WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 18 September 1997

Legislative Assembly

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

PETITION - EDUCATION

Children of Low Income Earners

MR BROWN (Bassendean) [10.04 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the under signed petitioners call on the State Government to introduce a range of measures to ensure the children of low income earners, including single parents, pensioners and unemployed, are not disadvantaged in the education system as a consequence of their parents not being able to afford uniforms, booklists, swimming lessons and excursions.
>
> We believe that a subsidy or a level of assistance should be provided to parents of primary school children who, for financial reasons, are unable to give their child the opportunity to participate fully in school activities.
>
> We believe the State has an obligation to ensure all children receive a high quality education which is not compromised in any way by the financial capacity of the child's parents.
>
> The measures we support should be introduced without delay so that all children have an equal opportunity of participating in the work force on reaching the age of maturity.
>
> 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 14 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 paper No 93.]

DEPARTMENT OF PRODUCTIVITY AND LABOUR RELATIONS - INDEMNITY

Public Sector Management Office Report - Tabling

DR GALLOP (Victoria Park - Leader of the Opposition) [10.05 am]: The Premier promised earlier this week that he would table the Public Sector Management Office report on the indemnity issued by the Department of Productivity and Labour Relations. Is it the Government's intention to table that paper today?

Mr Cowan: The Premier is running late. I am sure he will seek the leave of the House at some convenient time this afternoon to table that document.

The DEPUTY SPEAKER: It is not a point of order but of clarification. It is on the Notice Paper.

MOTION - SELECT COMMITTEE ON PERTH'S AIR QUALITY

Discussion Paper

MR TUBBY (Roleystone - Parliamentary Secretary) [10.05 am]: I move -

> That the discussion paper be printed.

This discussion paper is the second of a series of five papers to be released by the select committee before the end of November. The first, dealing with smoke emissions from homes, was released last Thursday. I anticipated that that report would create some public interest, and it has certainly done that. Let us hope that it helps to generate a change in behaviour by the general public and then perhaps the committee will not be required to give consideration to moves such as banning wood heaters when the final report is tabled.

The committee hopes that this paper on open burning will provoke a similar response because it needs to know which strategies to improve Perth's air quality will be widely supported by the general community. Smoke emissions from

open burning can be a major contributor to episodes of particulate haze, especially when Perth's weather pattern is not conducive to dispersing the smoke. The amount of smoke from a fire, when the burning takes place and ultimately where the smoke travels to, can influence the creation of photochemical smog in the Perth metropolitan area.

This discussion paper outlines strategies designed to reduce smoke emissions from open burning, including prescribed burns conducted by the Department of Conservation and Land Management, and burns authorised under the Bushfires Act carried out by local authorities, land developers, landowners, orchardists and farmers. CALM has indicated that fuel loadings in some areas of the forest estate are increasing to levels which can be considered critical from a fire management point of view. This is similarly important from the perspective of smoke management.

The burning of orchard prunings and agricultural stubble tends to be a local problem. However, smoke from these activities can become a regional issue, particularly if the fire is large enough and the weather conditions are not suitable for dispersing the smoke quickly. There is also the case for burning on development sites but with the additional problem of dust generation once the soil has been exposed. Dust is one of the main contributors to spring and summer haze formation. A number of strategies could be introduced to reduce smoke emissions from open burning. Those listed in this paper are a range of actions that could be implemented to ensure that Perth's air quality does not deteriorate in the future.

The committee is not suggesting that every strategy as listed should or must be implemented. Instead, it is seeking comment on the most effective measures and those that should be implemented for the Perth metropolitan area. Once again, the strategy options have been classified as either educational, technical, regulatory or market based, and they include -

Educational strategies -

(1) Implement education programs explaining the reasons controlled burns are undertaken, and how the burn is planned, implemented and managed.

(2) Implement voluntary "no burning" days and nights for bushfire brigades and landowners when the weather forecast suggests conditions are likely to produce haze.

Technical strategies -

(3) Research and improve smoke plume dispersal modelling to better predict whether smoke from controlled burns will drift over Perth or other populated areas.

(4) Improve the scheduling of controlled burns such that they are only undertaken during periods when smoke will not drift across populated areas or the Perth metropolitan area.

(5) CALM should investigate and implement alternative methods to control burning, if that is possible.

(6) Provide greater resources to CALM so that better use can be made of those days when controlled burning will not cause pollution in Perth.

Regulatory strategies -

(7) Ban backyard burning in the Perth metropolitan area and other urban areas.

(8) Ban burning on development sites and require developers to chip vegetation on site for use as mulch.

(9) Provide a mechanism for ensuring that a burning activity of any sort, including agricultural burning, does not take place during periods when smoke will not be dispersed quickly.

Market based strategies -

(10) Place a rate or other surcharge on agricultural land where stubble burning is carried out.

(11) Introduce financial penalties to CALM, developers and landowners if their burning activity causes pollution in the Perth metropolitan area or any other populated area.

I commend this motion to the House and advise that public submissions on this paper will be accepted until 30 November 1997.

Question put and passed.

[See paper No 687.]

STATEMENT - MINISTER FOR PRIMARY INDUSTRY

Crop Improvement Centre

MR HOUSE (Stirling - Minister for Primary Industry) [10.10 am]: Western Australia's 6 000 wheat growers are on track this year to exceed the State's record crop of 7.23 million tonnes. This is good news for not only our grain farmers, their families and rural communities, but also the entire Western Australian community, as a result of direct flow-on benefits. A good season, coupled with recent falls in the Australian dollar, will ensure that our wheat and other export grains including lupins, canola and barley are more competitive on the tough international market.

In the last financial year, the WA grains industry export value was $2.219b, which ranks it among the State's highest export earners. Western Australian grain growers have been increasing their productivity at the extraordinary rate of 6 per cent per year over recent years. This year the crop improvement program of Agriculture Western Australia produced a record 16 new grain varieties and I am sure these will help to sustain the growth in productivity. This is a real credit to the skills and abilities of the farmers in this State and to the crop breeders and agri-businesses supporting the grain growers. Together they continue to make a growing contribution to the economic health of this State. This is expected to continue with Agriculture Western Australia predicting that in 10 years we could in fact double our current grain production.

In recognition of this tremendous potential, I am announcing the establishment of a new multi-million dollar world class crop improvement centre in Western Australia. The new crop centre will be developed on Agriculture Western Australia's South Perth site which is now part of the Technology Park precinct. The crop improvement centre will breed new wheat and other grain crop varieties and will be jointly established by Agriculture Western Australia and the Australian grains industry.

The crop centre is a key recommendation of the steering committee examining the future options for the organisation of crop improvement in Western Australia, which reported this week. The committee recently completed a study which was initiated by the industry partnership groups for Agriculture Western Australia's cereals program and pulses and oilseeds program. It was funded by Agriculture Western Australia and the Grains Research and Development Corporation.

The new centre will build a strong partnership between Western Australian crop breeders and other researchers across Australia, and overseas, forging stronger links to advance crop breeding programs. A key feature will be to develop a continuing stream of new grain varieties bred especially for Western Australian conditions. Our continued success will depend on other research providers, such as the universities and the Commonwealth Scientific and Industrial Research Organisation, committing resources and energy to crop improvement programs in Western Australia.

Another important recommendation from the study was how industry could encourage increased investment in crop improvement in Western Australia. The steering committee has proposed the introduction of end point royalties to be charged for grain harvested and delivered to receival points, starting with varieties first released in 1996.

I support the views of industry that any revenue from royalties must be returned to fund the breeding of new varieties and associated crop improvement research and development. The steering committee's report on the future options for crop development in Western Australia is now available and will be distributed to industry organisations over the coming week.

STATEMENT - MINISTER FOR THE ENVIRONMENT

Select Committee on Cape Range National Park and Ningaloo Marine Park - Government's Response

MRS EDWARDES (Kingsley - Minister for the Environment) [10.13 am]: I table the Government's response to the first report of the Legislative Council's Select Committee on Cape Range National Park and Ningaloo Marine Park.

Firstly, I acknowledge the commitment of the former member of the Legislative Council, Hon Graham Edwards, who retired from Parliament in May this year, to the preparation of this report. Mr Edwards chaired the select committee and long had an interest in the Cape Range National Park and Ningaloo Marine Park area. I thank him on behalf of the community of Western Australia for his contribution in chairing the committee and producing this important report. Another two members of the select committee have also retired from State Parliament - Hon Philip Lockyer and Senator Ross Lightfoot. Together with the other members of the select committee, Hon Murray Criddle and Hon Tom Stephens, they deserve the recognition of this Parliament for their contribution to a report which will assist the Government in the ongoing planning and management of the Cape Range National Park and Ningaloo Marine Park.

The Government accepts the general thrust of the select committee's report and our response will show that significant progress has already been made in many of the key areas identified in the report. In 1996 the Ministry for Planning

released the final Gascoyne Coast Regional Strategy. The Gascoyne Coast Regional Strategy has been endorsed by the Government and provides the basis of formal planning policy for the Gascoyne coast region.

A structure plan is currently being prepared for the Exmouth Learmonth area by the Western Australian Planning Commission and the Ministry for Planning which will provide a statutory planning framework for the region. The Government acknowledges the strong demand for tourist facilities in the region but will not allow inappropriate development to occur which would adversely impact upon the natural values of the Cape Range National Park or the Ningaloo Marine Park.

I commend the Government's response to the select committee report to the House.

[See paper No 690.]

STATEMENT - MINISTER FOR HEALTH

Western Australian Health Services Plan

MR PRINCE (Albany - Minister for Health) [10.15 am]: While Western Australians continue to have access to the highest possible quality of public health care available, historic trends and precedents have created to a large extent a cumbersome structure within the WA health system. It is now time to refine what is essentially an extremely good health system and develop long term strategic directions to enable that system to offer Western Australians excellent health care well into the twenty-first century.

As members will be aware, the first step the State Government has taken to achieve a more coordinated and efficient health system was to establish the Metropolitan Health Service Board. Secondly, the State Government will now develop comprehensive health service plans which will have far reaching implications for the entire State, including the metropolitan area and northern and southern regions.

The intent is to develop a plan based on health service needs in those particular regions through the significant involvement of both service providers and health service consumers. An open and consultative approach towards planning for the future of Western Australia’s health system is crucial.

The Health Department will establish a seven member health services planning committee for the metropolitan area. That committee will oversee information collection and the development of a strategic health plan for the metropolitan area to the year 2020. Committee members will include health department officers, members of the community and interest groups as well as members of the Metropolitan Health Service Board. In the south west, a planning forum has already been formed and has reached the stage of generating a number of options for consideration.

The State Government will be placing advertisements in local newspapers calling for nominations from community leaders to be included in a register of interested persons. Groups of representatives will be consulted and will be informed of the direction of plans for their particular region through the various stages of development. An advertisement seeking registrations of interest from persons in the metropolitan area will be published in *The West Australian* this Saturday. I urge community leaders and others interested in the future of the state public health system to look out for those advertisements and register their interest.

It is expected that final reports on health service plans for all regions will be completed by mid next year. The delivery of health services to people in this State is of high priority to this Government. However, the delivery of health services to residents in the north west of the State probably represents the most significant challenge. The high levels of health need, the tyranny of distance and isolation and widely dispersed population require innovative solutions and not simple replication of traditional methods of delivery more common in urban areas. The Government is committed to long term plans which will ultimately bring widespread health benefits to everyone in Western Australia.

The State Government has recognised the need to establish a health system which is both clinically and economically sustainable. It is working hard towards fulfilling its commitment to providing an even higher standard of health care to people living in this State, no matter where they live.

Underpinning the development of these service plans will be a new program structure developed by the Health Department. This program structure represents a move away from traditional institutional programs of hospitals, community health, continuing care and so on, to a new focus on the communities' actual service needs in the form of ten health condition groups. This program structure set out in the publication "Foundations for a Healthier Future" will link planning and operational functions and will ensure that the focus of health from budget appropriation to planning to service delivery remains on the people for whom the health system was created to service.

I look forward to seeing the health benefits Western Australians can enjoy for many years on, as a result of this government initiative and it gives me pleasure to table the publication, "Foundation for a Healthier Future".

[See paper No 688.]

STATEMENT - MINISTER FOR WATER RESOURCES

Sewage Spills into the Swan and Canning Rivers

DR HAMES (Yokine - Minister for Water Resources) [10.18 am]: Mr Speaker, I table a report which provides a blueprint to drastically cut the number of sewage spills into the Swan and Canning Rivers. The report and its recommendations are the result of a senior government working group set up in February at my request. Once the recommendations are implemented, the risk of spills from the Water Corporation's 108 pumping stations along the rivers should drop from the current 4.6 times a year to an average of less than one every six years.

The working group included the Water Corporation, the Department of Environmental Protection, the Swan River Trust and the Water and Rivers Commission. By world standards Perth has a high quality sewerage system that operates well under most conditions. Although it is unrealistic to expect that another spill will not occur, the current rate of spillage is unacceptable so we are taking steps to correct this.

The Water Corporation has already embarked on a major program to upgrade pumping stations and monitoring. Building on this, the working group's recommendations included specific levels of protection for key locations on the river, setting out acceptable risk levels for significant spills, upgrading equipment and contingency plans, working with Western Power to gain priority power supply or alternative power sources to reduce risk of spills caused by power failures and upgrading sewage storage capacity to a minimum of three hours.

When that is not possible response and repair time must be fast enough to prevent a spill. The Water Corporation will be required to prepare an implementation plan which addresses upgrading requirements, improvements in operation and contingency plans and monitoring of impact from spills. All existing pumping stations are to be reregistered to accepted standards under the Environmental Protection Act. All new stations will be submitted to a works approval and registration process by the Department of Environmental Protection and the overall implementation plan and performance requirements will be publicly assessed by the Environmental Protection Authority. While on-the-ground improvements already underway will continue I expect the Water Corporation's implementation plan to be completed by December of this year ready for an EPA assessment early in 1998.

[See papers Nos 689A and 689B.]

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY AMENDMENT BILL

Second Reading

MR TUBBY (Roleystone - Parliamentary Secretary) [10.21 am]: I move -

That the Bill be now read a second time.

The introduction of this amendment Bill represents a commitment to providing all students throughout Western Australia with the same high quality education, regardless of geographical location, as stated in the Government's education policy which was released last year. The Country High School Hostels Authority Act limits the authority to the provision of services for isolated students enrolled at non-metropolitan government primary and secondary schools. There is a genuine need for the Country High School Hostels Authority's residential colleges to be able to accommodate other students, both in meeting some student demand and in improving the financial viability of some hostels.

Amendments to section 3 and section 7 of the Country High School Hostels Authority Act 1960 have been proposed to meet the requirement for the authority to provide accommodation services for isolated students statewide; to allow the authority to provide accommodation for a broader category of student; and establish an order of priority for the allocation of accommodation.

Other students seeking admission to the authority's residential colleges include isolated students enrolled at local TAFE colleges, isolated students enrolled at a local non-government school and non-isolated students. In the past, many country based non-TEE secondary school students left school after year 10. This is evidenced in the lower retention rates at year 11 and year 12 country students in comparison with metropolitan students. However, country secondary schools are becoming more successful in linking with neighbouring TAFE colleges to provide for students with careers in mind. While some students are satisfied with school based vocational programs, other students find that TAFE best meets their needs and leave secondary school altogether to attend TAFE. The amendments to the Act will enable the authority to provide accommodation for these students. For example, the authority has two

boarding facilities in Northam, one of which could be utilised for TAFE students. In Esperance there is strong support for an integrated community college which will link secondary, TAFE and tertiary education providers and the authority's residential college together in servicing the educational needs of students in the region.

The Esperance Community College initiative is well progressed and is typical of the interagency planning and cooperation being developed to deliver more effective and efficient educational services in rural Western Australia. The amendments will also benefit isolated non-government school students seeking admission to the authority's residential colleges throughout the State.

Some smaller non-government schools in Albany, Northam and Geraldton, for example, do not have boarding facilities. The amendments will allow students who choose to attend these schools to be admitted under special arrangements. Each case will be approved by the Minister for Education. The non-government sector will be required to contribute its fair share towards residential college maintenance costs and future capital costs.

A number of non-isolated students seek admission to the authority's residential colleges. These are predominantly rural students who prefer to pay the extra cost to attend a regional senior high school rather than a local district high school which may be closer to their home. These students prefer to enrol at the one secondary school from year 8 to year 12 rather than change schools at year 10. Other non-isolated students are attracted to the pastoral care and education provided by the authority's residential colleges and the neighbouring schools.

The improved scope to allow for the enrolment of these categories of students will meet a very real demand and help maintain enrolments at optimum levels, thereby minimising the need for government subsidies to maintain the financial viability of residential colleges which would otherwise be at risk. Under the new arrangement residential colleges will continue to provide priority placement to isolated students. By definition isolated students have no local school and have no option but to board away from home to attend school on a daily basis. To the extent that it is possible the authority and residential colleges will ensure that all unenrolled isolated students will be offered placement before any unenrolled non-isolated student. Unenrolled isolated students who apply by the advertised enrolment date each year will have priority over all unenrolled non-isolated students, including those with prior bookings. The amendments also make it clear that once a student has been admitted to a residential college, his or her right of re-entry each year will be guaranteed over any unenrolled student.

Although the amendment Bill will help to optimise educational opportunity and residential college enrolments for students in the south west of the State, where the authority's residential colleges are located, it will also assist in the establishment of new residential colleges in the north west. The amendments will allow new residential colleges to be developed in conjunction with the non-government sector in areas such as the north west where costing inefficiencies have inhibited the establishment of boarding facilities. The amendments will allow the Government and the non-government sector to join in funding the establishment, maintenance and operation of boarding facilities in locations where each sector has established schools which are attractive to isolated students.

Currently, isolated families in the Kimberley and Pilbara regions have no local options. They must send their children to either the authority's south west residential colleges, to non-government metropolitan hostels or boarding schools or to boarding schools interstate. The amendments will allow the authority to support regional development in the Kimberley where boarding facilities will be critical in attracting agriculturalists to take up holdings in the Ord River expansion currently being promoted. The establishment of boarding facilities will in turn encourage the establishment of private schools, thereby making the region even more attractive for settlement and industry.

The Bill does not preclude the authority from future involvement in metropolitan boarding facilities. Although the authority has no plans to establish a metropolitan boarding facility a number of existing student hostels may at some time in the future require the involvement of the Country High School Hostels Authority. For example, the Department of Family and Children's Services operates six small metropolitan hostels for isolated Aboriginal students and Rotary International operates a small hostel for isolated students with special talents whose curriculum needs are not being met within their local school.

In summary, the overall benefits include better access by isolated students to programs delivered by the school or TAFE college of their choice, better utilisation of existing boarding facilities and cost savings to the Government and people of Western Australia, and better scope for cross-sector cost sharing in the establishment of accommodation services in developing areas such as the north west. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

RESERVES BILL

Second Reading

MR SHAVE (Alfred Cove - Minister for Lands) [10.29 am]: I move -

That the Bill be now read a second time.

This Bill is similar in intent to many others which have been brought before the House to obtain Parliament's approval to vary class A reserves. This Bill has six clauses dealing with separate reserves as follows -

Clause 5: Class A reserve No 2682 is set apart for the purpose of "public park" and is vested in the Albany Town Council. The reserve is situated on Mt Clarence, Albany. While investigating a suitable site for a satellite receiver dish for SBS Television's regional services, the Town of Albany has found that existing facilities on adjoining reserve No 16692 encroach onto reserve No 2682. This clause seeks to amend reserve No 2682 by the excision of an area of 2 521 square metres. This action will then allow reserve No 16692 to be redescribed and amended to include the former portion of reserve No 2682. This additional area will accommodate the establishment of a satellite receival dish and regulate encroachments.

Clause 6: Class A reserve No 12397 is set apart and vested in the Minister for Water Resources for the purpose of "water". The Water Corporation has advised that the reserve is now no longer required for its designated purpose. Following appropriate referral, the reserve has been determined to be of conservation value by the Department of Conservation and Land Management. It is that department's wish that the reserve purpose be amended to "conservation of flora and fauna and water" so that it can vest in the National Parks and Nature Conservation Authority. The Shire of Brookton supports this proposal subject to local farmers being allowed continued access in drought conditions to water from the well situated in the western corner. This proviso has been agreed to by CALM and "water" has been left in the proposed amended purpose to reflect this undertaking. This clause seeks Parliament's approval for the amendment of the purpose of reserve No 12397 to conservation of flora and fauna and water.

Clause 7: Class A reserve No 18987 is set aside for the purpose of "national park" and is under the control of the National Parks and Nature Conservation Authority. The reserve is known as the Porongurup National Park. In 1954 reserve No 18987 was reduced by the excision of an area of approximately 16 acres - 6.4750 hectares - to allow for the creation of the Mt Barker water supply - Bolganup Creek lower damsite, reserve No 24151 - and the dam was constructed thereon in 1957. The Water Corporation has advised that this dam does not meet modern safety criteria and it will be upgraded. The upgrade will include additional fill on the face and toe of the dam to increase the wall stability, and the construction of a new spillway with increased capacity. Site survey has been carried out to ensure all existing infrastructure and the proposed modifications will be contained within reserve No 24151. This reserve is to be redescribed to contain the lesser area of 6.3486 hectares. The National Parks and Nature Conservation Authority supports this proposal. The survey also revealed that portion of the Bolganup Road as constructed is not within the dedicated road reserve. Accordingly, it is intended to close, via this clause, portion of the road and include the redundant portions in the national park. The road will be rededicated as constructed as a separate action. It is also proposed to include several other pieces of land totalling 109.7644 ha into the national park to rationalise the park boundary and aid management. This clause seeks Parliament's approval for the amendment of reserve No 18987.

Clause 8: Class A reserve No 9337 is set aside for the purpose of "recreation" and is vested in the City of Subiaco. Part of the reserve is currently leased to the West Australian Football Commission for parking. The city and the WAFC have reached an agreement which aims at resolving vehicle parking issues within the residential precincts of Subiaco, simplifying lease agreements between parties and allowing sporting events to be conducted on reserve No 41874 after sunset by increasing its size, amending the purpose of reserve No 9337, and allowing the creation of a new reserve specifically for vehicle parking. This clause seeks Parliament's approval for -

(a) the excision of an area comprising 1.1227 ha, now forming part of the land contained in Swan location 12732 and all the land contained in location 12733 as surveyed and shown bordered red on land administration plan 19514, from reserve No 9337;

(b) the amendment of the purpose of reserve No 9337 from "recreation" to "recreation and occasional vehicle parking".

Clause 9: Class A reserve No 21429 is set apart and vested in the National Parks and Nature Conservation Authority for the purpose of "conservation of flora and fauna". As a condition of subdivision of an adjoining freeholding, the State Planning Commission required that lot 235 on plan 20781 be ceded to the Crown and incorporated in the abovementioned reserve. The Department of Conservation and Land Management supports this proposal, and no objection has been raised by either the Shire of Toodyay or the Department of Minerals and Energy. It is considered previous tenure - privately held freehold - was inconsistent with the continued exercise of native title rights and interests. Accordingly this matter can proceed without further reference to the provisions of the Native Title Act 1993. This clause seeks the approval of both Houses of Parliament to include the area contained in lot 235 in reserve No 21429.

Clause 10: Class A reserve No 27575 is set apart as "national park" and is under the control of the National Parks and Nature Conservation Authority. The reserve is known as the Neerabup National Park. At the request of the Water Corporation on 20 November 1995, Cabinet approved the excision of Swan location 12520 for the development of a water treatment plant to service the rapidly expanding urban development in the region. The National Parks and Nature Conservation Authority's support of the proposal was conditional, and Cabinet directed the former Water Authority of Western Australia to fund the acquisition of at least an equivalent area of private land for inclusion into the national park. Should the area be excised from the national park it is proposed, via the normal Executive Council process, to set aside Swan location 12520 for "ground water treatment plant" and vest it in the Water Corporation. This clause seeks the approval of Parliament to the excision of 8.7896 ha from reserve No 27575. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

COUNTRY HOUSING BILL

Second Reading

DR HAMES (Yokine - Minister for Housing) [10.39 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is twofold -

(a) to establish a new authority to facilitate the provision of housing for farmers, their employees, retired farmers and persons engaged in certain business and operations; and,

(b) to repeal the Rural Housing (Assistance) Act 1976 and the Industrial and Commercial Employees' Housing Act 1973.

The new authority which is to be called the Country Housing Authority, will facilitate more comprehensive housing assistance for farming families and more effectively contribute to the development of country communities with coordinated and/or subsidised employee housing finance. The Country Housing Authority is to be created from the amalgamation of two agencies involved in the provision of housing outside the metropolitan area -

the Industrial and Commercial Employees' Housing Authority whose activities are directed at accommodating essential employees on a lessor and lessee basis; and

the Rural Housing Authority whose activities are directed at rural and remote area housing for farmers and their employees on the farm by way of either direct loans or the Treasurer indemnifying housing loans made by approved lending institutions.

This Bill provides for an amalgamation of the objectives, powers, functions, assets and liabilities of the ICEHA and the Rural Housing Authority. It also provides for an expansion of the combined charter for the existing authorities to enable the Country Housing Authority to service a broader range of housing seekers.

Part 3 of the Bill describes the customers that can be provided assistance with finance for housing in country towns outside the metropolitan area. The charters of the existing authorities have been expanded to include assistance to -

farmers who wish to house their employees in the vicinity of their holding;

retired farmers, who have transferred their total interest in the farm to a family member, and apply within 12 months of retirement, provided the authority is satisfied that the dwelling will be used as a home;

a rural employee including the self-employed; and

local authorities that wish to provide housing to a business or persons providing services within their district including government employees or local government employees.

Flexibility is the key to satisfying country housing needs which can be unique to each rural community and the Country Housing Authority will work closely with progressive local authorities to develop assistance packages for the provision of housing in country towns.

Unlike the Rural Housing Authority, the Country Housing Authority will not be a lender of last resort, although its objective, in accordance with division 1, will be to assist those persons for whom it considers housing finance options are limited. Assistance to all borrowers will be by way of either a loan direct to the customer or an advance by an approved lender on the condition that the advance will be indemnified by the State.

Part 5 states that the standard rate of interest to apply to financial assistance will be published in the *Government*

Gazette. It also provides for the Minister to approve a rate of interest lower than the standard rate having regard to whether such an approval would provide economic or social benefit to a rural town or region.

Funding for the Country Housing Authority will be derived from moneys appropriated by Parliament, moneys received by the authority in performing its functions, borrowings and other moneys lawfully received. The authority may borrow from the Treasurer or, with the approval of the Treasurer, from any other lender. The authority will not be an employer but may, by arrangement with a relevant employer, use the services of an officer or employee in the Public Service, state agency or instrumentality. The authority will be an agent of the Crown and will be listed in schedule 1 to the Statutory Corporations (Liability of Directors) Act 1996. It will have a board consisting of a chairman and three other persons appointed by the Minister, each of whom has relevant experience, and an officer of the Treasury Department. An officer from the department will also be appointed to assist the Minister in the administration of the Technology and Industry Development Act 1983 which will provide a link to the regional development commissions.

In setting up the Country Housing Authority, there will be a better focus on the housing issues being experienced by farmers, businesses and service providers throughout regional Western Australia. It will address a development impediment and encourage the provision of essential services required by small businesses, farmers and rural communities generally. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

OSTEOPATHS BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr Prince (Minister for Health), and transmitted to the Council.

ACTS AMENDMENT (LEGAL COSTS) BILL

Second Reading

Resumed from 10 September.

MS ANWYL (Kalgoorlie) [10.45 am]: The Opposition supports the Bill. The order of my speech will be to briefly summarise the history of this matter for members who are interested. I have some concerns about the operation of the official prosecutions costs scale which will be reinstated and the anomalies which occur under the present system between the reimbursement of successful defendants in the Court of Petty Sessions arena as opposed to the more serious indictable charges in the superior courts.

Since 1973 there has been an Official Prosecutions (Defendants' Costs) Act and I understand it was introduced during the term of the Tonkin Government. It is another example of a great Labor initiative.

Mr Prince: It was drafted by the previous Government and introduced by the Tonkin Government. It is an excellent piece of legislation.

Ms ANWYL: There we have it! Both parties contributed to it, nevertheless it was introduced by a Labor Government. I am pleased it is applauded by the Minister who has responsibility for the carriage of this Bill.

Mr Prince: I had costs awarded under it for 20 years.

Ms ANWYL: Has the Minister stopped to add up all the costs that were awarded to him?

Mr Prince: Nothing like enough.

Ms ANWYL: That is always the lament of the country legal practitioner and I will return to that theme as I so often do.

Under that legislation, people who were acquitted of charges in the Court of Petty Sessions could apply to the magistrate dealing with those charges for a finding that they be awarded costs. The costs scale provided a maximum rate for the lawyer's fee for the day and certain reimbursements for allowances to witnesses and other expenses such as travelling, accommodation and court fees reasonably and properly incurred in the preparation of the case. That might include costs incurred in inquiries and scientific and other investigations and tests and the provision of appeal books, if necessary. In some cases it would be in a higher appeal court that findings would be made in respect of the initial conviction that might have occurred in the Magistrate's Court.

The two aspects of this legislation that are supported by the Opposition are, firstly, the provision to reinstate that costs scale - I will explain later why it needs to be reinstated - and, secondly, the widening of the definition of "remuneration" to bring it into line with the Legal Practitioners Act. The widening of the definition of "remuneration" will make it very clear that a magistrate has the ability to recompense all the out-of-pocket expenses incurred by the solicitor on behalf of his client and by the client. An issue that I will raise in more detail at a later stage, and to which I have alerted the Minister, is that defendants who cannot afford a solicitor and represent themselves, as an increasing number of people in our society are choosing to do, often incur significant out-of-pocket expenses. This is the case particularly for country people.

The spanner in the works in the costs scheme that had been operating since its inception in 1973 was the case of Klahn v Talbot, which went on appeal to the Full Court of the Supreme Court of Western Australia in September 1995. The defendant, Eric Klahn, who had been convicted in the Magistrate's Court of the charge of breaching a restraining order, appealed to the Supreme Court and was acquitted, and he was awarded costs of $1 206 pursuant to the Official Prosecutions (Defendants' Costs) Act. However, the Crown appealed that finding and took the case to the Full Court of the Supreme Court, where the learned justices determined that a mistake in law had been made because the Legal Costs Committee did not have the power to determine a scale of costs. This Bill will remedy that situation by restoring the ability of the Legal Costs Committee, which was established under the Legal Practitioners Act, to create a costs scale for the purposes of the Official Prosecutions (Defendants' Costs) Act.

The past practice with regard to costs has been to some extent problematic, because it has always been a matter of discretion whereby the judge or magistrate presiding over the court determines whether to award costs. It appears to me, as a legal practitioner of some 10 years' standing, that costs are one of the more complicated areas of the legal profession. That is a great shame for the legal profession, because we all recognise the importance of the hip pocket nerve to members of the community, and the confusion and complication surrounding the issue of legal costs is often brought to bear unfairly on the legal profession.

The confusion is caused in part by the vast body of law that surrounds costs and the fact that there can be a costs appeal. If a client asked a lawyer how much he would charge to represent him in a simple 0.08 blood alcohol case in the courts, the lawyer could give him a rough estimate. The lawyer could say also that if the client won the case, he might be reimbursed for his costs, because lawyers can never be sure that magistrates will award costs in the case of an acquittal. That lack of certainty also creates problems.

It is worth looking at the circumstances which surrounded the 1995 Klahn case and which led to the need for this Bill. It was determined in that case that the scale of costs that had been in operation since 1983 did not apply. I do not have any knowledge of Mr Eric Klahn, but I have some sympathy for him, because although he chose to appeal against his conviction, it would have been difficult for him to predict that after his successful appeal there would be a further appeal to the Full Court of the Supreme Court with regard to costs of $1 206. I have not taken the time to see what happened ultimately in that case.

Mr Prince: I know you have a copy of the decision. Does it show whether he was represented at that appeal?

Ms ANWYL: He was unrepresented at the appeal, and who could blame him? Who could afford to pay a solicitor probably many thousands of dollars to argue in the Supreme Court about $1 206?

Mr Prince: It would cost in the vicinity of $8 000 or $9 000 to run a Full Court appeal.

Ms ANWYL: I have done it cheaper than that, but I do not disagree with that as a broad estimate. Mr Klahn was not represented in the Court of Petty Sessions either, and that was the whole point of the Crown's appeal. He then ended up arguing in front of three justices of the Supreme Court about that $1 206. The Crown's appeal was not about whether he should have been found guilty of the initial offence but about the costs of $1 206.

Mr Prince: I think it was a restraining order matter.

Ms ANWYL: Yes. Mr Klahn was initially convicted of a breach of a restraining order but was found on appeal to be not guilty. People who are not in the legal profession often lack understanding of how the legal process can snowball. Mr Klahn would have been faced with costs of several thousand dollars in order to defend $1 206 if he had instructed a solicitor, but in this case he did not; and who could blame him.

The Crown has completely different resources at its disposal. This point is worth expanding, because the Crown Solicitor in that case was able to bear the cost of taking the appeal to the Full Court. I assume that it was an important point for the Crown to determine the potential cost to the State - that issue must also concern us as members of this Parliament - of people who are acquitted in the courts and awarded costs. The Crown did not want a precedent to be set whereby people who had not incurred legal fees were reimbursed. An important legal question is whether people who represent themselves and do not incur legal fees should be reimbursed.

I come back to the case in point. The Klahn decision came down in November 1995. I am sure the Minister will give us some history about the evolution of this piece of legislation. I would like to know what consultation there has been with the profession. My understanding is that it supports the legislation; however, the Minister may be able to clarify that information for me.

I want to allude to the situation prior to the Klahn case because it contained some anomalies. To do that, I will revert to the scale which was in place for many years and soon will be again on an official basis. The first item of that scale provides for a maximum allowance which can be fixed by a magistrate of $710 for the first day of trial, and $470 for the second or subsequent day of trial.

Mr Prince: I do not think they have been increased to that. For a long time they were a lot less.

Ms ANWYL: That is the amount they have been since 1 April 1991.

Mr Baker: It is $790 for the first day, according to the list I got this morning.

Ms ANWYL: I do not think we should enter into that area, because I do not know how anybody could have increased the scale. What is the date of that?

Mr Baker: I did not check the filing date.

Mr Prince: He has been in practice more recently than you or I.

Ms ANWYL: I do not understand there to have been an increase since 1995, when the decision came in. We are entering troubled waters if we pursue that line. In any event let us say it is about $800. The member for Joondalup tells me it has been increased, but I am not aware that that is so. Even at that rate, people will still be left severely out of pocket for the costs charged by the solicitors. At the same time as being out of pocket on the lawyers' costs, there will be other expenses. I am thinking of cases in country areas where solicitors will have to be flown to whichever remote part of the State the case may happen to be in. There is no allowance in these scales for all the extra time that is taken. There is an allowance for airfares, but that is discretionary. In some cases the magistrates will exercise their discretion not to reimburse the full cost of the airfares, for example, for a variety of reasons. Having been at the receiving end of some of those decisions, it is a case of swings and roundabouts - sometimes the costs are recovered, but on many occasions, and I suggest for some quite capricious reasons, they are not. At the end of the day, the successful defendant must wear those costs. Members of the public think that if they are successful, they will have all their costs reimbursed; however, that occurs very rarely.

The scale does not reflect the costs of lawyers' fees and associated expenses. The successful defendants must pick up not only the lawyers' expenses, but also the out of pocket expenses, such as six return airfares to Tom Price, which may not be recompensed. Often the cost of airfares for witnesses is also involved.

I will make some comments about the potential costs as a result of the legislation. It is important to note that the legislation does say that even if a person is not represented by a lawyer, that person is still entitled to recover his costs. I am sure the Minister will explain exactly how that occurs as a result of the legislation. I am not entirely clear from the amendment to existing section 58W how that happens. It may have to be read in conjunction with the Official Prosecutions (Defendants' Costs) Act, although it is clear - if not from the second reading speech, from the clause notes provided by way of explanation - that this legislation enables people who appear in person to claim their out of pocket expenses associated with the trial.

Mr Prince: Some.

Ms ANWYL: The question is which part. Presumably that is made clear by reading section 58W together with the official prosecutions legislation. Concerns have been raised about whether in-person litigants should recover costs at all. My understanding is that the present law states that pursuant to the High Court of Australia case of Catier v Haines, there is no question about whether people can recover in-person costs. That was discussed by the justices in the Klahn case and is settled law. How do we know whether in-person litigants can recover their out of pocket expenses? I am not sure of the legislative framework by which that occurs. It may be by reading the official prosecutions Act. Given the distinction between expenses and out of pocket expenses, I am not sure of the answer, and we must be clear about it.

There is a lot of potential in terms of costs for the State as a result of this legislation generally. The Opposition supports it; however, it is worth considering for a moment what the costs will be. Let us look at the cost of justice. For all the time of my involvement in the legal profession, there has been a lot of public debate about the cost of justice. A number of efforts have been made to make justice more accessible to the average Australian. It seems that we are not winning that battle. It a complex issue. It is very easy to bash lawyers over the head and to blame them for the problem. It is a little like blaming judges for crime - it is simplistic.

People appearing in the Court of Petty Sessions or the Magistrate's Court are finding it more difficult to obtain legal aid assistance. Quite a while ago the Legal Aid Commission of Western Australia had a paragraph in its routine refusals of aid, stating that petty sessions cases would not be aided in the usual event. Occasionally people would be successful in getting some legal aid when there was a substantial risk of imprisonment - there is often a substantial risk of imprisonment. On an appeal or a review, aid could sometimes be obtained. However, those dollars are drying up further and further.

The Opposition has been critical of the current Attorney General for his failure to secure our position in light of the negotiations that took place in the other States in preserving what could be saved of the legal aid dollar for this State. On the per capita rate, Western Australia sits at $4.10 per head, compared with the Northern Territory where the figure is $11 a head. That is an absolute disgrace, especially considering the remote and rural population in this State and the geographic distances involved.

Mr Prince: I agree, but I do not agree with your comments about the Attorney.

Ms ANWYL: I did not expect that the Minister would agree.

Mr Prince: Nobody could have fought harder.

Ms ANWYL: If that is the case, he did so in a very unusual fashion. The other State Attorneys General made their position clear, but the WA Attorney General's position simply was not clear. I do not think we should pursue that issue in this arena.

Mr Prince: You raised it.

Ms ANWYL: I did, and I stand by my position. The Attorney has failed abysmally in preserving the legal aid budget in this State as opposed to what happened in other States. I am not privy to what happened behind closed doors, but there was an absolute dearth of public comment by the Attorney on the Commonwealth's position. It is difficult to see how he was effective in negotiating when he achieved such an abysmal record. The proof of the pudding is in the eating.

Mr Prince: He had more publicity on this issue at the time than on anything else. He engaged in a very good public campaign, as well as what went on behind closed doors. If you do not know what went on behind closed doors, you would be the only member of the Opposition not to know; everybody else seems to know what goes on behind closed doors in government circles. How come you are the lonely one?

Ms ANWYL: The Minister has become very defensive

Mr MacLean: There is no need to knock the Attorney General. He fought a very good fight.

Ms ANWYL: What does the member know about this issue? I suggest that he climb back in his hole as he knows nothing about it.

Mr MacLean: I know more about it than you do, obviously. You are attacking my Attorney General

Ms ANWYL: The member is an expert on the legal aid budget in Australia; he should enlighten me. Many people in the member's electorate are missing out on legal aid right now. What is the member's interpretation of the Attorney General's actions on this matter?

Mr MacLean: The Attorney General did, and continues to do, the best he could with what was available.

Ms ANWYL: What did he do? The member does not have a clue.

Mr MacLean: You are the most negative person in this place. You know perfectly well what was taking place at the time with the Federal Government.

Ms ANWYL: I know that every other State and Territory Attorney General managed to negotiate a successful outcome as all States and Territories, apart from WA, were better off than the initial commonwealth proposal.

Mr MacLean: It all comes down to numbers.

Ms ANWYL: It does. The member may not worry about this problem in Wanneroo, but we have an allocation of $4.10 per man, woman and child in Western Australia for legal aid services, compared with the Northern Territory which has $11 a head. If the member says that that is a successful outcome, he should talk to constituents in Wanneroo who cannot access legal aid. I bet plenty of people come into his office on the issue.

Mr MacLean: They certainly do.

Ms ANWYL: The member should not tell me I am wrong when he has no idea about what is going on.

Mr MacLean: No, I said that you attacked the Attorney General when, by your admission, you don't know what he did.

Ms ANWYL: I said I do not know what happened between Peter Foss and Daryl Williams behind a closed door. The Minister may know, but the member for Wanneroo certainly does not. I know what the legal profession tells me about this matter and, frankly, it disturbs me. I do not know what happened between Daryl Williams and Hon Peter Foss, but the outcome has been bloody disgraceful. Compared to the other States and Territories, and given that we have the biggest geographic hurdles and most remote communities, and a large Aboriginal population, and in light of the high cost of justice provision in remote areas, we cannot be happy about the position achieved.

The potential exists for the official prosecution awards to be significant amounts of money. It is important to look at the issue of whether litigants representing themselves in the Magistrate's Court can be paid out of pocket expenses. Although the law states that they cannot have other expenses paid, they should be entitled to out of pocket expenses. More people are appearing for themselves in the Court of Petty Sessions because the legal aid dollar cannot stretch to meet their expenses, and the Parliament should make its position clear on this issue. I am sure the Minister will do that in response to this debate.

I draw member's attention to an anomaly. The principal Act was introduced in 1973, and at that time a safeguard was included for people acquitted in the Court of Petty Sessions. However, we do not have a similar scheme in the superior courts. Crippling financial circumstances can occur. I need not labour the legal aid point, but more people are missing out on legal aid and more people must mortgage their home or take drastic measures in order to protect their liberty.

Mr Baker: There is a common misconception that legal aid is free. In many cases it is not. In many cases, Legal Aid provides money and then seeks reimbursement in whole or part. In many cases, a charge or security is sought to ensure the money is repaid. It is not as though most people were not paying anything. Most people paid something, and the issue was the level of their contribution. It was not a free for all, so to speak.

Ms ANWYL: I acknowledge that misconception. However, the reality is that people appearing in the Court of Petty Sessions or a superior court often have no assets. Someone may have a memorial on a family home, and if it is sold, perhaps on death, the proceeds are used to repay the commission; however, in reality, most of my clients in practice have no money at all - or say they do not. Therefore, effectively, they never must repay the money as no garnishment of wages occurs, and so on. The member for Joondalup makes a valuable point.

In the Court of Petty Sessions, one has the potential to have costs reimbursed, at least in part, but not in the superior court. We need to consider that point as legislators. The fear always arises that the floodgates will open and the cost of reimbursing parties who are eventually acquitted would be great. Should that be the whole consideration? I suggest not in view of the injustice of the cost incurred by those found not guilty

Mr Baker: My understanding is that when the orders are made and Treasury makes payment, the money comes from the Police budget.

Ms ANWYL: I thought it was from consolidated revenue.

Mr Baker: I have been told on several occasions by police prosecutors that it comes from the Police Service budget.

Ms ANWYL: It would be interesting to follow up that point. I have no idea. The Minister is shaking his head, but I understood the payment to come from consolidated revenue. The cheque is paid by the Crown Law Department.

Mr Prince: It comes from the consolidated fund. What machinations Treasury applies within the consolidated revenue with respect to agencies' budgets, and expenditure of this nature, is unknown to me and, I suggest, everybody else.

Ms ANWYL: The member for Burrup wanted to participate in this debate, but he is not here today. He suggested that we should consider not only people charged with indictable offences, but also people who have had lengthy investigations which in turn required a great deal of legal costs.

I want a clear definition to distinguish the legal costs from the disbursements. I refer the Minister to the High Court decision which stated that in-person litigants cannot obtain anything for their costs, save for out of pocket expenses. I want some clarification in that regard.

Will the Minister, to the best of his ability, give an indication of when this reinstatement will come into effect? I realise the matter is not finite. Is it proposed to change the nature of the scale or increase those amounts again? I stress that this matter will continue to be subject to the discretion of the court, as is proper. However, that leads to

some conclusion in people's minds because the public generally expects that if people win a case, there should automatically be an order for costs. In reality that does not occur.

I alluded to the problems for those who reside in the country and the extra expenses that are incurred. If people must travel to a country place, automatically they are out of their practice for a day. For example, a person who works in a medical surgery in Perth and must travel to the country cannot resume work until the plane returns him to Perth. In that respect the witness allowance is a small amount of money, although a discretion exits. Will the Minister comment on that also?

MR McGOWAN (Rockingham) [11.21 am]: It is my pleasure to speak on this Bill on behalf of the Opposition and to indicate that we support the provisions contained in this legislation. This Bill is designed to overcome a shortcoming that was revealed in a Supreme Court of Western Australia case known as Klahn v Talbot. In that case a plaintiff appealed to the Supreme Court about the scale of fees imposed under the Official Prosecutions (Defendants' Costs) Act 1973. He claimed that because he was unrepresented by a lawyer, he was still entitled to obtain some costs under that legislation that ordinarily would go to a solicitor who represented him in a case. He was awarded the costs in the original court in which he brought the claim. The Crown appealed to the Supreme Court on the basis that the legislation did not enable individuals to claim costs if they were not represented by a lawyer. The Supreme Court found that the scale of costs under the Official Prosecutions (Defendants' Costs) Act was ultra vires and was not applicable. I have not been able to determine the reason for that. I think it is because the scale was set under the Legal Practitioners Act and not under the Official Prosecutions (Defendants' Costs) Act; therefore, there was a problem with the applicability of this scale of fees.

Mr Prince: It does not exist.

Mr McGOWAN: I understand this Bill will reinstate those fees.

Mr Prince: That is right.

Mr McGOWAN: The Government is trying to reinstate that scale of fees so that lawyers acting on behalf of individuals can seek costs when a criminal matter is brought before the Court of Petty Sessions. It is my understanding that the Official Prosecutions (Defendants' Costs) Act applies only to cases brought before the Court of Petty Sessions and not to cases brought before the District Court and the Supreme Court, although I will be guided by the Minister on that point.

Mr Prince: They are never indictable offences, and they are not, for example, coroner's inquests, or any of the other places where perhaps you think something should be compensable. It applies only for official prosecutions, petty sessions and the Children's Court.

Mr McGOWAN: The Bill addresses the fact that the scale of fees was thrown out by the Supreme Court.

Mr Prince: It was thrown out in 1977.

Mr McGOWAN: In any event, in 1995 the Supreme Court recognised that this scale of fees was no longer in force. Therefore, a difficulty exists, which I understand the Government is trying to fix by this Bill.

The first paragraph of the second reading speech is somewhat misleading. It indicates the Government may be attempting to address the situation of individuals seeking costs under this Bill when they are not represented by a lawyer and whether they can or cannot obtain such costs. I am unable to determine from the second reading speech whether the Bill will enable an individual to seek costs, although I think from instinct it will not allow that and that it will be in cases only when a lawyer represents an individual.

Mr Prince: It is a mixture of both. I will give a detailed answer when I reply.

Mr McGOWAN: I suppose the issue relates to the fact that these days many people elect to represent themselves - perhaps misguidedly, but due to cost - rather than have a lawyer represent them before the Court of Petty Sessions. Many magistrates will take into account that a person is representing himself or herself and will be a lot easier on the individual than he would be if a lawyer were appearing on behalf of that person. I can speak on that subject from personal experience. Some magistrates in the metropolitan area are much more lenient on individuals on their own than on junior lawyers representing people.

Mr Prince: They got stuck into you and not into somebody who was unrepresented?

Mr McGOWAN: I am sure the Minister remembers similar experiences about 20 years ago.

Mr Prince: Vividly.

Mr McGOWAN: Yes. I accept that this Bill is designed to overcome the anomaly I mentioned, although the

Government must clarify what the situation is for an individual. Most people would think that if one were forced to take time off work or forced to take a long period to prepare an argument to present before a Court of Petty Sessions, one should be entitled to costs in a similar fashion to someone who obtained a lawyer, because an individual who does such a thing can often incur great expense. That must be addressed by the Minister. I am unsure whether it is addressed in the Bill. I am sure the Minister will enlighten us on that.

The Bill will make it discretionary for the magistrate to determine that payments under the Official Prosecutions (Defendants' Costs) Act will still be made. Before the Supreme Court judgment, magistrates were applying these costs on a discretionary basis. They would assess the level of work done by the solicitor representing the client, the length of the trial, and a number of other factors to come up with that assessment. It was my experience that it was almost uniformly applied without much regard to those factors. If a lawyer before the Court of Petty Sessions made an application and there had been a trial - normally a trial will go for a few hours at the very least, even on the most minor points - magistrates would simply award the fee, regardless of other determining factors. The fee was about $710, although I understand it may have increased. The fee will again be discretionary, which is a good thing. The Opposition is happy with this Bill as its provisions fix an anomalous situation.

I want to expand on the subject of legal costs, which was raised by the first speaker on behalf of the Opposition. The area of legal costs is intractable; it is an area in which there are competing interests. I have a degree of sympathy with the public and with the profession. My loyalties are divided. I acknowledge that in the area of legal fees a strong perception is that it is difficult to afford justice. All of us who have worked in the criminal area will have come across many situations where an individual has elected to plead guilty to a charge of which he did not believe he was guilty, simply because of the costs involved in contesting the matter. Everyone will acknowledge that that is wrong and should not occur. I did a lot of work for sailors in courts when I was in the Navy, which was naturally at no cost to the individuals; other than that, individuals were very reluctant to pursue matters, especially those which occurred outside Perth. If someone were to be charged perhaps in Exmouth when he was there for a short time, he might come to Perth and then have to employ a lawyer. This would involve travelling fees, the cost of accommodation and the like. There is then the risk that if he were to take the matter to trial and be unsuccessful, he would endure a heavier penalty than would be the case had he pleaded guilty. I am not sure if it was ever any different. However, after weighing up those two factors a lot of individuals elect to plead guilty to offences of which they do not believe they are guilty rather than go through the trauma of a trial. That should not be the case. As parliamentarians, and some of us are also members of the legal profession, we should not be willing to accept it.

How do we make accessiblity to justice more freely available to the wide cross-section of community? At present crime is the first and foremost priority for the legal aid budget because the Commonwealth Legal Aid Act or the courts have determined that with crimes where someone may be locked up, we must ensure his interests are protected far more than in commercial litigation or other matters. I accept that point of view; it is correct. Locking people up is the most extreme action that a society such as ours can take. We should not enter into it lightly. For that reason I accept that legal aid should be there for people who have at least an arguable case against a criminal offence. This point of view was put across in the Dietrich judgment of 1993 or 1994. We can think of a number of millionaires in this country who in recent years have been charged with offences. They include John Elliot, Alan Bond and Christopher Skase.

Mr Prince: And Laurie Connell.

Mr McGOWAN: I did not mention him because he is not with us any more. A number of people who were very affluent have subsequently been charged with complex offences which could take years to resolve. If they were to claim legal aid, they would claim a substantial portion of the entire budget, which is supposed to be directed towards impecunious people charged with serious offences whose only assets may be a house and car, and sometimes not even that - they may have nothing but the clothes on their back. I accept that legal aid should have a threshold to prevent undeserving people from obtaining it. At the end of the day we have to balance all those things up.

This brings us to the question of affordability of legal services and how we resolve these matters to ensure that the public get the best deal with legal assistance in and out of courts. I will relate one example from my area of Rockingham which has dramatically assisted ordinary people seeking legal assistance. We have had opened a service known as SCALES, which is the Southern Community Advocacy and Legal Services. I am not sure if the Minister is familiar with it, but it has been an absolutely fantastic achievement for our community. It is known as a legal clinic. It is staffed by two full time practising lawyers and a number of Murdoch University law students. The genesis of the idea came from a chap by the name of Chris Shanahan, who is a Perth barrister with a social conscience. I have a great deal of respect for him because he wants to do something constructive for law students, which is something I relate to because historically the profession had very little interest in law students, who often times are very impecunious.

Mr Prince: I will make the point when I get to my feet, but that is not the situation.

Mr McGOWAN: I beg to differ. If anyone wishes to get articled clerkship these days, he has virtually almost to pay a legal firm to take him on. Many people who want articles spend a year of their time working for someone, earning money for them and not being paid, which is outrageous. As a result of the number of law students and the number of lawyers coming onto the market, we need to take some measures to address the number of people going through law degrees and getting into practice. Having regard to elasticity of supply and demand and cost factors, there is not enough work for the number of lawyers coming out of university.

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

Mr McGOWAN: When I commenced my law degree in 1985 only a handful of universities in Australia did law degrees. There are now three universities in WA pouring out law graduates. It is no wonder there are not enough jobs. How we address the situation is difficult. Universities want a law course because it is prestigious and also inexpensive. It does not need wide ranging facilities like those involved in such things as medicine, dentistry and engineering. Universities can easily attract the staff to teach law. All they need is a lecture theatre, computer and library, and today's computer systems are primarily fulfilling the roles of libraries, and there it is - they have their law course. We have too many lawyers coming through universities, which is affecting the profession.

Chris Shanahan is a Perth barrister who came to Rockingham City Council about three years ago. I met with Mr Shanahan and the Chief Executive Officer of the City of Rockingham, Mr Gary Holland. He put forward a proposal that Murdoch University would staff a law clinic in Rockingham. Two full time lawyers and a number of law students would work on a rotational basis. They would not only obtain legal experience but also help the public. We were happy with that idea. The problem was to obtain premises and funding for the law clinic from the Commonwealth. The Commonwealth had to approve a large part of the funding. We had a meeting with Kim Beazley, who was keen on the idea. He organised the money for the project, and now it is operational at the Rockingham City Centre. The city council most graciously lent the project some premises, which have been fitted out. Local practitioners are involved in the clinic, and it provides a free legal service for the people in Rockingham. I do not think it provides as extensive a service as a legal aid office. However, it is a good service for people who do not know where to go or what their rights are, or who may have a problem and do not have a lot of money to sort it out. It is the only service of its kind in Western Australia and in Australia the only comparable services are the Leo Cussens Institute in Melbourne and a service provided by a university in Sydney. Rockingham is one of only three services in Australia. I am proud of that service, and grateful to Mr Shanahan for the idea and to Mr Beazley for coming up with the money.

We need to expand this idea to other areas in Western Australia to see whether it has some impact upon the price that people pay to obtain justice. Legal aid funding is tight and that has been reinforced in recent weeks. An article in *The West Australian* indicated that Western Australia has the lowest level of legal aid funding in Australia. We receive half of that which is received by the highest recipient of funds. It is ironic that although the Attorney General is a Western Australian, we receive the lowest level of legal aid funding, among other things. We are not getting our fair share from the Commonwealth. Obviously there is no prospect of any further legal aid offices being opened around the State. Therefore, we need to look at alternative mechanisms. The Rockingham model is a good one and the Government should investigate it with the other law schools in Western Australia to see whether we can establish those sorts of projects in other major regional centres both within and outside the metropolitan area.

Another major problem with access to justice is that many people are put off from pursuing a claim because of the cost and the complexity of the process. If one wants to bring a claim against another person in a commercial matter, a neighbourhood dispute or any sort of matter which may be related to any of the plethora of legal matters such as succession, one must go through a complex procedure if it cannot be negotiated out before going to court. By that I mean documents that need to be filed in courts, conferences, meetings, hearings and the like, all of which often add up to thousands if not tens of thousands of dollars. That is often the case for a claim that is quite minor. I heard recently that the Government will abolish the Small Claims Tribunal. I do not know whether that is correct.

Mr Bloffwitch: No. It will combine it with the debt recovery section of the court. It will have the same powers and continue the same role that it has now.

Mr McGOWAN: Is the member for Geraldton saying that a judgment from the Small Claims Tribunal will be filed in the Local Court?

Mr Bloffwitch: We want to use the magistrates in the courts under the debt recovery system, rather than the band of appointees in the Small Claims Tribunal.

Mr Baker: The proposal is to merge it with the Local Court.

Mr McGOWAN: Will it still be a simple procedure?

Mr Bloffwitch: Yes, it will be. We have insisted that it remain a simple process. There will be no lawyers; just the complainant and the person discussing the issue.

Mr McGOWAN: Its role could be expanded beyond that. The Small Claims Tribunal procedure is simple; it is not intimidatory.

Mr Baker: It will increase the monetary jurisdiction.

Mr McGOWAN: Yes, and not only between consumers and business but also between individuals as a method of sorting out problems. The other point is the enforceability of judgments. We all know about garnishee orders, judgment debts and the various techniques one can use to obtain one's money from a debtor. The problem I came across when I was practising is that people never know whether they will get their money. They have gone through the process of suing someone, but at the end of day if there are no assets or income to claim against, particularly if a person has an alternative mechanism of hiding his income - for instance, he may be in a business situation through which the income is transferred to a family member - there is little guarantee that that person will get the money.

The Attorney General has set up a strategy for the Law Reform Commission to determine a simpler method. In non-criminal matters, the core issue for most people who are thinking about bringing a claim is whether they will be paid. I am pleased if what the member for Joondalup has said is true. The Small Claims Tribunal is a good jurisdiction and one we need to expand. I hope the Attorney General expands the tribunal's monetary jurisdiction, the range of issues that it can deal with in terms of binding judgments and the enforcement of judgments for monetary matters. I hope the Minister takes into account the matters that I have raised on the affordability of justice. The Opposition supports this Bill.

MR BAKER (Joondalup) [11.48 am]: I will comment briefly on this Bill insofar as its provisions interact with the Official Prosecutions (Defendants' Costs) Act. I hope the Minister can assist me with some queries. It is my understanding that the scale will now be set by the Legal Costs Committee set up under the Legal Practitioners Act. Will that scale apply only in respect of official prosecutions?

Mr Prince: As far as I understand it.

Mr BAKER: That is a laudable notion. The advantage of this Bill is that it restores the ability of the Legal Costs Committee established under the Legal Practitioners Act to create this cost scale. Section 5(5) of the Official Prosecutions (Defendants' Costs) Act will incorporate this cost scale once there has been a determination. It is not as if the old scale that was scrubbed by the Supreme Court in Klahn v Talbot will apply once this Bill is passed. It is my understanding that under the Legal Practitioners Act there still must be a determination of what the scale will be. That is something I will deal with in a few minutes.

The advantage of the Bill is that it will restore some certainty to the amount of costs that can be awarded. I take issue with some of the remarks that were made earlier on the powers of magistrates to award costs under the Official Prosecutions (Defendants' Costs) Act. The general rule is that if one is wholly or partly successful in an official prosecution as defined in the Act, one is entitled to costs. Some exceptions in that regard are set out in section 6, which provides that the magistrate has some discretion as to whether to award costs, depending on certain limited exceptions. However, the general rule is that one is entitled to costs, but there are some exceptions. Prima facie, an order for costs is not discretionary unless the provisions in section 6 apply.

The other important aspect of this legislation that has perhaps been overlooked is that its net effect will be to enable public input into the creation of costs scales.

The ACTING SPEAKER (Ms McHale): I realise that Hansard is having difficulty recording what the member is saying. We will have total silence and the member should be aware that his position in the Chamber makes it difficult for Hansard to pick up his words.

Mr BAKER: As has been acknowledged by previous speakers, there has been much debate in recent years about the cost of legal aid and legal representation, particularly in courts of criminal jurisdiction. The net effect of this Bill will be to open up that debate to the public and to enable input into the formulation of the scales prescribed in the Official Prosecutions (Defendants' Costs) Act 1973.

Other provisions in the Legal Practitioners Act deal with the costs of determination, and those provisions are very important. Section 58X of the Act provides -

> (1) The Legal Costs Committee shall review each determination in force at least once in the period of 2 years after it was made and in each period of 2 years thereafter.

Therefore, once a cost scale has been established, it is reviewable. The most important provision in the Act in so far

as it affects the public, is section 58Y, which is headed "Inquiries by the Legal Costs Committee" and which provides -

> (1) Before making or reviewing a determination the Legal Costs Committee shall -
>
> (a) give public notification in accordance with subsection (2) of its intention to make or review the determination;

That is very important. It provides that there is to be public notification. What does that mean? Subsection (2)(a) refers to the Legal Costs Committee's having to give notice to the Law Society of WA - the peak body representing legal practitioners. Paragraph (b) also refers to the need for the committee to publish a notice -

> (b) in 2 issues of a daily newspaper circulating throughout the State,

That must be a notice -

> specifying the intention of the Legal Costs Committee to make or review the determination concerned and stating the manner in which submissions may be made and the effect of subsection (3) and the period referred to in that section.

Subsection (3) provides that any person can make a submission to the committee when the committee is in the process of making a determination about a cost scale or reviewing an existing cost scale. That enables public input into the establishment of the scale. The public gets a chance to say what the fees should be and how they should be set. This is a very good provision. It will give the wider public the opportunity to make submissions concerning the issue of costs in petty session proceedings where a criminal matter is involved. Before this legislation was enacted, there was no such public consultation process. Even before the Klahn v Talbot case, when it was believed that the 1977 amendment to the Official Prosecutions (Defendants' Costs) Act was valid, there was no public consultation process in determining the cost scale that would apply to wholly or partly successful defendants involved in official prosecutions as defined in the legislation.

In addition, subsection (4) indicates that the determination process is very informal indeed. The subsection provides that the Legal Costs Committee -

> (a) may inform itself in such manner as it thinks fit;

That could perhaps include a telephone call. It also provides that the committee -

> (c) is not required to conduct any proceedings in a formal manner; and
>
> (d) is not bound by the rules of evidence.

It is very important that the public has input into how the scale will be set. The provisions subsequent to section 58W in the Legal Practitioners Act set that out and make it clear that the public can have a role and make submissions.

It is also important to note that, once submissions have been made and a determination has been handed down, under section 58ZA -

> (1) The Legal Costs Committee shall, as soon as practicable after making a determination, make a report to the Attorney General of its determination and of the reasons for its decisions in respect of the determination.

Much has been said in recent days in this House about decisions made by certain government entities. This is a case where the committee is required to not only make its determinations public but also publish the reasons for its decisions. That is very advantageous to the public. People will understand why a cost scale has been set and why the monetary amounts and allowances were established.

I commend the Bill to the House. In view of its interaction with the provisions of the Legal Practitioners Act that I have mentioned, it will allow for greater public input and discussion concerning legal fees in criminal matters in courts of summary jurisdiction or petty sessions. It will perhaps go some way towards removing the mystique surrounding legal fees, especially as they apply to criminal matters in lower courts.

MR PRINCE (Albany - Minister for Health) [11.58 am]: I thank members for their contributions in support of this Bill. I do not intend to speak at length regurgitating or reiterating much that has been said repeatedly this morning. However, I will address some of the matters raised.

First, it should be noted that the Official Prosecutions (Defendants' Costs) Act was enacted in 1973. Prior to that, with the exception of provisions in the Justices Act that have always given to magistrates the ability to award costs

as they saw fit in a discretionary sense, there was no provision enabling a defendant summonsed to appear in a criminal court to recover any costs incurred as a result of that appearance. Justices have very rarely used the power under that Act. To my knowledge, there have been no more than six determinations in the past 20 years, if that.

When the Official Prosecutions (Defendants' Costs) Act came into effect, it was designed to recompense those people appearing only in summary courts - the Court of Petty Sessions or the Children's Court - and prosecuted by an official. Most of those prosecutions are launched by the police and extend to prosecutions launched by the government departments or local authorities, which often bring prosecutions under the Dog Act, the Liquor Act and so on. The Act enabled people who appeared, having been prosecuted by government, whether it be state or local, to be recompensed for their out of pocket expenses. The Act defines those "costs" to mean any expenses that -

(a) are properly incurred by a defendant in an official prosecution; and

(a) are due and payable, or paid, by the defendant to another person as Court fees.

The expense properly incurred by the defendant does not include loss of pay for the day, or whatever it might be, that the person incurs as a result of having to attend court. It does not and cannot because, where the State has chosen to accuse one of its citizens of a criminal matter, and that person is summonsed to appear before the court, they are obliged to appear. Whether people lose money - loss of pay or whatever - as a result of that appearance, has never been and cannot be logically a matter that can be taken into account. The facts are that the person who is summonsed to appear and the person who is accused appears at his own expense. However, if that individual, for example, spends money to obtain perhaps a report of a chemical analysis of some substance - the common one being a blood sample, which was for many years, and still is to a limited extent, used in accusations of driving with a blood alcohol content exceeding that permitted - the cost of obtaining the analysis is something that the defendant has properly incurred in the prosecution and the cost of that analysis could be recovered by the defendant if successful in being acquitted.

Other expenses due and payable to another person would include, for example, fees that are paid to a witness who is brought in, perhaps a witness who observed an event, or an expert witness who carried out an analysis of blood. Whatever the case, the fees paid by the defendant to enable someone to appear as a witness are also costs that can be recovered by a successful defendant. However, the Official Prosecutions (Defendants' Costs) Act went on to say - I think in brilliant simple drafting language - that with the defendant who is successful by reason of a summary court, only the summary court shall make an order, and the amount of the order - that is, the amount of the costs - is to be set on a scale which used to be part of the Act. It was an extremely ungenerous scale and rapidly got out of date, to the point that the amount ordered under it represented less than half the cost in any realistic terms of representation by a lawyer in a Court of Petty Sessions.

Section 5(5) gives magistrates power to order in excess of the scale in circumstances of special difficulty, complexity or importance. Magistrates use that power rarely, in my experience, and that is proper because it is supposed to be used in special cases and not be run of the mill. The problem in existence for far too long was that the scale of costs allowable to a successful defendant was so small as to be difficult to justify as between a solicitor and a client because a client had to be aware that if successful he would be able to recover something, but to be told it was less than half the amount charged brought the system into disrepute, most people thought, because the amount was far too small. Much later in the 1980s the cost scale was increased. I think it is in excess of $700 for a day now, and is it probably not generous but it is not unreasonable. For too long it was too small.

This legislation appears before Parliament today because in 1977 - I am sure inadvertently by a legislative Act of Parliament - the ability to have a cost scale was removed.

Mr McGowan: Another mistake of the first Court Government.

Mr PRINCE: It was a mistake of the Parliament. I am sure that it was inadvertent because as far as the courts were concerned at petty sessions level we worked it out long ago. However, the magistrates have said they will exercise discretion and award costs according to the scale, as it is proclaimed, even if the scale is ultra vires the Act as a result of 1977 amendments. It was an inadvertent bit of bad drafting, to be honest, and it has been known about for a long time but no-one did anything about it until a magistrate decided to make an order of costs in favour of a man who had appeared in person on a charge of having breached a restraining order, which is clearly something that was never intended in the Act, because the scale of costs have always talked about legal fees or witness fees or expenses of travel of witnesses and so on. It had never talked about loss to an individual in appearing to answer a charge. Yet the magistrate in his or her infinite wisdom decided to award this man an amount of costs, and when it went on appeal - as is reasonable to expect it would - before His Honour Justice Wallwork of the Supreme Court, it was confirmed that the magistrate had power to do it because the scale of costs did not exist and the magistrate has general power under the Official Prosecutions (Defendants' Costs) Act. That decision was appealed to the Full Court of the

Supreme Court, which confirmed the judgment of His Honour Justice Wallwork. Therefore at last, 15 or 17 years after the event, the court ruled that a magistrate sitting in a Court of Petty Sessions has discretionary power to award costs.

That is the reason this legislation is before us. It is intended that the ability to fix a scale of costs should be re-established. The member for Joondalup has eloquently explained how that is done through determination and so on. He has also drawn a very useful point to the notice of members, and I hope the public, that the fixing of scales of lawyers' costs these days is done in consultation with the public and with public involvement in the committee that does the work. It is very important and was a good step forward at the time and has worked extremely well.

With regard to some other matters raised by the members for Kalgoorlie and Rockingham, the Official Prosecutions (Defendants' Costs) Act never applied and never could apply to any matter that appeared in the District Court or the Supreme Court - in other words, any superior court - and it is now and always has been the case that if a person is charged on indictment to appear in a superior court he must pay for his representation subject to the provisions of the legal aid scheme, which is designed and is intended to help people who have no means to pay. We have had long debates this morning about the vagaries of the legal aid scheme, and I will not repeat what has been said.

There is no question of reimbursement for anyone who appears in a superior court - neither can there be without very careful thought about how this could be done. As to the suggestion from the member for Burrup relayed by the member for Kalgoorlie that perhaps there should be a system whereby people who are investigated but never charged should be reimbursed - I know the member for Eyre is interested in this, because he has said so - perhaps that matter is deserving of investigation. However, as the member for Rockingham mentioned in passing, it presents a huge difficulty in coming up with a system that will be fair and just and will not break the Budget of the State. Where we have trials of the ilk of those faced by the late Laurie Connell - I mention that one because it ran for months - the cost involved in recompensing an individual in those circumstances for the representation is simply beyond the budget of any legal aid system as we know it. It would of necessity involve some form of new system and the amounts involved would be phenomenal. That is the exception, if one likes; there are few of them, but they involve a huge amount of money.

The vast number of people are engaged in the court sense for a few hours or maybe a day or two, and they are the people who are prejudiced in that sense through not being able to obtain legal aid yet want to employ a lawyer - which is reasonable. However, they are not able to gain any full recompense because the superior courts are not places where one can have a form of recovery of costs if successful. This is a matter that can be looked at but it needs much better information about the average length of court time, the average cost of appearance, and things of that nature, to be able to work out the monetary result.

Mr Grill: In 1973 legislation appeared in this place to allow people to recover costs if successful in the lower court. It was indicated more than 20 years ago that progressively that system would be introduced to the higher courts, depending on the experience with the new system in the lower courts. Costs in the lower courts have not blown out excessively; we have been able to manage them.

Mr PRINCE: When I went into practice in late 1972 they were about $200 a day and in 23 years they have increased to about $1 000 a day.

Mr Grill: Do you have a handle on the aggregate costs?

Mr PRINCE: I understand the member's point and I recall that being asked in 1973. I am not having a go at him, but why did the Labor Party not make changes while it was in power? Was it a budgetary constraint?

Mr Grill: I do not know; it was not an arena in which I became involved, but I guess it was budgetary.

Mr PRINCE: Although 5 per cent of charges are indictable and 95 per cent are handled summarily, the length of every trial in the summary court is much longer than the average trial in the Court of Petty Sessions even if only because one must empanel juries. The formalities tend to cause the average Supreme Court trial to last for a couple of days or a bit longer these days. The costs therefore increase very quickly. We are talking about large sums of money. How, in a fair sense, do we provide for cases acquitted in a superior court to have legal costs reimbursed on a set scale, without creating a monstrous budgetary allocation which would not be affordable at this stage? I will not get into the tax debate but when the tax system in this country is fixed we might be able to contemplate schemes like that.

In civil litigation, particularly in the personal injuries area, lawyers take cases on the basis that if they win they will be paid. I do not have a problem with that, subject to costs being reasonable - not exorbitant and not champerty. If that practice occurs in the criminal sphere, what might be the consequences from a professional and administration of justice point of view where lawyers are prepared to defend people in criminal trials on the basis that they will be

paid only if a person is acquitted and then be paid, if we like, by the State? I do not know what would be the consequences of that mind set. It must be carefully considered before it is trialled. Undoubtedly it would lead to changes in the way things are done. In other words, it is worth considering, but it is not a simple matter.

Ms Anwyl: It is a question of public policy.

Mr PRINCE: Yes; but public policy is not simple. The consequences of moving down this path must be very carefully researched, documented and thought about again.

Ms Anwyl: I agree, but at the moment we are not even examining it; it is in the too hard basket.

Mr PRINCE: It is not in the too hard basket, it is unaffordable.

Ms Anwyl: A system is in place which allows some ex-gratia payments to be made.

Mr PRINCE: That happens rarely and is Crown prerogative stuff. Most of the Dietrich cases are dealt with on a case by case basis by Cabinet or by delegation to the Crown Solicitor.

The idea of reimbursing costs to those investigated and not charged is novel and in which a few people would be interested, but not many others.

Mr McGowan: What are you talking about?

Mr PRINCE: A suggestion put forward on behalf of the member for Burrup by the member for Kalgoorlie.

The member for Kalgoorlie also asked when the Bill would come into effect. This Bill originated in the other place and I imagine it will be proclaimed fairly soon after being passed because the cost committee is already in place. It will be a matter of the committee's making a determination, etc. I cannot see any reason for any delay in an administrative sense because the bodies that will handle the fixing of the scale exist.

The member for Rockingham referred to magistrates being softer on people who appear in person than on people who are represented. His choice of words was unfortunate. Magistrates are not softer. All people who have judicial office before whom appear people without any legal representation are required, as a matter of duty and law, to assist them in the interests of justice. It is not a matter of being softer; it is a matter of the proper administration of justice.

Mr McGowan: That is not what I was talking about.

Mr PRINCE: Yes it was.

Regarding costs generally, I noted the member's comments. The cost of the legal profession not only in the public courts but also between solicitor and client is a matter in which the public has a legitimate interest. Everybody says that the legal profession is unaffordable to the vast majority of the population. That is regrettable and it must be addressed. It is a complex problem and I cannot debate it today during this second reading debate.

It is interesting that the lawyers here are the ones who talk about it more than anybody else. As members of the profession we are conscious of the problem. I am unsure whether it is thought much about by people who are not members of the legal profession. Perhaps it should be.

I applaud the activities of Mr Shanahan and Murdoch University Law School in establishing the legal clinic in Rockingham. It is an excellent innovation. The University of Western Australia has the only other law school in the State.

Mr McGowan: Notre Dame has one.

Mr PRINCE: The law school at Notre Dame is now getting under way. I do not know whether a law course can be established as cheaply as the member thinks; libraries are extremely expensive.

Historically the law profession in Western Australia has a very strong interest in law students, largely because most lecturers and tutors were active members of the profession until perhaps the early 1980s when more and more academics took over and fewer practitioners were involved. However, I am conscious that many practitioners take an active role as tutors and lecturers in the universities, but less so than in the past. The profession is generally unable to accommodate the vast number of law students seeking positions as articled law clerks. Whether they should be paid is an interesting question. The father of a lawyer with whom I worked in Albany and who qualified long before the war, paid 1 000 guineas for him to take articles. That situation existed about 80 years ago. When I was articled we were paid $31 a week. However, we agitated and received the basic wage for our second year of articles.

Mr McGowan: They do not have it now.

Mr PRINCE: That was in 1971-72. There are many students and the amount paid to articled clerks varies enormously. Some are paid $14 000 or $15 000 a year and some are paid considerably more than $30 000. Members need only read *Brief*, the magazine put out by the Law Society to see the articled clerks -

Ms Anwyl: And some work for free.

Mr PRINCE: I am well aware that many lawyers work for free. The amount of pro bono work done in this State is extraordinary and not well appreciated. It amounts to millions of dollars a year. Those wanting to get into the profession need to find a position in order to be trained. Perhaps they will be paid; perhaps they will be paid well, or perhaps they will not be paid. That is the situation now.

Mr McGowan: Are you saying that is right?

Mr PRINCE: I am saying that that is the way in which the profession generally works. The member made the point that far too many students are coming out. The profession has a limited ability to take them on. If someone were prepared to work as an articled clerk and train without paying, it would be better than not getting a position. It is a consequence of an oversupply of graduates.

Ms Anwyl: They could always go to the country.

Mr PRINCE: I am delighted the member said that The ability to get any professional outside the metropolitan area is very limited. As a country lawyer, over and over again I have tried to get articled clerks to come to Albany and have had great difficulty doing so. They simply will not come to Albany.

Mr McGowan: Why?

Mr PRINCE: Because they want to stay in the city. As far as they are concerned Western Australia is the metropolitan area. It is not peculiar to the legal profession; there is the same problem with doctors. The Minister for Primary Industry knows only too well how difficult it is to get competent young doctors in the bush.

Mr McGowan: Is he a doctor?

Mr PRINCE: No, he is a farmer. He has a cousin who is a doctor, but the Minister knows as well as I do how difficult it is to get professionals to go to the bush. As the member for Kalgoorlie said, it is very difficult to get graduates to go bush yet there are a number of positions available in country areas.

I am obliged to members for their support. The provision is a very good one that corrects an error made in 1977 that only recently came to public gaze. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Wiese) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr McGOWAN: When will the provisions come into operation?

Mr PRINCE: It will come into operation on the day on which it receives royal assent. As I said in the second reading debate in response to the question asked by the member for Kalgoorlie, the Legal Costs Committee that sets the scales already exists under the Legal Practitioners Act; in other words, no administrative process is necessary to set up a body to make a scale. Once this Bill is passed, this matter can be brought into effect fairly quickly. I cannot say it will be next week or next month, but I expect it will be very shortly.

Mr McGOWAN: The Minister indicated this has been a problem since 1977 and that it was brought to light only in November 1995.

Mr Prince: I said 1996.

Mr McGOWAN: No, the second reading speech refers to the judgment in Klahn and Talbot of 20 November 1995. Therefore, is it not a matter of urgency for these provisions to come into effect immediately? Every day this provision does not apply, criminal trials are taking place in the Court of Petty Sessions which would no doubt be affected by the absence of this law.

Mr PRINCE: At present, as the member fundamentally misunderstands, magistrates have the power to order costs and they are using that discretion under section 5(2) of the Official Prosecutions (Defendants' Costs) Act, which states -

> Where a defendant is successful by reason of a decision of the Summary Court only, the Summary Court shall make an order as to the amount of his costs therein but the defendant is not entitled to those costs unless and until the time for appeal therefrom has expired . . .

That is the empowering section. Magistrates have always had that power but at the moment they do not have a scale that limits the amount they order. That was said in the case that went to the Full Court on 12 September 1996. Nobody has been prejudiced, other than possibly the Crown, because the amount that can be ordered is not fixed as no scale exists. This Bill will give the Legal Costs Committee the power to set a scale.

Mr McGowan: On what basis was it ruled ultra vires?

Mr PRINCE: Because of amendments in 1997 which inadvertently took from the Official Prosecutions (Defendants' Cost) Act the power to make a scale, but left the discretion to order the costs. Is that clear?

Mr McGowan: Absolutely.

Clause put and passed.

Clause 3: Section 58W amended -

Ms ANWYL: Proposed new subsection (5) of section 58W deals with remuneration. In light of some of the issues raised during the second reading debate, is it intended to broaden the detail of other expenses and allowances to witnesses as currently contained in the costs scale? I understand it may be beyond the province of the Minister in that the costs committee must consider that, but he may be able to provide further details.

Mr PRINCE: It is certainly not intended to broaden those details so that an in-person defendant can be recompensed for the loss of a day's work or whatever. However, there is, and always has been, under the definition of "costs" in the Official Prosecutions (Defendants' Costs) Act, the ability to recompense expenses properly incurred in an official prosecution or which are due and payable by the defendant to another person as core fees. That is the existing situation.

The insertion of the definition of "remuneration" in the Legal Practitioners Act relates to reimbursement of expenses incurred and not, for example, to loss of a day's pay. If someone incurs the cost of chemical analysis of a blood sample, for example, that is recoverable if the defendant is successful, as is the cost of bringing the analyst to court. That is it. Many legal practitioners in the past incurred fees on behalf of clients by way of dispersement payments, which were then recovered. However, many lawyers will not do that these days, for cash flow purposes and because sometimes they do not get them back, and clients must pay those out of pocket costs even when a lawyer is involved in the case. That is why the definition of "remuneration" refers to expenses properly incurred in the course of, or in connection with, business carried out by a practitioner for a client, whether incurred by the practitioner or the client. It recognises what is the commercial realty at the moment of lawyers being prepared to spend only a certain amount of their money on out of pocket expenses. The client will often pay the larger expenses incurred and he should be entitled to recover it if he is successful in a prosecution.

Ms ANWYL: One of the greatest difficulties that is faced when it comes to the magistrate making the order, is the level of discretion he has. I am not suggesting that magistrates should not have broad discretion. There should be an opportunity to broaden out the expenses.

I refer the Minister to the scale of costs. Item 11 sets out all other expenses - court fees reasonably and properly incurred in the preparation of the case, including those in respect of inquiries and scientific and other investigations and tests and the provision of appeal books. That is what the Minister envisages when he talks about blood analysis costs. Item 10 under the heading of "Other Expenses" refers to all travelling and accommodation expenses reasonably and properly incurred by the defendant, the defendant's solicitor, counsel and witnesses.

I will give a simple illustration of how a problem can arise. A legal practitioner never knows which witnesses will be required. It sometimes depends on the way the evidence falls. There may be an admission at the last minute from a prosecution witness which means a witness will not be called.

This is not an issue when the case is heard in the Central Law Courts and the witnesses have either used their vehicles or caught public transport to attend. However, in a remote place like Exmouth considerable costs are borne by the accused person in flying people to Exmouth, putting them up in the Potshot Hotel Resort and providing their meals. It might assist magistrates, when they are drawing on that discretion, if there is a broadening out of those details - for

example, witness expenses properly incurred. It does not say that; it says reasonably and properly incurred by the witnesses, but what happens when a witness is not called upon to give evidence?

I have not been allowed my airfare from Kalgoorlie to Perth to represent people at pre-trial conferences in the District Court. Goodness knows what was in the mind of the taxing registrar at the time.

Mr Prince: It is not for me to speculate.

Ms ANWYL: I know the Minister does not know. Those costs had to be borne by the client. Discretion in relation to costs is one thing, but there is the possibility of amplification of the types of expenses that might be envisaged. It might enable solicitors or police prosecutors to argue with a bit more clarity the types of expenses that were intended.

Mr PRINCE: I understand the point made by the member. Redefining the word "remuneration" in the Legal Practitioners Act will enable all expenses properly incurred to be recovered, including those that might be incurred normally by a legal practitioner, but are incurred by the client direct. Within that general heading the Legal Costs Committee will have to come up with a scale of costs. I do not know whether the committee will take what is said to be the current scale, put its imprimatur on it and send it out as its determination.

Ms Anwyl: It may look at the costs scale for the Supreme Court.

Mr PRINCE: It may do that. The point the member made is valid, but it falls within the jurisdiction of the costs committee. As long as what it says fits under the umbrella of the definition of "remuneration" it can be as prescriptive or as broad-minded as it pleases. Whether it will go as far as the member would like remains to be seen. As a person who has had that experience I suggest to the member for Kalgoorlie that she put in a submission to it. The more information that it has before it, the better informed it will be and in that sense the better the costs scale will be from the point of view of those who are acquitted to be able to recover their out of pocket costs.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Prince (Minister for Health), and passed.

WATER LEGISLATION AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Deputy Chairman of Committees (Mr Wiese) in the Chair; Dr Hames (Minister for Water Resources) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 4, page 3, lines 18 and 19 - To delete "or imprisonment for 6 months, or both".

No 2

Clause 6, page 6, lines 6 and 7 - To delete "or 46".

No 3

Clause 8, page 7, lines 18 to 20 - To delete "or imprisonment for 6 months, or both".

No 4

Clause 9, page 8, lines 10 to 12 - To delete "or imprisonment for 6 months, or both".

No 5

Clause 10, page 8, lines 21 and 22 - To delete "or imprisonment for 6 months, or both".

No 6

Clause 11, page 9, lines 9 to 11 - To delete "or imprisonment for 6 months, or both".

No 7

Clause 13, page 11, line 6 - To delete "or 56".

No 8

Clause 16, page 12, lines 16 to 18 - To delete "or imprisonment for 6 months, or both".

No 9

Clause 16, page 12, line 25 - To insert after “subsection (1)” the words "or section 39C".

No 10

Clause 16, page 13, line 19 - To insert after “subsection (1)” the words "or section 39C".

No 11

Clause 17, page 14, after line 11 - To insert the following new section -

Fraudulent taking of water

39C. Any person who fraudulently takes or causes to be taken any water from irrigation works belonging to or vested in the Corporation, or from any conduit, channel or water-course leading to or from any such works, commits an offence.

Penalty: For an individual - $20 000 or imprisonment for 2 years, or both.

For a body corporate - $50 000.

No 12

Clause 19, page 16, line 10 - To insert below "s. 39A" the words "s. 39C".

Dr HAMES: I move -

That the amendments made by the Council be agreed to.

Amendments Nos 1 to 8 that were agreed to in the other place in Committee will delete the words "or imprisonment for 6 months, or both". The Labor Party spokesperson in that place believed that it was unreasonable to have an option of imprisonment when significant fines can also be imposed. We were happy to support those amendments in that place and we propose to do the same in this Chamber.

Dr EDWARDS: Members will remember that this Bill was about two issues: Water theft and water restrictions. We support the notion of water restrictions. Two Sundays ago I visited Mundaring Weir, and I thought about how a year ago, it was overflowing, but this year the water level is way down. The need for water restrictions would be supported by all members of Parliament.

With regard to water theft, we were concerned that under this Bill people were liable to both a large monetary penalty and imprisonment. We believed that was excessive. The opposition spokesperson on water resources negotiated with the Minister and his office, and that resulted in these amendments being made in the other place. We are pleased that the Minister will accept these amendments, because we believe they will improve this Bill.

Mr BLOFFWITCH: I have some concern about these amendments. In my electorate, water theft is a serious problem, particularly when over $1 a kilolitre is charged for water that is used for vegetable gardens. People who grow tomatoes use huge quantities of water, and it is not uncommon for the water meter to be removed completely for two, three or four weeks at a time and to be reconnected when word gets out that an inspector is coming around. This fraud is costing the State hundreds of thousands of dollars.

While I can understand people saying that normal householders who tamper with water meters should not go to gaol for that offence, large commercial operators who commit this offence certainly deserve to have the heavy hand of the law come down upon them. I am concerned that these amendments may make light of this serious offence.

Dr EDWARDS: One of the difficulties that the Opposition experienced in the briefings on this Bill and when it went through the Parliament was that although we kept saying that we believed water theft was a much greater issue in the country than in the city, the only figures that we could get were for the city, where the sum of the theft was $2 000. I notice from reading the speeches that were made by opposition members in the upper House that they believed that water was being stolen from irrigation areas but that when they raised that issue on a number of occasions they were told that although it happened, the quantities and the amounts were not known; and because they could not get the wider information and because the prosecutions had been in the metropolitan area only, that is where they based their concerns and that is why we are happy with these amendments.

Dr HAMES: I appreciate the concerns raised by the member for Geraldton, and it is for that reason that the original legislation provided the option of imprisonment. The penalty is $10 000 for an individual and $20 000 for a corporate body. It is a higher amount in other clauses. We believe that that significant monetary penalty is a sufficient penalty. We must recognise that legislation is a process of negotiation, which is what occurred in this case, and we were happy in the end to accept the recommendations of the Opposition. It is well recognised that a significant amount of water theft occurs in the country, and it is difficult to identify it and police it. We discussed during the debate some of the schemes that are put in place in country areas to minimise detection of water theft. We are aware of those problems, and this legislation will go a long way to resolving those problems.

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

Report

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

WATER SERVICES COORDINATION AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Deputy Chairman of Committees (Mr Wiese) in the Chair; Dr Hames (Minister for Water Resources) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 2, page 3, lines 1 to 3 - To delete "specified in the transfer order as the day on which the transfer is to take effect;" and substitute "on which a transfer order takes effect under section 46B (11);".

No 2

Clause 2, page 3, after line 26 - To insert the following -

(3) If the transfer order specifies by reference to schedules assets that are in a local government district, the schedules must be available for inspection by the public under subsection (2)(b) at least by exhibiting them -

(a) on a notice board at the local government's offices; and

(b) on a notice board at every local government library in the district.

(4) Schedules must be exhibited under subsection (3) for a reasonable time, being not less than -

(a) the time prescribed for the purposes of this subsection; or

(b) if no time is prescribed, 7 days.

(5) Notice of the places where schedules are to be exhibited under subsection (3) must be published in a newspaper circulating in the relevant local government district at least 14 days before the schedules are so exhibited.

No 3

Clause 2, page 4, after line 14 - To insert the following -

(9) The Minister is to cause a copy of an order published under this section to be laid before each House of Parliament within 6 sitting days of that House after the order is published.

(10) Either House of Parliament may, by resolution of which notice has been given within 14 sitting days of that House after an order has been laid before it, pass a resolution disallowing the order.

(11) As soon as an order is no longer subject to disallowance under subsection (10), the order takes effect.

(12) The Minister is to cause notice to be published in the *Gazette* showing the day on which an order took effect under subsection (11).

No 4

New clause, page 1, after clause 1 - To insert the following new clause -

Commencement

2. This Act comes into operation on the day on which it receives the Royal Assent.

Dr HAMES: I move -

That the amendments made by the Council be agreed to.

As I commented previously, these amendments were made with the agreement of the Opposition.

Dr EDWARDS: Obviously the Opposition supports these amendments, given that quite a bit of negotiation went on and they were moved in the upper House to address some of our concerns. The first concern was that when assets were transferred the process was not entirely publicly accessible. The first amendment makes sure the information about assets transfer is available much more readily. It lists where it will be posted. The second amendment says that when this transfer of assets applies to other schemes, such as the Ord River and Carnarvon, there is now a possibility for a disallowance motion in Parliament. That improves the accountability of this Bill hugely. We are grateful to the Minister for accepting those amendments.

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

Report

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

STATEMENT - MEMBER FOR HILLARYS

Whitford Local Drug Action Group

MR JOHNSON (Hillarys) [12.51 pm]: I said in a statement to Parliament over two years ago that drug dealers are murderers, and corporal and capital punishment should be real options for this subspecies. In the Hillarys electorate I have heard everything from "let the addicts die" to "give the addicts heroin". A person working in my electorate was at the local pharmacy on a Sunday morning to pick up some antibiotics for her two year old child. She and her son had to watch the pharmacist mix a dose of methadone on the counter and then give it to a young female to drink. For all her son knew, this could have been raspberry cordial. In the same seven minutes, while she was still waiting for her son's medication, a tattooed man asked for his dose of methadone. My point is that the drug scene is no longer hidden. It is in the community and out in the open. This cannot be a good thing because, as my example shows, mixing methadone in front of children simply normalises the drug scene - and it is not normal.

However, a dedicated group of people in the Hillarys electorate is actively doing its bit for the drug issue. The Whitfords Local Drug Action Group involves members of the community who voluntarily combine to take action to prevent or reduce drug abuse in their local community. The emphasis is local and practical. The main point that comes through is that parents do not want to see their children become involved in the drug scene. Under the guidance of Mr Pat Cannon and Mr Terry Murphy, the Whitfords Local Drug Action Group has been involved in many worthwhile projects. Recently it participated in a successful movie night organised by Jeff and Dawn Trudgian from the Sorrento and Northshore Rotary Club, and many more events are on the agenda. I encourage all members to get involved with their local drug action group and help people who want to beat this community problem.

STATEMENT - MEMBER FOR WILLAGEE

Discrimination - Sexuality

MR CARPENTER (Willagee) [12.53 pm]: I believe in equality before the law, and it is time for the Western Australian Parliament to ensure that is the case in this State. Western Australia is one of the last places in Australia where people are discriminated against legally on the basis of their sexuality. It is time for this anachronistic characteristic of our society to be brought to an end. Western Australia is recognised as having the most discriminatory laws in the nation in relation to gay and lesbian people.

As parliamentarians of this State we should not be proud of that. The Parliament has had the opportunity to deal with this prejudice and discrimination before and has never fully seized that opportunity - courage has always deserted it. As parliamentarians we are fortunate that we now can take this opportunity to end this discrimination. We should be glad of the fact that we can do it, and should do it. There should be no discrimination on the basis of sexuality. There should be no difference on the basis of sexuality before the law. If we are to have a law defining the age at which sexual conduct between consenting people, in private, should or should not be legal, the age should be defined the same for all - male or female, heterosexual or homosexual. The Criminal Code of Western Australia should be amended to equalise the age of consent for all. The Equal Opportunity Act of Western Australia should be amended to remove discrimination on the basis of sexuality. We have an opportunity to do something along these lines, and Parliament should take that opportunity.

STATEMENT - MEMBER FOR JOONDALUP

Western Australian Folk Arts Festival

MR BAKER (Joondalup) [12.55 pm]: I inform the House of an important social and cultural event scheduled to take place shortly in my electorate of Joondalup. The WA Folk Federation will present the Western Australian Folk Arts Festival at the Arena in Joondalup, running from 7.00 pm on 26 September until 29 September. The festival was held in Toodyay for the past 18 consecutive years, but the executive of the organisation this year, in its wisdom, decided to relocate the festival to Joondalup for obvious reasons; namely, the population base and the excellent sporting and cultural facilities available.

The 1997 festival is the first of what is intended to be an annual event in the City of Wanneroo, and more particularly Joondalup. More than 700 performers will appear over the four day festival at 14 venues, providing 227 hours of music, dance and workshops. A total of 128 bands from Western Australia, other States and around the world are converging on Joondalup for this purpose. The lead concert will involve Mr Martin Hayes and his guitarist partner from Chicago, Dennis Cahill. The opening concert will feature John Cleary's Celtic Wings, which is Australia's answer to River Dance, in a show which includes the full repertoire, with 52 Irish dancers, a pyrotechnic show and backing by the world-renown group Fling. The concerts will be the focus of the event. The cost of a full day entry ticket is merely $35 an adult, and this enables the bearer to attend all performances throughout the day, from sun up until well into the night.

STATEMENT - MEMBER FOR THORNLIE

Canal Rocks Footbridge

MS McHALE (Thornlie) [12.57 pm]: Last week we heard the member for Vasse exhorting the Government to fix the footbridge over Canal Rocks. I was not sure what he was talking about at the time. However, I took the opportunity last weekend to look at the bridge, partly in my capacity as shadow spokesperson for Heritage, and I can now say that the bridge is an utter disgrace. I agree with the member for Vasse, so in many ways this is a bipartisan approach for the Government to fix the bridge as soon as possible. The member for Vasse asked for the work to be done by Christmas, but the school holidays will be held shortly. Canal Rocks is a true icon in relation to heritage, tourism, environment and, to a lesser extent, fishing. Unfortunately, the bridge is closed off, but not terribly well; it is an accident waiting to happen as one can simply walk around the fence. If one were foolish or drunk enough, or in some other state of impairment, one could do some damage. In a bipartisan approach, I exhort the Minister for the Environment, or whoever has responsibility for that bridge, to fix it quickly so that by Christmas we will have a bridge at Canal Rocks and everybody can enjoy that beautiful part of our State.

STATEMENT - MEMBER FOR ROCKINGHAM

HMAS Anzac

MR McGOWAN (Rockingham) [12.58 pm]: It is a great pleasure for me as member for Rockingham and a former member of the Navy to welcome the HMAS *Anzac* to Western Australia. This frigate was constructed in Australia over the last few years and was commissioned in 1996. HMAS *Anzac* has just arrived at HMAS *Stirling* naval base

in my electorate. She brings 164 crew members to the State, along with a number of family members of the crew. I welcome the ship and her crew to our State, and I hope they find it a rewarding place and are made most welcome by our community.

Members of the Navy, such as the crew of the HMAS *Anzac*, perform arduous duties which often involve long periods away from home in quite poor conditions; their families must put up with their absence for those periods, which can result in some difficulties for some naval personnel family members. I acknowledge the problems. I hope that the crew members, who make a great contribution to this country, are made welcome by Western Australians.

STATEMENT - MEMBER FOR MANDURAH

Kwinana Freeway Extension - Tollway

MR NICHOLLS (Mandurah) [12.59 pm]: I concur with the member for Rockingham's views on HMAS *Anzac*. It is a great move. The ship is definitely something of which Australia can be proud.

My comments today are on the current debate - or sideshow - about a tollway to extend the Kwinana Freeway to Mandurah. It is important that we as a House and as members of electorates, particularly south of the river, understand that the extension of the freeway is about providing infrastructure to serve communities in that area. I do not support the notion that the freeway should be promoted as being built by a tollway. If a private investor is prepared to put up a case, I will consider it. However, I like to think we will put our energies into looking at where we can get the funds to extend it. We know there are problems. I am somewhat concerned and disappointed about the politicking over this issue, especially by some federal members and by some members in the other place who seek to use the issue to divide the community. Members all understand that the tollway will not fund that freeway extension in the near future and I do not believe it is a matter on which we should waste our time, although I concur that if the options stack up, we should consider them. I like to think we will progress the extension of the freeway through legitimate means. Those means will come largely - if not totally - from government funding. I support the efforts of local government areas to try to extend the freeway.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - HEALTH SERVICES MISMANAGEMENT

THE DEPUTY SPEAKER (Mr Bloffwitch): Today I received within the prescribed time a letter from the member for Fremantle in the following terms -

> Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today -
>
> That this House condemns the Government and particularly the Health Minister for:
>
> 1. Closing beds and causing staffing redundancies in government hospitals when growing demand requires increased health services;
>
> 2. Misleading the public over the closure of beds at Osborne Park Hospital;
>
> 3. Failing to reveal that the new Joondalup hospital will not add to health services available to Western Australians, as its capacity will be met from closures, staff redundancies and finance and patient transfer in existing hospitals; and
>
> 4. Hiding the fact that the cost of providing inpatient treatment at the privatised Joondalup Health Campus will be more expensive than the cost of providing the same services in government hospitals.
>
> This House declares that in the light of the funding crisis in our hospital system, precious health dollars should not be taken from government hospitals to prop up a more expensive, profit making, privatised facility.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[Five members rose in their places.]

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

MR McGINTY (Fremantle) [2.37 pm]: I move the motion. There can be no doubt in anyone's mind that the health care system in Western Australia that provides one of the most basic of all human services is being mismanaged by this Minister for Health and this Government. All members need do is to look at the issues which they have considered in this Parliament in recent months.

Waiting lists for elective surgery in our hospitals are exploding. People in pain and with life threatening conditions are being added to an ever increasing waiting list and people must wait far longer than they should. Today in Western Australia one-third of those patients require urgent surgery because of the pain they suffer or because their medical condition is life threatening. It is surgery that cannot wait and the national standard is that people should not have to wait more than 30 days before having urgent surgery done. One-third of the patients in this State are waiting longer than what is the national standard.

Over 1 000 children are awaiting surgery at Princess Margaret Hospital for Children. Their future and life depends upon surgery. This Government, by conscious decision at the beginning of this year, told 40 000 pensioners in Western Australia that they will no longer be eligible for subsidised dental care because the Government will not continue to provide it to them. The majority of those 40 000 people are age pensioners who have contributed an enormous amount to the development of this State and they deserve better treatment than to be told, "You're on the scrapheap. Let the teeth rot in your mouth." That is what they have been told this year.

Approximately 10 200 Western Australian low income earners who are eligible for dental treatment through the state dental scheme are waiting for up to two years for treatment. It is not good enough. Wherever one looks in the health care system one finds a system in crisis. One finds that beds and wards are being closed in our hospitals because this Government is too mean spirited to provide the necessary funding to utilise those beds and wards.

The Minister went to Fremantle Hospital a couple of months ago and, amid much fanfare and patting on the back, declared open the new accident and emergency section. However, he did not tell anyone that the minute he and his entourage hopped into their limousine to travel back to the Parliament, the door to one of the wards was locked and a sign was put up that said, "We do not have enough money to open this ward to enable it to serve its purpose in the new accident and emergency section".

Mr Court: Did you go home in your limousine?

Mr McGINTY: No, I walked, because that hospital is in the middle of my electorate; that is why I know what is happening. I did not take kindly to the Minister's performing an opening ceremony that would have been better described as a closing ceremony, because that is what it was.

The budget for all of the major government hospitals in the metropolitan area this year has been cut, in some cases by savage amounts. We managed to flush out the figures last week, and we found that notwithstanding that the demand for services in government hospitals is growing at the rate of 3.5 per cent a year, Royal Perth Hospital, which is the premier hospital in Western Australia, has already had its budget cut to the bone, and another $20m will now been taken out. That hospital cannot cope with that budget cut.

Mr Court: Do you have the figures?

Mr McGINTY: The Premier tabled them; he should know what they are.

Mr Court: What about the moneys to be allocated?

Mr McGINTY: On the figures that the Premier tabled in the Parliament last week, $234m was the allocation for last year and $214m is the allocation for this year. That is $20m less.

Mr Court: What about the $41m at the bottom of the page?

Mr McGINTY: The Premier has kept an amount of $41m to be spread among all the hospitals, but the amount by which he has cut their funding does not equate to that $41m that he has kept up his sleeve. The Government's budgetary allocations and the way in which it has mismanaged the health system are criminal. It is jeopardising the most important function of health care: To offer security to those people who rely on the government system to enable them to maintain their health. The Government has taken away that security. People no longer have confidence in our government health system.

It is for that reason that I sadly moved this motion, which concludes with the statement that this House declares that in the light of the funding crisis in our hospital system, precious health dollars should not be taken from government hospitals to prop up a more expensive, profit making, privatised facility. Against the backdrop of a health system that is in chaos and that is presided over by this Minister, the people of Western Australia and this Parliament should demand more from this Government and this Minister.

In recent days an element of panic has crept into the approach adopted by this Minister. Yesterday when we asked the Minister for Health a routine question about why the waiting lists had blown out enormously and why the one-third of people on those lists who needed urgent surgery could not get it, the Minister's glib response was, "The waiting times will be reduced because our strategy was not a political stunt during an election." I made the comment lightly yesterday that the Minister should get a job as a comedian, because that is black humour at its worst. It is a sick joke. The Minister knows that since the election, the number of people on the waiting list has increased every month and the waiting times have increased every month and are not showing any sign of improvement.

The Minister did not tell the truth about that matter. If he had said, "We are not coping and we cannot cope", his answer might have had a bit of integrity. The Minister wanted to play the man rather than the ball, and he had to be called into line by the Speaker for engaging in personal abuse which was unparliamentary. That is not good enough. Everyone on this side views this problem with the utmost seriousness. The Minister knows that a ward is closed at Fremantle Hospital that should be open and would be open if enough money were provided. The Minister knows that if the ward that was closed at Princess Margaret Hospital were opened, it could make huge inroads into the 1 000 children on the waiting list. If the Minister does not know that, he should ask the chief executive officer of that hospital, because that is what he will tell the Minister. The Minister knows also that on Monday, 12 beds will close at Osborne Park Hospital.

During this financial year, every hospital in this State will have to face the harsh reality of closing beds or whole wards. In case the Minister does not know that, I will quote from a confidential report to the Minister which states that the impact of one issue only - that is, the taking of patients and of funds out of the government hospital system in Western Australia to put those patients and those funds into the new privatised Joondalup hospital - could entail bed closures and staffing redundancies for all hospitals. That is the first impact that we are looking at.

Mr Prince: Where is that?

Mr McGINTY: It is point six on page 3. At a time when the pressure is great, the Minister cannot close beds and wards, and he cannot put caps on waiting lists for elective surgery, because the system will then be denied its basic reason for existence, which is to provide those essential services. The Minister deserves to be condemned for adopting that budget strategy, because it is a harsh and callous strategy of simply cutting and forcing people to wait in pain and in life threatening circumstances.

A man telephoned me recently and said that his wife, who is in her forties, is a heart patient at Royal Perth Hospital and requires urgent surgery, and that he is out of his mind with worry that she may die because the health system cannot cope. I had to try to give that man the sort of comfort that the Minister should be giving him by saying, "Do not worry. The health system will look after you." I am receiving those calls all too regularly, and I can say in all earnestness that I am getting sick and tired of having to find ways to enable that surgery to take place. The hospital system is under so much pressure that it is telling people with life threatening conditions that it cannot cope with them. That is not good enough. It was once a system of which we could all be extremely proud. We cannot say that about our health care system today.

The second point of the motion draws attention to the misleading of the public over the closure of beds at Osborne Park Hospital. This is a serious matter which warrants in its own right a censure motion or a no confidence motion in the Minister for Health. The Minister's response to the question about waiting lists was to put the truth to one side and pretend that waiting lists and waiting times would disappear. I do not know why the Minister bothers to say things that are not true.

I will outline for the Minister how he has misled the House about the true situation at Osborne Park Hospital. The Minister said that on 22 September, 12 beds at that hospital will be closed for not more than one month while other initiatives are put in place. We are not talking about a few beds in a ward. We are talking about shutting down approximately 10 per cent of the bed capacity of that hospital. That is an enormous cut. I expect from the Minister's statement that by 22 October, one month later, those 12 beds will be reopened.

When the Minister gave that dishonest answer to the House, he knew from the written advice that that was not the case. I will quote from the written advice Osborne Park Hospital gave the Minister.

Mr Prince: Which I tabled.

Mr McGINTY: Before he answered the question in the Parliament he was aware of the contents of that letter.

Mr Prince: I tabled the answer to the question which you would not reveal, and which you thought you would catch me out on.

Mr McGINTY: I gave the Minister notice of the question in advance to make sure he had the opportunity to answer the question fully.

Mr Prince: I had the letter which was written earlier.

Mr McGINTY: I will tell members what the written advice from the Osborne Park Hospital to the Minister says. This is the Minister who is saying that it is just a short term closure, that it will be for less than a month, and that the whole ward will be reopened by 22 October and, as I said, within a month from the closure. The letter from Osborne Park Hospital states -

These initial closures -

Are we to expect more closures at Osborne Park Hospital? -

- are temporary and it is envisaged that they will be in place for at least a month . . .

That is the exact opposite of what the Minister said. This is not just semantics. The Minister has misled the House and should apologise for that. He twisted the written advice to give a completely different answer from that which the hospital gave him.

Mr Prince: What absolute rubbish!

Mr McGINTY: Will those beds be reopened by 22 October? Will they?

Mr Prince: I gave the member an answer and I tabled the letter at the same time.

Mr McGINTY: It was dishonest.

Mr Prince: The answer is in the words I used and in the writing which I put on the Table of this House. It is a public document.

Mr McGINTY: Will those beds be opened within a month?

Mr Prince: If you find a contradiction in that, I unreservedly apologise to you for finding the contradiction.

Mr McGINTY: The Minister mislead the House.

Mr Prince: I did not. I tabled the letter.

Mr McGINTY: It says for not more than a month.

Mr Prince: I tabled the letter. There it is.

Mr McGINTY: I ask the Minister this simple question: Will those beds at Osborne Park Hospital be reopened within a month?

Mr Prince: You and I will have to ask the director of nursing at Osborne Park Hospital.

Mr McGINTY: The Minister said they would be.

Mr Prince: I cannot answer that question without asking the person who knows.

Mr McGINTY: Why did the Minister say that the 12 beds will be closed for not more than one month? That means at the end of a month they will not be closed. The Minister misled the House.

Mr Prince: No; I did not. That is complete drivel.

Mr McGINTY: That was bad enough. It was a dishonest element. The Minister was trying to paint things out, as he did on the waiting list question. He tried to pretend everything will be good in the future. He knows damn well that is not so, and that the waiting lists will grow longer and the time people spend on them will also increase. The Minister stood in the House yesterday and, bare faced, said that things are looking up, things will get better. The Minister knows that is not true. He did exactly the same when he talked about Osborne Park Hospital. His credibility on is on the line on this issue because he stood up and said something that he knew was not true. He wanted to create an impression that Osborne Park Hospital was not facing the problem it was.

Mr Prince: If that has been the case, I would never have tabled the letter.

Mr McGINTY: Maybe that action says that the Minister is very silly. Does the Minister think I knew?

Mr Prince: I knew you had spoken to the people at the Osborne Park Hospital. They told me. I tabled the letter.

Mr McGINTY: The Minister stood up in this place and said that this closure would be for less than a month; and he was not telling the truth.

Mr Prince: I tabled the letter. It speaks for itself. That is not some polly talk. This is from the person who runs the place.

Mr McGINTY: The extent to which the Minister has misled the House became apparent only when we got hold of this confidential advice to him, prepared by the Health Department about the impact -

Mr Shave: How did you get hold of it?

Mr McGINTY: The Minister gave it to me. As I was saying, the advice from the Health Department was about the impact of the transfer of in-patient activity from the government hospital system to the Joondalup campus. That document said that, because Osborne Park Hospital will lose over 8 per cent of its budget, the major impact of the Joondalup changes will occur at Osborne Park Hospital; in other words, the bed closures and the staffing redundancies. They were referred to in the first point in this confidential advice to the Minister. Osborne Park Hospital will bear the brunt of this impact. We know those 12 beds at Osborne Park Hospital will not reopen because there is not enough money. That is the real reason. It is not the reason the Minister has given, nor the pretence in which the Minister has engaged in suggesting that this is only a temporary closure for a few weeks while things get sorted out.

Mr Prince: You are calling the acting general manager who runs the place a liar.

Mr McGINTY: When the Minister talks about liars, he should look in the mirror.

Mr Prince: You are calling the doctor who runs the place a liar.

Mr McGINTY: The advice to the Minister said that there was more than an 8 per cent budget cut for the transfer of in-patients, and therefore an 8 per cent scaling down in activity of that hospital - and that just happens to coincide with the closure of 12 beds which approximately represent that figure. The whole thing is too neat. On top of that, it is all occurring at about the same time as -

Mr Prince: You are a real conspiracy theorist.

Mr McGINTY: Is the Minister saying that Osborne Park Hospital will go back to the number of beds it had originally? No; of course he is not. The Minister has misled the House. The closure of Osborne Park Hospital beds is the result of activity being taken by the Joondalup hospital. The major impact of the privatisation of the Joondalup hospital will be felt at Osborne Park Hospital, and it is spelt out for everyone to see in this report, which the Minister initially denied any knowledge of, although it was a report to him.

Mr Prince: Don't you want Joondalup hospital?

Mr McGINTY: I do not want to see activities in places like Osborne Park Hospital, Royal Perth Hospital and others cut back to prop up a private profit making entity, which is more expensive than the existing government hospital system.

Mr Prince: Prop up? It is actually providing services to the people who live there.

Mr McGINTY: In the light of the Minister's answer to the question in Parliament recently, he cannot guarantee that those beds at Osborne Park Hospital will reopen. The third point in the motion -

Dr Gallop: It is zero sum game on a descending plane.

Mr McGINTY: That is exactly where we are at. The third point in this motion is to condemn the Minister and the Government for failing to reveal that the new Joondalup hospital will not add to health services available to Western Australians as its capacity will be met from closures, staff redundancies and finance and patient transfers in existing hospitals. The Joondalup hospital has been touted as a great addition to the health services provided in Western Australia. This confidential memorandum to the Minister states -

> The Budget Management Committee confirmed on 1st May 1997 that no new monies will be available in the health budget in 1997/98 for the additional services the Department is contractually committed to purchasing at Joondalup Health Campus once the new hospital is commissioned.

In other words, not one cent of additional money will go to providing the services at Joondalup hospital. Every cent will be taken from the existing budget; every patient will be taken out of the existing government hospitals. We have a classic case of robbing Peter to pay Paul. Wards will be shut and we will have underutilisation of existing government services and facilities. The unfinanced hospital will be a great addition, with not one cent of new money being provided to meet the demand. We are shutting down wards, sacking staff and reducing the services currently available from the government system, which will be transferred to the outer suburbs.

I have no difficulty with transferring the services to the outer suburbs. That is not the issue. The Health Department services should be provided where the people are, but not at the expense of the services that are currently at 100-plus per cent utilisation within the system.

The memorandum goes on to say-

> **To fund this activity in the final six months of 1997/98, the Department's only option is to purchase these inpatient services from Joondalup Health Campus as substitution activity, funded through the transfer of activity and money from the budgets of other public hospitals.**

The Government has been trying to create an impression that the Joondalup hospital is a great addition to health services in Western Australia. I reiterate: It is robbing Peter to pay Paul; not one cent of new money is going into it. It will replace what is already available and could be provided cheaper in the existing government hospital system.

Mr Prince: You think it can be provided cheaper; that is the whole point of this.

Mr McGINTY: If the Minister thinks that is the key issue, I will put this question to him -

Mr Prince: That is the whole point.

Mr McGINTY: Will the same number of services be provided at Joondalup hospital, and cheaper than in the government hospital system?

Mr Prince: I will give you the same answer Dr Fong gave you this morning when he briefed you. It is exactly the same number of services at the same price.

Mr McGINTY: The answer to the question is no.

Mr Prince: Oh, really?

Mr McGINTY: I ask the Minister this very simple question: Will the provision of these services which are currently provided in other government hospitals be cheaper at Joondalup hospital? The answer is no.

Mr Prince: The price paid at Joondalup is benchmarked against the average of all the metropolitan hospitals, except the tertiary hospitals.

Mr McGINTY: The Minister can make a speech in a minute.

Mr Prince: I will.

Mr McGINTY: Not one cent will be saved.

Mr Prince: You asked Dr Fong the question and you got the answer, and you are deliberately ignoring the information you know to be correct.

Mr McGINTY: I will read what the report to the Minister said and let members draw their own conclusions about this matter.

I ask members to listen to the reference under the heading "Volumes to be Transferred . . ." from the existing government hospitals to Joondalup, which reads -

> There will not be a 1:1 relationship between the volume of activity transferred from the public hospitals and the level of activity purchased at Joondalup. The DRG price at JHC is higher than the SCE price and it is generally more expensive to purchase aged and mental health inpatient care on a bedday basis.

Members can draw their own conclusions on what that means. To me it is simple: What has been transferred to Joondalup will cost more.

Mr Prince: Which bit are you misquoting now?

Mr McGINTY: The Minister should have read the report - it is directed to him.

Mr Prince: I have.

Mr McGINTY: For good reason, it states in the final impact on page 3 that the "hospitals are unlikely to acquiesce". I am glad that somebody apart from opposition members in this State are standing up for the interests of the patients who need the public hospital system. If the hospital stands up to the Minister in his desire to privatise and push these matters out into the private sector, I will be delighted.

I received a full briefing this morning from the director of operations in the Health Department and the senior

consultant in this area, and they could not say that this process would save one cent. Also, they could not guarantee what the outcomes will be at Joondalup. They stated, as the report says, that funding for aged care and mental health care at Joondalup is on a bed-day basis, which is the most expensive way to fund aged care and mental health services. We should be debating these matters in Parliament with more honesty and integrity from the Minister in his answers to questions. I recommend the motion to the House.

MR PRINCE (Albany - Minister for Health) [3.03 pm]: I am delighted to be able to answer this motion. I have truly seen few so-called matters of public interest which have been as facile and wanting in substance as this one.

First and foremost, when talking about a waiting list, waiting time is the critical issue. I am pleased that the Opposition has started talking about waiting times, which is the critical issue which I am sure anyone with commonsense understands: It is not the number of people on the list, but the time they wait. It is not the only criterion by which one judges the efficiency of any hospital; it is but one factor.

Another thing the member must bear in mind - I am putting the matter into perspective - is the amount of activity in the hospitals. In 1995-96, 334 299 patients were treated in the hospital system; in 1996-97, 345 348 patients were treated; and in 1997-98, it is anticipated that 355 000 patients or more will pass through the system. That is a huge number of people receiving some form of care from the most complex procedures, such as organ transplant, down to relatively minor things, such as the removal of a splinter from someone's foot in an accident and emergency department. It is an enormous number of people, and overwhelmingly, the hospitals of this State, whether they be tertiary level, secondly level or the smaller places often found in country areas, provide an excellent quality of service. Indeed, many of our major institutions offer at least world-best practice, if not being world leaders in some parts of their operations.

Mr McGinty: They used to be.

Mr PRINCE: They still are. In no way could anyone say otherwise about the neonatal service at King Edward Memorial Hospital for Women, which is the largest in the southern hemisphere. Princess Margaret Hospital for Children is undoubtedly the best children's hospital in Australia, and benchmarks itself against hospitals in America. The member brings this constant knocking to bear on the totality of the hospital system simply because he is trying to score a few political points on a few criteria while not considering the totality of the system.

The member spoke about money. In 1995-96, the published Health budget was $1 319 195 000 for hospitals in Western Australia, and an extra $81m was injected during that financial year. During 1996-97, $1 467 244 000 was allocated, which was an increase of some $60m from the previous year. In 1997-98, the allocation is $1 521 541 000. Those figures show a consistent increase in the amount of money allocated. This financial year, the increase is $54m on that provided last financial year. It is an enormous amount of money, which goes some towards meeting the demands.

As the Premier said last week in my absence, it is not enough because increased demand into the public system -

Mr McGinty: You say it cannot cope, and yet we were the best in the world. Make up your mind!

Mr PRINCE: As the Premier said, it cannot cope with the rate of increasing demand -

Mr McGinty: It is because you are not looking after it properly. That is why it cannot cope. What an admission to make! You should step aside and let someone who can do the job be Minister.

Mr PRINCE: As the Premier said last week, the system cannot cope with the increasing demands being forced into the system by factors over which we have limited or no control -

Mr McGinty: Cutting the budget won't help.

Mr PRINCE: I went to pains to explain that the Health budget has increased every year.

Mr McGinty: While you were away, the Premier tabled figures which showed that the budget of every major metropolitan hospital has been cut.

Mr PRINCE: I will come to the member's ignorance - I dare not call it misrepresentation - in a moment.

Mr McGinty: You are down in the gutter! Deal with the issue and people will respect you much more, Minister.

Mr PRINCE: Hang on.

Dr Turnbull: The member for Fremantle must say that 10 times every week.

Several members interjected.

The DEPUTY SPEAKER: Order! The Minister is on his feet and we will not have cross-Chamber chatter. Members will let the Minister speak.

Mr PRINCE: In respect of the waiting list -

Dr Gallop: Waiting times.

Mr PRINCE: Waiting times. It was called the waiting list strategy so it would be readily understood. The Leader of the Opposition has read the strategy, which was not put together for political purposes; it was carefully crafted by people who run the system. They looked at how best to deal with people who have been waiting a long time for treatment. How does one deal with these waits? Part of the strategy is that one needs a much better information pool because the only known lists are those in the teaching hospitals. Where doctors operate in the secondary metropolitan and country hospitals, the doctors know who their patients are but the hospitals do not have that information. Differing capacities to deal with volumes of people are found from place to place. Until one has a system which can look at itself as a system with total capacity across an area, one cannot reasonably be expected to handle the increased demand or existing demand. That was the fundamental core of the strategy. It brought together an information base to create a system, which never previously existed as a system, to work together. The Metropolitan Health Service Board is one of the forums by which that can occur. The strategy was put together by the people who run it as the means of reducing the particularly long waiting times.

The Government said it should work and committed extra money to the strategy. In the first half of the year - namely, the 1996-97 financial year - it worked and much of the money was spent on capital improvement so hospitals had the physical capacity to deal with increased volumes. The rest of the money was spent on paying doctors, nurses and so on to handle the increased number of patients.

During this financial year the balance of the money of the two year strategy has been spent just on servicing the volume of people. That strategy is working, but we would not expect to see sudden or massive reductions as a result of it, because for the first part of the two year strategy it was used to put in, in part, capital equipment as well as to fund volume. I expect it will show improvements. I do not expect to see dramatic reductions in waiting times. That is because since then, as has been the case now for two to three years, there has been a continuing increase in the number of people coming into public hospitals as opposed to private insurance. That is something the Federal Government has tried to contain. Although the figures that have been published so far are to only 30 June 1997, the figures are disappointing. The private insurance drop out rate in this State remains at 130 a day and the insurance coverage is about 31 per cent. The figure was 55 per cent at the time Medicare was introduced just over 10 years ago. We cannot control that situation. Medicare is a federal program and the Federal Government must modify it. I have said that and anybody who knows anything about the health service has said there must be change to Medicare to stop this happening. Former Senator Graham Richardson, who was arguably one of the best Health Ministers the Federal Labor Government had, said that in all seriousness and after knowing a great deal about it. He said if the insurance rate dropped below 45 per cent, it would be a crisis for Australia. What the Federal Government has done may show a change around at the end of September. We will not know that until after the first quarter of this financial year.

Mr Thomas: It won't.

Mr PRINCE: It may not, but I hope it does. One cannot be overly optimistic, particularly when the largest health fund in Australia has just put up its prices by $350 a year, plus a $50 a day bed rent. The Hospital Benefit Fund of WA said it will not increase its prices until April next year, but Medibank Private will. That will cause more problems in the public system. I will continue to make this point: That is something we cannot stop or control. As a State we have no direct influence on that yet. We are obviously required to wear the consequences. That is part of the reason, if not the major reason, for demand. It is not the only one: Medical technology, the ageing population and many other factors come into it.

I turn to Fremantle Hospital's accident and emergency centre. That place was built in 1959 and largely had not been touched, yet it should have been. It certainly should have been looked at during the 10 years of Labor Government - and it was not. When the coalition came to power the facility was 40 years old and unable to cope. It took four years to plan and rebuild it while it was still being used, which is a major achievement for the people responsible, particularly for the people in the hospital and also for the builders and contractors. I congratulated those at the hospital at its formal opening and I will do it again, and I will do it consistently, because it is an extraordinary thing to be able to do. The number of treatment bays have been taken from around 27 to 38. There is also a 10 bed short stay ward adjacent to the accident and emergency centre for people who should stay for a few hours but whom the hospital does not want to admit. The hospital does not have the staff to enable it to open that ward. That is a matter of great regret. I have no doubt that when the hospital can do that, it will, because that was the intention behind the plan. However, for members opposite to say that the centre is not worth it, that it was an exercise for me to be able

to make speeches, is to deny the evidence of their own eyes if they look at the place. It is a state of the art accident and emergency centre. I hesitate to say it is the best in the State because I do not want to offend the other hospitals, particularly Royal Perth Hospital, which was done up at the end of last year, and Swan District Hospital. It is undoubtedly one of the best in Australia.

The member for Fremantle talks about cuts. With respect, either he does not understand that matter - which is the kind way of putting it - or he is trying to present a picture that does not exist. If the member looked at the papers the Treasurer tabled last week, he would know there is absolutely no doubt that in the budgetary allocations, initial amounts are shown for each hospital. Tabled paper No 656, which was tabled in the Legislative Assembly on 9 September, indicates that the outturn for metropolitan hospitals for 1996-97 was $890 646 400 and the allocation for 1997-98 is $897 158 000. When the member for Fremantle quotes a $20m cut to Royal Perth Hospital, he deliberately ignores the additional $41m that is available. That $41m is shown at the bottom of the paper that was tabled in this House last week. That money is available to be allocated to all hospitals that are listed.

Mr McGinty: I read that out and explained that. Weren't you listening?

Mr PRINCE: The member did not. He said a $20m cut had been made in the funds allocated to Royal Perth - and it has not been. An amount of $41m has not been allocated yet. To say a $20m cut has been made is utterly wrong. It does not represent the information in the tabled paper, which has been public knowledge for some time.

Dr Gallop: Can you guarantee that $20m of that $40m will go to Royal Perth Hospital?

Mr PRINCE: No, I cannot because I do not make the allocations; they are made by the people who run the system and I should not interfere in that.

Dr Gallop: The member for Fremantle is right then.

Mr PRINCE: He is not right at all; he is selectively quoting. I will come to the rest of his selective quotes in a minute.

The member for Fremantle tries to make a huge case out of my saying that the beds at Osborne Park Hospital will be closed for one month.

Mr McGinty: You didn't say that; you said "less than".

Mr PRINCE: Less than one month. The letter from Dr Ann Hodge, Acting General Manager of the North Metropolitan Health Service, says they will be closed for at least a month. I was asked a question by the member for Fremantle about a $3m budget cut to the Lower North Metropolitan Health Service and about 12 beds being closed and what the other closures were. He knew the answer, because he had spoken to Dr Hodge and to people at Osborne Park Hospital, which comes under the North Metropolitan Health Service. He knew the reason was a shortage of nursing staff, yet in the question he asked in this House he deliberately tried to imply it had nothing to do with nursing and that we should not even mention that. He asked about a $3m budget cut when he already knew that the people running the hospital - not I - had said -

> As you know the current statewide shortage of nursing staff is impacting on health services and regrettably it now has a direct effect on the North Metropolitan Health Service. Nursing management at Osborne Park Hospital have not been able to recruit replacement or agency nursing staff to fill current vacancies.
>
> As of Monday 22 September 1997 there will not be enough nursing staff available to ensure safe patient care . . .

That public document was part of the answer I gave in this place. The member for Fremantle deliberately tried to mislead the public by saying the closures were to do with a so-called $3m cut, which was not made in the first place. He did not mention the truth, which he knew because he had telephoned the hospital and had been told.

Point of Order

Mr RIPPER: The Minister has accused the member for Fremantle of deliberately misleading the public and I regard that as an unparliamentary term.

Mr PRINCE: If I have done as the Deputy Leader of the Opposition has said, I withdraw any imputation to that effect.

Debate Resumed

Mr PRINCE: The facts speak for themselves. The letter is tabled and it is a public document. It was part of the answer I gave in this House and, therefore, should be read in the context of everything that was said. The member

for Fremantle thought he had something confidential addressed to the Minister and the Commissioner of Health and thought he might catch the Minister out on it. I table that document, which is dated 26 May 1997 and is headed "Joondalup Health Campus - Transfer of Inpatient Activity 1997-98".

[See paper No 694.]

Mr PRINCE: I have tabled not only the document that was written on 26 May by Sally Congdon, Senior Operations Consultant of Operational Management for the Health Department, but also a briefing note, dated 17 September, addressed to me and signed by Dr Neale Fong, who is the Chief General Manager, Operations Division. I gave to the member for Fremantle both the briefing notes and the document yesterday, which was the first time I held it.

Dr Gallop: Why was the substance of that document and the philosophy therein not announced to the people of Western Australia when you opened the Health Care of Australia Joondalup Hospital before the election last year?

Mr PRINCE: This was written in May.

Dr Gallop: No, before the election. You were always intending to cut back on the other hospitals to send services out to Joondalup but you did not bother to tell anyone until after the election.

Mr PRINCE: Not bother? I am trying to recall what I said in answer to the innumerable questions on the subject, which the Leader of the Opposition asked last year. I truly cannot remember, but I am sure I would have said, "You will get the transfer of patients from the hospitals in the inner city outwards. Consequently there must be a reordering."

Dr Gallop: That is what you are saying now.

Mr PRINCE: We as a State are not purchasing any fewer services from Joondalup with the money that is presently being supplied to the other hospitals.

Dr Gallop: We will check that.

Mr PRINCE: By all means do so. I do not remember what I said last year in answer to all the questions that the Leader of the Opposition asked about bloody lifts and so on. I do recall that ISO 9002 is the standard of cleaning in Royal Perth Hospital. We are not purchasing any fewer services from Joondalup with the money presently being supplied to other public hospitals; we are purchasing the same amount. The costs of the services in Joondalup are benchmarked against the other public non-teaching hospitals in the metropolitan area. The cost cannot be fiddled with or go up. It must be benchmarked against a nonteaching hospital - in other words, a peer of the hospital.

The positive impact we get from having a hospital that goes from 87 beds to 265 public beds and 70 private beds - that is more than 340 beds all up - is appreciated by the people of the northern suburbs. They will appreciate it even more as they use the facilities more and more as the hospital is gradually commissioned, as is happening now. There is an increase in access. There is undoubtedly some reduction elsewhere in individual institutions. The effect on the Royal Perth Hospital budget, for example, is probably less than 2 per cent. We must take secondary services out of the tertiary hospitals where it is appropriate to do so and bring them to the people. We must take primary care out of the secondary hospitals and take it back to where it should be with primary care physicians, doctors, clinics and so forth, and not in the accident and emergency centres of our secondary hospitals. That is part and parcel of the whole philosophy which says, "Bring the appropriate service to the patient and not the patient to the service."

There has been no advice of any bed closures or staff redundancies. The paperwork certainly indicates that is a distinct possibility. The paper was written in May. As at the time I stand here I have received no advice of any bed closures or staff redundancies, save those at Osborne Park, not related to this issue. The Metropolitan Health Service Board is examining the distribution of resources in the metropolitan area. It would not surprise me if more resources are moved around the metropolitan area as a result of those deliberations, but that will be a planned move, designed to benefit the patients, which is what the whole system is all about. I am sure the member for Fremantle agrees with that. We must have appropriate admissions to appropriate institutions - tertiary, secondary and primary. There must be no empire building between institutions within a system where we have laid the groundwork for a system to evolve where one has not existed before.

As for the question of profit, which I am sure is at the crux of this motion, within the collocated Joondalup hospital, as I have said, there are 70 private beds and 265 public beds, which is a massive increase from 87 beds. It means the hospital will be bigger than Fremantle and offer almost everything that Fremantle does, except cardiothoracic surgery and some other specialties. A massive medical centre is connected to it. Doctors are daily seeking accreditation there. The Health Care of Australia organisation had to find an extra $12m to expand the size of the medical centre due to the demand on it for doctors to have rooms in that place. The number of doctors seeking accreditation there is significant. They will clearly bring with them their private patients. Health Care of Australia

will make a profit out of running a private hospital and dealing with private patients, otherwise it would not be in business.

With regard to the other services it offers, such as X-rays, imagery, radiology and pathology, even if it bulk bills it will make a profit as, for example, every other pathology operation does on a bulk billing basis, otherwise it would not be in the business of doing it. Health Care of Australia makes a profit out of those enterprises. Whether it makes a profit out of the amount it is paid to run the public beds, I do not know.

Dr Gallop: How do you know it is making a profit out of the other services?

Mr PRINCE: Obviously it does because it publishes a profit as part of its operations each year.

Dr Gallop: I would have thought that it obviously makes a profit out of the public beds as well.

Mr PRINCE: Just before I sit down and give the member for Joondalup an opportunity to extol even more the virtues of the Joondalup hospital, I want to make a point: There used to be a government run hospital in this State which was called Hollywood Repatriation General Hospital. It was sold by the Federal Labor Government to a private organisation called Ramsay Health Care Australia Pty Ltd, which I am sure the Leader of the Opposition would agree is a first class organisation, which makes a profit. With half the staff it is doing a greater volume of work. The patient satisfaction is supreme.

Dr Gallop: That hospital was inefficient and hopeless. If the State Health Department had taken it over, you would have the same results as you have now, and you know it. The commonwealth bureaucracy was hopeless.

Mr PRINCE: One has there a private hospital looking after the veterans of this community, and doing it extremely well. At Joondalup we have a private operator running a public and private hospital together, and doing that extremely well. It is providing services to the people of the northern suburbs, which they were not getting under the former Labor Government and should have been. We made that promise and we delivered on it, as we did in Mandurah and Bunbury.

MR BAKER (Joondalup) [3.28 pm]: I will make a brief contribution to this debate. My particular concern in the motion is paragraph 3. The motion reads -

> That this House condemns the Government and particularly the Minister for Health for -

Paragraph 3 reads -

> (3) failing to reveal that the new Joondalup hospital will not add to health services available to Western Australians . . .

That allegation concerns me a great deal as the member for Joondalup.

Mr McGinty: Where is the net increase?

Mr BAKER: In view of that allegation, I thought I would conduct some of my own research to find out whether it is true. I am particularly concerned with the words "will not add to health services available to Western Australians". In view of my position, I am concerned particularly for people who live in Joondalup.

Let us look at the old scenario when members opposite controlled the Government of this State. We had a 40 year old hospital with a mere 84 beds. It was a rundown, second rate hospital which provided seven services in total, if anything. Its emergency section was pathetic. It had a small pharmacy. A physiotherapist visited the hospital from time to time.

Mr McGinty interjected.

Mr BAKER: The member for Fremantle has had his opportunity. Let us see what Health Care of Australia and the Government have done to see whether we have added to health care services. Let us see whether anything has been added to that 40 year old hospital that the Australian Labor Party was so proud of. As opposed to a mere 84 bed hospital, Joondalup has a 346 bed hospital for both public and private inpatients.

Several members interjected.

THE DEPUTY SPEAKER: Order! The member for Joondalup is not taking any interjections. He is interested in getting on with his speech. As he is not taking any interjections let us respect that.

Mr BAKER: I will take some at the end of my speech if time permits.

The simple mathematics of the situation is that Joondalup now has 346 beds allocated for inpatients and 136 beds

for medical and surgical specialties. Do those figures exceed 84 beds? Of course, both do. The Opposition alleges that the Joondalup Health Campus will not add to health services. It already has added to health services.

Mr McGinty: What a load of rubbish.

Mr BAKER: No, that is the case. It is simple mathematics. The number of beds has increased from 84 to 346 beds. Joondalup has a 77 bed obstetrics and gynaecology unit, eight birthing suites, an eight cot neonatal intensive care unit, seven operating theatres - remember that the Opposition had led us to believe that none of this has added to that 40 year old hospital - a 10 bed intensive and coronary care unit, a 26 bed day surgery, a 17 bed emergency department, a 24 bed paediatric unit, a 25 bed psychiatric unit and day hospital, a 26 bed restorative unit and day hospital, and a six bed oncology unit. I could go on and on. How can the Opposition possibly allege that the new hospital will not add to health care services available to Western Australians, particularly people residing in the northern suburbs? That statement is manifestly misleading.

Beyond that, when the announcement was made, Health Care of Australia received a great deal of support from the City of Wanneroo, the local Chamber of Commerce, and the various business groups in the area. I am not aware of any complaints about the way that hospital has been operating. If anything, I have received calls from people who have attended the hospital praising the hospital and its staff.

Mr McGinty: You are not a very good member if you are unaware of the problems.

Mr BAKER: These may be the problems that, perhaps, the member for Fremantle has contrived.

It is wrong and misleading to say that the facilities at the Joondalup Health Campus that I have outlined will not add to health services.

The real issue about the services that are available at the hospital and to which I have referred is whether the people who live in the northern suburbs should have to travel to Perth to gain access to them. The answer is no. Had the hospital remained an 84 bed hospital, that is what would have happened. The Government is ensuring that services are provided in the northern suburbs where the people reside because that is where they are needed. Rather than people having to travel to the services, the services have gone to the people and the people have greater access to those services.

I cannot understand the reasoning for the third paragraph of the motion. It is manifestly wrong, even on a cursory observation and comparison of the before and after scenario of the Joondalup Health Campus. I do not support the motion. I am surprised that paragraph was inserted in this motion, because it is manifestly wrong and false.

DR TURNBULL (Collie) [3.33 pm]: I support the Government's commitment to place health services in the areas where they are needed, where people live. Whether it is the Joondalup Health Campus, the Bunbury Health Campus, the Collie District Hospital or the Boddington Hospital, the Government will provide services where the people are located.

I cannot credit this motion moved by the member for Fremantle. The member for Rockingham has not taken part in this debate, because he wants health services in Rockingham, and we will put them there.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.34 pm]: In the short time available to me to conclude this debate a number of propositions need to be made absolutely clear. I will address a question to the Minister for Health: When the Minister considers his annual Health budget what will take priority - his legal obligations under the contract with the new private operators in the Mandurah and Joondalup hospitals or the political obligations he has to the rest of the public system? In legal terms which must take priority? The Minister has a contractual obligation with those private operators; he must pay them what is due to them.

Mr Prince: The contracted volume that goes to them is the same process as the contracted volume that goes to any other health service.

Dr GALLOP: No, it is not. One is a legally binding contract with the State of Western Australia. The other is subject to political manipulation by the Government of the day.

Mr Prince: The volumes are negotiated each year whether it be a public or privately operated hospital.

Dr GALLOP: No, the contractual obligations must be met. Part of those, as the Minister knows only too well, include an availability charge to pay for its construction and a complicated service charge that varies according to the service. Western Australia now has two health systems: One for which there is a legal obligation that the Minister will always have to meet, because it is a contractual obligation; and the poor old public hospital system that is left. Under this Government that will always get second best treatment.

This Health Department document uses the term reconfiguration. It is a wonderful new terminology to describe the transfer of services from one part of the system to another part.

The crux of the issue is the basis of the payments made under that contract. The Minister for Health has been slippery on that issue. He has not given a guarantee to this House that the cost of delivering the services to those new private hospitals - in this debate we are focusing on Joondalup - will be less than the cost of delivering services had it been a normal, publicly delivered hospital operation.

Mr Prince: It is benchmarked against comparable hospitals.

Dr GALLOP: That is one part of the payment. I am interested in all of the payments. The one study that has been done of all the payments to private and public hospitals is the Australian Institute of Health and Welfare report of 1991-92. That report found that in the nation's 1 079 public and private acute hospitals and freestanding hospital facilities that the cost per occupied bed day at that time was $460 on average across the whole system; the daily rate for the public sector was $453 and for the private sector it was $475. In other words, the public hospital system is more efficient at delivering services than the private hospital system. With those sort of figures in mind, and the document, which was released a couple of years ago by Royal Perth Hospital which showed the cost per bed day was lower than the daily accommodation fees at private hospitals, we are a little suspicious about whether the same cost is involved in delivering services in our traditional public hospital delivered system as opposed to the privately managed systems at Mandurah and Joondalup.

Mr Prince: That is private management of a public hospital, not a private hospital.

Dr GALLOP: Health Care of Australia runs private hospitals and it was part of that analysis that showed that the private sector is more expensive than the public sector.

Is the Minister willing to have the costs of delivery between our public hospital system in Western Australia and the Joondalup and Mandurah hospitals - although Mandurah is difficult because it is a bit early - subject to independent audit and scrutiny?

Mr Prince: It would probably be a good idea when the place is commissioned and has run for a while.

Dr GALLOP: I see. The Minister is not willing to have it done yet?

Mr Prince: It is not up and running yet. They are gradually opening units at the moment: The renal unit three weeks ago and ear nose and throat unit about two months ago.

Dr GALLOP: It will be interesting when we do that. Mr Acting Speaker, you will have an interest in this.

The ACTING SPEAKER (Mr Baker): The Leader of the Opposition's time has expired.

Dr GALLOP: Mr Acting Speaker, do you know what it showed when it was done in New South Wales?

The ACTING SPEAKER: Yes.

Dr GALLOP: It showed that it cost 20 to 30 per cent more in the Health Care of Australia run hospital at Port Macquarie. Members opposite do not like listening do they?

Points of Order

Mr MacLEAN: The Leader of the Opposition reflected on your position in his last statement.

The ACTING SPEAKER: I did not hear the words; I was not listening very closely. What did he say?

Mr MacLEAN: The Leader of the Opposition reflected on your status as both the member for Joondalup and as Acting Speaker.

Mrs ROBERTS: The Leader of the Opposition was addressing his remarks through the Chair and made no mention of your role as Acting Speaker, nor did he mention you by name.

Mr HOUSE: This issue could be easily resolved. The Leader of the Opposition was in full flight with his speech and probably did not realise that his time had expired. He was a bit carried away and, if he were to acknowledge that, that would probably resolve the issue.

Dr GALLOP: Mr Acting Speaker, if government members think I was reflecting on your role in the Chair, I apologise.

The ACTING SPEAKER: The Leader of the Opposition was reflecting on the Government in general as opposed to me in my capacity as the member for Joondalup or as Acting Speaker at the time.

Motion Resumed

Question put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Mr Grill	Mr Ripper
Mr Brown	Mr Kobelke	Mrs Roberts
Mr Carpenter	Mr McGinty	Mr Thomas
Dr Edwards	Mr McGowan	Ms Warnock
Dr Gallop	Ms McHale	Mr Cunningham *(Teller)*

Noes (28)

Mr Ainsworth	Mrs Hodson-Thomas	Mr Pendal
Mr Barron-Sullivan	Mr House	Mr Prince
Mr Bloffwitch	Mr Johnson	Mr Shave
Mr Board	Mr Kierath	Mr Sweetman
Mr Bradshaw	Mr Marshall	Mr Tubby
Dr Constable	Mr Masters	Dr Turnbull
Mr Court	Mr McNee	Mrs van de Klashorst
Mr Day	Mr Nicholls	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr MacLean *(Teller)*
Dr Hames		

Pairs

Mr Riebeling	Mrs Holmes
Mr Marlborough	Mr Omodei
Mr Graham	Mr Strickland
Ms MacTiernan	Mr Trenorden

Question thus negatived.

FISHING AND RELATED INDUSTRIES COMPENSATION (MARINE RESERVES) BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Deputy Chairman of Committees (Mr Baker) in the Chair; Mr House (Minister for Fisheries) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 5, page 6, lines 14 and 15 - To delete the words "area has a proven history of being used for fishing under the authorization" and substitute the following -

history of the authorization shows that the area has been fished under the authorization on a long term and consistent basis

No 2

Clause 5, page 6, lines 18 and 19 - To delete the words "area has a proven history of being used for fishing under the related authorizations" and substitute the following words -

histories of the related authorizations show that the area has been fished under those authorizations on a long term and consistent basis

No 3

Clause 5, page 6, lines 20 to 22 - To delete the subclause and substitute the following subclauses -

(7) In the event of the Executive Director not issuing a certificate under subsection (5) or (6) within the prescribed time after being asked by a person to do so, the person may apply to the Minister to have the matter reviewed.

(8) If the Minister receives an application under subsection (7), the Minister is to direct the Executive Director to review the matter within the time specified in the direction.

(9) The Executive Director must, within the time specified in the direction -

(a) review the matter; and

(b) either issue a certificate to the applicant under subsection (5) or (6) (whichever is applicable) or advise the applicant in writing of the reasons for not doing so.

No 4

Clause 7, page 7, line 14 - To insert before the word "An" the words "A person who claims to be".

No 5

Clause 7, page 7, after line 18 - To insert the following new subclause -

(3) The Minister must provide any person who is considered to be entitled to compensation under this Act, with an outline of the steps which must be followed in negotiating the compensation payment. The outline must specify the applicants entitlements to representation and review of the Minister's decision.

No 6

Clause 8, page 7, lines 20 and 21 - To delete the words "an affected person applies to the Minister in accordance with section 7" and substitute the following words -

the Minister advises a person under section 8(1) that the Minister considers that the person is entitled to compensation under this Act

No 7

Clause 9, page 8, line 6 - To delete the words "applying under section 7" and substitute the following words -

receiving advice under section 8(1) that the Minister considers that the person is entitled to compensation under this Act

No 8

Clause 10, page 8, line 14 - To insert after the word "Tribunal" the words "under section 8 or 10".

No 9

Schedule 1, page 10, after line 11 - To insert the following lines -

In section 246(1) insert after "this Act" the following -

or any other Act relating to the fishing industry or the pearling industry

In section 246(5)(c) delete "this Act" and substitute the following -

the Act under which the function is conferred.

No 10

Schedule 1, page 10, line 31 - To delete the figure "9" and substitute "8 or 10".

No 11

New clause, page 7, after line 18 - To insert the following new clause -

Determination of entitlement

8. (1) Within 30 days after receiving an application from a person under section 7 (1) the Minister is to advise the person in writing as to whether or not the Minister considers that the person is entitled to compensation under this Act.

(2) If a person -

(a) receives advice from the Minister under subsection (1) that the Minister does not consider that the person is entitled to compensation under this Act; or

(b) does not receive advice from the Minister within the period specified in subsection (1), the person may apply to the Tribunal to determine whether or not the person is entitled to compensation under this Act and, if so, the amount of the compensation payable to the person.

(3) An application to the Tribunal under subsection (2) cannot be made later than 21 days after the advice is received or the period expires, as the case maybe.

Mr HOUSE: I move -

That amendments Nos 1 to 4 made by the Council be agreed to.

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

Mr HOUSE: I move -

That amendment No 5 be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Mr HOUSE: I move -

That amendments Nos 6 to 11 made by the Council be agreed to.

Mr GRILL: The Opposition has been acquainted with the nature of the amendments and the reason for moving them in this order. We are in agreement with the procedure and with the amendments. We thank the Minister for keeping his undertaking made on another occasion in this place. We understand and agree with his decision on Council's amendment No 5.

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

Report

Resolutions reported and the report adopted.

A committee consisting of the member for Eyre, the member for Murray-Wellington, and member for Stirling (Minister for Primary Industry) drew up reasons for not agreeing to amendment No 5 made by the Council.

Reasons adopted and a message accordingly returned to the Council.

LOAN BILL

Second Reading

Resumed from 17 September.

DR EDWARDS (Maylands) [4.00 pm]: I take this opportunity to put on the record two concerns: My first concern is with the processes adopted by the Government on an environmental issue and my second is a local issue in my electorate. I will speak first about the Wood Chipping Industry Agreement Act and the log renewal contracts.

On 11 September, exactly a week ago, the Government announced that it would get the Department of Conservation and Land Management to immediately renegotiate the log chip supply contracts between CALM and the WA Chip and Pulp Company Pty Ltd, a subsidiary of Wesfarmers Bunnings Limited. We were told at the same time that later this parliamentary session a new and extended state woodchip agreement Bill would be introduced into the Parliament. The Opposition is concerned because the Government is separating the signing of the contracts and the agreement Act that essentially overlays the activities.

The ACTING SPEAKER (Mr Baker): Order! The background noise is far too high. Hansard will be having difficulty recording what is being said by the member for Maylands. Will members please keep down the background noise.

Dr EDWARDS: Thank you, Mr Acting Speaker. I turn first to the Labor Party's policy on forests and woodchipping. Labor's forest policy is based on the following notions: The Opposition believes that an independent assessment should be done of forests to determine their conservation value. It should be similar to the assessment in southern forests undertaken by the Australian Heritage Commission. If in that assessment a forest is deemed to have high conservation value it should be put into a reserve; that is, it should be protected from logging and preserved.

By the same token there can and should be a timber industry in the native forests, with the proviso that it must be sustainable. When in government, the Labor Party had a forest management plan to underwrite that sustainability.

The Opposition also accepts the notion of integrated operations; that is, during forestry activity in search of high quality logs, waste occurs, but the waste should be used in a constructive manner. I am saying that wood chipping will be part of the forest that continues to be logged until new technologies replace that end product.

The Opposition also believes that value adding should occur and that employment considerations should be seriously examined. In addition, it encourages a shift towards plantation usage. Many hundreds of thousands of hectares of plantation are under cultivation. As the years go by that component of our overall forest industry will contribute dramatically.

I turn now to the Opposition's concerns about the statement made by the Minister for Resources Development a week ago. We were told that CALM would immediately renegotiate and sign the contracts, which would not expire until 31 December 2003. That is many years away and many things will happen during that time. Essentially, by rushing in and signing the contracts now the Government is denying community input and proper consultation, bypassing parliamentary scrutiny and locking us into long term contracts without many other safeguards in place. Members will be aware that a regional forest assessment process initiated by the federal Labor Government is taking place. Its aim is to once and for all create certainty in the forests. This process is working throughout Australia to give certainty to people concerned about the environment and to people in the industry. For the past 20 years this industry has been dogged by confrontation, argument and uncertainty. All parties now want something resolved once and for all. However, by not waiting for the end of this process, the State Government is pre-empting the outcomes. Some people argue that that process is somewhat deficient, but we will not know that until its conclusion. Members on this side of Parliament are happy to see it proceed so that following its conclusion we can evaluate it.

The Minister said that the process would be concluded by 31 December. I am not sure about that. I had a briefing with the people in CALM involved in the process. Our understanding at that stage was that the deadline was unrealistic. Last weekend in *The West Australian* proposals and expressions of interest were called for as part of the regional forest agreement process. Interestingly they were advertised on 13 September, yet the whole project must be completed by 7 November. My concern is that if it is finished by 31 December these last contracts will have been rushed.

The Opposition prefers that the Government undertake the process properly and along the way does more to engage the conservation movement so that in the end we can all agree on the outcomes. I see the member for Wanneroo nodding. Is he nodding about the same thing?

Mr MacLean: Yes.

Dr EDWARDS: When members of the Opposition were briefed by CALM officers about the RFA process we strongly urged them to involve the conservation movement. If we can include those people, explain what the process means and allow them to have a stake in the outcomes we will ultimately have a better product.

The Opposition is also concerned about the volumes of timber that will be allowed to be logged under the contract about to be signed. In 1992 Labor had almost completed the forest management plan. With the change of government the new environment Minister took over completion of the plan and significantly increased the volume of logs to be harvested. The Opposition is concerned that this significant new increase has resulted in levels that are probably not sustainable. All indications from the Government are that the renegotiated contract will be on the basis of the continuing forest management plan with continued high volumes.

The forest management plan was assessed by the Environmental Protection Authority in 1992. It had certain concerns which, before it left office, the Labor Party was moving towards addressing. Subsequently with the change of government, some of these conditions were watered down. The EPA is doing a review of CALM's adherence to these forest management plan conditions. The Opposition believes the contracts should not be renewed until the EPA has completed its review. Scoping of the review was announced late last year and finalised early this year. I assume the review is near completion. The Minister for the Environment should persuade CALM to delay signing these contracts until the EPA has made its final report.

During the past year when I have spoken to the EPA about this issue it has been concerned with some of the environmental management aspects that flowed from the forest management plan. For example, CALM is meant to periodically report on the plan's progress. I understand that has not happened. In addition it is concerned about burning and some of the other silvicultural operations.

We need that report from the EPA mid term through the forest management plan to get an assessment of how the process is being managed. The Legislative Council now has a Standing Committee on Ecologically Sustainable Development which is also reviewing the management of our forests. Part of its terms of reference include a consideration of woodchipping. It is obviously very relevant to what I am talking about today.

Submissions to that inquiry do not close until 13 October, but it will have reported by the end of the year. Again, by rushing in and signing the contracts parliamentary scrutiny is being denied, valuable input from parliamentary deliberation is being bypassed and the Government is again ignoring parliamentary processes and the wishes of the community.

It also appears that the Government has not opened the log chip contracts to any other player, but effectively rolled them over. The volumes are not known but presumably they will be at the current contract levels. It should be noted that Bunnings has an export licence until the year 2000 and that there is some logic in rolling over the contracts. A new player would have to apply for an export licence. Nevertheless, we need some explanation from the Government about whether it has considered this issue and whether other parties want access to these contracts and the reason for its decision to rush ahead.

I also place on the record my concern that this afternoon when I asked the Minister for the Environment when the current CALM chip log contract expired, she could not provide an answer. When I asked that question a year ago, I was told it expired on 31 December and that WA Chip and Pulp Co Pty Ltd had applied for a further extension. I believe a further extension has been granted, but the public should be informed of these facts. There is a lot of interest in this issue, and the Minister should become acquainted with these facts and lay them out in the Parliament so that we are all aware of the precise process.

I turn to the woodchip agreement Act, which commenced in 1969 and was last renewed in 1990. The Act is due to expire in December 1997, but it has been extended to 30 June 1998. In the past this was linked to the renewal of the contract, but on this occasion the Government appears to have separated the two processes. One can assume only that it has been done so that both issues are not scrutinised at the same time. The Opposition first asked questions about this process in November 1996, and since then I have sought briefings from the Minister for Resources Development and the Minister for the Environment. Briefings have been provided by the Department of Resources Development and the Opposition has convened meetings between that department and the other players in the forest areas who are interested in the outcome of this Act. It is disappointing that so far the Department of Conservation and Land Management has not been able to give its version of events.

I turn now to what is likely to be contained in the new state agreement Act. Indications from the Department of Resources Development are that the new agreement Act will highlight value adding of timber, third party port access at Bunbury and employment issues. By and large, these are issues on which all members agree, and in some ways the Government is adopting a smart political tactic of removing the contracts, which are the controversial aspect, and not tying them directly to the Act. As time unfolds, we shall see the Government's strategy.

I now comment on the concerns of Bunnings Forest Products Pty Ltd. As part of the woodchip agreement Act process, Bunnings commissioned a report by ACIL Economics and Policy Pty Ltd to look at the industry from its point of view. This report highlights certain market difficulties and clearly states that on the world market karri and marri woodchips are down the list of preferred chips, and that there is more demand for blue gum chips. For a number of other reasons, WA's woodchips are also expensive and the report states that this relates to the value of the yen and the value of the Australian dollar. Compounding this are the new emerging markets in South America which are beginning to flood the international market. Although Bunnings has a contract with the Japanese to take the woodchips which does not expire until 2005, the ACIL report, which is in the public domain, clearly points out that there is concern that the contract could be breached if there is any hitch in the process. The Opposition is mindful of that, as is the Government, and we are all very concerned about employment in the south west. Nevertheless, this process is not being managed properly.

The ACIL report painted a bleak picture for value adding. It pointed out that medium density fibreboard and other local value adding processes at the moment are not financially viable, and we all know the notion of a pulp mill was being investigated but it is in mothballs for the moment. We all acknowledge that conditions are difficult for the industry. In the medium to long term there will be a shift to plantations, but at the moment there are not enough ready for harvesting to allow the shift to occur dramatically.

I will comment briefly on jobs. Late last week I was contacted by a resident of the Shire of Serpentine-Jarrahdale, who is concerned about the closure of Bunnings' mill tomorrow. That is the third mill closure this year. It is difficult for people operating in this industry, but they cannot blame all the closures on what is about to happen, given the closure tomorrow and those that occurred earlier this year.

In summary, the Opposition has some concerns about the process laid out. It has been trying for almost a year to have a say in this process. The Opposition is concerned because it has a clear policy that, on the one hand, protects high conservation value, old growth forest and, on the other hand, allows a timber industry in the native forest. The Opposition would be much happier if its policy were accommodated, because it believes its policy is commonsense, and it wonders why the Government does not move more towards it. Opposition members are keen to work with the

Government to resolve this in a manner that is fair to all, and I hope the Government will hear these concerns and acknowledge the positive aspects of their approach.

I now refer to a problem of concern in my electorate - graffiti. It is a huge problem in the suburbs of Maylands and Dianella, and the residents talk of its being an epidemic. At the moment the prevalence of graffiti is extremely high. One constituent is so concerned that she and her husband have been driving around at 3.00 am trying to spot offenders. I have received two letters and 100 photographs from them showing the graffiti that has occurred while they, for want of a better word, have been patrolling the area. In the letter I received on 16 September, the constituent points out all the damage done on the weekend of 12-14 September. This involved graffiti on walls of home units in Walter Road, walls in other streets and, probably more alarming, large brick walls. Through an accident of planning, many areas in my electorate have large brick walls around estates. These walls are extremely difficult to clean, and once they have been cleaned two or three times damage occurs to the bricks and the structure. It was reported to me a week ago that an elderly woman in Dianella has moved home because her unit was damaged by graffiti four times and she could not cope, emotionally or financially, with the problem. She sold her unit at some loss. In addition, bus shelters and tennis courts have been vandalised. Of most concern is the fact that the road signs of Main Roads Western Australia have been covered by graffiti. The damage to road signs is a hazard and it raises one of the problems that occurs with outsourcing. I have been informed that five steps are required for Main Roads' signs to be cleaned because they have a reflective surface and it is important that the cleaning be done professionally. The first step is a complaint to Main Roads; second, a telephone call from Main Roads to the person in charge of cleaning; third, that person telephones a contractor; fourth, that person telephones someone else; and by the fifth telephone call someone will clean the sign. That process can take up to a few days, and it is not good enough. Road signs are there for good reason. Stop signs are in place to prevent accidents and death, and Give Way signs are equally important. In my electorate these signs are being vandalised. I have raised this problem with the police and it has been passed to Main Roads but it is still happening, and still there are delays in the signs being cleaned.

One of the issues put to me by people in the community is that graffiti seems to be an easy problem to solve. It is suggested that spray cans should be much harder to obtain. I was at a meeting with government members, including Ministers, when this option was put to the graffiti task force. I have contacted them again, but we are yet to see any action. I urge the Government to act on this problem. Changes would be straightforward, and they would certainly be appreciated by everyone.

My final point is to commend the work of the Perth City Mission. In my electorate the people from the Perth City Mission are very active in cleaning up graffiti. They are particularly helpful to elderly people who are overwhelmed by the graffiti on their properties. I hope the Perth City Mission is not needed in the long term and that more constructive action will be taken to tackle this problem once and for all.

MR McGINTY (Fremantle) [4.20 pm]: The issue I will raise in this debate is the establishment of the new Metropolitan Health Services Board and the concerns that have been expressed about the lack of thought to this pre-emptive announcement. In particular I will refer to the position which now faces the University of Western Australia, as the State's medical school is constituted within UWA, and the view that it has taken to the nature of the establishment of this new board which today has been praised and lauded by the Minister.

Members may not be aware that there is an Act of Parliament called the University Medical School, Teaching Hospitals, Act 1955. I come back to the question of the pre-emptive nature of the decision that was made to disband the boards of the teaching hospitals in this State and establish the Metropolitan Health Services Board. It is interesting to note that the Hospitals and Health Services Act 1927, which is the Act that governs the provision of government hospitals in this State and to a certain degree also regulates private hospitals, is subject to the University Medical School, Teaching Hospitals, Act.

Section 5A(2) of the Hospitals and Health Services Act states that -

> Subject to the provisions of the *University Medical School, Teaching Hospitals, Act 1955,* it shall be the duty of the Minister to ensure that such facilities as the Minister determines to be required for clinical teaching and research are provided at teaching hospitals, and that those facilities and the medical and teaching resources, and the services available, are co-ordinated and utilised effectively.

In relation to the five teaching hospitals in Western Australia - Royal Perth Hospital, Sir Charles Gairdner Hospital, King Edward Hospital for Women, Princess Margaret Hospital for Children and the Fremantle Hospital - it is interesting to note, in respect of clinical teaching and research and the facilities to be provided at teaching hospitals, that the hospitals Act is subordinate to the provisions of the University Medical School, Teaching Hospitals, Act.

At its meeting on Monday, 25 August the university senate expressed grave concerns about the Government's decision and it is interesting to note that its minutes state, under the heading "The Metropolitan Health Services Board" that -

> The Acting Vice-Chancellor conveyed to Senate his concerns about the reform of the metropolitan hospital management structure which had been initiated through the creation of one central Metropolitan Health Services Board, and the disestablishment of the individual Boards for each of the major hospitals. It appeared that a process of change had been initiated without thinking all of the consequences through. In particular Professor Robson pointed out:
>
> 5.1 That the new legislation made no provision for University representation on the new board. . . .
>
> 5.2 that the structure of the new Board did not appear to recognise the very important relationship between teaching and research, and high quality medical care;
>
> 5.3 that while the Minister had designated teaching hospitals, the power of the Senate to define University Teaching Hospitals remained under the University Medical School, Teaching Hospitals, Act;
>
> 5.4 that the new Board has not made permanent appointments to the Chief Executive Officer positions in the major teaching hospitals.

Those matters are of considerable concern when we have historically the oldest and arguably the most pre-eminent of our universities criticising the Government's actions in moving to establish one Metropolitan Health Services Board to deal with all the issues involved. That is a serious matter.

The note contained in the senate meeting minutes goes on to say -

> . . . the new arrangements had the capacity to impinge adversely on the University's ability to teach and carry out research in the hospital environment. The situation was particularly critical in view of the ongoing process of curriculum review.

The minutes state also that -

> It was suggested that since there appeared to be a policy vacuum in the development of the new Board structure the University should take the opportunity to fill it with some constructive suggestions. It was therefore, agreed that a small working party should be set up to prepare a brief for the Vice-Chancellor on the teaching and research functions in the teaching hospitals and the importance of the University's statutory role in this regard; on how that role is different to the other universities which offer health education courses; and on how the University's position in the system should be protected in the interests of effective health care services.

That is a stinging criticism of the announcement that was made without consultation and without consideration of the range of issues that were involved in this decision.

We can understand the reason that the university was somewhat miffed when we look at the provisions of the University Medical School, Teaching Hospitals, Act. Section 3 of that Act provides that if the university senate is of the opinion that a public hospital is suitable for the teaching of medicine, the senate may give written notification to that effect to the Minister, who shall present the notification to the Governor, who may by proclamation declare the public hospital to be a teaching hospital for the purposes of that Act.

Section 4 of the Act then provides the power for the managing body of a teaching hospital to enter into an agreement with the senate with regard to the following: The provision in the teaching hospital of facilities for research and for the teaching of medicine, including the use of land under the control of the teaching hospital and the erection of the buildings thereon; the admission of medical students to the practice of the teaching hospital; the appointment of persons who are concerned with teaching duties to the consultant clinical staff of the teaching hospital; the making of arrangements whereby members of the medical staff of the faculty of medicine and other staff may practise within the teaching hospital and participate in the teaching of medical students; and any other matter necessary or convenient for the establishment or carrying on of the research, practice and teaching function, referred to in that agreement, of the teaching hospital; and the making of by laws regulating the admission, duties and discipline of medical students, and fixing clinical fees for medical students admitted to the practice of the teaching hospital.

The Act provides that if a teaching hospital does not have a board of management, the Minister can enter into an agreement with the senate, and that is clearly what is intended to happen in these circumstances. However, a complete Act of Parliament has been effectively set aside, in practice if not in law, as a result of the decision to disband these boards, without regard for the important functions of educating our future doctors through our medical schools and conducting research through our teaching hospitals.

It is apparent also that because the boards of the teaching hospitals, the university and other people were not involved

in the discussion about this new idea, all sorts of flaws are now appearing in the construction of the new mega board, which is the term sometimes used to describe the Metropolitan Health Services Board. If we make decisions without consulting people, we are sometimes left with a situation that we had not envisaged; in this case, that some of the less public activities that are conducted in our teaching hospitals have been overlooked, and it is now necessary, after that pre-emptive ministerial announcement has been made, to try to retrieve the situation somewhat.

I have, therefore, taken this opportunity to draw the attention of the Parliament to the concerns of the university and the community about the future of our teaching hospitals and, in particular, medical training and research.

MR GRILL (Eyre) [4.29 pm]: I will make a few comments about the emoluments of Ministers. I do not want these remarks to be construed as direct comments about superannuation. We have a superannuation scheme, and a committee is looking at amendments to that scheme. I want to address the question of emoluments to members of Parliament generally because there are some very significant questions of public policy that have not been dealt with fully in the public debate that has taken place so far in this very important matter.

In making these comments, I will draw some parallels with the legal profession and the judiciary. In Australia today by and large we say that judges should have tenure for life, and in some cases "life" is defined. We give judges a very long tenure and we give them security. In this State and all the other States of the Commonwealth they are also given very generous superannuation schemes and attractive - although not overly generous - salaries for two reasons: First, we want to attract the right sort of people into the judiciary - the best people - both in terms of their legal talents and their moral worthiness.

Mr Johnson: They tried to do that in New South Wales, didn't they?

Mr GRILL: I will get to that sort of thing in a minute. We try to set up a system to attract and, more importantly, to keep the best people. Secondly, we give them generous emoluments and security so they can be independent - from us, as one arm of government; from pressure from myriad sources; and from corruption. Independence is just a polite way of saying that we do not want to see the judiciary corrupted. We do not use the word "corruption" when talking about the judiciary, for some reason which escapes me. It may be that we believe a certain dignity applies to members of the judiciary that does not apply to us.

I remind the House of history. Until about 100 years ago it was considered quite appropriate for judges and members of the judiciary to take gifts from litigants who were appearing before them. It was not frowned upon, although it was ultimately stamped out. That process of giving gifts to judges and the judiciary was replaced by giving them securities and other emoluments. As far as I can see, of late there has been no debate in the media about the emoluments that apply to the judiciary, but there has been tremendous debate about the emoluments that might apply to the people who might appoint the judiciary.

I find it rather strange that we should have one set of standards for the judiciary and another for those who appoint the judiciary. Who appoints the members of the judiciary? They, themselves, have some say in those appointments, because the Chief Justice has some say. By and large the judiciary is appointed by us, although not necessarily by members who are not part of the Cabinet. However, Cabinet Ministers play a major role in the appointment of the judiciary. They obtain recommendations from the Attorney General who, in turn, receives recommendations from the Chief Justice. At the end of day, the judiciary is appointed by the Cabinet.

What are we? Are we legislators? I think we certainly are legislators, but not in the way that a person in a House of Representatives in an American State thinks of himself as a legislator. The American role is principally as legislators, and in most cases, exclusively legislators; they refer to themselves as legislators.

Our role is different: We are legislators, which is a major role, but we also play other roles. One of the major other roles, about half of the time if one is a member of the major parties, is to be an administrator. We are part of the Executive, and as members of the Executive we have not only the ability but also the duty to dispense patronage. It is important to the function of the State that the patronage is dispensed fairly and the various roles carried out by Ministers are carried our without corruption.

I now refer to an observation of a change which has occurred since I first came into politics, and this perception I think would be shared by most members who can think back that far: At that time permanent heads of departments played a much more important and up-front role than they play today. In fact, today it is my strong perception that Ministers play the up-front role. The constituents, media and business want to talk to the Minister, but 20 or 30 years ago the permanent head of the department carried out much of that role.

Greater emphasis has been placed on the position of Minister and the various roles involved, especially with their media function. Therefore, it is rather strange and ironic that, given that change, permanent heads of departments, or heads of agencies where those agencies have been corporatised, often demand salary packages which are very

generous indeed when compared with the salary package we enjoy. We often see a permanent head of a department - if they can be called that today, as they had tenure almost for life then and nearly all are on contract today - demand over $200 000, which is much more money than that paid to the Minister.

Mr Shave: Or the Premier.

Mr GRILL: Indeed. On that aspect, we have a duty to endeavour to attract the best people into politics. The roles we perform are so broad and important that it demands that they be carried out by the best people. We should have good people in the judiciary as its role is important; however, it performs a narrower task than our role. We appoint the judiciary, the permanent heads and all people who comprise the executive and judicial arms of government. Therefore, as a matter of public policy, we should endeavour to ensure that in future we attract the right sort of people to politics.

In my experience in Parliament, despite the fact that we attract some very fine individuals, if one took the average of members overall, I doubt whether we attract the sort of people we were attracting 20 or 30 years ago.

Mr McGowan: Has the standard gone up or down?

Mr GRILL: In my view, the average has gone down, although some outstanding individuals come through Parliament. For instance, it would be difficult to find the glittering array of talent that was found initially on the front bench of the Burke Government. The Court Government also had within its ranks some fine and talented Ministers when taken as a team. I do not want to denigrate current members, because we have some very good members. However, I believe that politics has become relatively unattractive to the best qualified and most brilliant people in our society. Perhaps it will be said that was always the case. However, because of the social status of politicians and the esteem in which they are held in society, young people are not attracted to politics, to government or to the Legislature. It is important that they be attracted. I do not want to see as one of our legacies, because we failed to defend our position, our offering them emoluments that make them further scornful of taking up positions in government. The positions we hold are terribly important.

As a member of Parliament and a former Minister, and for a range of other reasons, I have had the opportunity to travel around the world. Sir Charles Court put in place a good program under which members have the facility to travel overseas once or twice during the course of a Parliament, at taxpayers' expense - let us be honest. It is important that members of Parliament broaden their understanding of government and of the world.

One of the abiding impressions I have gained from overseas trips is that much of the world's political processes and politicians are absolutely corrupt. As much as we may revere the economic progress of South East Asia, where we find our nearest neighbours, much of it is corrupt and it is not the sort of society to which we would aspire. There are some exceptions. Singapore is an island of relative incorruptibility in a sea of corruption. Why is that the case? First, if there is any sniff of corruption in Singapore, the authorities come down like a tonne of bricks. Severe penalties are imposed for any transgression of the law that would amount in any way to corruption. I do not revere every aspect of Singaporean governmental life, but I think it is important that the perception of corruption be wiped out as quickly and as ruthlessly as possible. That is not the only factor. Singapore realises that if it is to attract the best and guard against corruption, just as we believe in respecting the judiciary, people must be paid properly. At the beginning of the week I arranged for the Australian High Commissioner to send some figures on emoluments for Singaporean Ministers. Lee Kuan Yew, Singapore's Senior Minister, as he calls himself these days, is paid $81 000 a month. We pay ourselves about that much per annum. The Prime Minister receives a similar salary; senior Ministers receive $65 000 a month, or something of that nature; and junior Ministers - that is, Cabinet Secretaries as we call them here - receive between $35 000 and $40 000 a month, depending on their seniority.

Mr Johnson: I could live on that.

Mr GRILL: We could live on that. Frankly, I do not believe that is the test, because we can live quite well on our $81 000 per annum. The test should be the test that applies in Singapore: That is, what is the comparable amount someone in private industry would be paid who had that experience and that ability?

The Singaporeans link their politicians' salaries to what a comparable person would expect to receive in private industry. Strangely enough, at the last determination recently their salaries decreased by 2.7 per cent because executives in industry in Singapore had reduced their salaries. I do not know the reasons for that. However, there is a direct link between what they would receive in private industry and what they receive as a Minister.

That in truth is the reason we give special packages to heads of department in Western Australia. It took us a little time but we realised ultimately that we needed to link the sorts of payments that our heads of departments and agencies should command to those payable in the private sector. We are competing for the best brains and ability with the private sector, which is where the competition is. If we simply say that members of Parliament are not

involved in the race, we are really saying that we need not attract the best, most experienced and most able into this profession. If we say that, we are really doing the State a disservice.

The functions we carry out must be carried out without a hint of corruption. In the past we have been extremely lucky, because successive royal commissions and investigations have clearly indicated that there is very little corruption in Western Australian politics, but that does not mean there is none. The Royal Commission into Commercial Activities of Government and Other Matters found very little evidence of corruption. We have been lucky to date but must not in the future rely simply on luck. We need the best people in this place and to ensure that they are not seduced by corruption or the necessity to provide for their wives, families and others beyond their years in Parliament. That is why as a matter of public policy these questions need to be addressed more widely. To date some of the debate on the issue has been extremely shallow and popularist. We politicians are fairly good at that, because we tend to sniff the wind and be popularist on some issues. We should not be popularist on this issue. We will not do any service to the State if we succumb on this issue. It is a matter of critical importance that we get the best people here and that they are beyond corruption.

If we allow our emoluments to be eroded significantly, we will not get the best people - and I do not believe that we are getting the best people now - and we will see creeping corruption in our society The general public needs to be made aware of that fact. I believe that business already accepts that fact. I have strong evidence from business people that they accept that there should be higher emoluments for members of Parliament. I will not go into that strong evidence now. However, on this issue the general public has unfortunately been led by the media, which have taken a very narrow view on the subject. They need to take a broader view and look at public policy and the sort of parliamentarians we need for the future. If they did that, they would not write the sorts of editorials and articles which have been written about us in the past. I say that on the basis that I have been here a long time now. I do not know how much longer I will be here. I already qualify for the maximum superannuation, so I have nothing to gain; in fact, the longer I am here the more I will lose, I am told, although I have never done the sums. For the people who come after us we need to set in place the right sort of system. I do not believe that involves paupers' wages.

MR SWEETMAN (Ningaloo) [4.50 pm]: I will make a small contribution to the debate on the Loan Bill. I appreciate the comments of the member for Eyre. I listened with some interest to previous speakers in this same debate. Members know that I represent a bush electorate. I am pleased to stand here today to talk about the positive things that are occurring in my electorate; there are quite a number. However, I cannot sit back and feel comfortable and relaxed about my contribution.

In a separate debate yesterday the member for Willagee talked about job losses in Main Roads Western Australia. That gave me an opportunity to reflect on the situation in my electorate with rationalisation, centralisation and devolution that have taken place across a broad range of government departments. Those programs have had a destabilising effect on many towns in my electorate. Many government employees made a vital contribution to the community. They were involved in various committees and sporting associations and are so much a part of the fabric and community inertia.

I will pause and reflect on Main Roads. Immediately following my parents' marriage in 1951 they moved north and settled in Carnarvon. My father started with Main Roads as a grader driver, and I still have a close affinity with Main Roads. It was only in January this year that we finalised our last contract with Main Roads. It was a significant contract on the highway north of Carnarvon. We have had an ongoing contact with Main Roads. I can speak with some authority on the general devolution of Main Roads, and I am brave enough to say it has been the general demise of what was once a great government agency. Main Roads has changed the way it operates. There have been internal changes and changes through contracting out. It now operates in a supervisory capacity, letting contracts to private companies.

In Carnarvon, Main Roads redundancies have totalled 45. That has caused some problems for Main Roads. More serious problems have affected other businesses and enterprises outside of Main Roads. For instance, contracts like Burkitt Road are let as a separate contract. Almost always a large contractor will win the job, so that contractor will come in with his plant and equipment in its entirety to undertake the job. The difficulty has been that the smaller subcontractors within the region and particularly around Carnarvon who may own a grader or two, tip trucks or water tankers are left to pick up work only when the main contractor has a breakdown with a particular item of plant. That has caused problems not only for the local work force but contractors too. It has been the same across a range of other government agencies. I can understand that change had to take place. In my home town, in particular, and in other towns in my electorate, that change has been at a pace that the community was not able to absorb and go with.

The ongoing problems for business in my area are manifold. To an extent, although the State Government does not make huge impositions on business, the Federal Government does. The State Government is powerless to do a lot about those imposts. The cost of compliance, obtaining approvals, the taxation regimes and the further compliance involved with them has made it extraordinarily difficult for business to cope with changes.

Smaller businesses in my electorate must also face the difficulty of dealing with fads. As the Leader of the House stated in *The West Australian* yesterday, we are in the middle of the competition and Hilmer fad. In 20 years Hilmer will be the same as Keynes - dead - and there will be a new fad. We have had fads in the past, including quality assurance, which has been the bane of my life as a contractor. That was a fad for a long time. Every good business has good systems control procedures. Contractors won jobs on their ability to show that they were a quality certified supplier or contractor. WorkSafe is a more recent fad.

Big business has been very quick to read the trends. It is cunning and uses whatever means it has at its disposal to get a competitive edge. Quality assurance, like WorkSafe, has been used by big businesses to convince clients that they will be better than another tenderer. I have seen that happen time and again. A recent example occurred when I tried to intercede on behalf of a large contractor in Carnarvon. I talked to a local mining company involved in assessing a very significant tender with a view to appointing a contractor to cart its gypsum at the Dampier Lake Macleod operation. The company eliminated all local tenderers because it believed that none of them understood its safety procedures. That work is given to larger contractors such as BGC Contracting, Boral Contracting Pty Ltd and so on. They are invited to tender and are ushered into the work domain of smaller, up to this point, very viable businesses. There is some obligation on these companies to ensure that consideration is given to the smaller local businesses in my electorate.

An ongoing problem impeding orderly development in my electorate is native title. To a large extent that will be overcome by the successful passage of the 10 point plan through the Senate. I am optimistic that we will achieve that, but I am one of the few who are.

We have some extraordinary and even absurd situations in my electorate as a result of the native title legislation. Many businesses, and the population generally, are incensed at how we are ushering Aboriginal people - incorporated bodies and businesses - into gainful employment. Again, I will use Carnarvon as an example. Aboriginal people have been able to purchase the local radio station and various properties in the region. Of late, a deal has been brokered whereby several local incorporated bodies have been given the opportunity to buy a fish processing factory. That has very noble overtones, but I am concerned that we are trying - with the best intentions in the world - to advance Aboriginal people by putting them in positions higher than their academic skills and intellectual capacity can handle.

I am concerned that I will be called on to answer and bear some responsibility for the role that government departments are playing in this. I am also concerned that an Aboriginal economic development commission is being formed and that this Government is funding it to the tune of $3m in its first year. That will create opportunities for business people of any race in our community to come to agreements or partnership arrangements with Aboriginal people, and obviously receive some preferential treatment for doing so. That issue can be addressed in another forum.

I am very concerned that the State is becoming involved in brokering deals which previously had been left to the State Government to organise. I refer here to a deal with Red Emperor - and many others deals. Concern has been expressed about the Red Emperor deal. Carnarvon fishermen sell snapper to a fish processing works which has been taken over by an Aboriginal group. I wish the group every success, but that takeover has caused much concern in the community because it has been difficult to obtain information about the evolution and development of the Aboriginal group of incorporated bodies in the area. On the one hand, as a result of native title, Aboriginal people seem to be able to hold up many development projects throughout this State - many of which are in my electorate. On the other hand, we seem to fall over ourselves to allow Aboriginal people opportunities to buy businesses, and that causes enormous frustration in my electorate.

I was elected to this Parliament because people placed their confidence in me. I am aware that in my four years here I must perform or I will have very little chance of being re-elected. I come from a background of decision making, and I could see the immediate impact of those decisions. I now know that I must become accustomed to being involved in politics, and my rate of achievement and ability to bring about change will be much slower. However, within my four years I hope to work diligently at bringing about many changes.

I have expressed concern before that too many shackles are placed on the Government. If the opportunity arises in future to allow me to be promoted to a higher position in the party, I do not expect to be mistake-proof. In business many mistakes are made, and if people are successful it means they have made more good decisions than they have made mistakes.

The community is very understanding and accepting. Earlier the member for Eyre referred to corruption in politics in various cultures. However, I believe the electorate is very well educated and able to assess acts that can be construed as honest mistakes, negligence or corruption. I think the electorate is very forgiving of members of Parliament or Ministers who could be said to have made an honest mistake. However, we seem to be reluctant to

change tack and to acknowledge that something did not work out. Over the years, I have observed that Governments of all persuasions tend to try to blur the lines or to cover their tracks and justify their actions. We would endear ourselves more to the electorate if we were open and accountable to the point of admitting our mistakes and trying to redress the situation. Therefore, although I have meandered away from the content of the Loan Bill, I am grateful for the opportunity to address some issues of concern to my electorate.

MR COURT (Nedlands - Treasurer) [5.04 pm]: I thank members for their contributions to the debate on the Loan Bill. A number of issues have been raised during a broad ranging, general debate. I wish to make a couple of comments about the contribution by the Leader of the Opposition. Subsequent to that speech I have answered many concerns that he raised. He tried to paint a negative picture of some aspects of the State's performance, and he implied that the employment figures were not as rosy as people thought. He was very selective in his interpretation of the figures. It is always possible to represent statistics in support of one's case. Economies inevitably experience ups and downs and cycles. However, as was envisaged, we in Western Australia are fortunate to be moving into an era of strong investment growth in a wide range of industries. The strength of the Western Australia economy is its diversity. The outlook is optimistic. Our challenge is to ensure that the skills of the Western Australian people are used in those developments.

It is difficult to keep a tight control on expenditure and live within our means; it is easy to spend money. It is even easier to spend someone else's money. We must always consider that if it were our dollar being spent in the various areas what controls we would have in place and how we would want to ensure we received the best value for the dollar. That is the Government's responsibility. It is easy to throw around money but it is difficult to spend it in a responsible way.

Members opposite do not realise that running a lean, mean operation forces managers within government operations to closely examine their business to see if things can be done differently to improve service delivery at a lower cost to taxpayers. Opposition members can keep carping about changes, but most of them are an endeavour to maximise the value of taxpayers' dollars. I thank members for their support of the legislation.

Question put and passed.

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

LAND ADMINISTRATION BILL

Legislation Committee's Report

Mr Bloffwitch reported that the Standing Committee on Legislation had agreed to the Land Administration Bill without amendment and that the minutes of the committee were appended to the report.

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Shave (Minister for Lands), and passed.

ACTS AMENDMENT (LAND ADMINISTRATION) BILL

Legislation Committee's Report

MR BLOFFWITCH (Geraldton) [5.10 pm]: I present the report of the Legislation Committee on the Acts Amendment (Land Administration) Bill. The committee reports to the House that it has considered the Bill and agreed to it without amendment. The minutes of the committee are appended to the sheet that will be supplied.

I take this opportunity to say a few words about the process in the committee. It went very smoothly and it took a lot of the argument but none of the quality from the debate. The only comment I make is that when this committee deals with complex Bills such as this, the House should give some consideration to allowing advisers to speak directly to the group. On some technical matters, where lawyers' opinions and their interpretations are needed, it slows down the process when the committee must go through the Minister. Although he was very capable there were certain matters on which we all needed advice, and I ask the House to consider allowing advisers to speak in that committee.

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Shave (Minister for Lands), and passed.

WESTERN AUSTRALIAN LAND AUTHORITY AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr House (Minister for Primary Industry), resolved -

That the House at its rising adjourn until Tuesday, 14 October, at 2.00 pm.

House adjourned at 5.13 pm

QUESTIONS ON NOTICE

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

PROSTITUTION - MINISTERIAL COMMITTEE

Membership and Terms of Reference

1544. Ms ANWYL to the Minister for Police:

I refer to your answer to question without notice on 12 June 1997 and ask -

(a) which Ministers are involved in the Ministerial Committee on Prostitution;

(b) what are the terms of reference;

(c) on what dates has the committee met;

(d) is it intended to take advice from any person or organisation and, if so, from whom;

(e) when will the committee make a decision on this issue;

(f) has the committee considered the issues referred to in the submission of the Western Australian Law Society;

(g) if no to (f) above, why not?

Mr DAY replied:

(a) Ministers for Police; Health; Local Government; Family and Children's Services and Attorney General.

(b)-(e) The Ministerial Working Group was approved to report back to Cabinet with a proposal on legislation to control prostitution. A decision on that proposal will be subject to Cabinet's deliberations and it would be inappropriate to pre-empt the outcome of those deliberations.

(f) The issues raised in the Law Society's submission have been considered as part of the Ministerial Committee's deliberations.

(g) Not applicable.

ROTTNEST ISLAND - AUTHORITY

Income and Expenditure

1605. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) What is the expected income and expenditure for the Rottnest Island Authority in the 1997-98 financial year?

(2) What income will the authority generate from -

(a) tourist accommodation and services;
(b) education services;
(c) public utilities; and
(d) business functions?

(3) Does the authority derive an income from leasing business premises on the island?

(4) How many leases does the authority hold?

(5) What is the name of each business that has a lease with the authority?

(6) How much does each business pay the authority for the lease each year?

(7) What was the income from these lease holders in the first ten months in the 1996-97 financial year?

Mr BRADSHAW replied:

The Minister for Tourism has provided the following response:

(1) Income projected at $17.4 million (including capital grant) .
Expenditure projected at $16.3 million.

(2) (a) projected at $9.6 million.
(b) projected at $0.3 million.
(c) projected at $1.3 million.
(d) projected at $3.0 million.

(3) Yes.

(4) Ten (including agreement to lease for Palmcape Pty Ltd).

(5)-(7)

		1996/97 1st 10 Months
-	Abellio Pty Ltd	108 995
-	Brookdale Pty Ltd	8 878
-	Maranel Pty Ltd	180 447
-	Michael Gary Brooks	6 000
-	Maranel Pty Ltd	25 000
-	EBG Nominees Pty Ltd	348 799
-	Rottnest Dive, Ski and Surf Pty Ltd	15 000
-	Amalgamated Food and Poultry Pty Ltd	25 095
-	Dallhold (Rottnest Lodge) Pty Ltd	74 100
-	Palmcape Pty Ltd	49 204*

*Not a full year's experience. Only operating since end November 1996

ROTTNEST ISLAND - AUTHORITY

Henley Developments - Promotional Levy

1613. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Did the 1995-96 Annual Report of the Rottnest Island Authority report the authority was pursuing a claim for $86 000 against Henley Developments for the non-payment of promotional levy due under the terms of the lease?

(2) How much does the Rottnest Island Authority receive from other business lease holders on the island for the promotional levy?

(3) Does the Rottnest Island Authority require all lessees it enters into an arrangement with to pay a levy under the lease arrangements?

(4) Of the current leases held by the authority, how many lessees are required to pay a promotional levy under the terms of the lease?

(5) What payments were made by lessees to the promotional levy in -

(a) 1995-96 financial year;
(b) 1996-97 financial year?

Mr BRADSHAW replied:

The Minister for Tourism has provided the following response:

(1) Yes.

(2)-(5) Unable to answer the question at this stage as the issue is the subject of a court case and is sub judice.

RESOURCES DEVELOPMENT - PROJECTS

Number and Value

1633. Mr GRILL to the Minister for Resources Development:

(1) Which resource developments including down-stream processing and value adding projects to a capital value of $40m or more have got off the ground in Western Australia during the last 10 years?

(2) What was the value of each project?

(3) What is the name of the companies concerned?

(4) Which projects are on the drawing board for potential development at the present time?

Mr BARNETT replied:

(1) See Tables 1.0 and 1.1 for projects in the South West of the State, and Tables 2.0 and 2.1 for projects in the North and Inland of WA. [See paper No 691.]

(2) Capital Expenditure for projects ($40M+) is also listed in Tables 1.0 and 1.1 in the South West of WA, and Tables 2.0 and 2.1 for projects in the North and Inland of WA respectively. Total value of projects that have got off the ground in Western Australia over the last ten years is approximately $22 billion. [See paper No 691.]

(3) Companies are listed in Tables 1.0 and 1.1 for projects in the South West of the State, and Tables 2.0 and 2.1 for projects in the North and Inland of WA respectively. [See paper No 691.]

(4) Projects on the drawing board for potential development (as at 30th June 1997) are listed in Table 3.0, for projects in the South West of the State, and Tables 4.0, for projects in the North and Inland of WA, respectively. Only projects that have been publicly announced have been included here. Total value of potential development projects ($40M+), as at 30th June 1997, for the whole of WA, is approximately $36 billion. [See paper No 691.]

EDUCATION - LANGUAGES OTHER THAN ENGLISH

Student Participation

1666. Mr RIPPER to the Minister for Education:

(1) Will the Minister provide tables showing -

  (a) student participation in languages other than English (LOTE) studies in government schools as at the end of 1996;

  (b) student participation in LOTE studies in government schools as at the end of term 2 of this year, as per table 40 in the Education Department's 1995-96 Annual Report?

(2) Will the Minister provide tables showing -

  (a) government schools offering LOTE studies as at the end of 1996;

  (b) government schools offering LOTE studies as at the end of term 2 of this year, as per table 41 in the Education Department's 1995-96 Annual Report?

(3) What is the current instructional time per week for LOTE in primary schools?

(4) What is the current distribution of language studies between Asian, Aboriginal and European languages?

(5) How many primary and secondary schools were expected at the beginning of this year to take up LOTE teaching?

(6) How many as at the end of term 2 of this year have done so?

(7) What percentages of students in government schools in each of years 3 - 10 were/are studying LOTE in 1996 and 1997?

(8) What rate of primary and secondary school take-up is required to achieve the targets set out in the "LOTE 2000, New Horizons" program?

(9) What is the expected increase in primary and secondary school take-up of LOTE for each of the next three years?

(10) How many new LOTE teachers will be required to achieve these targets?

(11) How many new LOTE teachers are expected to be coming through for 1997 and each of the next three years?

(12) What standards will teachers have to achieve for the teaching of LOTE?

(13) What is the minimum training required to achieve these standards?

(14) What is the cost of that training per LOTE teacher?

(15) What will the estimated allocation of $5.5 million for the expansion of the LOTE program in 1997-98 be spent on?

(16) How will the remaining $8.5 million be allocated over the remaining two years?

(17) What level of competency are students expected to achieve by the end of Year 10?

Mr BARNETT replied:

(1) (a) See Attachment 1. [See paper No 692.]

(b) Statistics for student participation in LOTE studies in government schools at the end of term 2 1997 are not yet available. The 1997 student participation statistics will be available in October, at the earliest.

(2) (a) See Attachment 2. [See paper No 692.]

(b) This information will not be available until October 1997, at the earliest.

(3) The current instruction time for LOTE in primary schools is 60 minutes per week. This will increase to 90 minutes per week by the year 2000.

(4) Currently language programs are distributed between Asian, Aboriginal and European languages as follows:

Asian language studies	202 programs
Aboriginal language studies	33 programs
European language studies	184 programs

In terms of percentages of all government school students, in 1996:

Aboriginal language studies	0.8% of all students 3.2% of all students studying LOTE
Asian language studies	9.5% of all students 37.5% of all students studying LOTE
European language studies	15.0% of all students 59.1% of all students studying LOTE

(5) At the beginning of 1997, 98 schools (90 primary, 4 senior high schools and 4 district high schools) were expected to take up LOTE teaching. These figures include the telematics programs (10 primary and 4 secondary).

(6) This information will not be available until October 1997, at the earliest.

(7) The percentage of students in government schools studying a LOTE in 1996 were as follows:

Year level	% of students participating in LOTE study	
Year 1	11.87%	2543 students
Year 2	15.26%	3176 students
Year 3	28.50%	5915 students
Year 4	33.13%	6786 students
Year 5	31.82%	6645 students
Year 6	46.15%	9605 students
Year 7	56.15%	11553 students
Year 8	52.19%	9523 students
Year 9	18.22%	3232 students
Year 10	11.63%	1993 students
Year 11	5.81%	809 students
Year 12	6.98%	785 students
TOTAL	25.31%	63,093 students

Participation figures for 1997 will not be available until October 1997 at the earliest.

(8) The *LOTE 2000: New Horizons* program states that by 2000 all students in Years 3 to 10 in WA government schools will be studying a language other than English. Schools and districts are responsible for developing district LOTE plans which allow for them to meet the year 2000 target. Some schools have elected to introduce their LOTE program on a year level by year level basis and others have implemented all year levels at the same time. Targets are set at schools and district rather than at system level.

(9) There is no expected or "required" take-up rate for the LOTE 2000 strategy other than that full implementation is required by 2000. District planning documentation gives detailed information to enable workforce planning to occur.

(10) 200 full-time equivalent new primary LOTE teachers and 100 full-time equivalent new secondary teachers will be required to achieve the targets of the LOTE 2000 strategy.

(11) In 1996 the numbers of new LOTE teachers from tertiary institutions were 38 new Asian language teachers and 11 new European language teachers. It is anticipated that these figures will increase. Not all of these teachers are or will be employed by the Education Department. The Education Department conducts its own LOTE teacher training program and the expected numbers of new LOTE teachers from this source are:

1997 58 teachers
1998 38 teachers
1999 42 teachers
2000 51 teachers

(12) LOTE teachers require an appropriate teaching qualification, as is required for all teachers, and an acceptable level of proficiency in the language that they are teaching.

(13) The minimum training required to achieve these standards is an appropriate pre-service qualification including LOTE and methodology or participation in a part-time four year intensive language and methodology course through the Education Department.

(14) The average cost of training each LOTE teacher (through an Education Department course) is approximately $9,000.

(15)-(16) The estimated allocation of $5.5 million for 1997/98, as well as $8.5 million over the next two years, for the expansion of the LOTE program will be spent as follows:

- above formula staffing in the primary schools;
- teacher training;
- in-country courses;
- scholarships for teachers and students; and
- other support programs to schools.

(17) To date, no students have reached Year 10 having participated continuously in a LOTE program from Years 3 to 10. When this has occurred, more accurate standards will be established for LOTE study at Year 10 level. It is believed on present information that students will need to have achieved Level 4 of the Education Department's Student Outcome Statement and be making progress towards Level 5 in order to enter TEE LOTE studies with some expectation of success. This expectation may change as more concrete data becomes available.

EDUCATION - NON-DEPARTMENTAL ORGANISATIONS

Funding

1667. Mr RIPPER to the Minister for Education:

(1) How many non-departmental organisations provide education programs and receive funding or staffing assistance through the Education Department of Western Australia?

(2) When will the review of these organisations be completed?

(3) What are the criteria for determining whether a non-departmental organisation should receive funding or staffing assistance and which organisations should have their assistance cut?

(4) How many full time equivalents (FTEs) is it estimated are being funded by the department where the service being provided is no longer necessary?

(5) What is the cost of those FTEs and what will happen to the teachers in those positions?

(6) Will the Minister provide a list of organisations that receive subsidies and grants, including the amount of each subsidy or grant through the Education Department of Western Australia?

(7) Will the Minister provide a list of organisations that receive staffing support, indicating the level and cost of that support through the Education Department of Western Australia?

Mr BARNETT replied:

(1) Six.

(2) The current review is expected to be completed by September 1997.

(3) The criteria to determine the level of support provided to each non-departmental organisation are dependent upon the educational value of the programme. The benefits in terms of outcomes for students are the prime determinants of ongoing departmental support.

(4) The Education Department is not aware of any FTEs being funded where the service provided is no longer necessary.

(5) In the event of a programme being discontinued, the teachers involved would be transferred back to school positions.

(6) See tabled paper, Grants and Subsidies Paid to Organisations 1996/97. [See paper No 693.]

(7) The Education Department provides staff and funding assistance to the following organisations to assist with their educational programmes:

Organisation	FTE	Funding per annum $
Port Community School	1	21,817.43
WA Football Development Trust	1*	10,853.28
Gould League	2.8 + 60 days Teacher Relief	128,193.83
Francis Burt Law Centre	0.5	23,232.50
Ribbons of Blue	1	48,906.00
Perth Theatre Trust	1	55,233.00
Sports Challenge	1	52,488.00
TOTAL		340,724.04

* Paid by the Trust.

POLICE - BURGLARIES

South Perth

1762. Mr PENDAL to the Minister for Police:

(1) In the South Perth District, how many reported break-ins were there in each month from October 1996 to the present?

(2) How many arrests and/or convictions have resulted?

(3) What number or percentage of such break-ins remains unsolved?

Mr DAY replied:

(1)

Oct 96	Nov 96	Dec 96	Jan 97	Feb 97	Mar 97	Apr 97	May 97	Jun 97
47	50	46	57	37	24	45	27	42

(2)-(3) The information sought would require considerable research, including from other agencies, which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response.

POLICE - BURGLARIES

Statistics

1765. Dr CONSTABLE to the Minister for Police:

For each month from 1 July 1996 to 30 June 1997 inclusive, what was the number of -

(a) house break-ins/burglaries; and
(b) clearances of those crimes,

reported in the following areas -

(i) Floreat;
(ii) City Beach;
(iii) Wembley Downs;
(iv) Churchlands;
(v) Woodlands;
(vi) Wembley;
(vii) Scarborough;
(viii) Glendalough; and
(ix) Doubleview?

Mr DAY replied:

(a) The following figures relate to the number of housebreak-ins/burglaries for the period 1 July 1996 to 30 June 1997.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Floreat	3	8	16	19	16	8	9	8	9	3	8	6
City Beach	2	13	5	24	10	5	6	12	20	4	5	2
Wembley Downs	7	5	5	16	13	8	4	9	14	3	5	4
Churchlands	3	2	3	2	1	3	2	10	1	1	4	5
Woodlands	7	5	3	11	14	12	13	9	11	6	5	3
Wembley	19	21	17	24	28	23	10	10	13	15	11	27
Scarborough	39	43	34	36	37	40	47	47	32	31	28	32
Glendalough	1	6	15	13	17	13	8	11	13	6	13	15
Doubleview	14	21	13	18	37	32	28	16	9	15	15	24

(b) The information sought would require considerable research, including from other agencies, which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - REVERSIONARY PENSIONS

Widowers

1773. Dr CONSTABLE to the Minister representing the Minister for Finance:

(1) What is the reason for the variation in the following actuarial costings of providing a widower's reversionary pension in Western Australia -

(a) February 1991 ($24.8 million);
(b) July 1994 ($38.1 million); and
(c) December 1996 ($14 million)?

(2) Were each of these calculations based on the provision of automatic reversionary cover for all females in the pension scheme, regardless of marital status?

(3) If yes to (2) above, why?

(4) If no to (2) above, on what percentage of females in the pension scheme were the figures based, and were average rates of marriage and divorce considered?

Mr COURT replied:

The Minister for Finance has provided the following reply:

(1) Details of the 1991 calculations are not available from the former actuary. The variation between the 1994 and 1996 calculations is due to different assumptions used in the valuation of the Pension Scheme by the new actuary including reduced mortality rates, and the increased average age of pensioners.

(2) 1991 - not available.
1994 - No.
1996 - No.

(3) Not applicable.

(4) For the purposes of the 1994 and 1996 calculations, assumptions were made about the proportion of married members at various ages and the age difference with their spouse, using ABS data for the general population. For example, in the 1996 calculation 56 per cent of female members at age 25 are assumed to be married with a difference in age to their spouse of 1 year, compared to 94 per cent of female members at age 50, with an age difference of 3 years. Rates of divorce and remarriage are implicit in these values.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - PENSIONS

Costs

1774. Dr CONSTABLE to the Minister representing the Minister for Finance:

What are the actual current and total estimated costs of each of the following under the Government Employees Superannuation Scheme -

(a) the recognition of defacto spouses;

(b) the continuation of a pension entitlement on the remarriage of a widow, regardless of age;

(c) the right generally to a pension for a widow where marriage occurred after a pensioner had retired;

(d) the abolition of the provision whereby pensioners re-employed by the Government suffered a reduction in their pension; and

(e) the payment of a member's full pension to their spouse for seven fortnights after the member's death, to assist with bereavement costs?

Mr COURT replied:

The Minister for Finance has provided the following response:

(a) I refer to my answer to Question on Notice 1317 where I advised that to 30 May 1997 the additional cost since September 1993 of recognising *de facto* spouses was $22,458. No further pensions have become payable to *de facto* spouses since that time and to 22 August 1997 this cost has increased to $26,506.

(b)-(d) The relevant costs are not available because details of the age, date of marriage or remarriage of widows and the re-employment of pensioners, have not been required for the purposes of administration of the Pension Scheme since the 1993 amendments, and hence have not been collected.

(e) For the period from 1 July 1994 to 22 August 1997 the cost of paying the full pension for seven fortnights after a member’s death has been $883,309 at an average cost of $280,000 per year. Costs for the period prior to 1st July 1994 are not readily available. Should the member wish to receive further clarification in relation to the matter I would be happy to arrange for her to meet with the Executive Director of the Government Employees Board with perhaps the Board’s actuary.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - REVERSIONARY PENSIONS

Widowers

1775. Dr CONSTABLE to the Minister representing the Minister for Finance:

What is the available data on the cost of providing automatic reversionary pensions for widowers in each State and Territory of Australia other than Western Australia?

Mr COURT replied:

The Minister for Finance has provided the following response:

Only New South Wales and Tasmania are able to provide the information requested and have advised that the current yearly cost of providing widower pensions is $1.78 million and $182,000 respectively.

GOVERNMENT INSTRUMENTALITIES - CONTRACTS

Value and Terms

1829. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

(1) What functions or services has each department or government agency under the Minister's control contracted out since 1993, stating -

(a) the date;

(b) the amount;

(c) the recipient;

(d) whether the recipient was Western Australian, Australian or foreign; and

(e) the term of the contract,

for contracts worth the following amounts -

(i) more than $100 000;
(ii) between $50 000 and $100 000;
(iii) between $10 000 and $50 000;
(iv) between $1 000 and $10 000?

(2) What functions or services are being planned or intended to be contracted out by each department or government agency under the Minister's control during the current term of government, stating -

(a) the approximate date it will take place;

(b) the amount;

(c) the recipient;

(d) whether the recipient is Western Australia, Australian or foreign; and

(e) the term of the contract,

for contracts worth the following amounts -

(i) more than $100 000;
(ii) between $50 000 and $100 000;
(iii) between $10 000 and $50 000;
(iv) between $1 000 and $10 000?

Mr KIERATH replied:

(1)-(2) I am not prepared to allocate the considerable resources required to provide the requested information. However, if the member has a specific query, I will endeavour to provide the information.

HEALTH - SECOND-HAND COTS

Safety Information

1885. Dr EDWARDS to the Minister for Health:

What information is provided to parents of babies about safety considerations when purchasing second hand cots?

Mr PRINCE replied:

King Edward Memorial Hospital Parent Education classes during pregnancy and in the postnatal period give information on recommended guidelines from:

- Kidsafe furniture - a safety guide specifying the need to ask if cot is made to Australian Standard AS 2172.

- Choice October 1996 - How safe are children’s cots - Secondhand cots recommendations and the ideal cot what to look for with reference to the joint Australian and New Zealand Standard AS/NZS2172:1995.

- Parents are advised to visit Kidsafe WA located at Princess Margaret Hospital.

Of the non-metropolitan hospitals canvassed their response was that no information is provided as parents have generally purchased equipment by the time that they attend ante-natal classes.

POLICE - STATION

Mundaring - Damaged Asbestos Roof

1894. Dr EDWARDS to the Minister for Police:

(1) Was the Police Department aware of the damage to the asbestos roof of the Mundaring Police Station before a member of the public alerted them to this fact earlier this year?

(2) Why was it left up to a member of the public to bring this dangerous situation to the attention of the relevant department?

(3) Given that there is substantial evidence demonstrating the potential dangers of damaged asbestos sheeting releasing asbestos fibres into the air, does the Police Department have any plans to replace the roof of the Mundaring Police Station?

(4) If not, why not?

Mr DAY replied:

(1) There is no damage to the roof of the Mundaring Police Station. On April 1, 1997, the Police Property Services Branch was contacted by the Officer in Charge, who advised that a member of the public had called in and brought it to their attention that an overhanging tree branch was brushing against the roof of the station. A maintenance job registration was issued and the tree pruning completed within 3 days.

(2) The situation was not considered dangerous, however, tree pruning at Mundaring was listed for attention as part of the Police Service Restoration Maintenance Program.

(3) A survey of all Police Stations with asbestos roofing was carried out by Contract and Management Services (CAMS) in 1991 with Mundaring receiving a rating of 2. Under the CAMS rating system a priority 2 recommends replacement in 12-16 years. The Police Service under its asbestos roof replacement program will replace the roof within the recommended time frame now of 5-10 years, subject to ongoing review.

(4) Not applicable.

ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

Incinerator Site - Emission Testing

1982. Dr EDWARDS to the Minister for the Environment:

(1) In relation to each air emission test undertaken at the Stephenson and Ward/Medi-Collect site since 5 March 1996, what was the composition of the waste being burnt?

(2) What were the results of each test?

(3) Which result did not comply with licence conditions?

(4) For each test, was it conducted with the hatch in the primary chamber of the incinerator open or shut?

(5) Is the Department of Environmental Protection now disregarding the 1993 enquiry, conducted by Mr Porter, concerning operation of the incinerator with the back hatch open?

(6) What is the scientific basis for approval for the incinerator to operate with the back hatch open?

Mrs EDWARDES replied:

(1) I am advised that the waste being incinerated was typical clinical waste generated from hospitals and other clinical practices.

(2) The tests are extremely comprehensive. I have tabled the monitoring results for all tests in response to Question With Notice 1981.

(3) I am advised the only area of non-compliance was that the exit velocity of gases emitted from the stack did not meet the velocity stipulated in the licence of 12 metres per second and this has now been corrected. The results of the most recent tests are still being evaluated by the Department of Environmental Protection but a copy of these results has been included with the papers I have tabled in response to Question 1981.

(4) I am advised that the incinerator operates routinely with a small 300mm x 300mm hatch located on the rear door slightly open. This hatch is used to visually monitor the hearth and occasionally rake the bed of burning waste. Pressures in the incinerator are below atmospheric pressure and so this only allows additional air to be drawn into the incinerator. No emissions to atmosphere can occur. The Department of Environmental Protection has advised that the hatch would have been open during the trial.

(5) No. I am advised that the recommendations in the Porter report were directed at the old incinerator which was a batch process incinerator in which a large rear hatch was swung open to allow ash to be removed. The recommendations are not relevant to the incinerator currently operating on the site, as in fact that report was the basis for the department's 1995/1996 licensing regime that led to the closure of all but one biomedical incinerator in the State.

(6) I am advised that operating with the small hatch open at the rear of the incinerator chamber can only lead to additional air being drawn into the combustion chamber. This will tend to enhance combustion conditions in the primary chamber which is operated at less than stoichiometric oxygen concentrations in any case. Gases from the primary chamber are then passed into a sealed secondary chamber where further air is added in excess of stoichiometric limits and this ensures complete combustion of all gases. Thus, the additional air drawn in through the small opening left by leaving a 300mm x 300mm hatch slightly open will not adversely effect the incinerator's performance, and may in fact enhance its operation.

SPORT AND RECREATION - ELITE SPORTING FACILITIES

Study

2024. Mr CARPENTER to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Has the Government done a study on Western Australia's major elite sporting facilities?

(2) If yes, who was involved with the study and what are their backgrounds?

(3) What facilities were examined?

(4) How long has the study been completed?

(5) Has the Government received the study and, if so, when?

(6) Does the Government intend to implement any decisions from the study?

(7) Are there any financial implications for sport or the Government in the study?

(8) If yes, what are they?

(9) Can the Minister confirm the Government will provide funding to ensure the Speed Dome continues to operate?

(10) If so, what funding will be provided and when will this be made available?

Mr MARSHALL replied:

The Minister for Sport and Recreation has provided the following reply -

(1) A study has been undertaken on seven international standard facilities.

(2) A Review Group was established of people with a breadth of experience in sports management, management, local government etc. It comprised:

Mr Ray Turner (Chair), Town and Country Bank
Mrs Jan Thurley, Baseball Development Foundation
Mr Lindsay Delahaunty, City of Wanneroo
Mr Colin Nicholas, Architect (past National President, Men's Hockey)
Mr Gratton Wilson, WA Gymnastics Association (and Chair WA Sports Federation Facilities Committee)
Mr Max Poole, Ministry for Planning
Mr Garry Hall, Treasury
Mr John Fuhrmann, Ministry of Sport and Recreation
Mr Graham Brimage, Ministry of Sport and Recreation
Mr Ashley Wilson (Executive Officer), Ministry of Sport and Recreation

Consultants, Bourne Griffiths Management Consultants were engaged to undertake a financial and management assessment of each of the facilities.

(3) Perth Hockey Stadium
Speed Dome
State Shooting Complex
State Equestrian Centre
State Tennis Centre
Belmont International Baseball Stadium
Perry Lakes Stadium

(4) The overall report was completed in March 1997.

(5) The report was presented and discussed on the 5 June 1997.

(6) The recommendations are still under consideration.

(7) Yes.

(8) That will depend on the decisions made.

(9) Yes.

(10) Yet to be determined.

QUESTIONS WITHOUT NOTICE

FAMILY AND CHILDREN'S SERVICES - NGALA FAMILY RESOURCE CENTRE

Report - Family Stress

666. Dr GALLOP to the Minister for Family and Children's Services:

I refer the Minister again to the article in *The West Australian* on work stress and family life and point out that the comments by the Ngala Family Resource Centre referred to changed work conditions, longer hours of work, and fly in, fly out operations taking husbands away from their families for several weeks on end. No reference was made to families in which both parents are working. This being the case I again ask the Minister: Will she make representations to the Cabinet on the damaging effects on family life of current industrial relations practices?

Mrs PARKER replied:

I certainly make representations on behalf of families to my ministerial colleagues and to community groups of the State all the time.

Dr Gallop: What about in relation to industrial relations practices?

Mrs PARKER: As I said yesterday, and I will repeat my answer, the new industrial relations workplace arrangements provide for individuals to negotiate flexible arrangements so that they can organised themselves to cover the demands of their families.

HEALTH - JOONDALUP CAMPUS

Patient Services - Cost

667. Mr BAKER to the Minister for Health:

Will patient services at the new Joondalup health campus be more expensive than at other metropolitan hospitals?

Mr PRINCE replied:

I thank the member for the question and for the opportunity to be able to take a few moments to correct some of the deliberate misrepresentations made by the member for Fremantle around Australia, particularly through the media.

Withdrawal of Remark

Mr McGINTY: I thought that it had been ruled on many occasions that to accuse someone, other than by way of substantive motion, of deliberately misleading was unparliamentary.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mrs ROBERTS: I was asked to withdraw last night what was considered to be an adverse reflection on a member of Parliament. This comment certainly exceeds that.

The DEPUTY SPEAKER: Did the Minister say "deliberately misleading"?

Mr PRINCE: I said "deliberate misrepresentations". I withdraw.

The DEPUTY SPEAKER: I think there is a similarity, and I appreciate your withdrawing.

Questions without Notice Resumed

Mr PRINCE: Notwithstanding that, the member for Fremantle has for the past 24 hours been attempting to discredit the Government's policy, which is very simply that we want to take affordable and appropriate services to people where they live and not take them to the services. That is why a new hospital is under construction in Bunbury, where all the Opposition did was create a sand patch; the new hospital being built in Mandurah will increase capacity from 38 beds to 130 beds, because the hospital built by the Opposition was too small; and the commissioning of the new collocated hospital at Joondalup will take an 87 bed hospital to 265 public and 70 private beds. That means that services will be located closer to where people live. That means, particularly, that some resources will move from tertiary hospitals to secondary hospitals, because they are closer to where the people are. The member for Fremantle has been saying - most recently on radio this morning - that it will not add one new service to the services currently offered by hospitals in Perth. What utter nonsense. We are moving to locate services where the people are so they have better access. Secondary treatment hospitals are cheaper to operate than tertiary treatment hospitals. Consequently, they can provide more services. Particularly with an extra $54m in the Health budget this year, $60m-plus last year and an additional $81m in the budget the year before, we are providing more and more services. The Government is also providing the services in the appropriate places for people. The member for Fremantle's misrepresentation, made on the basis of a document that he did not understand until he was briefed this morning by the person who wrote it and the operations manager of the Health Department, is completely and utterly miscast.

FORESTS AND FORESTRY - WOODCHIPPING

WA Chip and Pulp Pty Ltd - Contract

668. Dr EDWARDS to the Minister for the Environment:

(1) Exactly when does the current Department of Conservation and Land Management chip log contract with WA Chip and Pulp Pty Ltd expire?

(2) How will the recommendations of the regional forest agreement process be incorporated into the contract?

(3) When will the new contracts be signed?

Mrs EDWARDES replied:

(1)-(3) No date is set for the signing. The woodchip agreement contract is in line with the current forest management program, which runs to the year 2003.

Dr Edwards: When does the current contract expire?

Mrs EDWARDES: Is it 31 July 1998?

Dr Gallop: That is the agreement.

Mrs EDWARDES: I will get that date for the member. I do not wish to speculate.

The RFA is proceeding. We expect to sign off on that by the end of this year.

Dr Edwards: Even though you advertised last Saturday for consultants?

Mrs EDWARDES: Yes. Most of the work has been done. We are concentrating on the social impact assessment. Senator Robert Hill and I met last Friday to finalise some of those deadlines still to be met on some of those outcomes. We expect to sign that by the end of this year.

INDUSTRIAL RELATIONS - LEGISLATION

Pamphlet - Misrepresentations

669. Mr BRADSHAW to the Minister for Labour Relations:

Is the Minister aware of a leaflet being distributed in the south west which contains factual inaccuracies about the recent industrial relations reforms? If so, could the Minister inform the House of the requirements of the reforms under the law?

Mr KIERATH replied:

I have for tabling a copy of a pamphlet that was published in the south west, and a copy of the appropriate page of the legislation.

[The papers were tabled for the information of members.]

Mr KIERATH: I became aware of a pamphlet circulating in the south west that bears the name and address of Hon Bob Thomas MLC. It was distributed in Albany. It contains a wide variety of misrepresentations, some of which are absolutely blatant. I will concentrate on one of them. The flyer states that "Mr Kierath will determine an essential service when he wants to." Nothing could be further from the truth. The only power the Minister has in the legislation is to issue a certificate declaring that it is in the public interest that a pre-strike ballot be held. The Minister has no power in relation to essential services.

Clause 10 of the industrial relations legislation amending section 97F(3) of the Act contained no reference to essential services. The only area where "essential services" is mentioned is a reference to the powers of the Industrial Relations Commission of Western Australia. Anybody who is literate can read the Act to see that the only body that has any power over essential services is the Industrial Relations Commission. However, this pamphlet says that "Mr Kierath will determine an essential service when he wants to." My reason for raising this is the misinformation and untruths being peddled around the place. That is the reason we needed an advertising, education and information campaign. Members opposite are still up to the same old tricks. I am making this point so that they will not go out of this place and peddle that same story now that this has been brought to their attention and they know that it is untrue. If they keep peddling this stuff, they will only make the Government more determined to get the information to the public to counter their campaign.

Mr Thomas interjected.

Withdrawal of Remark

The DEPUTY SPEAKER: I ask the member to withdraw that statement.

Mr THOMAS: I withdraw.

Questions without Notice Resumed

Mr KIERATH: If the Opposition continues down that path, it will simply be asking the Government to initiate another advertising campaign.

UNIVERSITIES - EDITH COWAN

Bunbury Campus - Transfer to Murdoch University

670. Dr GALLOP to the Parliamentary Secretary to the Minister for Education:

Given a claim by the federal Education Minister, Senator Amanda Vanstone, in a letter to the federal member for Forrest that the ownership decision about Edith Cowan Bunbury "ultimately rests with the Western Australian Government and the institutions concerned", will the Minister indicate to the House what is the State Government's position in relation to the proposed merger of the Bunbury campus of Edith Cowan University with Murdoch University?

Mr TUBBY replied:

I thank the Leader of the Opposition for some notice of this question. The Minister has provided the following response -

> While the Commonwealth funds higher education, the State has legislative responsibility for Western Australian universities. The State Government wishes to ensure that the best interests of the people of Bunbury and the south west are served in any change that may occur.
>
> These are not easy matters to resolve and the first step is to clarify the funding that the Commonwealth would provide to operate the Bunbury campus under the auspices of Murdoch University. The Commonwealth has been slow to provide that information. The Government had hoped that the two universities concerned could reach an agreement that would have satisfied the concerns of the Bunbury community and, at the same time, improved university provision at Bunbury. It is important that the Bunbury issue is not seen in isolation from the broader issues associated with the development of higher education in this State, which the Office of Higher Education in the Department of Education Services is pursuing with the universities.

In the meantime, Bunbury people should be assured that there will be no diminution of educational opportunity at the Bunbury campus next year and they should make their course choices accordingly.

ECONOMY - ACCESS ECONOMICS

Survey - Impact on Job Creation

671. Mr MacLEAN to the Premier:

Can the Premier please advise the House of the latest investment figures contained in the Access Economics investment monitor and the impact they will have on job creation in Western Australia?

Mr COURT replied:

I thank the member for some notice of this question. The latest Access Economics survey carried out shows over $60b in investment being earmarked for Western Australia. It also shows that nearly 33 per cent of all business investment in Australia is earmarked for Western Australia. In the past three weeks we have seen $3b of new investment. However, the important factor in this is the employment flow on. If just half of those investments surveyed were to go ahead, there would be a flow on of 32 000 new jobs in the construction phase and about 9 000 jobs when the projects are completed. In addition, BHP has estimated that, for every job created at its HBI plant at Port Hedland, four additional jobs have been created elsewhere, most of them in Western Australia.

Mr Kobelke: What is the local content on that project?

Mr COURT: The Western Australian content is 59 per cent and the Australian content is 8 per cent. The total local content will be about 67 per cent, which is very high. According to United Constructions, a large part of the fabrication for the project has been done in Kwinana.

Mr Kobelke: A large part has been done in the Phillippines, and that is the problem. The work was not up to standard, and Western Australians will have to redo it.

Mr COURT: A large part of the fabrication was done in the member's front yard, basically!

Several members interjected.

Mr COURT: The important fact is that the deregulation of the energy markets and the availability of competitive energy has led to this investment in downstream processing. Members should compare what has happened in the past five years to what happened prior to that time when the same opportunities were available.

Dr Gallop: That is a stupid thing to say.

Mr COURT: The Leader of the Opposition could not even put together the Collie power station!

Dr Gallop: If we can expect that sort of development, why do your forward estimates show only a small reduction in unemployment in this State?

Mr COURT: If the Leader of the Opposition wants to talk about unemployment, I will correct something I said yesterday. I said that we have had the lowest or equal lowest unemployment rate in this country for the past five years we have been in government. That is correct. However, I also said that Western Australia had the lowest unemployment rate for only four months of the 10 years that members opposite were in government! That was wrong; it was for three months! The Labor Party could not put the basic infrastructure in place to enable that development to take place.

Mr Brown: World demand has changed. You are living in a cocoon.

Mr COURT: World demand has changed! When a Labor Premier was asked why the unemployment rate continued to run at 11 per cent he said that it was because of world cyclical conditions. We said that we would take responsibility for employment in government - and we have. The runs are on the board.

COMMERCIAL TENANCY LEGISLATION - INTRODUCTION

672. Mr BROWN to the Minister for Fair Trading:

I refer to comments made by the Minister earlier this week that the Government was close to introducing a Bill to amend the commercial tenancy laws.

(1) Is the Minister aware that under the Parliament's current timetable it will not be possible to have the Bill considered by both Houses this year if the normal conventions apply?

(2) Is it the Minister's intention to introduce the Bill as soon as we return in October and have it debated in the first parliamentary week in November or earlier?

Mr SHAVE replied:

(1)-(2) As I said yesterday, it is the Government's intention to introduce the Bill at the earliest opportunity. If it can be introduced as soon as we come back after the break, it will be. Certainly it will be introduced before the end of this session.

FAMILY AND CHILDREN'S SERVICES - REDUNDANCIES

Country Areas

673. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) Have approximately 44 redundancy notices been issued to country based staff in Family and Children's Services?

(2) If yes, will the 40 or so positions create savings for the department or will they be redeployed in metropolitan Perth?

(3) How does this action accord with the Government's policy to maintain important country services?

Mrs PARKER replied:

(1)-(3) This issue was raised with me yesterday by two members representing country regions. Therefore, I have the figures before me. There has been a restructure of service delivery in the department. That announcement was made only recently, and the process is in train. All the changes have not yet occurred. Forty-two people provide some administrative functions within district offices. The 42 administrative functions will be reorganised and this administration will be undertaken in an admin bureau in Perth. The 42 people have not been served redundancies. The reorganisation of the department means that extra FTE allocations will be available for service delivery. Members should not make the mistake of thinking that all 42 administrative functions come from the country. They come from all district offices. Both city and country areas will benefit. The department is facing increasing demand and is committed to providing services to families across this State. An additional 33 FTEs will be allocated as an increase to country areas for service delivery.

YOUTH - YOUTH ADVISORY COUNCILS

Bunbury

674. Mr BARRON-SULLIVAN to the Minister for Youth:

Earlier this year the Minister visited Bunbury and announced that a youth advisory council would be established in the Bunbury region with a view to establishing a network of youth councils throughout Western Australia.

(1) What progress has been achieved in setting up the Bunbury Youth Advisory Council?

(2) What is the purpose of these councils?

(3) What is the general response to this concept from other local governments in Western Australia?

Mr BOARD replied:

(1)-(3) I thank the member for Mitchell for his support and the work he has done in helping to bring these councils to fruition. I am very excited by the cooperation and energy, particularly by local government, in bringing this process together. The Minister for Education and I have agreed to establish youth advisory councils in local authorities. They will comprise young people who will be elected from state and independent schools, youth groups and other groups that have an interest in young people. They will sit in the local authority once a month and examine issues of concern both within the local area and across the State. In many ways they will have common agendas. Bunbury and Albany are the first councils that have agreed to form a youth advisory council. Fifty local authorities are showing an interest. Twenty councils around the State have already committed to establishing youth advisory councils. By the end of this year there will probably be a dozen operating. By the middle of next year a network should be operating throughout Western Australia.

Dr Gallop: Will you make available to the Opposition as a matter of course all the resolutions and findings of those youth advisory council meetings?

Mr BOARD: I have no problem with providing agenda items - what the youth advisory councils are being asked to consider - and issues raised by the council and outcomes. This is not only an information exercise; it is an opportunity for young people to have a direct input into my office and Cabinet. We will take it further than that.

Dr Gallop: A direct input into the Opposition; I appreciate that.

Mr BOARD: That is exactly right. We will also empower those young people to make decisions about the programs that operate on the ground. Young people throughout Western Australia are saying that they want to play a role in addressing many of the difficulties facing them. We will make that happen and the youth advisory council is a way of allowing that throughout Western Australia, particularly regional Western Australia about which we are greatly concerned.

ROYAL AGRICULTURAL SOCIETY - C AND J SHOWBAGS

Allocation of Site at the Royal Show

675. Mr BROWN to the Minister for Fair Trading:

I refer to the plight of Australind small businessman, Colin Brooks, who is facing bankruptcy as a result of the Royal Agricultural Society of WA refusing him a licence to operate his stalls at this year's Perth Royal Show. Will the Minister instruct the Ministry of Fair Trading to investigate -

(1) why the sites normally occupied by C and J Showbags have been offered to other users for about 40 per cent less rent than Mr Brooks was paying;

(2) the interlocking business relationships between the three remaining eastern states show bag traders; and

(3) the degree to which the decision by the RAS to remove Mr Brooks' licence was influenced by other than commercial considerations; if not, why not?

Mr SHAVE replied:

(1)-(3) Mr Deputy Speaker -

Mr House: Have you spoken to the Agricultural Society?

Mr SHAVE: In relation to the comment by the Minister for Primary Industry, I suggest that if the member for Bassendean has not checked with the Royal Agricultural Society of WA, he should arrange a meeting with it to get both sides of the story. In response to the questions, I am more than happy to put all those issues to the Royal Agricultural Society. I understand it always behaves in a very fair manner, and I am confident the decisions it has made have been proper and reasonable.

HEALTH - MEAT INSPECTIONS

Deregulation

676. Mr BARRON-SULLIVAN to the Minister for Health:

A number of local councils have contacted me regarding the partial deregulation of meat inspection services in this State.

(1) How many abattoirs now employ their own meat inspectors?

(2) Will the Minister assure the House that every abattoir in the State still has regulatory supervision, regardless of whether or not private meat inspectors are employed?

(3) Has the Health Department assessed this process of partial deregulation and if so, with what results?

(4) Have any cost savings to individual abattoir operations been identified?

Mr PRINCE replied:

I thank the member for some notice of this question.

(1) Only one abattoir in Western Australia - Watsons Foods (WA) - has company employed meat inspectors. That is an operation of significant size. It employs its own company meat inspectors but there are government meat inspectors there as well.

(2) Yes, I can. I am delighted to give the assurance that at least one Health Department or local government employed meat inspector will be part of the meat inspection systems at abattoirs where meat inspectors are

employed by a company. It will be required by regulation. I think the regulations are presently going through the parliamentary process.

(3) Not at this time. As far as I can recall, the system at Watsons Foods has been in place for six months or thereabouts, and it is not a long enough period to allow for proper evaluation because there has been a change from the previous process of assuring quality. Not enough time has elapsed to allow a proper evaluation to ascertain whether the results indicate a significant increase. However, at present there is certainly no decrease and there is some indication - I will not put it any stronger than that - of an improvement in standards. It is too soon to judge.

(4) No. The introduction of quality assurance is much more expensive for a company initially. The cost of introducing it is significant. It is likely to be more expensive in the initial stages to produce a better and consistent quality in the long term, which is what all producers are about.

WATER RESOURCES - MOORE RIVER

Degradation

677. Dr EDWARDS to the Minister for Water Resources:

I draw the Minister's attention to recent reports that have raised serious concerns about the state of some of Western Australia's most important rivers, including severe degradation of the Moore River and alarming pollution of the Ord and Dunham Rivers with pesticides. Given the extensive problems that already exist, what will the Minister do to prevent further damage through the development of housing 50 metres from the edge of the Moore River at Guilderton?

Dr HAMES replied:

I do not have specific answers to the questions raised today. Unfortunately, the member did not provide any notice of her questions; if she had done so, that would have given me the opportunity to obtain some answers.

Mrs Roberts: Are you not on top of your portfolio?

Dr HAMES: I do not have the answers to the questions. I am perfectly happy to get them and provide them as soon as they are available.

FAMILY AND CHILDREN'S SERVICES - RESTRUCTURING

Benefits to Country Areas

678. Mr BRADSHAW to the Minister for Family and Children's Services:

How will the restructure of Family and Children's Services benefit country regions?

Mrs PARKER replied:

I am pleased to have the opportunity to add to the comments I made previously, because I believe the Opposition has certainly not understood the situation - that is nothing new - and it is important that country members understand the situation. It has been reported that 42 people who currently provide administration services will have their positions changed. I clarify that there are 21 district offices and 11 country offices. This means that potentially 22 full time equivalents from 11 country offices will be affected and it is more than offset by the allocation of an additional 33 FTEs to regional areas. Therefore, the 22 are being replaced by 33.

Several members interjected.

Dr Turnbull interjected.

Mrs PARKER: I thank the member for Collie. Members opposite cannot do their maths.

Certainly no office across the State will be closed. The department is committed to addressing any retraining requirements to support staff on whom the changes will impact so they will not have to relocate from country areas. The Government is committed to supporting people in country areas.

Ms Anwyl: How many redundancy notices have gone out?

Mrs PARKER: No redundancy notices have gone out. Changes will be made to those 42 FTEs. They are not redundancies because those people will be retrained. Family and Children's Services is one department which

consistently has had increases in its budgets over the last five years. Those increases have resulted in the establishment of parenting information centres in Mandurah, the great southern and the wheatbelt, both of which are mobile services, and South Hedland.

Several members interjected.

The DEPUTY SPEAKER: Order! I ask members to allow the Minister to answer the question.

Mrs PARKER: In 1997-98 centres will also be established in Geraldton, Kalgoorlie, Bunbury and Broome. In addition mobile services will be provided to Aboriginal communities in the Kimberley and Pilbara, the great southern and Bunbury. Home visiting services to provide support to families have been established in Mandurah, South Hedland, the great southern, the wheatbelt and Geraldton. A family group conferencing project has been established in the Murchison area and additional services are proposed.

Several members interjected.

Mrs PARKER: It is interesting to observe how seriously the Opposition views such a critical issue as support for families.

A shopfront service is planned for Denmark and there will be an expansion of existing services in Margaret River, Exmouth, Leeman and the central northern Aboriginal communities. In addition, there has been an increase in domestic violence and other supported accommodation programs throughout the area. The cost of providing these services since 1996-97 is $1.65m.

The DEPUTY SPEAKER: Order! I ask the Minister to bring her answer to a conclusion.

Mrs PARKER: There is not only a very strong commitment to families and children, but also, and more particularly, an emphasis on the recognition of the need to provide services. The mobile parenting information centres are a clear example of the way the Government is prepared to make sure people have access to these services by taking them to where the people are.

MAIN ROADS WESTERN AUSTRALIA - STAFF

Reduction in Number

679. Mrs ROBERTS to the Premier representing the Minister for Transport:

(1) Is it the case that the strategies directorate in Main Roads Western Australia has been told to formulate a budget for next year based on half the current staff?

(2) Is it not a massive acceleration of the 1995 Best Roads program which targeted the staff reduction to a figure of 1 000 by the year 2000?

(3) Is it the case that the real agenda is to cut Main Roads staff to about 450 rather than the 1 000 suggested in the Best Roads program?

Mr COURT replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

(3) No.

I take this opportunity to table the documentation from the Public Sector Management Office regarding the indemnity offered by the Department of Productivity and Labour Relations which I said I would table today. I have given a copy of them to the Leader of the Opposition.

[See paper No 686.]