



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE ASSEMBLY

Thursday, 21 August 1997

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

## PETITION - PUBLIC TRANSPORT FARES

**DR GALLOP** (Victoria Park - Leader of the Opposition) [10.02 am]: I present the following petition -

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

We the undersigned petitioners call on the State Government to reverse their increases in public transport fares, in particular the changes to concession fares and time constraints on transfer in that they will impact most severely on pensioners, the unemployed and other low income earners.

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

The petition bears 86 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 82.]

## STATEMENT - MINISTER FOR YOUTH

### *Youth Grants Program*

**MR BOARD** (Murdoch - Minister for Youth) [10.07 am]: I inform the House of a new and innovative Youth Grants program which will provide \$1m each year over the next three years to projects which encourage participation of young people in innovative community projects and activities. I announced the youth grants WA program last Sunday. It is a completely new youth grants program which is aimed at providing long term benefits to young people in Western Australia. A strong emphasis has been placed on encouraging young people to come up with ideas for these projects themselves, or at least to be very closely involved in their development. The youth grants program is looking for genuinely new projects and approaches, whether they be large or small, which will play a positive role in promoting young people's wellbeing, better prepare them for work and adult life and promote active citizenship. The program is not aimed at increasing the levels of funds available from traditional sources for traditional activities. We want new ideas, new approaches, new thinking.

A wide range of applications is expected, covering many areas such as developing personal and leadership skills, encouraging young people to become good citizens, promoting the achievements of young people and dealing with priority issues such as encouraging better road safety skills. No restrictions will be placed on the areas for which grants can be sought. Preference, however, will be given to applications for which joint funding has been sought with other agencies, groups and possibly the private sector. The vast majority of young people across Western Australia are doing great and constructive things with their lives. We must support them and recognise their many achievements and potential.

Youth Grants WA is a very exciting program and could achieve a great deal in promoting the many positive images of young people in our community. I urge all members to bring the grants program to the attention of their electorate, whether it be young people, youth groups, community organisations, local government authorities, parents or other not for profit organisations.

I have written to every member of Parliament outlining the details of the grants. Applications can be received and considered at any time. Guidelines and application kits can be obtained from the Office of Youth Affairs or from the youth web site known as ".u". I encourage all members of Parliament to spread the news about the new youth grants program.

## SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

### *Second Reading*

**MR BARNETT** (Cottesloe - Leader of the House) [10.10 am]: I move -

That the Bill be now read a second time.

The Small Business Development Corporation was established in 1983 to encourage, promote, facilitate and assist the establishment and development of small business in the State. The Small Business Development Corporation Act was reviewed in 1995. The review found that the Small Business Development Corporation has clearly met the primary objectives of the Act and has played a valuable role in business development in this State and should continue to be supported by the Government. The review recommended an expansion of the Small Business Development Corporation Board to allow it to more effectively represent the interests of regional and remote small business.

Other significant recommendations which have been acted upon, include:

the transfer of the responsibility for the State Enterprise Centre and the associated administration of the Business Enterprise Centre network from the Department of Commerce and Trade to the Small Business Development Corporation, which was effected on 1 July 1995;

the Ministerial Small Business Advisory Council, established in 1993, was disbanded with the full support of council members. The Small Business Development Corporation has now taken on the advisory role previously performed by the council.

The amendments contained in this Bill reflect the Government's determination to maintain its support for small to medium size enterprises through the activities of the Small Business Development Corporation. The Bill seeks to amend sections of the Small Business Development Corporation Act to incorporate administrative amendments as recommended by the Treasury Department, the Public Sector Management Office and the parliamentary counsel. This will ensure the Bill conforms with current government administrative and legislative requirements.

The expansion of the Small Business Development Corporation Board from six to eight members, with no fewer than two members to represent the interests of regional small business, will enhance its role as the primary source of ministerial advice on small business throughout the State and conforms with a commitment under the 1996 coalition business policy. This will have positive implications for regional and remote small business in ensuring that their interests are given due consideration.

I turn now to specific provisions within the Bill. Clause 4 amends section 3(1) of the Act to clarify the definition of managing director to mean the chief executive officer of the corporation, appointed by the Premier under contract, in accordance with the Public Sector Management Act, and no longer by the Governor. Clause 5 amends section 5(1) of the Act to expand the Small Business Development Corporation Board from six to eight members, with no fewer than two members to represent the interests of regional small business. An amendment defines the term "metropolitan region" in line with the Metropolitan Region Town Planning Scheme Act. To conform with common practice within the public sector, clause 6 amends section 11 of the Act to outline the powers of delegation, areas in which the Minister may give direction, and areas in which the Minister must have access to information.

Section 12 of the Act is no longer necessary and is to be repealed. The appointment of a chief executive officer is provided for under part 3 of the Public Sector Management Act. Section 18 of the Act is to be repealed and substituted for a more modern formulation of secrecy provisions including an increase in the penalty for any breach by a public servant from \$2 500 to \$10 000. Clause 9 substitutes the various references to the "Governor" throughout the Act with the "Minister". This will mean that board members will be appointed by the Minister and not the Governor. The amendments contained in this Bill will strengthen the Government's ability to deliver effective information and services to the State's small to medium size enterprises. They will make the Small Business Development Corporation Board more effective in representing small business throughout the State. Finally, it will also ensure the Act is more workable in terms of its adherence to current public sector accountability and management practice. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

## **OSTEOPATHS BILL**

### *Second Reading*

**MR PRINCE** (Albany - Minister for Health) [10.16 am]: I move -

That the Bill be now read a second time.

The main purposes of the Osteopaths Bill are to regulate the practice of osteopathy and to provide a system of registration for osteopaths. The Bill provides for a system of regulation that will facilitate the maintenance of appropriate levels of knowledge and experience and ensure that osteopaths provide safe standards of care.

The practice of osteopathy involves the principles and practices of orthodox physical diagnosis and places a special

emphasis on soft tissue and bony palpation and movement testing of joints. Osteopaths also provide preventive advice on issues such as nutrition, stress management, ergonomics and exercise. Osteopathy has been practised in Australia since about 1909. Currently, Western Australia is the only Australian jurisdiction that does not provide a registration system for osteopaths. This deprives Western Australian osteopaths of the benefits of the mutual recognition scheme.

The Osteopaths Bill was being developed simultaneously with the development of new legislation regulating dentists, physiotherapists, chiropractors, occupational therapists, psychologists, podiatrists, optometrists and pharmacists - the other health professions. I decided to accelerate the passage of the Osteopaths Bill because osteopaths were the only health profession in the group without the benefit of an existing registration scheme. Additionally, competition policy reform review of the Osteopaths Bill was a reasonably straightforward exercise, given the small number of osteopaths practising in Western Australia and the fact the proposed legislation will not have a significant economic impact.

Development of new legislation for the other health professions will continue using the Osteopaths Bill as the template Bill. It is acknowledged that there are significant differences between the other health professions and osteopathy and it may be necessary or appropriate to adjust the template to take account of particular issues affecting particular health professions. It is also acknowledged that competition policy reform of the draft legislation for the other health professions may involve a more comprehensive analysis, particularly for pharmacy, dentistry and optometry.

The Bill is drafted in seven parts. Part 1 provides a definition of osteopathy. This definition revolves around the diagnosis and alleviation of somatic dysfunction, complemented by health education. The definition of osteopathy does not encompass the use of drugs or operative surgery. Part 2 establishes the registration board. The board is to consist of six members: Three osteopaths who are nominated by the Australian Osteopathic Association, one osteopath appointed by the Minister; one person who is appointed by the Minister to represent the interests of consumers; and one legal practitioner nominated by the Law Society of Western Australia.

The functions of the board are to administer the registration scheme established by the Bill; perform disciplinary functions; promote public education and research relating to the practice of osteopathy; provide advice on osteopathy issues to the Minister; and monitor education in osteopathy.

Part 3 governs the registration of osteopaths. To be registered as an osteopath, an applicant must be a fit and proper person, have practised osteopathy or have proved to the board that he or she has appropriate knowledge and practical experience and holds a qualification that is recognised by the board. As osteopaths have never been registered in Western Australia, the Bill contains a grandfather clause to accommodate skilled and knowledgeable osteopaths who are currently practising but who do not have formal qualifications. The grandfather clause provides for applicants to apply for registration within six months of the Bill becoming law. Applicants under the grandfather clause must comply with all registration criteria in the Bill - except the formal qualification criteria - and must have practised as an osteopath within the five years prior to their application and derived their primary source of income from that practice during that period.

The Bill also provides for bodies corporate to be registered. This is to accommodate financial, superannuation and tax planning under current and future laws by practising osteopaths. Although a body corporate can be registered, osteopathy services can only be provided by registered osteopaths. A registered body corporate cannot provide osteopathy services through unregistered employees. To be registered, a body corporate must be controlled by registered osteopaths. Use of a registered body corporate does not limit the civil liability of registered osteopaths who control the body corporate. Such osteopaths are jointly and severally liable with the registered body corporate for civil liability. It is notable that the Bill contains no restrictions on the ownership of osteopathy practices.

Once the Bill becomes law there is a six month transitional period to facilitate the registration of persons currently practising osteopathy. Once that period has expired, only persons registered by the board will be entitled to use the title "osteopath" and only registered persons and students acting under the personal supervision of a registered osteopath will be permitted to practise osteopathy.

Part 4 provides that the board's funds will consist of registration fees, grants, gifts and donations, pecuniary penalties and other money or property lawfully received by the board in connection with the performance of its functions. These funds are available to the board to administer and enforce the Act, for education purposes and for any other purpose approved by the Minister.

Part 5 relates to disciplinary matters. A complaints assessment committee - consisting of one osteopath, one person other than an osteopath and possibly one or more persons considered appropriate by the board - will be responsible for assessing complaints. The complaints assessment committee has the power to dismiss complaints that are

frivolous, vexatious or without substance and to make recommendations to the board as to appropriate action. The complaints assessment committee may refer a complaint to the board -

for an interim order - preventing or restricting an osteopath from practising until the complaint is fully investigated by formal inquiry which must commence within 14 days;

with a recommendation that the board -

attempt to settle the complaint by conciliation;  
caution or reprimand the respondent;  
accept an undertaking from the respondent to take or refrain from actions specified in the recommendations;  
institute a formal inquiry; or  
take no further action.

The board is not obliged to follow the recommendation of the complaints assessment committee. Both the board and the complaints assessment committee have the power to appoint an investigator to investigate a complaint. An investigator so appointed has extensive powers that facilitate the conduct of a comprehensive investigation. Where the board institutes a formal inquiry, it may appoint a legal practitioner to assist the board. Respondents are permitted to have legal representation. Formal inquiries are to be held in private unless the board determines otherwise. The board may determine who can be present at an inquiry.

The disciplinary provisions in the Osteopaths Bill are the result of extensive consultation with the osteopaths and the other health professions over a lengthy period. They have been designed having regard to the practical difficulties experienced by health registration boards in dealing with disciplinary matters concerning health professionals.

Part 6 provides a range of offences under the Act. Offences include practising as an unregistered osteopath, providing false statements and obstructing an investigator. The severity of some of the penalties, which range up to \$10 000, reflects the Government's concern for the protection and safety of health consumers.

Part 7 deals with miscellaneous provisions relating to issues such as appeals, legal proceedings, the making of rules and regulations and the periodical review of the Act.

In conclusion, this Bill is designed to protect members of the community through the establishment of a competent and effective authority to control and regulate the practice of osteopathy in this State. I consider this legislation to be most appropriate and necessary and commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

## **WESTERN AUSTRALIAN LAND AUTHORITY AMENDMENT BILL**

### *Second Reading*

**MR SHAVE** (Alfred Cove - Minister for Lands) [10.23 am]: I move -

That the Bill be now read a second time.

Section 52 of the Western Australian Land Authority Act 1992 is what is known as a sunset clause and states that "This Act shall . . . continue in operation until 31 December 1997 and no longer." Section 48 of the Act requires the Minister to conduct a review of the operation and effectiveness of the Act and to table a report on the review before each House of Parliament. An anomaly of this Act, though, is that the sunset clause comes into effect in the middle of the period set down for the review. I took immediate action to establish this review as soon as I received my appointment as Minister for Lands. Mr Gerry Gauntlett, a well respected and senior member of the Western Australian land development industry, has been commissioned to undertake the review on an independent basis and public and industry submissions have been sought and welcomed. I expect Mr Gauntlett's final report within a few weeks.

Even with my early establishment of the review, it is obvious that, as a consequence of the existing anomaly within the Act, there will be insufficient time between the receipt of Mr Gauntlett's report and the sunset clause coming into effect to consider the recommendations of the report, seek and consider industry and community views in respect of those recommendations and to develop, introduce and seek passage through Parliament of any proposed legislative changes to the Western Australian Land Authority Act. The intent of this Bill, therefore, is to extend the sunset clause by just one year to enable that subsequent consideration, consultation and action to occur. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

**TURF CLUB LEGISLATION AMENDMENT BILL***Second Reading*

**MR BARNETT** (Cottesloe - Leader of the House) [10.25 am]: I move -

That the Bill be now read a second time.

The Turf Club Legislation Amendment Bill will amend the Western Australian Turf Club Act and the Western Australian Turf Club (Property) Act. Section 26 of the Western Australian Turf Club Act places a borrowing limit of \$20 000 on the Western Australian Turf Club. The Turf Club has loans in excess of the \$20 000 limit and the limit is preventing the club's bank from registering a mortgage over the club's assets. The Bill removes the \$20 000 borrowing limit and introduces borrowing powers to ensure the specific borrowing facilities that the WATC will use and may use in the future are catered for appropriately.

The Bill will also ratify all previous loans in excess of \$20 000 and the execution of mortgages over WATC property to secure those loans. Under the current provisions of the Western Australian Turf Club (Property) Act, the Turf Club may only acquire land. There is no power for the club to sell land. The club presently holds crown grant in trust land at Ascot Racecourse as well as other freehold property. The Bill amends the Western Australian Turf Club (Property) Act to allow the committee of the Turf Club to dispose of real and personal property.

The Bill will also empower the Governor, on the recommendation of the Minister administering the Land Act, to consent to the disposal of WATC trust land subject to conditions including a condition for payment of money to the Crown so that the State would recover unimproved market value for any trust land disposed of by the club. The Minister's recommendation would be in accordance with principles set out in the Land Act. The Land Act also allows for the mortgaging of trust land with the Governor's consent and then provides that a mortgagee may sell trust land where the mortgagor has defaulted on loan payments. I commend the Bill to the House. I table the attached explanatory memorandum.

[See paper No 601.]

Debate adjourned, on motion by Mr Cunningham.

**HUMAN TISSUE AND TRANSPLANT AMENDMENT BILL***Second Reading*

Resumed from 20 August.

**MR PRINCE** (Albany - Minister for Health) [10.27 am]: I rose to speak on this matter when it was adjourned yesterday for grievances. At that time, we had heard at some length from the members for Fremantle and Thornlie in the second reading debate. I regret that I was not able to be present through most of the remarks from the member for Fremantle, but he does wish the matter to go into Committee to debate the proposed amendments to section 22(3) of the Human Tissue and Transplant Act, which amendments are found in clause 6 of the Bill.

According to the notes that were kindly taken for me by the member for Collie, who I think is at a ram sale, the member for Fremantle gave much of the history and background of this legislation, which has been in existence since 1982, and some of the modifications made along the way, particularly those proposed in 1995. The position of this Bill needs to be clarified. It does not deal with the totality of the subject and is not intended to. I do not mind making some general remarks because other speakers have done so, particularly on donation rates. This is a sensitive question, always has been and always will be.

As I said in my second reading speech, the real substance of the Bill is the change to section 22 which is brought about by clause 6 of the Bill. That has been brought before the House in an attempt to clarify a concern about limitations that may be placed on the use of tissue. As I also said in my second reading speech, one of the interpretations of section 22 of the Act is that the intentions of the deceased could be limited by the senior next of kin. I am a lawyer, and hence I have a good deal of training, skill and practice over many years in interpreting Statutes.

Mr Carpenter: Training and practice?

MR PRINCE: Education, training and practice. I have no problem at all in interpreting the section. In that sense the Bill and the suggested amendment should not be necessary. Section 22(1) of the Human Tissue and Transplant Act 1982 states -

A designated officer for a hospital may, subject to and in accordance with this section, authorize the removal

of tissue from the body of a person who has died in hospital or whose dead body has been brought into the hospital -

That is straightforward and simple, and it should present no problem. It is followed by -

- (a) for the purpose of the transplantation of the tissue to the body of a living person; or
- (b) for use of the tissue for other therapeutic purposes or for medical or scientific purposes.

That is clear and there should be no problem with that either. Subsection (2) states that -

A designated officer for a hospital may authorize the removal of tissue from the body of a person who has died in the hospital or whose dead body has been brought into the hospital -

- (a) where, after making inquiries, the designated officer is satisfied that the deceased person during his lifetime expressed the wish for, or consented to, the removal after his death of tissue from his body for the purpose or a use referred to in subsection (1) . . .

That is simple, straightforward and very difficult to misinterpret. Section 22(2)(b) provides an alternative as follows -

where, after making inquiries, the designated officer has no reason to believe that the deceased person had expressed an objection to the removal after his death of tissue from his body . . . and the designated officer is satisfied that the senior available next of kin consents to the removal of tissue . . .

It can be done. Effectively, if a person while still alive consents to the use of organs or removal of tissue from his body for transplantation or therapeutic, medical or scientific purposes, the designated officer in the hospital can do that. It is an empowering exercise and the only consent required is that of the person who subsequently dies. Where no consent has been given by the person who subsequently dies, that might be the case of a person who is traumatically injured, particularly a terminal injury to the brain, and if that individual has never expressed any objection to organ transplantation or tissue removal and the senior available next of kin consents to it, it can be done. That is the plain meaning of these words and I cannot conceive how anyone can misinterpret them.

Section 22(3) currently states -

The authority of a designated officer to authorize the removal of tissue from the body of a deceased person under this section is restricted by the expressed terms of the wishes or consent of the deceased person,

Obviously those wishes would have been expressed before the individual had died. It continues -

- or the consent of the senior available next of kin, as the case may be, both as to the tissue which may be removed and as to the purpose or use of the tissue.

A practical example would be a person who had consented to the removal of his eyes for corneal transplant, but had stated he did not agree to any other organ being removed from his body. When that person subsequently dies, the authorised officer is bound by that restriction, and only the corneas may be removed. However, if the deceased has made no such statement at any time and has never objected to the removal of tissue, the senior next of kin may make that condition. That is the effect of the words "as the case may be". It refers to section 22(2)(a) and (b). The words are clear. However, there has been some debate about whether that is the true meaning of the section, given the use of the words "as the case may be" in section 22(3). Consequently, I said in the second reading speech that if the consent of the deceased has been obtained, then the limitations to be observed are those imposed by the deceased. If the consent of the senior next of kin is obtained, then the limitations to be observed are the limitations imposed by the senior next of kin. Section 22(3) is being redrafted to remove any doubts. The practice is not reflecting the way in which the legislation is written.

Mr McGinty: On a straight matter, I would have thought there is no doubt on the current legislation.

Mr PRINCE: That is right.

Mr McGinty: It is not a question of being ambiguous, but of saying what is not intended; that is, that the next of kin could overrule the wishes of the deceased.

Mr PRINCE: That is correct.

Mr McGinty: In your second reading speech you said that the legislation does not accurately reflect the intent.

Mr PRINCE: It has been interpreted by people as an ambiguity. Although I do not see it as an ambiguity; in practice it is seen to be.

Mr McGinty: I am happy to accept that the point made in the second reading speech was that for a donation of tissue to be made under part III, the designated officer has to be satisfied that there is a consent or an expressed wish by the deceased for that donation or that there is no reason to believe the deceased had expressed an objection to the use of the tissue. It seems to be saying there are three bases upon which a donation can be made, and the designated officer can authorise the removal of tissue. I think that is inaccurate. I am happy with the Bill. It is important that the second reading speech reflects accurately what the Bill does. I am concerned that the second reading speech seems to suggest that where there is no reason to believe the deceased had expressed an objection to the removal of the tissue, that is sufficient justification for taking the tissue. That is not the case. That is the point I made yesterday.

Mr PRINCE: It is a question of semantics.

Mr McGinty: It is clearly wrong.

Mr PRINCE: Given the way in which this has been misinterpreted, we need to be as clear and precise as possible. The amendments in the Bill will clarify section 22(3) of the Act to indicate that if a person while living agrees to the use of tissue from his body for whatever purpose, that is it. If a person has never made any statement at all and the designated officer at the hospital has no reason to believe the person who has died would have objected, and the next of kin consents, tissue may be removed. In each instance, whether it be the deceased prior to his death consenting to the use of his body or the senior next of kin giving that consent, any restrictions placed on it must be abided by. I previously gave the example of the removal of corneas.

That is my understanding of section 22 as it is presently written. This Bill clarifies section 22(3), particularly the use of the words "as the case may be", in the fifth line. I understand that the people in hospitals who deal with what is always a very traumatic and difficult set of circumstances take the view that the senior next of kin has an absolute right to say whether tissue will be taken for any purpose, irrespective of the views of the deceased. They somehow manage to use the words "as the case may be" to empower the senior next of kin in that regard. Although that is not the only reason, it is probably one of the reasons for Western Australia's low donation rate compared with the other States of Australia.

I firmly commend that part of the Bill which removes the potential for ambiguity, which is in the minds of other people - not in my mind, the mind of the member for Fremantle or the minds of most people who read this in the relatively low pressure and sober confines of a Chamber of Parliament. It is very much removed from the intensive care ward or the emergency department of a hospital which is where decisions about organ donations are made.

I make that observation because it is obvious that the tragic death, usually of a young individual, from some form of external force such as a car or motorbike accident or perhaps an accident on an industrial site, whatever the case may be, almost always as a result of brain damage, is what gives rise to the possibility of a body's organs being used for transplantation.

When it is a young person - more often than not it will be the person's spouse; the marriage might not have been of any great duration, or his parents - the degree of grief and human emotion would be no doubt more extreme than at any other time. Hence it is a very difficult set of circumstances to deal with. I accept therefore why the designated officers or the intensivists, are reticent to use the powers which the member for Fremantle and I agree they have in any event.

Mr McGinty: My point is that the wording in the second reading speech is clumsy compared with the clarity in which the Bill itself is expressed in spelling out the two situations.

Mr PRINCE: Insofar as any court is likely to read these words I am sure they will come to the same conclusion as the member for Fremantle and I. I doubt any person in hospital would read the second reading speech. They would probably read an explanatory memorandum from the Health Department or from some other association which produces a relatively simple set of guidelines to explain in lay terms what this legislation requires.

Any publication of that nature that comes out at government source will be written with absolute clarity.

Mr McGinty interjected.

Mr PRINCE: It might well be. Second reading speeches are always intended to be technical in a sense.

Mr McGinty: That is why it surprised me.

Mr PRINCE: They are theoretically intended to assist the judiciary in interpreting the legislation. Since this legislation would rarely appear before the judiciary but would be used in the hype and emotional atmosphere of a hospital emergency department or intensive care ward that concept of second reading speeches being useful is of little relevance in this case. In all my time in court I have not found a second reading speech to be of any use in



interpreting legislation to a factual instance because nobody ever thought of the factual instance when making a second reading speech. The other amendments in the Bill are non-controversial and useful. As I understand it, that was the matter of particular substance referred to by the member for Fremantle.

Some other matters in the legislation have arisen in a more general sense. They particularly concern donations for organ transplantation. I understand that this State has, if not the lowest, one of the lowest organ donation rates in Australia. Based on 1996 figures the Western Australian organ donation rate is seven donors per one million of population. That compares poorly with national and international benchmarks. In 1996 Queensland had 10, New South Wales and Tasmania had 11, Victoria had 11, South Australia had 17 and the Northern Territory had 17. I think the reason for the Northern Territory being, relatively speaking, so high is that it has the same system for organ donations as South Australia. Much of the work in the Northern Territory involving major trauma tends to wind up in the South Australian hospitals.

In 1995 the rate of organ donation in Spain was 26 per one million of population; in the USA, 20; in great Britain, 15.8; and in Greece 5.6. Western Australia is the lowest by far at seven. The reasons for that are not altogether clear. There are probably a number of them; some are predictable and others, as I said, are unclear. Our geographic isolation, time differences and retrieval disadvantages have some bearing on our poor donor rate. Distance and retrieval patterns pose a challenge to gaining access to people killed in the country.

Although, sadly, road trauma contributes a fair few organ donors elsewhere, when someone is lethally injured in a country road accident some distance from the metropolitan area the ability to keep the body alive long enough to get it to a teaching hospital in Perth is very limited. It has been suggested that we set up a mobile retrieval team. That would be very expensive and I have questioned whether it would be effective. It would still require a person terminally injured in a car accident to be taken from the accident site to the nearest medical facility before a retrieval team could do anything. More often than not a person will die, if he is going to die. If he is not going to die when he gets to a medical facility, Western Australia has the facilities of not only the ambulance but also the Royal Flying Doctor Service. Both those services have extraordinarily good rates of keeping people alive as soon as they get them into their hands. I therefore question whether we need a retrieval service to rush out to a country location as a result of a very bad car accident or some other form of accident where a potential donor may be. To a certain extent we are probably doing that as well as we can. However, it is a proposition to which I am open. It is certainly something I am more than happy to hear further debate on not only here but also within the medical fraternity and among people concerned about this issue.

I am not shutting the door, but we seem to have a system that does that relatively well, given Western Australia covers 2.5 million square kilometres. That is a huge distance to cover, even with modern aircraft.

The advice that I have received from the Kidney Foundation of Australia and other organisations which have a strong interest in transplants is that while in excess of 400 000 people have ticked the organ donation box on their driver's licence, the donor rate even from those people is extremely low. According to all the research that has been done, the reason is primarily that most people do not talk to their families about their wish to donate.

As a matter of interest, yesterday in the House after the debate had finished I had a meeting with some officers from the Department of Conservation and Land Management, and just off the cuff I asked them whether they intended to donate organs, and they both said they had ticked the organ donation box on their driver's licence. However, when I asked them whether they had discussed donation with their families, they said it had not occurred to them to do so. That discussion would not have to be morbid or lengthy but simply a matter of their saying what they wanted to happen if the unthinkable occurred. Survey and investigative work indicates that the organ donation rate increases from 20 to 70 per cent if there has been a family discussion.

I have been involved with the Kidney Foundation for two successive years in Kidney Week in strongly pushing for organ donation and for people to not just tick the box on their driver's licence but also discuss it with their families. Although the media has assisted in getting out that message, it has been only during Kidney Week and not consistently throughout the year. I would like all members of Parliament to be advocates of the proposition that I am putting, because we all move widely through our electorates and communities, and one of the best ways of advertising is by word of mouth. If members would take this message on board and where the opportunity presented itself slip it into any speech or address they made to any group in the community, the message would get out more effectively.

A branch of the operations division of the Health Department is preparing for me an issues paper on organ donation and procurement in this State. That paper will bring together various issues, including the feasibility of introducing an organ donation agency similar to that which operates in South Australia. Some health professionals have expressed resistance and negativity towards organ procurement, and different difficulties are experienced in the procurement of solid organs compared with soft tissue and bone.

Preliminary discussions that we have had with bone banks and the Lions Eye Institute of WA indicate that there are some problems with access to bones and corneas from the coroner's mortuary. Those problems appear to be peculiar to this State. Representatives from Western Australian organ banks say that while they have virtually automatic access to hospital mortuaries, access to the coroner's mortuary is a favour, not a right. I will take up that matter and hope to discuss it with either the Attorney General or the State Coroner. That is an untenable and extremely frustrating situation, because tissue from this source is highly suitable, considering that most of the donors are relatively young and healthy.

At this time, 102 people are on the waiting list for a corneal transplant. This State is the only State in Australia to have a waiting list in this area. The eye bank maintains that if it had access to the coroner's mortuary, the waiting list could be reduced dramatically. Corneas can be taken from a person's body after the person has died and can be stored for a reasonable length of time; it is not necessary for the organ to be alive. New corneas can give blind people sight.

The South Australian organ donation agency is based on the Spanish model and has achieved outstanding results in improving organ donation rates. South Australia already had a high donation rate of 17 per million in 1996, but in the agency's first year - 1 July 1996 to 30 June 1997 - the rate increased to 23 per million. That is an extraordinary increase and brings the rate to not quite the rate in Spain but in excess of the rate in the United States of America.

The South Australian agency has organised an international course for organ donor coordinators to be held in Adelaide between 19 and 24 October this year. I have given approval for two Western Australian delegates to attend that conference. The success in South Australia attests the many benefits that can be obtained from looking seriously at what that State has done. I intend to invite some of the intensivists from South Australia who are actively involved in this area to talk to Western Australian intensivists.

I will table two documents which are relatively lengthy and may be of interest to some members. The first document is the final report of the Select Committee of the House of Assembly (South Australia) on Organs for Transplantation. That committee was set up by the South Australian Minister for Health, Dr Armitage, who also chaired the committee, which is a bit unusual in our Parliament. It commenced its deliberations in 1994 and presented its final report in July 1997. I commend that report to interested members because it is an excellent document.

The second document is a report on a visit to Spain to investigate the Spanish model of organ donation, prepared by Karen Herbertt, a South Australian transplant coordinator, and dated 6 February 1996. That document is an excellent description of the background and method by which Spain has managed to reorganise its organ donation to achieve what is apparently the highest rate in the western world.

[See papers Nos 602 and 603.]

Mr PRINCE: Organ donation is a significant and increasing problem in this State. I commend the Kidney Foundation and other organisations for the work that they do. Last year I was privileged to be part of the launch of 1 000 pagers that had been donated by Link Telecommunications Pty Ltd to people who are on haemodialysis and awaiting kidney transplants so that they can be contacted if a compatible kidney becomes available and do not have to remain near the telephone. One relatively young man whose kidneys do not work and who is on haemodialysis told me that one Sunday night he had gone to dinner to celebrate a relative's birthday - I think a cousin - and that night a kidney became available but he could not be contacted because he did not have a pager, so he missed out, and 18 months later he is still on haemodialysis and awaiting a kidney transplant.

Although the donation of pagers is a first class initiative, it does not help if kidneys are not available from donors. That brings us back to the threshold problem that while much is done by organisations such as the Kidney Foundation and by the Government, without an increase in the donation rate people who need kidney transplants will remain on dialysis, which has other long term complications, and people who need corneal transplants will remain blind, when many of these ailments would be curable if only the donation rate were higher. I am pleased that members opposite have offered bipartisan support to it. It is a useful amendment to the existing legislation. I trust that it will settle once and for all the apparent anomaly in the way in which section 22 is being interpreted, because there should be absolutely no doubt that the senior next of kin does not have the power or right to override the express wishes of the deceased. Consent of the senior next of kin is required when there is no objection known to donation by the deceased. The senior next of kin then has the power and right to make a decision on behalf of the deceased in respect of organ donation. That is the situation that was always contemplated by the legislation. What is put forward in the amendment clarifies that to be the case for the future.

Question put and passed.

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

*Sitting suspended from 11.03 am to 12.20 pm*

**STATEMENT - MEMBER FOR WILLAGEE***Parliament House - Facilities for the Disabled*

**MR CARPENTER** (Willagee) [12.22 pm]: I refer to the renovation of the toilets opposite the dining room in Parliament House. No provision has been made for a toilet for disabled people in that facility. That is a major oversight which should not have been allowed to happen. Disabled people have visited Parliament House for lunch on numerous occasions and used the bar facilities.

Only a few months ago members on this side of the House hosted the paralympians in Parliament House and no suitable toilet was available in the House for them at that time. There is still none available, apart from the gymnasium which is not open to members of the public.

It is embarrassing that the Parliament does not provide a facility for disabled people, particularly when \$180 000 or \$190 000 is being spent renovating the toilets close to the members' dining room. We must do something to address this problem. The opportunity arose to change the layout of our toilets, certainly in the male toilets, to provide a toilet with wheelchair access. If the Minister for Disability Services joined with me, we should be able to get something done about the situation; it is a major oversight. Every other public building in the metropolitan area these days is forced by regulations of this Parliament to provide facilities for disabled people and we should not be exempted from that.

**STATEMENT - MEMBER FOR COCKBURN***Planning - FRIARS Report*

**MR THOMAS** (Cockburn) [12.24 pm]: The Fremantle Rockingham Industrial Area Regional Strategy presently taking place is causing a great deal of concern in my electorate, as one would expect concerning a project such as that. The study is seeking to definitively determine the needs of industry in the south west corridor for all time, as I understand it.

Some months ago in a grievance addressed to the Minister for Planning - I am sorry that he is not in the Chamber at present - I pointed out the lack of local government representation on the steering committee of that study. I understand that one person from local government, who is on the Metropolitan Planning Council Committee for that area, is on the steering committee, but that is all.

I suggested to the Minister for Planning that each local authority should have direct representation on that committee, presumably through their mayors. I had a meeting earlier this week with the City of Cockburn which comprises the majority of my electorate, and the point was made that neither the mayor nor any other councillor was on the FRIARS steering committee.

The outcome of the study will have direct implications for the City of Cockburn and other local authorities. They should therefore be directly represented on the steering committee and I hope the Minister for Planning will take that up.

**STATEMENT - MEMBER FOR SOUTHERN RIVER***Ellis Brook Valley Reserve*

**MRS HOLMES** (Southern River) [12.26 pm]: I recently had the pleasure of presenting a cheque for \$5 000 on behalf of the Minister for the Environment to the Friends of the Ellis Brook Valley Reserve to assist in maintaining the reserve's conservation. This unique reserve is located in Martin and is rich in plant species and many animals. It is an excellent location for bird watching also produces numerous Western Australian Christmas trees.

Ellis Brook Valley Reserve is vested in the City of Gosnells, which I commend for having the foresight to take the necessary action to keep it. It is cared for by the Friends of Ellis Brook who are very energetic and do a wonderful job looking after the reserve. I thank again the Minister for the Environment for giving them the opportunity to carry on with their work. During my visit I was most impressed by the enthusiasm of the members of this group and the work they have done. I applaud them for their efforts.

**STATEMENT - MEMBER FOR ROCKINGHAM***Mission Energy - Motor Scooter Donation*

**MR McGOWAN** (Rockingham) [12.27 pm]: I recently approached Mission Energy on the Kwinana strip seeking assistance to purchase a four wheel drive motor scooter for use by the Rockingham Police. Following negotiations with Mission Energy regarding my proposal that company has generously donated the sum of \$8 182, which is the full purchase price of a motor scooter.

It will be used by the Rockingham police to patrol Rockingham's beaches and to help keep them free of antisocial activities and drug use. I hope the use of the scooter will enable the Rockingham police to apprehend some drug dealers and ensure that young people using drugs are identified so that at least their parents know about it and will be able to take some steps to counter it. Unfortunately, mothers and fathers are often the last to know.

Like all members, I am very concerned about the drug problem. It is a terrible burden on all of us. However, my electorate of Rockingham is no worse than other areas of Perth. Drugs are also a problem in Dalkeith, Joondalup, Northbridge and elsewhere. Nonetheless, there is a dramatic need for more youth workers and police in my electorate. I will be organising a community youth forum in Rockingham to ensure that we maximise the community response to this and other youth issues. Once again I thank Mission Energy for its wonderful contribution to the people of Rockingham.

#### **STATEMENT - MEMBER FOR WANNEROO**

##### *Landsdale - Telstra Facility*

**MR MacLEAN** (Wanneroo) [12.28 pm]: I refer to a problem faced by some of the landowners in the suburb of Landsdale.

Mr Carpenter: The local member.

Mr MacLEAN: I am a damned good local member. Those landowners now find that the land they have owned for many years is almost worthless because of an impost by Telstra.

The area is zoned rural and has been extensively used for market gardening and commercial flower growing. In 1986 the whole of the Landsdale area was earmarked for future development, although the zoning remained rural. In 1987 Telstra reported that it might need a buffer zone to the west of its property to protect some of the equipment it used for marine radios.

Although this was reported to the Ministry for Planning and the local government authority, the landowners maintained that no effort was made to inform them of the situation. Telstra subsequently won a contract for satellite tracking communications in about 1991-92 and commissioned a report on the possible effect that new equipment would have on the area.

One of the recommendations was that a buffer zone be maintained to the west of Telstra's facility. Since then the suburb of Landsdale Gardens, an excellent development, has been established to the rear of these properties. Telstra has never gazetted a buffer area to the west of its property and it has not placed caveats on the affected properties.

#### **STATEMENT - MEMBER FOR MANDURAH**

##### *Tax Reform*

**MR NICHOLLS** (Mandurah) [12.30 pm]: I wish to comment on tax reforms, particularly the introduction of a consumption tax. I am aware that this is a controversial issue, but the time has come to have an open and honest debate about the need for tax reform. I think that we have matured enough to allow that debate without political interests trying to hijack the agenda or to pursue issues which would misinform and scare the wider community rather than allow a legitimate debate on issues which address this urgent need for reform in this nation. When such a debate occurs, and we address the issue of consumption tax, the interests of age pensioners and those on fixed incomes must be recognised to ensure they are not forgotten. The people who have served our community well and, in many cases, do not have the opportunity to derive an income from any other source than the social security system, must be protected. They must be uppermost in our minds as we move into a new taxation regime in Australia. During that debate I hope that members of this House do their utmost to protect age pensioners and other people in a similar position.

**[Questions without notice taken.]**

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

**MR BARNETT** (Cottesloe - Leader of the House) [1.02 pm]: I move -

That the House at its rising adjourn until Wednesday, 27 August at 11.00 am.

A lot of legislation was completed at the end of last session. This week we have introduced a number of Bills, but the convention of this House is that legislation will lie on the Table for a week before it is debated. Therefore, there is not sufficient legislation to warrant the House's sitting on Tuesday, but from Wednesday morning we will have a full program in place.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [1.03 pm]: It is an appalling indictment of the management of the business of this House that we will be rising at lunchtime today, not sitting next Tuesday and coming back on Wednesday. We can only ask what the Government of Western Australia was doing during the seven-week recess. It certainly was not preparing for the parliamentary session. If it were not bad enough that the Government of Western Australia was not prepared for this parliamentary session, we now know as a result of the Speaker's ruling yesterday that it has completely messed up the Acts Amendment (Land Administration) Bill. It is important to note that it has messed it up in two senses. Obviously the Speaker's ruling is consistent with the traditions of this House. He has indicated very clearly that the mistake was that the Bill was introduced in the Legislative Council when it should have been introduced in this Chamber.

This Bill is so important to the Government, and the business of this House is so important to the Government, that a significant number of members on the coalition side are not present; namely, the Leader and Deputy Leader of the National Party, the Chairman of the Public Accounts and Expenditure Review Committee and the member for Wagin. If this Government intended to deal with the Speaker's ruling in the way it wanted to, it would have needed the support of members on this side of the House to succeed in a motion to suspend standing orders. That is how important the coalition regards the business of this House. It did not even have the numbers in this Chamber to carry a suspension of standing orders to deal with the Bill in the manner that it wished. The Labor Party believes that that is an improper way to deal with the issue in any case, but it indicates the extent of this Government's paralysis in relation to the business of this House.

Mr Court: A big section of the community believes that we have too much legislation. They like the idea of not having legislation constantly passed.

Dr GALLOP: I do not think that that is an excuse for the situation facing us.

The Government applied the guillotine to four pieces of legislation that have been passed by this Chamber before the Thursday 6.00 pm imposition of the guillotine, which further indicates how out of touch it is in relation to the parliamentary process.

Mr Barnett: It shows that we can deal with it without sitting this afternoon.

Dr GALLOP: It shows that we can manage the business of this House without the imposition of the guillotine. The Opposition has been trying to make that point for three or four years. It is a shambles and an embarrassment to the Parliament that this is happening.

Mr Barnett: We can sit this afternoon if you agree to not having a full week's notice of legislation. The reason we are not sitting this afternoon and Tuesday is to give the Opposition a week to look at legislation.

Several members interjected.

Dr GALLOP: The Government has known about that for years.

Mr Barnett: We are sticking to convention by giving you a week. Now you are complaining.

Several members interjected.

The SPEAKER: Order!

Mr Thomas interjected.

The SPEAKER: I formally call the member for Cockburn to order for the first time. It is highly disorderly to interject when I am on my feet. I do not know what has come over members.

Dr GALLOP: The Government wants to suspend standing orders and try to overrule the position put before the House in the Speaker's ruling. Now, the Leader of the House wants to overrule a convention that we have had for some time that allows members to consider legislation so that the Government can deal with a problem of its own creation.

As I said last night, it is very interesting to see the role reversal since Parliament has resumed. The party on this side of the House is acting like a Government; my colleagues and I are putting forward propositions -

Several members interjected.

The SPEAKER: A question springs to mind given the level of interjections coming from the government side.

Dr GALLOP: That is further indication of which side is behaving like an Opposition and which is behaving like a Government in this Chamber.

The Opposition brought forward constructive suggestions about how to improve the procedures of Parliament. Members on this side have presented many issues that have been raised with us during the recess, particularly in regional Western Australia, including the very urgent issue of hospital elective surgery waiting lists.

Mr Court: I notice you did not raise the issue of taxation or commonwealth/state financial arrangements, because you have taken yourselves out of that debate.

Dr GALLOP: No we have not.

Mr Thomas: The Premier keeps his submissions secret. When we asked him for his submissions on the issue, he would not provide them.

Dr GALLOP: Did the Premier come into this House and indicate to the people of Western Australia what the proposal was that he would take to the Premiers' Conference?

Mr Court: You said on radio that you would come into this House on Tuesday and attack on Global Dance.

Dr GALLOP: No we did not.

Mr Court: You had better talk to the member next to you.

Dr GALLOP: A parliamentary committee is considering the subject.

Mr Court: You have been silent on the most critical issue affecting commonwealth/state financial arrangements because you have been sidelined.

Dr GALLOP: No I have not. Tax is yet another example of the Premier not delivering the goods in federal/state relations. I could put forward a specific proposal about income tax sharing, which was developed in 1992. I am quite happy to do that. What is the Premier's position on state/federal financial relations - a state-based GST?

Mr Court: We have made it clear.

Dr GALLOP: No he has not.

Mr Court: We are prepared to put everything on the table. You have said, "We want an open debate but not the GST."

Dr GALLOP: Here is the Table. We have all this afternoon. The Premier can come back and tell us his views.

Mr Court: You have been caught out.

Dr GALLOP: No we have not. Here is the Table; here is the time. Let us have the debate this afternoon on state/federal financial relations. The truth of the matter is that the Premier does not have a proposal. The member for Bassendean is perfectly correct; the Premier is not consulting anyone in the community about the proposal he will take to the Premiers' Conference. What did government members do during the seven week break? Members on this side of the House were out in the community gathering people's views and speaking to the people of Western Australia about their concerns. We are bringing those issues into the Parliament. I do not know what was happening on the government side of the House. I know that the Minister for Lands was improving his ever extending culinary tastes at the Blue Duck Cafe.

What happened in the long break? Where is all the business that the Government was to bring into this Parliament to improve the state of affairs? What happened with the land Bill? Why did the Speaker have occasion to intervene in the process and indicate that the Government had completely messed it up? Why is it that very important parliamentary time is not being used to discuss all sorts of matters that should be raised in this Parliament on behalf of the people of Western Australia? The answer to all those questions is incompetence on the part of the Government of Western Australia.

**MR BROWN** (Bassendean) [1.14 pm]: I will make a brief contribution to this debate as a result of an interjection by the Premier who said that he is prepared to share with the Parliament his views on state/commonwealth financial relations.

Mr Court: I gave two public speeches on the subject during the break. Have you read them?

Mr BROWN: I read some comments on taxation issues that the Premier made at a national level. In a question on notice I asked if the Premier had made a submission on taxation to the Federal Government. The answer was that he had. I asked then if I could have a copy of the submission. The answer was, "Get it from the commonwealth Department of Finance."

Mr Court: No it was not.

Mr BROWN: Yes it was.

*Point of Order*

Mr BARNETT: The motion is whether we should come back at 11.00 am on Wednesday 27 August. That is what we should be debating.

The SPEAKER: The Leader of the House does not have to make any point of order to me. What he has said is strictly correct. However, it still allows for a reasonably wide ranging debate. I remind the member that there should be some direction towards the motion in hand. Perhaps he might take that into account.

*Debate Resumed*

Mr BROWN: The point by implication is that there are plenty of matters to debate. That is why I am speaking in opposition to the resolution. For the benefit of the House, I would have thought that explanation was not required. If the Leader of the House does not understand it, I am happy to put that on the record.

When we asked the Premier if we could obtain a copy of the submission, he said, "Apply to the Department of Finance". I wrote to the Department of Finance and asked if I could have a copy of the submission made by the Western Australian Government. The Government does not seem to have retained a copy of the submission or somehow it is not available. What did the Department of Finance tell me? It told me that through the agreement of all of the States the submissions are confidential. I do not know whether the Premier meant to mislead the Parliament or me directly when this subject was put back on the Notice Paper. It seems that we are finally to receive a copy of the submission after all that. It is like pulling hens' teeth. The Premier says that he is prepared to make the information available in the same way as he does on a point of information.

Mr Court: You have got it. Sit down.

Mr BROWN: We still have not got it. We have written to the Premier's office to obtain it. When the Premier says that he will make information available, half is made available with great slabs taken out of it. The Premier should not try to mislead the House because of his ineptitude by saying that the information is available when it is not. He has done his best in this area and a whole range of others to secret information away from this Parliament.

The SPEAKER: Order! I have given some latitude. I really fail to see how what the member is saying has anything to do with the question of whether we will adjourn to 11.00 am on Wednesday. I remind the member of that for the second time. If he cannot demonstrate to me that his debate is relevant, I will be forced to take action.

Mr BROWN: Thank you, Mr Speaker. I do not want to continue with the point, other than to make the point, which is the reason I raised it, that I find it very tiresome when members of the Government pretend that this information is made available freely when it is not. I get very hurt by that. It is a constant misrepresentation of the position to this House. If the information were made available there would be plenty of matters to discuss, and so the time we will not use could be aptly used by discussing those matters. The Government seeks to keep from this House the position it is taking and therefore deny this House the opportunity of debating those important issues. This resolution is an indictment on the Government's secrecy.

Question put and passed.

*House adjourned at 1.17 pm*

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## QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.
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### MINING - GOLD ROYALTY

#### *Royalty - Commonwealth Grants Commission's Position*

1073. Ms ANWYL to the Minister representing the Minister for Mines:

I refer to the media statement issued by the Minister on 17 April 1997 and ask -

- (a) when did the Commonwealth Grants Commission begin to treat Western Australia on the basis it collects a gold royalty;
- (b) how is the penalty of \$70 million calculated;
- (c) which other sectors of the community are under financial pressure;
- (d) how many producers of gold will be exempted by the 1,000 ounce threshold?
- (e) what are the names and addresses of the 71 producers that will have to pay a royalty?
- (f) how much further will the price of gold need to drop before the decision to impose a royalty will be reversed;
- (g) what was the spot price for gold in 1990;
- (h) how has \$100 million been spent to foster exploration in Western Australia;
- (i) how will the imposition of a royalty affect the Commonwealth Grants Commission's position in future?

Mr BARNETT replied:

The Minister for Mines has provided the following response:

- (a) The current arrangements for distributing general revenue grants between the States and Territories have been in place since 1982-83;
- (b) the Commonwealth Grants Commission calculates an average rate of royalties across Australia and applies this to the gold production in Western Australia to arrive at the grant reduction;
- (c) all sectors of the Western Australian community are under pressure because of the Federal funding squeeze;
- (d) the exemption threshold has been increased to 2 500 ounces and it is estimated that approximately 400 producers will be exempted from the royalty;
- (e) I attach a list of the 67 gold mining projects, including details of the companies involved in those projects, that will have to pay a gold royalty. This list was based on 1995-96 data and will change once 1996-97 and 1997-98 data becomes available. The list is now based on 2 500 ounce exemption threshold as finalised by the Government in July 1997. [See paper No 605.]
- (f) the Government has announced that the gold royalty would be phased in from 1 July 1998 at an initial rate of 1.25%. From 1 July 2000 the rate of royalty payable will be 2.5%. However, if during the period 1 July 2000 to 30 June 2005, the average quarterly spot gold price is less than A\$450 the rate of royalty payable for that relevant quarter will be reduced to 1.25%;
- (g) the average Perth Mint spot price was A\$493 per ounce;
- (h) more than \$100 million has been spent in the last 10 years on the programs of the Geological Survey Division and other areas of the Department which foster exploration activity;
- (i) it is expected that the imposition of the gold royalty will not change the Commonwealth Grants Commission's position in future as the Commission effectively bases its calculations on the assumption that Western Australia collects a royalty.



## SCHOOLS - SHADE

*Allocation of Expenditure*

1194. Ms McHALE to the Minister for Education:

- (1) Can the Minister advise how the 1996 election commitment of \$2.4 million for shade covers has been allocated to be spent over the next four years?
- (2) How much has been allocated in the 1997-98 capital works program for the "Makeshade" initiative?
- (3) What are the criteria for determining the priority list for 1997-98, other than climatic conditions?
- (4) Can the Minister advise how many pre-primary centres require covers for their sand pits, and in what districts they are located?
- (5) When will the priority list for 1997-98 be finalised?

Mr BARNETT replied:

- (1)-(5) The commitment of \$2.4 million to provide shade covers over sandpits in the pre-primary centres and kindergartens will be spent over three years. An amount of \$600 000 has been allocated for this initiative in the 1997/98 capital works program; \$800,000 in the 1998/99 program and \$1 million in the 1999/2000 program. The Minister announced the first phase of the implementation program on 20 July 1997. It is planned to implement the program on a district-by-district basis over the next three years commencing with those districts in the hottest parts of the State. It is estimated that there are 800 uncovered sandpits in the pre-primary centres and kindergartens across the State. It is planned to commence a survey by district later this year to ascertain the number of shade covers required in each district.

Pre-primary centres and kindergartens wishing to commence covering their sandpits prior to their inclusion in the capital works program, will be reimbursed at a later date, provided the shade cover complies with Education Department criteria and specification.

## EDUCATION - DEPARTMENT

*WA Manufactured Goods Purchasing*

1248. Mr BROWN to the Minister for Education:

- (1) Does the Education Department have a policy of purchasing Western Australian manufactured goods?
- (2) If so, is the purchasing policy monitored?
- (3) Is the Education Department now purchasing Western Australian made air coolers and air conditioners?
- (4) In dollar terms, what is the total sum that has been expended by the Education Department on Western Australian made air conditioners and air coolers this financial year?

Mr BARNETT replied:

- (1) The Department of Contract and Management Services (CAMS) which is responsible for the purchase of manufactured goods, on behalf of the Education Department of Western Australia, does not have a policy of purchasing goods made in Western Australia. However, CAMS does have a preferential purchasing policy for goods manufactured in Australia and New Zealand.
- (2) Yes.
- (3)-(4) The vast majority of air coolers and air conditioners purchased by the Department are made in South Australia. No Western Australian made air coolers or air conditioners were purchased by the Department in 1996/1997.

## SCHOOLS - PRIMARY

*Safety Bay - Asbestos Roof*

1291. Mr McGOWAN to the Minister for Education:

- (1) Is the Government aware that the Safety Bay Primary School currently has an asbestos cement roof?
- (2) Will the Government commit to replacing this roof in the 1997-1998 financial year?

- (3) If not, why not?

Mr BARNETT replied:

- (1) Yes.
- (2) Safety Bay Primary School will be part of the first stage of a \$20 million program to replace the 200 asbestos cement roofs remaining on schools around the State over 5 years.
- (3) Not applicable.

#### GOVERNMENT INSTRUMENTALITIES - CONTRACTS

##### *Payment Details*

1485. Mr BROWN to the Minister for Police; Emergency Services:

- (1) In the month of April 1997, how much was paid to companies and individuals that have contracts (other than employment contracts) with each department and agency under the Minister's control?
- (2) What was the total number of payments made?
- (3) How much was paid to each company and individual?
- (4) What is the name of each company and individual that received a payment?
- (5) What was the purpose of the payment?

Mr DAY replied:

- (1)-(5) The information requested by the member for Morley is not stored centrally and would require the diversion of resources in every agency for a significant period of time and at considerable cost. The Government already publishes periodic reports on the extent of contracting throughout the Western Australian public sector and work is progressing well on the identification of a suitable system to make purchasing and contract data publicly available through some form of electronic bulletin board. I am therefore not prepared to commit additional resources at this time, to produce such specific data which would be of questionable value.

#### EXMOUTH RESORT AND CANAL DEVELOPMENT - TRADE CENTRE PTY LTD

##### *Delay in Consideration of Proposal*

1693. Mr BROWN to the Minister for Lands:

- (1) Is the Minister aware of proposals by Trade Centre Pty Ltd to develop a resort on the west coast of Cape Range?
- (2) Prior to the 1996 State election, did the Minister, or the then Minister, take any action or fail to take any action which would result in a delay in the proposal being considered by Government?
- (3) Was consideration of the proposal delayed for political, environmental or commercial reasons?
- (4) Did discussions take place within Government about delaying consideration of the proposal for political and/or other reasons?
- (5) Did the Minister, or the then Minister, have discussions about such an approach being taken?

Mr SHAVE replied:

- (1) Yes.
- (2)-(4) I was not a Minister then and I cannot answer for the then Minister.
- (5) I have not had discussion about such an approach. I cannot answer for the then Minister.

#### GOVERNMENT INSTRUMENTALITIES - CONTRACTS

##### *Private Sector*

1756. Mr BROWN to the Minister for Police; Emergency Services:

- (1) With the exception of employment contracts, how many contracts for services, involving a total payment

of \$40 000 or more, has each department and agency under the Minister's control entered into between 1 September 1996 and 31 March 1997?

(2) What is -

- (a) the name of each contractor;
- (b) the amount of the contract;
- (c) the purpose of the contract;
- (d) the date on which the contract was entered in to; and
- (e) the date on which the contract is scheduled for completion?

Mr DAY replied:

- (1)-(2) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

#### GOVERNMENT INSTRUMENTALITIES - CRITICAL COMMENT

##### *Auditor General*

1757. Mr BROWN to the Minister for Police; Emergency Services:

- (1) Since 1 July 1995 has any department or agency under the Minister's control received a critical comment, letter or direction from the Auditor General?
- (2) If so -
  - (a) what department or agency;
  - (b) when did the Auditor General make the critical comment;
  - (c) what were the precise circumstances that gave rise to the critical comment;
  - (d) how did the circumstances come about; and
  - (e) who was responsible?
- (3) When did the matter first come to the Minister's attention?
- (4) Did the Minister make the Parliament aware of the matter when it came to his attention?
- (5) If not, why not?

Mr DAY replied:

Government departments and agencies periodically receive reports, comments and opinions from the Auditor General. All chief executive officers should be aware of matters raised by the Auditor General in relation to their agencies and take appropriate action in accordance with their statutory obligations under the Public Sector Management Act and the Financial Administration and Audit Act. The Auditor General regularly submits reports to Parliament and the opinion of the Auditor General is required to be included in the annual reports of all government agencies when they are tabled. Should the member care to raise any specific matters in relation to the Auditor General and the agencies under my portfolio, I would be happy to have them investigated.

#### COMMITTEES AND BOARDS - MEMBERSHIP

##### *Culturally Diverse Backgrounds*

1760. Ms WARNOCK to the Minister for Police; Emergency Services:

- (1) Is the Minister aware of any Government policy encouraging people of migrant or "ethnic" background to serve on Government boards and committees?
- (2) How many boards and committees within the Minister's portfolio area have members from such backgrounds?

Mr DAY replied:

- (1) The "WA ONE" multicultural policy released in 1995 includes a pledge to: "Encourage all Western Australians to contribute to, and participate in , all levels of public life and the decisions which directly affect them.
- (2) The Register of Boards and Committees does not include information on ethnic background.

SMALL BUSINESS - CUSTOMS CHARGES

*Representations to Federal Government*

1793. Mr BROWN to the Minister for Small Business:

- (1) Has the Government received any representations from small business proprietors in relation to a significant increase in customs charges imposed by the Federal Government on small operators or operators importing small quantities of goods?
- (2) Has the Government made any representations to the Australian Government in relation to these charges?
- (3) Has the Government put the view to the Australian Government that the charges represent a significant increase which will squeeze small business and in part have to be paid by customers?
- (4) Has the Government made any formal written representations to the Australian Government on this matter?
- (5) If so, when were such representations made?
- (6) What was the nature of the representations?

Mr COWAN replied:

- (1) No, although the Government, through the Small Business Development Corporation is monitoring the situation.
- (2)-(4) No.
- (5)-(6) Not applicable.

QUESTIONS WITHOUT NOTICE

LIQUOR - EXTENSION OF TRADING HOURS

*Good Friday and Christmas Day*

545. Dr GALLOP to the Premier:

- (1) Does the Premier agree with the Minister for Racing and Gaming that liquor trading should be expanded to include Good Friday and Christmas Day?
- (2) Does this proposal not represent a further erosion of community traditions in the interests of commercial gain?

Mr COURT replied:

- (1)-(2) An extensive review has been carried out on changes to the liquor laws. The issue always tends to be controversial. The recommendations have not been finalised. I understand that some recommendations relate to that area, and to Anzac Day - although the Anzac Day recommendation may relate to racing. The Government has not adopted a final position on changes to the liquor laws.

DRUGS - HEROIN

*Advertising Campaign*

546. Mrs HOLMES to the Premier:

Earlier this week, the Premier indicated that an advertising campaign would be developed as part of the Government's effort to tackle heroin abuse in our community. Can the Premier inform the House of any progress in the development of such a campaign?

Mr COURT replied:

Last Friday I met with the Minister for Family and Children's Services and the director general of the department, Mr Bob Fisher. We discussed advancing some aspects of our drug awareness strategies. Last Sunday I announced

that we would distribute a drug awareness booklet to all householders throughout the State; that is, some 600 000 booklets. We also commenced work on a new series of television advertisements, in addition to work being developed by the Health Department. We have completed the television advertisements, and they will go to air this evening.

Ms MacTiernan: You had better get Mr Kierath to check them!

Mr COURT: I think we might need to ask quite a few people to look at them!

The advertisements are hardhitting. They include an 1800 telephone number for people to seek assistance for a drug problem or to provide information which may help us catch drug pushers.

I take this opportunity to thank the advertising industry and the media for the tremendous cooperation they have offered over the past few days in the preparation of the advertisements. Marketforce has agreed to waive many charges relating to the preparation of the advertisements. The commercial television networks have agreed to run the advertisements on a one for one basis, which means that immediately we will receive the equivalent of around \$300 000 of advertising associated with those advertisements. We have also approached the Australian Broadcasting Corporation to see whether it will be prepared to run the advertisements. We are awaiting a response.

At every turn, we are receiving strong community support on this issue. Whenever we ask for assistance or cooperation, people are very willing to work with the Government to assist with the program. It is a political issue but it is also a serious community matter which needs the support of everyone to address the problem which is affecting all our families. Copies of the advertisements will be available to the media this afternoon. This is one step in our overall program to tackle an issue that is killing young people.

#### LABOUR RELATIONS LEGISLATION AMENDMENT BILL - ADVERTISING

##### *Television Advertisements - Indemnity*

#### **547. Mr KOBELKE to the Minister for Labour Relations:**

I refer to the Government's television advertising in support of its Labour Relations Legislation Amendment Bill. Has any form of indemnity been given or offered by the Government or its agent to any television station should the station be liable for penalties as a result of broadcasting the Government's political television advertisements?

#### **Mr KIERATH replied:**

I am not aware of any exemption from liability. However, when we were attempting to put the legislation to air - quite rightly and properly - a number of discussions took place between the Government and the television stations. Ultimately, the television stations would not run the advertisements without a political tag attached. Therefore, I do not think that any item that may have been under consideration, still stands.

#### LABOUR RELATIONS LEGISLATION AMENDMENT BILL - ADVERTISING

##### *Television - Indemnity*

#### **548. Mr KOBELKE to the Minister for Labour Relations:**

I ask the Minister to answer the question!

- (1) In truth, can the Minister deny that some form of indemnity was given to television stations that broadcast his advertisements in support of that industrial legislation?
- (2) Can the Minister deny the existence of such an indemnity?

#### **Mr KIERATH replied:**

(1)-(2) Mr Speaker -

Mr Court: Be careful; the member is trying to trick you!

Mr KIERATH: I have no doubt! I personally did not offer any indemnity. However, there were discussions between lawyers representing the Government and those representing the television stations. There were also discussions with the television stations. Many discussions took place through one of the agencies acting on our behalf. I am not aware of all the details of the discussions. At the end of the day, the television stations would not run the advertisements without a political tag attached.

SCHOOLS - PRIMARY

*Roelands - Future*

**549. Mr BRADSHAW to the Minister for Education:**

- (1) Has further consideration been given to the future use of the Roelands Primary School and grounds once the new school at Burekup is built?
- (2) If so, what decision has been made?

**Mr BARNETT replied:**

- (1)-(2) I thank the member for the question and for the role he has played in supporting a joint development on the Burekup site, replacing the two schools at Burekup and Roelands. I congratulate both communities. It has not been an easy decision, but ultimately logic has prevailed and they have made a decision in the best interests of the children, because it will provide a new, high standard primary school for both communities.

The member for Murray-Wellington has been promoting the argument to retain the Roelands site for community use. That issue has been and will continue to be negotiated with the shire. The buildings and the land are probably valued at at least \$160 000, and originally were thought to be part of the building program. However, I am pleased to say that history has taken over the negotiations. It has transpired that the original Roelands site was given to the Education Department by Mrs Roe in 1903 for purposes of education.

A condition attached to her gift was that the land would be retained in some way for the community and not returned to private use. Given the intent of her generous action in 1903, I am pleased to inform the House that recent discussions with the Shire of Harvey have been concluded and the land will be vested in the shire, and the buildings will be used for heritage and community use. The member will be pleased to relay that to his community. A new school will be built. The old school at Roelands will become a community asset and will be valued by that community.

FAIR TRADING - COMMERCIAL TENANCIES LEGISLATION

*Mr Ross Hughes' Advice*

**550. Ms MacTIERNAN to the Minister for Fair Trading:**

- (1) Can the Minister confirm that his principal adviser on the commercial tenancies legislation, Ross Hughes, is a principal of Ross Hughes & Co, a real estate company, and has for many years been a managing agent for numerous commercial landlords?
- (2) Is the Minister aware that this appointment has caused considerable scepticism among retail traders about the Government's intention to deal fairly with retailers, particularly given the anti-retailer changes that the Minister has introduced in his Green Bill?

**Mr SHAVE replied:**

- (1)-(2) My understanding is that Mr Hughes is no longer a principal of Ross Hughes & Co.

Ms MacTiernan: Not a director?

Mr SHAVE: I understand that from 1 July - I could be incorrect - he sold his interest in that company.

Ms MacTiernan: Has the ASC caught up with him?

Mr SHAVE: Perhaps not; I am just telling the member what I know. With regard to the industry's concerns, as put to me by the member opposite, surely a man with the experience of Mr Hughes and his knowledge of the industry is an asset, particularly with regard to the issues being discussed. I am very comfortable having him advising me.

FAIR TRADING - COMMERCIAL TENANCIES LEGISLATION

*Mr Ross Hughes' Appointment*

**551. Ms MacTIERNAN to the Minister for Fair Trading:**

When was Mr Hughes appointed to the Minister's staff?

**Mr SHAVE replied:**

I cannot give the member the exact date when Mr Hughes began assisting me.

Ms MacTiernan: An approximation will do.

Mr SHAVE: He has been assisting me for three or four months. The member made the comment that he is a member of my staff; he is not. Because of the complexity of the legislation and the fact that Mr Hughes is a sworn valuer, I engaged him as a consultant. That is the way in which he is operating at the moment. He is not on my paid staff.

## INDUSTRIAL RELATIONS - LEGISLATION

### *Government's Mandate*

**552. Mr MacLEAN to the Minister for Labour Relations:**

Does the Minister have any evidence that the Leader of the Opposition accepts that the Government has a mandate for the current industrial relations legislation?

### *Point of Order*

Mr KOBELKE: I believe this question asks for an opinion. Because it is seeking the opinion of the Minister with respect to a point of view of the Leader of the Opposition, I cannot see that it can be interpreted in any way, other than as asking for an opinion.

The SPEAKER: Order! The question was framed in a way which requested whether there was any evidence. It is not directly asking for an opinion. The question stands.

### *Questions without Notice Resumed*

**Mr KIERATH replied:**

Yes, I do have evidence to that effect, and I will explain it to the House. I remind members of the actions of the Leader of the Opposition yesterday when he was screaming at the top of his voice about two sets of rules. Do members opposite remember that? I will bring to the attention of the House the evidence I have. In a radio interview on 9 June the Leader of the Opposition said that if any Government goes to an election twice and is returned, it has a democratic mandate to introduce reforms. He was talking about a goods and services tax at that time. He said, "We had two elections and effectively had that on the agenda. The people said no on both occasions, most particularly in 1993." He continued to say, "But indirectly in 1996". If we changed the word "no" to the word "yes", it describes what has happened with the industrial relations legislation. In 1993 and 1996 we were returned at the polls. The Leader of the Opposition says that when we win government twice, we do not have a mandate; but when the Labor Party does it twice, it does have a mandate.

As a matter of interest I thought I would check on another father of the labour movement, a well respected figure around Australia, the former Prime Minister Bob Hawke. We all know Bob Hawke is no friend of the coalition, but even he said that he agrees with the principle that if a Government won an election and had a legitimate platform, a change, it was entitled to make the change. He was defending the Federal Government's right to introduce industrial relations change.

Let us compare that with the style of the Opposition here. It does not even acknowledge the result of one election. It acknowledges two when it suits its purpose, but when it does not, the Opposition will not acknowledge them at all. I want to bring to the attention of this House evidence that this Leader of the Opposition, even today, still runs on double standards.

## FUEL AND ENERGY - ELECTRICITY

### *Surcharge - Payment*

**553. Dr GALLOP to the Minister for Energy:**

I refer to the Cabinet decision of October 1996 to impose a surcharge on electricity customers off the main grid and consuming more than 200 000 units of electricity a year.

- (1) Are all customers affected by that decision paying the surcharge?
- (2) If all customers are not paying the surcharge which customers, firstly, have been relieved of the obligation in whole or in part, and secondly, have refused to pay?

**Mr BARNETT replied:**

- (1)-(2) I thank the member for some notice of this question. The surcharge was introduced last year as a transitional arrangement for large energy consumers - those consuming more than 200 000 units - and was to apply only to any increase in their consumption, not the total consumption. It was to a maximum of 8¢ and would vary from one region to another according to the mix of fuels used; for example, it is 7¢, or thereabouts, in Esperance and Broome, and 1¢ in Carnarvon. I have checked with Western Power. The policy has been applied on a universal basis to any large customers who have increased consumption. Those customers have been billed accordingly and all have paid. There has been no exemption and no special deal for anyone.

*MV SHELLEY TAYLOR-SMITH - LAUNCHING***554. Mr OSBORNE to the Premier:**

Early this week the Premier christened the new Transperth's ferry, the *MV Shelley Taylor-Smith*. Is the Premier aware of the plans of Western Australian marathon swimmers, including two from Bunbury, to attempt a record breaking swim across the English Channel?

**Mr COURT replied:**

I thank the member for some notice of this question. Early this week we had the launch, attended by the member for Perth and the member for South Perth, of the new ferry which travels between Perth and South Perth, the *MV Shelley Taylor-Smith*. It is a magnificent new ferry which has been designed for easy access for people with disabilities, and the like.

The House will be interested to hear this proposal. On Saturday a team of Western Australian marathon swimmers will take on quite an incredible challenge: They will attempt to break the record for the triple crossing of the English Channel, which I am told is currently 31 hours and 23 minutes. The team is made up of Shelley Taylor-Smith, Peter Blackmore, Gary Bradley, Mark Dawson, Barbara Pellick, Nancy Warnock and Murray Johnston.

Not only are they attempting to break the record for a triple crossing, but they also intend to try to swim the English Channel four, or possibly five, times. That will take them in excess of two days. About 600 ship movements a day occur in the English Channel, so it is quite a logistical exercise to have the team cross it four or five times.

This team has been training in the Swan River in the mornings before most of us get up. They swim past the Leader of the Opposition's electorate at about 5.30 am when the temperature of the water is approximately 11 degrees. Apparently the temperature of the water in the Swan River is the same as the current water temperature of the English Channel.

Several members interjected.

Mr COURT: I am sure all Western Australians will get behind these people because they have only a two week time slot in which to try to achieve their goal. We wish the marathon team all the best and hope that it is able to achieve that record. Interestingly, it is the first time that Shelley Taylor-Smith has actually been part of a team. She has always been an individual performer and this time she will be swimming with this team of marathon swimmers, including two from Bunbury.

**POLICE - OFFICERS***Vicarious Liability***555. Mrs ROBERTS to the Minister for Police:**

- (1) What does the Minister understand the vicarious liability concerns of police officers to be?
- (2) Does he have any real concern for police officers, who put their lives on the line daily, or their families, who are worried sick about the safety of their loved ones and the potential liability?
- (3) Given the Western Australian Police Union's stand on urgent duty driving and the real liabilities police officers face, for how much longer will the Minister sit on his hands and not actually resolve the problem?

*Point of Order*

Mr MacLEAN: Mr Speaker, the member is seeking an opinion in two parts of that question.

The SPEAKER: I do not believe that to be the case. Having read the question, I indicate the first part of the question is not seeking an opinion and the question stands.



*Questions Without Notice Resumed***Mr DAY replied:**

- (1)-(3) I am aware that the issue of urgent duty driving, specifically the subject of vicarious liability, has received some coverage in the Press in recent days. In the last couple of days I have had discussions with representatives of the Police Union about those issues.

Mrs Roberts: It was raised two months ago as a major issue. It has not become an issue in the last few days.

Mr DAY: I did not say it had become an issue in the past few days; I said it has received some coverage in the past few days. The Police Union has put the view that vicarious liability should apply to all police officers. However, I am not convinced that is an appropriate course of action. I know that the Commissioner of Police is also not convinced that it would be an appropriate policy. The Government has made it clear to the union that it will stand behind any police officer who is doing his duty in good faith and diligently. That fact has been demonstrated on a number of occasions during this year when payments for legal assistance have been made to police officers when they have been challenged in the court for one reason or another.

I acknowledge that the issue of legal representation for police officers who have been acting in good faith must be resolved. The process is cumbersome and longwinded and work has and is being done to speed up that process. I look forward in the near future to a submission on how to speed up that process being brought to me.

I repeat that this Government will stand behind any police officer who is acting in good faith and is doing his job properly. That has been demonstrated on a number of occasions this year. I have every concern for police officers who are doing their job properly and who may be injured in the course of their duty. That demonstration of support was evident in the support given to Senior Constable Glenn Murray this year. A working group to make recommendations to Government to better provide support for police officers injured on duty has been established. As far as sick leave is concerned, police officers are in a better position than other employees in this State.

I have had discussions with the Police Union on urgent duty driving. The written information put out by the Police Union earlier this week indicated that police officers should not discontinue their involvement in urgent duty driving, but they should withdraw, if their situation becomes unsafe. That attitude is shared by the Western Australia Police Service and the Government.

**SWAN BREWERY - CONSTRUCTION***Completion***556. Dr CONSTABLE to the Minister for Works:**

I refer to the failure of Bluegate Nominees Pty Ltd to complete construction of the old Swan Brewery.

- (1) What is the current arrangement between the Government and Bluegate Nominees in respect of the completion of the works at the brewery site and when does the Minister expect the construction to be completed?
- (2) How much money has Bluegate spent on the reconstruction of the building and why has the work not been completed?
- (3) Is he the Minister responsible for the lease and does the Government intend to renegotiate the terms of the lease to seek to achieve a better deal for the State?

**Mr BOARD replied:**

I thank the member for some notice of this question.

- (1)-(3) The lease on the old brewery site was signed in 1992 by the then Minister for Lands and Bluegate Nominees, with Multiplex Constructions Pty Ltd being a guarantor to that arrangement. It is a 65 year lease which included the reconstruction of the heritage building on the site. A schedule in that lease required those works to be completed by December 1996. Bluegate had difficulty leasing the building on the site and finding a suitable tenant. Unfortunately, all buildings on the site do not come within the current lease. The Government is negotiating a variation to bring all the buildings on the site under the current leasing arrangement to expedite an early completion of the site so the community can use it. Under the terms of the lease, the Minister for Lands is the lessor. That was outlined in the previous lease in 1992. Because it is a heritage building and work is being carried out on that site, the Minister for Works is responsible for the project.

## HOSPITALS - SWAN DISTRICT

*Dental Surgery - Payment***557. Mr JOHNSON to the Minister for Health:**

It has come to my attention that a constituent who needed dental surgery at the Swan District Hospital had to pay \$160 for a public hospital bed, whereas previously he would not have been required to pay anything. What are the reasons for the change in policy?

**Mr PRINCE replied:**

I thank the member for some notice of this question which enabled me to investigate this issue to provide a reply. It transpires that until 4 August this year there had been a peculiar and somewhat anomalous situation at the Swan District Hospital in which some anaesthetists, in cooperation with some local dentists, were admitting private dental patients to the hospital as public patients. The anaesthetists were doing the admitting, not the dentists. It exposes the hospital to considerable medical legal risk because it should be the principal practitioner who does the admission; that is, the dentist. The Medicare agreement does not fund dental services in public hospitals. In addition to the legal risks, the hospital was carrying the cost of the patients when there was an alternative service available. The Perth Dental Hospital continues to provide dental services to those who are most disadvantaged, but that service is not provided through the Swan District Hospital.

On 22 May 1997, the Board of Management and the Medical Advisory Committee, which comprises the clinicians of Swan District Hospital, on the advisory committee's advice, determined that this practice would cease. During an extensive notice period, everyone involved was informed that this practice would cease with effect from 4 August. From that date, anaesthetists would not be able to admit private patients as public patients for dentists to undertake complicated work.

The cost of the dentistry to the patients is still less than having the procedure carried out in the private sector. Even though they are admitted now as private patients in a public hospital, no theatre fees are charged. Although the cost has increased by \$160, it is still less than having such procedures done in the private sector. The proper procedure, which is followed everywhere else, is now followed by the Swan District Hospital.

## TRANSPORT - AIR SERVICES

*Busselton - Skywest and Rottnest Island Airlines***558. Ms MacTIERNAN to the Minister representing the Minister for Transport:**

Some notice of this question has been given.

- (1) Can the Minister explain why Skywest was awarded the contract to provide air services to Busselton at an underwriting cost to the Government of \$1 500 per return trip when Rottnest Island Airlines offered to provide the same service in an equivalent 19-seater aircraft for \$1 050 per return trip?
- (2) Can the Minister confirm that Rottnest Island Airlines required the subsidy for only six months but undertook to conduct the service for a minimum of 12 months?
- (3) Does the Minister accept that Rottnest Island Airlines has a 10-year record of reliable service and has an IATA code that links it to international booking systems?

**Mr OMODEI replied:**

I thank the member for some notice of this question. The Minister for Transport has supplied the following response -

I advise that within the given time frame I am unable to provide a response to the member's question. However, I will be in a position to respond on the next parliamentary sitting day.

## TOURISM - WA TOURISM COMMISSION

*Airline Service - Broome-Bali*

By leave, Mr Bradshaw (Parliamentary Secretary) tabled an attachment to answer to question on notice 189 answered on 28 May 1997, which was inadvertently not tabled.

[See paper No 604.]

