument for that. Knowing the Minister's antipathy to lawyers, we are not seeking that, but we are seeking to allow a person who is entering into the conciliation process to have some sort of representative with him. For example, it may be a consumer advocate who can go along with him and basically balance the equation.

It is all very well to talk about conciliation and settlement, but it is not conciliation when one party is fully aware of its rights and the other is not. In those circumstances the settlement is hammered out on the basis of one party being disadvantaged. We are seeking here to ensure that a person is entitled to representation, albeit not legal representation. My personal view is that they should be entitled to legal representation, but we recognise that is probably going further than the Minister will consider. We ask the Minister to enable the person to have a representative, even if it is only a consumer advocate.

Mr Johnson: It would be similar to the Builders Registration Board of WA.

Ms MacTIERNAN: The people appearing before that are entitled to have legal representation.

Mr Johnson: They are not entitled to legal representation.

Ms MacTIERNAN: In practice that is what happens. That is what we are seeking.

Mr SHAVE: We will not agree to the proposed amendment. The view of the Government is that the conciliator should have the right to determine whether people should be represented at hearings. The conciliator is given the responsibility to assess all the circumstances of the parties involved. The proposed clause as it stands is quite satisfactory.

Ms MacTIERNAN: I understand what the Minister is saying. He fails to recognise the position. Perhaps this may be where one has an advantage having been in legal practice. One gets to see how these sorts of processes work and how unfair they can be. To put this beyond doubt, I am quite prepared to accept the exclusion of legal representation. All that I am asking is that consumers have the same rights as they have when they attend building disputes committees; that is, to take somebody along with them who can speak on their behalf. It is nonsense to suggest that we can have any sort of justice, even in a conciliation process, where we have one experienced agent who is totally familiar with the Act and knows the industry inside and out and a punter involved in his first real estate transaction. To suggest that those people can come together and talk turkey on the basis of equality is complete nonsense. We must at least allow the person the opportunity to take someone who is not legally qualified along with him to assist him to ensure that there is some equity in the power relationship that goes on during that negotiation process.

I ask the Minister to look at the results of the Legislative Council's research into the conciliation process in WorkCover when it took out any right to legal representation. He will see what were the findings about the inequity that resulted in that conciliation process because of that inherent inequality of understanding and knowledge. It led to an inequality in bargaining power in that legislation.

Amendment put and negatived.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Section 61 amended -

Ms MacTIERNAN: Supposedly this provision is designed to provide a modicum of protection to consumers in the new deregulated environment. One might say that this is the centrepiece of the legislation. We set out in the second reading debate and reiterated in debate on the short title the reason we do not support deregulation at the lower end of the residential market. To summarise those concerns, most people at that end of the market engage in very few real estate transactions in their lives. Their capacity to develop a degree of expertise in transactions of this type is of course very limited. Therefore, they are at a disadvantage when attempting to negotiate fees. There are valid consumer protection reasons for which, at the lower end of the residential real estate market, we should be preserving the status quo. However, we recognise that will not happen. We are addressing here the way in which a modicum of protection might be accorded by way of the expansion of the relevant powers.

The clause as it stands fundamentally states that the board can adjudicate where the fees are unjust, or, perhaps to put it in a more technically correct way, that a person, agent or representative is not entitled to charge fees where it is unjust in the circumstances to do so. We later see that the board is given power to make determinations about what is unjust.

We are seeking to add to that another layer of protection. We should be trying to put in place systems that will encourage full disclosure, and we do not believe the Bill will have that result. We are attempting to put in place a protection mechanism that could come into play, to make sure that people are fully aware of their rights before they enter into an arrangement. We are trying to adopt a strategy that would encourage a degree of preventive care.

When we talked about this notion of unjust fees and expressed the view that it was an inadequate mechanism, the Minister said it was taken from the Credit Code. The Credit Code is an extraordinary piece of legislation, and contains the most detailed provisions relating to the contracts that can be entered into and enforced under the code. It even stipulates the print size of the wording in these contracts. It stipulates the precise formulas to determine the interest rates to be charged. There is nothing like that here so we are seeking to include an additional provision of the type found in the Credit Code. We accept there will be deregulation and that the protection mechanism will be based on this notion of an unjust fee. We are attempting to add a provision that will encourage agents to make sure that they fully disclose the nature of the fees to be charged.

Mr CARPENTER: It is clear that the member for Armadale has not completed her remarks, and I would like to hear a bit more.

Ms MacTIERNAN: I move -

Page 10, line 21 - To insert after the word "consideration" the following -

-

(i)

Page 10, line 22 - To delete the fullstop after the word "circumstances" and substitute the following -

; and

- (ii) which has not been the subject of written agreements prior to rendering of a service in which the maximum sum payable is specified.

The Minister's proposal says that an agent cannot charge a fee in a deregulated environment where in the circumstances it is unjust to do so. I am adding to that -

and where there has not been a written agreement prior to the service being provided and in that written agreement the maximum fee payable set out.

As I explained to the Minister, one of my concerns with this whole notion of unjust fees is that it might be very difficult to establish that a particular fee is unjust. Nevertheless, it would be a fee that would be very unfair for a consumer to have to pay. I gave the example of a block of land in Wungong which might be worth \$40 000. A person puts that block on the market. The agent might specify a quite modest and just hourly fee of \$15. There is nothing unjust about the hourly fee in itself. The agent may spend a considerable amount of time trying to sell the block of land. At the end of the day it would not be difficult to rack up fees in the order of, say, \$8 000 or \$10 000 for the sale of the property, which would mean that the agent is receiving effectively 25 per cent of the value of the block. Under the circumstances it will be difficult to show why that is unjust. He has charged a reasonable rate and has done his time. The punter has no idea at the outset that he will be potentially up for 25 per cent of the value of his property. We want to include a failsafe net in order for the agent to be able to claim the fee. We require a written document, which I understand they must produce anyhow, which specifies the absolute maximum that can be charged so people will know the limit of their liability when they sign up. That seems to be the fair way to approach the matter. There is a maximum and a minimum, and there is a formula to determine in between which one it is. I perceive that this will be a problem, particularly at the lower end of the market, because I am advised by agents in our area that they can spend lot of time selling very modest properties. If people were aware that they have to pay an hourly rate for those properties, they may not sell them through agents.

Mr SHAVE: I will not accept the amendment at this time. I have some reservations about that sort of proposal, and my two advisers have differing views on the benefits or otherwise of the proposal. I will give an undertaking to the member for Armadale that we will further consider the proposition put by her, and if I am comfortable that there is merit in what she says, we will move an amendment accordingly in the other place.

Ms MacTIERNAN: I can assure the Minister we will be moving an amendment in the other place if this is not accepted. It is regrettable that the Minister has not been able to see his way clear to accept this amendment. This is the centrepiece of the legislation. We have set out very clearly real, practical examples where we will see consequences that the Minister does not intend, and I think he is being a bit short-sighted. I am glad the Minister has at least acknowledged that there may be a problem in this area and is prepared to do something. I would have thought it was evident for some time that the matter of unjust fees is one of the real problems with relying on the discipline of the industry to set fees. There is no point continuing the debate at this point, but we will be ensuring that our colleagues in the other place take up this matter with full force and vigour.

Amendments put and negatived.

Clause put and passed.

Clauses 15 to 19 put and passed.

Title put and passed.

Report

Bill reported, without an amendment, and the report adopted.

House adjourned at 5.02 pm

QUESTIONS ON NOTICE

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

MOTOR VEHICLE THEFT

2963. Mr RIEBELING to the Minister for Police:

In relation to motor vehicle theft, is Western Australia ranked No.1 as having the worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?

Mr DAY replied:

Yes, according to the 1995 data which was included in the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission). In 1996, motor vehicle theft in Western Australia fell by 22% and was lower than the rate of theft in 1993. During this period, the average rate of motor vehicle theft in Australia increased by 4.8%. All categories of property crime in Western Australia decreased over this period, while the Australian average increased in all but one category. It should be noted that the rate of vehicle ownership in Western Australia is higher than any state or territory and is 13% higher than the Australian average.

MURDER

2971. Mr RIEBELING to the Minister for Police:

- (1) In relation to murder, is Western Australia now ranked No 2 as having the second worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?
- (2) If yes, was Western Australia ranked 4th in 1993?

Mr DAY replied:

- (1) Yes, according to the 1995 data which was included in the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission). However, in 1996 Western Australia was ranked seventh after a 5.6% decrease in the rate of murder.
- (2) Yes.

UNARMED ROBBERIES

2972. Mr RIEBELING to the Minister for Police:

- (1) In relation to unarmed robbery, is Western Australia now ranked No 3 as having the third worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?
- (2) If yes, was Western Australia ranked 5th in 1993?

Mr DAY replied:

- (1) Yes, according to the 1995 data which was included in the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission). However, in 1996, against a national average increase of 7.3% in the rate of unarmed robbery, Western Australia dropped back to third place.
- (2) Yes.

BLACKMAIL/EXTORTION

2973. Mr RIEBELING to the Minister for Police:

- (1) In relation to blackmail/extortion, is Western Australia now ranked No 5 as having the fifth worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?
- (2) If yes, was Western Australia ranked 6th in 1993?

Mr DAY replied:

- (1)-(2) Yes, according to the 1995 data which was included in the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission). It should be noted, however, that as public satisfaction and confidence in the police service increase, crime reporting rates increase also. According to 1996 data which was included in the *Report on Government Services 1998*, the Western Australia Police Service experienced the second highest level of public satisfaction, based on last contact with police, of any Australian state/territory.

KIDNAPPING/ABDUCTION

2975. Mr RIEBELING to the Minister for Police:

In relation to kidnapping/abduction, is Western Australia ranked No 6 as having the sixth worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?

Mr DAY replied:

Yes, according to the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission) only two states have lower rates of kidnapping/abduction than Western Australia.

HEINEKEN CLASSIC - FUNDING

2995. Mr BROWN to the Premier:

- (1) Did the Premier issue a media statement on 2 December 1997 concerning the Heineken Classic?
- (2) Did the Premier say in the media statement the Heineken Classic will be staged in Western Australia for a further four years?
- (3) Has the State Government undertaken to make a financial contribution or other contribution towards the Heineken Classic?
- (4) Will a cash payment be made towards the staging of the event?
- (5) What is the level of cash payment in each of the four years?
- (6) Will other support be provided towards staging the event?
- (7) If so, what support?
- (8) What is the value of that support?

Mr COURT replied:

- (1)-(2) Yes.
- (3)-(5) The State Government has secured the Heineken Classic for the State of Western Australia over the next four years for a total of \$2.2 million. The Heineken Classic is Australia's richest golfing event and offers Western Australians the opportunity to see the world's top golfers. The tourism benefits for this event are considerable including signage for Perth in prominent areas around the course, in places such as the tee headers; as well as our picture postcards being broadcast to an estimated 224 million people in WA's target tourism markets.
- (6) No.
- (7)-(8) Not applicable.

ROCKINGHAM POLICE STATION - NUMBER OF OFFICERS

3211. Mr McGOWAN to the Minister for Police:

- (1) What are the current numbers of police officers based in Rockingham?
- (2) What are their operational categories?
- (3) Why was there a recent reduction in the number of constables at Rockingham station?
- (4) What was the reduction in numbers of constables at Rockingham station?
- (5) Where were these officers transferred to?

- (6) Why was a recent district support group (DSG) operation cancelled?

Mr DAY replied:

- (1) 46.
- (2) General duties, crime investigation and District Support Group.
- (3) A number of Probationary Constables on temporary transfer completed their term of probation and were transferred to assume permanent positions within the Western Australia Police Service.
- (4) 6.
- (5) Refer (3).
- (6) No recent planned operations involving the District Support Group have been cancelled in the Rockingham area.

ROCKINGHAM POLICE STATION - PROBATIONARY CONSTABLES

3217. Mr McGOWAN to the Minister for Police:

- (1) Has the number of probationary constables at Rockingham police station been reduced?
- (2) By how many have they been reduced?
- (3) If they have been reduced, why?
- (4) Will there be an increase in police numbers at Rockingham station in the near future?
- (5) How many police will be placed there in the future?

Mr DAY replied:

- (1) Yes.
- (2) 6.
- (3) The six were a part of the temporary secondments to the Fremantle District and as they complete their term of probation they are transferred to permanent positions within the Police Service.
- (4)-(5) No. Since 1994 the approved police strength at Rockingham Police Station has increased by four officers.

PORT KENNEDY SCIENTIFIC PARK

3446. Mr PENDAL to the Minister for the Environment:

- (1) Has the Port Kennedy Scientific Park, as promised by the coalition in 1992 in opposition, been established?
- (2) If yes to (1) above, when?
- (3) If no to (1) above, why not?
- (4) Is the Port Kennedy Scientific Park to be managed as part of the Rockingham Lakes Regional Park?
- (5) If not, why not?
- (6) What action is the Government planning to ensure that the Port Kennedy Scientific Park achieves the goal of providing practical scientific experience to the public?
- (7) Will the Conservation and Land Management Act 1984 be amended to allow the Department to manage scientific parks?
- (8) If not, why not?
- (9) Will the Government establish a scientific research foundation to coordinate scientific work at Port Kennedy?
- (10) If not, why not?
- (11) Has the promised vermin-proof fence at Port Kennedy been completed yet?
- (12) If yes to (11) above, when was it completed?

- (13) If no to (11) above, why not?
- (14) Has the geomorphological transect joining the Port Kennedy Scientific Park to the Rockingham Lakes Regional Park been included in the scientific park as recommended by the Environmental Protection Authority in 1994?
- (15) If not, why not?

Mrs EDWARDES replied:

- (1) Yes.
- (2) The area was gazetted on 5th August 1997. It is vested as an A Class Nature Reserve known as the Port Kennedy Scientific Park.
- (3) Not applicable.
- (4) Yes.
- (5) Not applicable.
- (6) This proposal will be further examined and finalised during the management planning process for the Rockingham Lakes Regional Park.
- (7) No.
- (8) There would be no advantages in creating a "Scientific Park" land category under the Conservation and Land Management Act 1984. Amendments would be time consuming and costly and would provide no real benefits in day to day management of the Scientific Park.
- (9) This proposal will also be further examined and finalised during the management planning process for the Rockingham Lakes Regional Park.
- (10) Not applicable.
- (11) Six kilometres of vermin proof fence has been constructed to CALM standards. One kilometre that was constructed in 1995 by the Developer (Port Kennedy Resorts Pty Ltd) will be upgraded to CALM standards in the near future. CALM is currently clarifying where responsibility for construction of the final two kilometres lies.
- (12) Not applicable.
- (13) See response to question (11).
- (14) No.
- (15) The land in question is owned by the Western Australian Planning Commission as freehold land. The establishment of an interpretive geomorphological transect on this land will be considered during the management planning process for the Rockingham Lakes Regional Park.

QUESTIONS WITHOUT NOTICE

INVESTIGATOR'S REPORT ON DRUG SQUAD OFFICERS

1099. Dr GALLOP to the Premier:

- (1) Does he agree with the Commissioner of Police that the special investigator's report into allegations against six drug squad officers should be made public?
- (2) If so, as the Minister responsible for the Anti-Corruption Commission, will he take steps to cause that report to be tabled in this place?

Mr COURT replied:

- (1)-(2) The recommendation on whether the report becomes public should come from the Anti-Corruption Commission. If it regards it to be appropriate -

Dr Gallop: You can talk to them about it.

Mr COURT: This is where I differ with the member. I do not want to become involved in the operation of an independent Anti-Corruption Commission.

Dr Gallop: We are talking about tabling the report.

Mr COURT: As I understand it, the ACC wanted to table the report and make it public, but an injunction has stopped it doing so.

Mrs Roberts: I believe that nothing stops it from tabling the report in Parliament.

Mr Day: There is an injunction in the Supreme Court.

Dr Gallop: Have you heard of parliamentary privilege?

The SPEAKER: Order!

Mr COURT: I commented earlier this week that the justice system should run its course. The court made a determination -

Dr Gallop: And the Police Commissioner made a comment; I asked you to comment on his comment. He is supposed to be working for you.

Mr COURT: Hang on. We do not yet have the full judgment. The Leader of the Opposition says he wants the report tabled, but it is up to the ACC, in conjunction with the Police Commissioner, to determine what happens to the report. I do not know what information has been given by the ACC to either the Director of Public Prosecutions or the Police Commissioner, and nor should I. Until the appropriate time -

Dr Gallop: Have you had any briefings on the contents of those reports.

Mr COURT: No, I have not, and nor should I know what is taking place. The Leader of the Opposition has jumped the gun.

SPORTING FACILITIES IN AUSTRALIND-BUNBURY

1100. Mr BARRON-SULLIVAN to the Parliamentary Secretary representing the Minister for Sport and Recreation:

I refer to the tremendous success of a number of major sporting events held in Bunbury over the past year. What is the total amount of State Government funding assistance allocated or committed for new and improved sporting facilities in the Australind-Bunbury area in recent years?

Mr MARSHALL replied:

I thank the member for some notice of this question. The Minister has provided the following response: An amount of \$2 471 410 from the community sporting and recreation facilities fund has been allocated to the Australind-Bunbury area to be available between 1995-96 to 2000-01. The break-up of that allocation includes: The Bunbury Rowing Club received \$50 000; the City of Bunbury synthetic hockey surface, \$316 660; Bunbury and Districts Badminton Association, \$30 000; City of Bunbury oval upgrade, \$32 400; South Bunbury Football Club, \$42 667; and Harvey Brunswick Leschenault Football Club, \$41 785.

Mr Carpenter interjected.

Mr MARSHALL: However, the major coup was at the Leschenault Community Recreation Association aquatic complex which received \$1m.

Several members interjected.

The SPEAKER: Order! There is far too much interjection. It appears that I have been too tolerant and lenient as members are interjecting to the extent that I can barely hear the Parliamentary Secretary, and I am sure Hansard is also having a lot of trouble. I give warning that I have just about had enough of it.

PATRICK STEVEDORES

1101. Mr KOBELKE to the Premier:

- (1) Given the widespread disquiet over the Federal Government's complicity in what appears to be a conspiracy by Patrick to subvert the law, can he give an assurance that neither the Premier nor any member of his

Government has been involved explicitly or implicitly in assisting Patrick to sack its work force in Fremantle?

- (2) If the Premier cannot give that assurance, can he explain to the House what the Government's involvement has been in relation to Patrick and these matters?

Mr COURT replied:

- (1)-(2) I have had no part in any dealings, and I am not aware of any involvement of the Government in what the member calls a conspiracy - to do what?

Mr Kobelke: I referred to the Federal Government's involvement in the conspiracy. Have you been complicit in assisting Patrick in its actions on the Western Australia waterfront?

Mr COURT: The Government has a responsibility to make sure that people can go about their lawful business. I find it unacceptable that people cannot freely move on our public roads in Fremantle.

Several members interjected.

Mr COURT: The sooner Fremantle -

Mr Kobelke: Will you not give an assurance, Premier?

Mr COURT: What assurance?

Mr Kobelke: That you and your Ministers were not involved or complicit with Patrick.

Mr COURT: I said that I was not involved. I will not speak for another Minister - ask another Minister.

ACCOMMODATION FOR PEOPLE WITH DISABILITIES

1102. Mrs HODSON-THOMAS to the Minister for Disability Services:

How many new places for people with disabilities in critical need of accommodation support have been provided with State Government funding in the Disability Services area?

Mr OMODEI replied:

I thank the member for some notice of this question. As members know, in responses to questions in this House in the past few days and weeks I spoke about the Government's business plan for the Disability Services Commission. That plan will provide over a five year period an extra 510 accommodation places for people in urgent and critical need. We are now in the third year of the business plan, and I am pleased that more than 360 people have been given new accommodation places. Although this is a remarkable achievement, many people still have urgent need for accommodation.

Mr Carpenter: How many?

Mr OMODEI: The member should let me answer the question. Certainly there are hundreds.

Mr Carpenter: You do not know, do you?

Mr OMODEI: I do not know the exact number, but it is in the hundreds. Although the people who received the accommodation are pleased, another 150 accommodation places will be provided in the next two years. That will make further inroads into demand for accommodation places. The Government will provide funding for accommodation support beyond the expiry of the current business plan. In addition to the 510 places, at least another 100 new places will be provided by the State by the year 2001-02.

Also, in the new commonwealth-state disability agreement, the federal Minister, Warwick Smith, has agreed to address unmet need, which involves more than 12 000 people nationally. We will meet with the commonwealth Minister later this year to discuss further accommodation places. However, that critical need arises from the neglect of the previous Labor Government. The coalition Government intends to continue to provide accommodation for people with disabilities in this State. As a result of the Government's sound financial management of the State, we will see ongoing increases in funding for people with disabilities.

Mr Carpenter: Are you keeping up with growth in demand?

Mr OMODEI: We would be close to it.

Mr Carpenter: The answer is No.

Mr OMODEI: The member does not have a leg to stand on. The reason the Government has had to inject \$125m into this area over five years is that the Australian Labor Party did not do enough. The member knows that and he also knows that the Government is making great inroads in this area. He should not be too critical.

AWARD WAGE

1103. Mr KOBELKE to the Premier:

- (1) Is the Premier aware that the Australian Industrial Relations Commission yesterday established a new federal award basic wage of \$373.40 per week?
- (2) Is he also aware that this is \$55.15 more than the minimum paid to Western Australian workers under his workplace agreements for a 38 hour week?
- (3) If it is true, as he claims, that Western Australia is the engine driving the national economy, why are the lowest paid workers in this State receiving nearly \$2 900 less than their counterparts in other States?

Mr COURT replied:

The member is selective in the figures he is quoting. There is a big difference between a minimum wage and what people are paid. Western Australia has experienced strong wages and employment growth. If members look at the period -

Mr McGinty: What about the battlers on the minimum wage?

Mr COURT: It is appropriate that the minimum wage be lifted.

Mr Kobelke: Your Minister sets it.

Mr COURT: It is proper that it be raised on a regular basis. More importantly, now that we have more flexibility in our labour markets, we have more people working and able to earn more money. All the fears that members opposite instilled - that it would lead to rising unemployment and lower conditions and wages - have not been realised.

If members opposite were to look at the years before this Government came to power, they would see that this State consistently had higher unemployment rates than the national average.

Several members interjected.

Mr COURT: They do not like it. Since we came into Government we have consistently -

Withdrawal of Remark

Mr SHAVE: The member for Fremantle is openly calling the Premier a liar. That is unparliamentary and he should withdraw.

Mr Bloffwitch: I heard him.

The SPEAKER: I did not. If the member for Fremantle did use that unparliamentary term, I ask him to withdraw.

Mr McGINTY: I did and I withdraw.

Questions without Notice Resumed

Mr COURT: Over the past five years this State has consistently had lower unemployment levels than the rest of the nation. The most important thing we can do is provide people with jobs.

CAPEL-BUSSELTON GAS PIPELINE EXTENSION

1104. Mr MASTERS to the Minister for Energy:

AlintaGas is about to complete its gas pipeline extension from Capel to Busselton. Can the Minister advise when this important program is likely to be completed, whether all urban areas of Busselton will eventually have access to reticulated gas and, in general terms, how much will it cost each household to connect to gas?

Mr BARNETT replied:

I thank the member for some notice of this question. This is a good example of a State's being able to extend the effect of a major resource project for the benefit of the community. The expansion of the Westralian Sands Ltd project allowed the pipeline to go through to Capel and, almost on a break even basis, to be extended to Busselton.

That pipeline has been completed and is currently undergoing commissioning, which is due to be completed this week. AlintaGas is also in the process of constructing a gas spine to the west to the Margaret River turnoff. The first businesses and households along that route will be connected to the gas delivery system towards the end of May. Over the next two years over 40 per cent of Busselton households will have gas available. It has been a good result and I know the member for Vasse was keen to be involved, as was his predecessor.

ROAD FUNDING

1105. Ms MacTIERNAN to the Premier:

When the Premier introduced his recent franchise fees legislation, he indicated in this place that, aside from some transitional effect, Western Australia would not lose revenue as a result of last year's High Court decision. In particular, he claimed that no reduction in road funding in future years was expected as a result of the High Court decision. Does he accept that his Minister for Transport is misleading the public by claiming that the \$50 to \$100 increase in car registration fees is necessary because Western Australia has lost road funding due to the High Court decision?

Mr COURT replied:

His comments are correct. The 4¢ a litre that we have committed to the road program has been hypothecated and it will still come from the Federal Government for that program. However, the High Court decision has stopped the Government increasing fuel taxes. The motor vehicle licence revenue is also being hypothecated to the road program. There have been some losses in the transitional stage.

Ms MacTiernan: We acknowledge that, but they are short term.

Mr COURT: Yes. We have an agreement with the Federal Government that over a few years we will recover those losses. Those arrangements were always short term. I certainly hope a tax reform package is put in place that enables us to abolish those short term arrangements.

The member for Armadale appears to be very critical of the program. She supports all the expenditure in her electorate, but I want her to tell us where she does not want the funding spent.

HOMESWEST'S RENTAL POLICY IN MANDURAH

1106. Mr NICHOLLS to the Minister for Housing:

The Minister recently indicated that he would not support my request to change Homeswest's policy to allow it to offer rental accommodation in Mandurah to those applicants who reside in Mandurah and not to people who live in other parts of the State. Given the large number of Homeswest applicants living in Mandurah, will the Minister reconsider his objection to my request?

Dr HAMES replied:

I thank the member for some notice of this question. He has raised this issue both publicly and privately a number of times. In particular, he makes the point that there is a large number of outsiders moving into Homeswest accommodation and then competing for limited job opportunities in Mandurah. As a result of his questions I did extensive research to see what was happening. There are 241 Mandurah residents and 69 non-Mandurah residents on the waiting list; that is, 22.25 per cent of the people on the Mandurah waiting list are non-residents. The current level of Homeswest stocks in Mandurah is 607 properties, out of a total of 19 700 dwellings, which represents a Homeswest presence of 3 per cent compared to a State average of 6 per cent.

In 1996-97 Homeswest constructed 18 units, some of which were not available for the people to whom the member has referred, namely those who would compete for job opportunities in the private sector. For example, one unit is for a person with a disability. That total comprises four one-bedroom and three two-bedroom seniors' units, and some units have been earmarked for people with intellectual disabilities. The number of units provided for the people referred to by the member total four. Therefore, 13 per cent of the number, or less than one unit, will go to non-Mandurah residents who may be competing for jobs in Mandurah.

In 1997-98 a total of 29 units were built by Homeswest, which represents a significant investment of funds in Mandurah. Of that number, there are five one-bedroom and 12 two-bedroom seniors' units, which reflects the strong commitment of this Government to seniors' housing in Western Australia. Eight of that number have been allocated to non-residents of Mandurah. Again, 13 per cent of eight units equates to only one unit. In the past two financial years, therefore, less than one unit per year has been allocated to those people from outside Mandurah who may be competing for job opportunities within Mandurah.

The figures do not support the claims made by the member. A significant proportion of the funding to this State comes from the Commonwealth Government through the commonwealth-state housing agreement, one of the requirements of which is that we provide a choice of locations for Homeswest tenants. We cannot isolate Mandurah as being different from any other community in Western Australia when considering where its residents may live.

YOUTH MENTAL HEALTH SERVICES, SOUTH EAST METROPOLITAN REGION

1107. Dr GALLOP to the Minister for Health:

- (1) What after-hours and weekend service will be provided to young sufferers of mental illness and their families living in the south east metropolitan region when the Bentley child and adolescent community mental health nursing team is disbanded?
- (2) Is the Minister aware that disbanding the team will -
 - (a) force families to struggle on their own with children who are suicidal or at self-risk;
 - (b) increase the number of children and adolescents who need hospitalising; and
 - (c) put pressure on emergency services and increase pressure on the Health budget?

Mr PRINCE replied:

I thank the member for some notice of this question.

- (1)-(2) I am informed that the Bentley, Armadale and Kalamunda Health Services have been working for some months in collaboration to develop a child and adolescent mental health service to cover the south east metropolitan corridor. I am sure that the Leader of the Opposition would agree that that is a good initiative, particularly as it arises from the mental health task force and the state mental health plan, which he has supported. That includes the establishment of some new clinics in Armadale and Kalamunda. Community mental health officers are the backbone of the exercise, and the intention is that they will comprise the essential parts of a community focus component for the clinics working in suburban areas.

The community mental health nursing team is being decentralised to provide much more focus and immediate community service. Good links have been established with the emergency services at Princess Margaret Hospital, and a protocol is being worked out for that to be more comprehensive. The Bentley Health Service medical staff are already on the PMH emergency roster, and have been for some time. A good link has been established with Bentley, and the intention is to achieve better linkages with the community mental health nursing team and PMH to provide emergency back-up.

Community mental health nurses will join an integrated and, I hope, a multi disciplined team. That initiative flowed from the task force and the state mental health plan report as being the best way to address mental illness as early as possible in the community. They will work from the three clinics, and will operate in a collaborative fashion in the south east metropolitan corridor. Those arrangements should provide much more accessible and comprehensive services to all people. It is a large and diverse suburban area. It is not a matter of disbanding the team but one of spreading out and working on a collaborative basis across a number of health services to provide a better service, closer to the problems and identifying them earlier.

YOUTH ENTERPRISE SCHEME

1108. Mr JOHNSON to the Minister for Youth:

I refer to the Minister's 1996 election commitment to establish and maintain a youth enterprise scheme. What, if any, progress has been made on the scheme, and how will the proposed scheme benefit young people?

Mr BOARD replied:

I thank the member for some notice of this question.

In a few weeks I will be in a position to provide a detailed outline of a new state youth enterprise program. We have been working with the Ministers for Commerce and Trade, Education, and Employment and Training to produce a program for business educators and young achievement with the Chamber of Commerce and Industry of Western Australia, and the Small Business Development Corporation to focus young people on self-employment and enterprise in the workforce. Forty per cent of all jobs generated in Western Australia come from small business. There are many opportunities for young people as we move into the next millennium, both with the Internet and the

changing workforce, to generate self-employment and openings for other young people. Some great opportunities exist in Western Australia. Therefore, the focus is to coordinate the existing program and to make sure every opportunity is provided for young people with initiative who want to generate some income for themselves, to create self-employment, and by doing so perhaps employ other young people.

INFLUENZA VACCINATIONS

1109. Mr McGINTY to the Minister for Health:

- (1) When does the Government intend to honour its election promise to provide free influenza vaccinations for all Western Australian seniors?
- (2) Will the Minister provide those vaccinations immediately before a potentially fatal strain of the influenza virus arrives in WA or will he simply blame the Commonwealth Government for not honouring his election promise?

Mr PRINCE replied:

(1)-(2) I am delighted that the member has asked that question -

Mr McGinty: I will be delighted to hear the answer!

Mr PRINCE: The question should have been addressed to the Minister for Seniors, although she is not here -

Mr McGinty: That is the point; she is not here!

Mr PRINCE: The member already knows the answer to the question because the Minister for Seniors has answered it comprehensively in the media over some weeks. This is another case of the Federal Minister or his Press Secretary saying one thing in the morning, something else in the afternoon, and contradicting both statements the following day. An announcement from the Federal Health Minister's office was that free vaccines would be provided for the elderly in Victoria! Hooray for Victoria! What about the rest of Australia? The Sydney A virus is expected to arrive in Australia in the near future, and elderly people, those with respiratory problems, and the young should be vaccinated, and they should do it themselves.

As to the commitment that elderly people would have free access to the vaccine, of course, there is money in the Office of Seniors' budget for this to happen, but it is not enough. The commitment was made on the clear understanding that taxpayers' money collected by Canberra would be returned to the taxpayers of this State to help that to happen. The Minister for Seniors has spoken at length not only to her federal counterpart but also to the federal Minister for Health about this. I understand she is close to being able to say that the money is available.

Several members interjected.

Mr PRINCE: Unfortunately the federal Minister for Health has said that we should wait until May, which to me sounds like it will come from a Federal Budget which will operate from 1 July, which is too late. This needs to be done now. The commitment will be honoured -

Mr McGinty: When?

Mr PRINCE: As soon as we have the money to do it.

Mr McGinty: You made the promise but you will not do it. The Sydney A virus will clog up our hospitals, and you are polly waffling!

Mr PRINCE: I am simply pointing out the situation that is well known publicly. The member knew the answer before he asked the question. I have summarised the situation for him. The Minister for Seniors is working harder on this issue than the member ever did.
