



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Tuesday, 25 November 1997

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

PETITION - ROADS

Shepperton Road and Mint St, East Victoria Park - Traffic Signals

DR GALLOP (Victoria Park - Leader of the Opposition) [2.03 pm]: I present the following petition -

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

We the undersigned petitioners call on the State Government to provide a right turn signal for traffic exiting Shepperton Road into Mint Street, East Victoria Park.

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 391 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 117.]

PETITION - SUNDAY LIQUOR LICENCES

MR PENDAL (South Perth) [2.04 pm]: I present the following petition -

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

We, the undersigned want the right to purchase liquor from Licensed Liquor Stores on Sundays. We prefer buying liquor from Liquor Stores instead of Hotel Bottleshops and cannot do so on Sundays as Liquor Stores are not permitted to open on Sundays under the Liquor Licensing Act.

We are concerned at the inconvenience caused to consumers, the lack of consumer choice and the real possibility of having to pay more for our purchases on Sundays because of the lack of competition which arises from liquor stores not being permitted to open on Sundays.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and amend the Liquor Licensing Act accordingly and your petitioners, as in duty bound, will ever pray.

The petition bears 71 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 118.]

PETITION - NURSING HOME CARE

MS McHALE (Thornlie) [2.05 pm]: I present the following petition -

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

We, the undersigned believe that nursing home care should be equally available to all Australians on the basis of clinical need, irrespective of a person's capacity to pay for that care. Accordingly we call on the Federal Government to abolish the entry fee and the extra daily fees for those needing a nursing home bed.

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 255 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 119.]

PETITION - POLICE ACADEMY

MR BOARD (Murdoch - Minister for Works) [2.06 pm]: I present the following petition -

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

We, the undersigned do hereby urge the Government and the Minister for Police to locate the proposed new Police Academy in the south west metropolitan region of Perth at Murdoch University.

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 144 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 120.]

PETITION - ACTS AMENDMENT (SEXUALITY DISCRIMINATION) BILL

MR BAKER (Joondalup) [2.07 pm]: I present the following petition -

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

We, the undersigned, beseech the Parliament of Western Australia to REJECT the Acts Amendment (Sexuality Discrimination) Bill 1997 and any other legislation which will have the effect of:

1. Condoning or permitting the unnatural act of sodomy to be perpetrated upon 16 year old boys;
2. directly or indirectly, legalising paedophilia under the guise of Anti-discrimination Legislation; or
3. directly or indirectly facilitating the promotion of homosexuality in schools;

and we endorse the stance in response to this Bill taken by the Most Reverend B.J. Hickey, Catholic Archbishop of Perth.

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 45 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 121.]

PETITION - COURT ACTION AGAINST ROBIN THORPE

MR AINSWORTH (Roe) [2.08 pm]: I present the following petition -

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

We, the undersigned request the State Government take immediate steps to prevent the court action against Robin Thorpe proceeding.

We believe that the Thorpe family have already suffered greatly, and any further action to prosecute Mr Thorpe would be pointless, and not in the community interest.

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 402 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 122.]

PETITION - LOTS 189-190 BUSSELL HIGHWAY

MR MASTERS (Vasse) [2.09 pm]: I present the following petition -

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

We, the undersigned,

Being residents of the Busselton area, respectfully request that the Shire of Busselton initiate action to have the road reserve on the northern boundary of the Vasse Caravan Park, (lots 189 - 190, Bussell Highway),

rehabilitated back to indigenous coastal species of trees and shrubs, and we express our belief that the existing garden of exotic plants with concrete edgings is not appropriate for the land nor in sympathy with the surrounding vegetation.

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

The petition bears 30 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 123.]

STATEMENT - PREMIER

Prorogation of Parliament

MR COURT (Nedlands - Premier) [2.11 pm]: I inform the House that Parliament will not be prorogued early next year before the 1998 parliamentary sittings are due to commence. Most members are aware that under this Government, Parliament has generally been prorogued by the Governor, on advice from the Executive, in late February before the proposed official opening in early March.

In the previous three years before the last state election, the period in which Parliament stood inactive was kept to a minimum. In 1996, Parliament was prorogued on 4 March and resumed on 14 March, a 10 day period. In 1995, the period between prorogation and recommencement was 13 days, and in 1994, only two days.

Successive Governments in this State have been advised that annual prorogation is required by section 4 of the Constitution Act, which provides, in part, that there shall be a session of the Legislative Council and Legislative Assembly once at least in every year.

The Government proposes to allow this session, the first session of the Thirty-fifth Parliament, to continue until the middle of 1998. Other factors have also contributed to this decision. Over the past few years, the budget cycle has been brought forward in order that the Appropriation Bills can be introduced and passed before the end of the financial year. This initiative has created added pressure for the legislative program in the first half of each year. If, as proposed, a session of Parliament were to continue over the summer period, the Address-in-Reply debate would be moved to August, freeing up those early sitting weeks to deal with legislation carried over from the previous year.

Members would still have the opportunity to speak in general debates on the Appropriation and Loan Bills in the first half of the year and again in August in the Address-in-Reply debate. Parliamentary committees could also continue their important work over the summer months without the need to cease for the period between prorogation and recommencement, even though that period might be only a matter of a few days.

Other effects of this proposal will be that all sessional orders will continue to apply from the commencement of next year and it is for that reason that the motion for the suspension of grievances and reduction of private members' business, recently passed by this House, was worded so that it would apply only until the end of 1997.

It should also be noted that all parliamentary questions on notice not submitted before the end of this sitting will appear outstanding on the Notice Paper at the commencement of Parliament in 1998. All motions and government and private members' Bills not dealt with before the end of this year will also remain on the Notice Paper when Parliament resumes next year.

The 1998 parliamentary sitting dates circulated earlier this year propose an official opening day on Thursday, 5 March 1998. As this opening may no longer be required, it is more than likely that Parliament will officially resume on Tuesday, 10 March 1998. However, the House will adjourn later this week to a date and time to be fixed by the Speaker.

In conclusion, the Governor, acting on advice from the Executive, retains the power to prorogue Parliament at any time as set out in section 3 of the Constitution Act 1889. The Government sees a winter prorogation as being more suited to the budget cycle, improving the management and flow of business in both Houses and increasing the effectiveness of parliamentary committees.

STATEMENT - MINISTER FOR REGIONAL DEVELOPMENT

Regional Broadcasting in Western Australia

MR COWAN (Merredin - Minister for Regional Development) [2.16 pm]: The technology used for remote area satellite direct-to-home television and radio is about to change from analog to digital. While the change in satellite

television technology benefits broadcasters through lower satellite costs, it has meant that viewers would be responsible for the cost of a new "integrated receiver decoder", and possibly a second satellite dish. This problem was exacerbated when GWN signed with Telstra for use of PanAmSat. To receive services from both Optus which would carry the ABC, and PanAmSat for GWN, dish owners would need to buy a second dish and a digital decoder. To maintain the TV services they were currently receiving, regional viewers would be up for significant costs. The Commonwealth Government was lobbied to ensure that whatever satellite technology was chosen, viewers would need only one dish and decoder to receive all services; that is ABC, GWN, Westlink, SBS and Pay TV.

After considerable effort from the broadcasters and the carriers, GWN recently confirmed that it will carry ABC TV and three ABC radio services - Radio Regional, Radio National and Classic FM - as a supplementary service to its own commercial TV and radio services. These companies should be congratulated on achieving this outcome. GWN services will be transmitted at 6 MB and the supplementary ABC services will be transmitted at 2 MB. There has been some concern at the potential loss of quality of ABC vision, but I witnessed a demonstration last week organised by GWN and Telstra and I am satisfied by the quality of the service.

I raised concerns with GWN's parent company, Prime Television, at the limited duration of the proposed changeover period which, according to GWN, will commence in early December and finish at the end of January, at which time the present analog service will be switched off. This will impose undue hardship on a large number of remote area residents who are likely to lose their GWN service before they have had the opportunity to purchase and install new decoders. I understand that Optus has offered to transmit the GWN analog signal in WA for a further four months at no cost to GWN, and I have urged Prime Television to give this matter serious consideration.

With respect to meeting the cost of the new decoders, we welcome the announcement today by the Federal Government that it will contribute \$750 towards a digital decoder required by each household; which is about half the full cost, and \$2 500 towards the replacement of each existing decoder in remote Aboriginal and self-help communities. It is estimated that this assistance will be provided to some 3 500 households in regional Western Australia and 120 Aboriginal and self-help communities.

In addition, GWN indicated last week that it would be funding the replacement of decoders in about 36 major towns to which retransmission facilities were provided originally by GWN. Similarly the Federal Government is expected to upgrade existing ABC retransmission facilities.

The Federal Government has also announced that a dedicated SBS television service will be available to remote Western Australia via satellite for the first time. The service will be available initially to the 3 500 direct-to-home satellite households and to any remote communities which purchase the necessary decoder and retransmitter.

I have requested the Department of Commerce and Trade to write to all relevant householders outlining the information on the changeover and listing the options that they can follow when making the decision to purchase new equipment.

STATEMENT - MINISTER FOR HEALTH

Passive Smoking

MR PRINCE (Albany - Minister for Health) [2.20 pm]: As many members are aware, passive smoking is an issue of great concern to the community and to the State Government. Last month Cabinet agreed to release for public comment a comprehensive report recommending changes to smoking in public places in Western Australia. The report was the work of the Passive Smoking Task Force, which was established by this Government last year and headed by former Labor Minister for Health, Ian Taylor. The task force completed an often difficult and detailed examination of passive smoking in public places in this State, and made a number of recommendations that, if supported by the community and implemented by government, will severely restrict the practice of smoking in public places.

The Government has called for comment from the Western Australian public on the strategies designed to minimise exposure to tobacco smoke before making any legislative changes.

If Western Australia were to accept these recommendations, it would lead the rest of the nation in managing this very sensitive community issue. The recommendations of the task force chairman include -

- the introduction of a smoke free area in all public places - except bars - where children have legal access from 1 August 1998;

- that dining rooms and places where a meal is consumed at a dining table - without bars - be smoke free from August 1998;

the introduction in all indoor bars adjoining dining areas from 1 August 1999 of a smoke free area except for those hotels, taverns and clubs, such as in small country towns, that have only one bar adjoining an eating area - in those cases, smoking will be permitted at the bar provided there is adequate ventilation;

that by 1 August 1999 at least 50 per cent of all enclosed areas in cabarets and nightclubs be smoke free and adequate ventilation provided;

that Burswood Resort Casino be required to increase the size of its non-smoking area to at least 50 per cent of its gaming floor area within two years and provide the Minister for Health with a proposal detailing protection for employees by August;

that any immediate changes to current legislation be made under section 333 of the Health Act 1911, and in the longer term, through changes to the Tobacco Control Act;

any new legislation be preceded and accompanied by an education campaign informing owners and managers of relevant public places of their legal requirements and to explain the reasons for the changes to members of the public; and

that the Occupational Safety and Health Amendment Regulations (No 2) should be kept in place.

The State Government is clearly concerned about the effects of passive smoking in our community, which have been scientifically documented in recent times. The latest report, by the National Health and Medical Research Council, which was released yesterday, has concluded that passive smoking causes asthma and lower respiratory illness in children and lung cancer in adults. It reports that passive smoking may also be a cause of coronary heart disease in adults. It also estimates that passive smoking causes asthma in 46 500 Australian children each year and lower respiratory illness in 16 300 Australian children. The report also blames passive smoking for about 12 new cases of lung cancer each year in adult Australians and a further 77 deaths a year from coronary heart disease. These statistics are alarming and further reinforce the Government's commitment to restrict the life threatening effects of passive smoking in our community.

It is also interesting to note that the tobacco industry has in recent times admitted that nicotine in tobacco is addictive, that there is a direct causal link between smoking and cancer and that the industry has marketed its tobacco products to children.

I table the NHMRC report, which is also available on the Internet.

[See paper No 961.]

Mr PRINCE: Despite this latest report not making any recommendations regarding changes to public policy to reduce the public's exposure to passive smoking, this State Government will act as soon as the public of Western Australia has its say on the matter.

In the meantime, I urge all business proprietors - whether they be cafe owners, restaurateurs or hoteliers - to make their establishments smoke free and smokers to be conscious of the effects of passive smoking on others and the harm they are causing themselves by smoking.

STATEMENT - MINISTER FOR WATER RESOURCES

Licensing of Plumbers

DR HAMES (Yokine - Minister for Water Resources) [2.23 pm]: I inform the House that Cabinet has approved the release of a discussion paper for public comment regarding the licensing of plumbers. The Water Corporation is carrying out this function, but should no longer do so because it is now a government trading enterprise. As a result, the Office of Water Regulation was given the task of establishing a suitable licensing body for plumbers. This paper was written after consultation with the plumbing industry and the government water agencies, with consideration being given to the two previous Bills presented to this Parliament. It contains a proposal for an independent licensing body that needs to be circulated as widely as possible for public comment.

Plumber registration and licensing are necessary to ensure the protection of public health. They are also needed to ensure community safety in the delivery of essential waste disposal and water service systems. Without appropriate regulation and the use of suitably qualified plumbers, there is a recognised risk of poor installation of sanitary and drainage systems. This could lead to a risk of contamination of community water supplies and ineffective sewerage waste disposal.

The proposed plumbers' licensing board would be an independent, self-funded body. It would advise the Minister on a number of issues, including standards of plumbing work. It would also be responsible for all occupational

licensing decisions for plumbers operating in the State and inspection of domestic plumbing connections. The board would be responsible to the Minister, who would appoint all nine members. It is considered essential that the board be representative of the industry.

I table the discussion paper on the plumbers' licensing board, which will be released as soon as possible for public comment.

[See paper No 962.]

[Questions without notice taken.]

STATEMENT - SPEAKER

Petition

THE SPEAKER (Mr Strickland): I advise members that the petition presented today by the member for Joondalup contained two pages that had material relating to the subject of the petition printed on the back. Standing Orders do not permit attachments to petitions, and those pages, therefore, are out of order. I have directed that the pages be removed and the number of signatures be adjusted accordingly.

BILLS (4) - ASSENT

Messages from the Lieutenant-Governor and Deputy of the Governor received and read notifying assent to the following Bills -

1. Western Australian Coastal Shipping Commission Amendment Bill.
2. Loan Bill.
3. Grain Marketing Amendment Bill.
4. Reserves Bill.

MATTER OF PUBLIC INTEREST - VOTE OF NO CONFIDENCE

Minister for Police

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

Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.

That this House has no confidence in the Minister for Police in that he:

1. continues to ignore the need for a royal commission into police corruption despite mounting evidence of its necessity; and
2. fails to acknowledge the crisis in the management and resourcing of the Police Service.

I have some concern with a motion such as this being proposed as a matter of public interest. Few motions in this House are of greater significance than a motion of no confidence which, if agreed to by the House, would result in the resignation of the Minister.

Dr Gallop: It did not happen in Queensland.

The SPEAKER: Order! I formally call the Leader of the Opposition to order for the first time. The abbreviated time available for an MPI is the main difficulty as the arguments on each side must be clearly established and appropriate opportunities made available for debate. Although there is at least one other occasion on which an MPI has been used to move a motion of no confidence, it remains of concern to me. I intend to refer the matter to the Standing Orders and Procedure Committee for its view on whether the MPI procedure should be used in this way. Technically, however, the matter appears to be in order. If at least five members stand in support of the matter being discussed, I will allow it.

[At least five members rose in their places.]

The 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.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.01 pm]: I move the motion.

There is a complete lack of confidence in Western Australia -

Mr Cowan: There is no precedent whatsoever for any Minister in Western Australia resigning his commission based on a no confidence motion.

Dr GALLOP: Is the Deputy Premier agreeing with Mr Borbidge in Queensland?

Mr Cowan: No; I am asking the Leader of the Opposition to tell me when a Minister of the Crown resigned in Western Australia after a censure motion.

Dr GALLOP: I was quoting the Speaker.

A major crisis exists in the Western Australia Police Service today. It seems that the only people who do not see that are members of the Government of Western Australia, particularly the Minister for Police. I have never heard a Minister for Police with such little understanding of his duties under this system of government.

I refer to an interview with the Minister for Police on ABC radio this morning about serious allegations raised on ABC television last night about the Western Australia Police Force. I will give some flavour of this Minister's response. He showed very little interest in the matter.

Mr Day: That is absolute rubbish.

Dr GALLOP: He said on ABC radio this morning that this was an issue for the police and that he should not get involved. Further, he said that the issue of a royal commission was a matter for the Anti-Corruption Commission on which he was awaiting advice. He showed no concern about the allegations made on ABC television last night. He flicked to another agency the issue of whether a royal commission should be held.

The SPEAKER: The member for Joondalup will come to order.

Dr GALLOP: I am sorry but the member for Darling Range is the Minister for Police. He is the link between the Police Service and this Parliament and between the Police Service and Cabinet. If he does not show any interest in his job, he should move on and give it to someone else. He has not expressed concern in this Parliament about what is occurring. It is pretty obvious that he does not express concern about what is going on to Cabinet; it is always someone else's responsibility!

The SPEAKER: The member for Joondalup and the member for Pilbara will come to order. I did not formally call to order the member for Joondalup, but I thought I drew his attention to the need for order. He must have been so busy with his conversation across the Chamber with the member for Pilbara that he did not even hear me. If he wants to have a conversation, he should leave the Chamber.

Dr GALLOP: This Minister has the view that problems in the Police Service are someone else's concern and that a royal commission investigation is a concern for the Anti-Corruption Commission.

Mr Day: I did not say that.

Dr GALLOP: He showed no interest in, no passion for and no commitment to the job he has. I suggest, therefore, that he move on and give it to someone else.

What were the serious allegations on ABC television last night? It was alleged that one retired police officer and two serving officers had forged drivers' licences. The act of forging drivers' licences would not only be a terrible crime in itself but also it could become an instrument for money laundering within our community as people take on false identities. This is probably the most serious allegation ever made about the Police Force in Western Australia and plenty have been made over the past four years. What did the Minister say? He said, "That's a matter for the Anti-Corruption Commission."

Mr Day interjected.

Dr GALLOP: That is exactly what the Minister for Police said this morning on the radio. The attitude of this Government to whether a royal commission should be held into the Police Service in Western Australia has been demonstrated by placing obstacles in the path of that inevitable outcome. I use the word "inevitable" because that is the word Hon Derrick Tomlinson used when referring to this matter last year. The methods the Government has chosen to delay a royal commission have been to shovel it off to a parliamentary inquiry, bring in a new management team, upgrade the Anti-Corruption Commission and appoint a special investigator. All the time the Government has been responding in a political way to a major issue in this State rather than with substance.

The die was cast on this issue the day the Legislative Council Select Committee on Western Australian Police Service tabled its report in the Legislative Council - a report which had a government majority. On that day the Labor Party said there was no doubt that a royal commission was required to examine this issue. The report reads -

The level of corruption within the WAPS is more serious than has been acknowledged.

This comment was made in the light of many statements made along the lines of the "bad apple" theory - that there is only a small number of bad apples.

The Legislative Council specifically refuted the bad apple theory and made a very strong case for the need for an all-encompassing inquiry into the Western Australia Police Service. The Government's response last year was to beef up the Official Corruption Commission into the Anti-Corruption Commission when the Legislative Council had specifically called for a specialist police anti-corruption commission and, failing that, a royal commission. The Government responded to the report by ignoring its central message - the special claim it made about the extent of corruption. Having made that decision, it has not been capable of moving beyond that delaying approach to this issue. It was a political rather than a substantial approach.

The events of the past couple of years are a tragedy for the Police Service in Western Australia in the sense that in order to carry out its job, it must have the full support of the community of Western Australia.

I turn now to the sequence of the allegations about police corruption that have been made in Western Australia in recent years. I note that one week before the allegations were first raised in *The West Australian*, the Police Minister told the Estimates Committee of this Parliament that he was not aware of any widespread drug law enforcement problems in the Police Force.

On 30 May, an article on the front page of *The West Australian* titled "Phone tape leads to raids on police" refers to a series of raids on the homes of drug squad detectives following the taping of a detective who was discussing the carve up of cash seized from a drug dealer. On the next day, 31 May, the police revealed that the Anti-Corruption Commission was part of the investigation into that matter. On 1 June, the Police Minister confirmed that that matter had been referred to the ACC. On 3 June, an article titled "New theft claim hits drug squad" refers to the revelation that police internal affairs are investigating another allegation that drug squad detectives had ripped off cash following a raid on a suburban home.

Those two major allegations were made about police corruption in the Western Australia Police Service. However, the police commissioner, as he has done since he came to Western Australia, specifically rejected calls for a royal commission, saying there was no systemic or endemic corruption in Western Australia. That was the opposite of what the report of the Legislative Council committee said was the case, at least in respect of parts of the force. It said also that this was known by the senior executive of the Police Service.

Mr Baker: What did Wood say?

Dr GALLOP: I am talking about the Legislative Council of this State Parliament. The police commissioner and the Government of Western Australia rejected the findings of the report of that upper House committee, which had on it a coalition majority.

The Government then announced that it would give more money to the Anti-Corruption Commission. That was a clear indication that it was under pressure on the issue of corruption, which it had said was not endemic or systemic in the Western Australia Police Service. On 6 June, an article titled "Anti-graft officer warned of set-up" refers to claims that an internal affairs officer had warned a northern suburbs couple that they could be set up on a heroin charge following their accusation that drug squad detectives had stolen money. The police commissioner responded by saying that the matter had been sent to the Anti-Corruption Commission. The article revealed also that about one-quarter of the drug squad was under investigation.

It was in that context that the ACC announced the appointment of a special investigator to look at the allegations of drug related police corruption. I remind the Government of Western Australia that when this issue first came up during its term of office in Western Australia, its response was to have a Legislative Council committee examine the matter, bring new management into the Police Service, and say that nothing more needed to be done.

When the heat went on in 1996, the Government upgraded the Anti-Corruption Commission by appointing a special investigator. However, that is not enough. The Opposition believes that the constraints placed upon the activities of the Anti-Corruption Commission restrict the way in which it can deal with police corruption.

The Government has not yet learnt the lesson that if the investigation into this matter is delayed, the criminals in our community will have time to cover their tracks. That was the central theme that came out of the Royal Commission into the City of Wanneroo. The counsel assisting that royal commission made it absolutely clear that the problem

with that royal commission was its restricted terms of reference and the delay in setting it up, which meant that memories had become vague and the money trails could not be traced. If the Government delays the investigation into this issue, the only people who will be protected will be the criminals.

Mr Court: Is it right to call a royal commission when the special investigator will report to the ACC and the ACC will have the ability to make a recommendation to the Government?

Dr GALLOP: The Premier should forget about the special investigator. We called for a royal commission when the Legislative Council committee handed down its report in 1996. That is when the Government should have called a royal commission. The approach that the Government has adopted to this issue has been delay and further delay.

The issue will not go away. On 28 August 1997, an article titled "Western Australian police hit by new drug claims" refers to new allegations about Western Australian drug squad detectives who had been attached to the National Crime Authority from 1992 to 1996. Those allegations were serious. On that occasion, the Premier said that those allegations should be left with the Anti-Corruption Commission. When it suits the Government and the Minister to say that matters have been referred to the Anti-Corruption Commission in order to stop debate in the community, they are only too happy to make that information public. However, when other people raise these issues, the Government is very keen to point to the law relating to the secrecy of the Anti-Corruption Commission inquiries in this State. The Government finds it very convenient to ignore the law when it is in a tight spot, but when others publicise these matters, it is only too keen to point out what that law states.

On 22 November, an article in *The West Australian* referred to the relationship between a policewoman and a drug dealer. On 24 November, serious allegations were raised on ABC Radio about the forging of drivers' licences in Western Australia. The matter keeps coming to the surface all the time. It was evident from the report of the Legislative Council committee, but the Government did not want to respond, as was the case with Governments in many jurisdictions. Western Australia is no different from those other jurisdictions, as a former New South Wales parliamentarian put it so aptly when he commented on this issue in Western Australia recently. The responses of the Western Australian Government are no different. The nature of the situation is no different. All we are doing is delaying a process that is needed in Western Australia.

Why is it needed? This Government has approached this issue in two ways. Firstly, inquiries into specific cases that have been raised have been sent to the Anti-Corruption Commission. Secondly, those inquiries have been conducted in secret. The reason that we need a royal commission is that this approach to this issue is inadequate. When we are dealing with a major issue such as the claim by the Legislative Council committee that there is systemic corruption in this State, we need to get to the big picture. We need to have an inquiry with wide ranging terms of reference. Although the Anti-Corruption Commission will examine individual cases, it is not in a position to look at the wide ranging issue of police corruption.

It has been demonstrated in all jurisdictions that we should have a big picture inquiry. It has been demonstrated also that we should have an open inquiry. People must know that an inquiry is being conducted so that they can take any issues to it and have them examined properly. Justice must be done and must be seen to be done. There must be publicity about the inquiry so that people will have the knowledge about and the confidence to go to that inquiry. With the exception of what the Government of Western Australia and its various agencies have told us about which matters have gone to the Anti-Corruption Commission, how will people know about its inquiries? How will they know that they have evidence relating to those issues? Under the secrecy provisions in the Anti-Corruption Commission Act, they cannot do it.

Mr Day: Every allegation of corruption goes to the commission. That is a requirement of the Act.

Dr GALLOP: It is very interesting that the Minister should use that very lame defence of his deliberate flouting of the law on this matter, to suit his purpose when the heat was on in respect of a couple of issues relating to the drug squad. I wonder what the Minister will say about other people, such as the media, who raise such issues. I will be very interested in his view of the media's canvassing of these issues. We need the big picture inquiry. It must have wide ranging terms of reference, and it must be an open and public inquiry. That is absolutely clear to anyone who considers the issue.

If the Government wants to see a continuation of regular headlines in the newspapers and programs on television stations that undermine the confidence of the Western Australian people in the integrity of the Police Service, the Minister should continue this strategy. However, he should not tell us that we are undermining the integrity of the Police Service. That integrity will receive the status it deserves by the setting up of a wide ranging inquiry on a royal commission basis. It should be an inquiry with wide terms of reference, undertaken publicly and openly, which can come to grips with the issues raised in this State in recent years, an inquiry that will once and for all come to grips with this major problem.

We have seen the light on this issue. Has the Government seen the light; and, if not, why not? Why is the Government continually delaying - in the words of Hon Derrick Tomlinson - the inevitable; that is, a royal commission into the Police Service in this State?

MRS ROBERTS (Midland) [3.22 pm]: This is a very serious motion, and the Leader of the Opposition did not move it lightly. Our two strong reasons for demanding a royal commission into the Police Service are, firstly, the allegations of corruption and various investigations, referred to by the Leader of the Opposition, and, secondly, the complete failure to acknowledge the crisis in management and resourcing of the Police Service. Both those factors serve to undermine public confidence in the Police Service. This motion is all about a total lack of leadership and direction by the Minister for Police. He has failed to represent community concerns in this House and outside it.

Mr Day: Do you extend those comments to the Commissioner of Police as well?

Mrs ROBERTS: We are not attempting to destroy the Police Service. We want the service to be built up to a standard which the public can respect, so that we can be sure of the integrity of police officers. The vast majority of police officers in this State are honest and hardworking. They are very tired of officers who are involved in corrupt activities getting away with it. When investigations into serious matters, such as the one witnessed on ABC television last night, are brought into the media, it is of concern to the many hardworking and honest officers. They were serious allegations. It would be serious enough if police officers were being investigated for fabricating drivers' licences for people who lost their licences for various reasons; however, as the Leader of the Opposition pointed out, sometimes people seek false drivers' licences to enable them to open false bank accounts and seek other services to assist them in money laundering activities and others relating to drug dealing.

Every week, I bring to this Parliament matters of concern relating to the Police Service. Every week I am told that the Minister for Police is unaware of those concerns. What rock does the Minister hide under? I find it more than passing strange that people beat a path to my door to tell me about their concerns about the level of policing in this State. Community members in general tell me that the police officers with whom they have dealings when their inquiries are responded to are very good police officers, but that those officers are overworked, and that, unfortunately, especially in the evenings, insufficient police are on duty to respond in a timely manner to those concerns.

Every week in this Parliament I put questions to the Minister for Police, which he is unable to answer. Last week, for example, I asked about the department's budget situation - whether it was in deficit and queried the current situation. The Minister for Health can answer questions on his department's budget situation, and the Minister for Education can make sensible comments about his department's budget. Yet the Minister for Police, when asked questions, sat down very quickly after saying something along the lines that no concerns had been raised with him, and that he would check with the Commissioner of Police.

Mr Day: I said they were doing everything to operate within that budget; that is, to achieve a zero deficit.

Mrs ROBERTS: The Minister did not refer to a zero deficit. It was a glib line. The Minister gave no indication that he knew about the budget position. The Minister for Police now knows a lot about the police situation in Manjimup. Last week he knew very little. Last week I raised matters relating to the Kimberley. I asked also about who paid the cost of police officers travelling to the city as police witnesses, and whether it was paid for out of the country region or central funding. I asked the Minister the same funding question relating to officers attending police training courses. The Minister said that he would try to find out the answers to the questions. The Minister is not on top of his portfolio.

The week before, I asked the Minister what was happening about the allegations made by Frank Scott and that investigation. I am advised that the investigation is complete, but the Minister is unable to tell us whether it is complete, or whether it will be a report that can be tabled in this House. We await an answer from the Minister in that regard.

I also asked whether shift allowances were being blown out, and whether officers were being taken off night shifts and evening shifts to be put on day shifts. The Minister found that highly surprising or fanciful - or one of his other favourite phrases. However, I have documentary evidence of a note to officers in stations in the Mirrabooka region which indicates that at this time they were on target and would be \$160 000 over budget for shift allowances. We are yet to hear from the Minister about that.

Earlier this year I asked the Minister about the budgets for various squads, including the drug squad. He would not tell us anything about that; yet the Commissioner of Police eventually said that the drug squad's operational allocation, excluding salaries, had been reduced from \$381 000 to \$329 000. The Minister tried to cover up by saying that overall there had been an increase, because he was taking into account the 17 per cent enterprise bargaining figure. I was asking the Minister about the operational budgets - the very questions the Minister has not

been answering, and for very good reason. The Minister could not possibly be totally unaware for all of this time. He just does not want to provide this information to Parliament. He is not being open and accountable to the people of Western Australia who have some very real questions about the level of police service in this State. Week after week, the Minister glibly says that more money has been thrown at the police; that they have received more money in the past five years, and more particularly last year!

Where is it falling down? Why do we have evidence of all these problems? Why did we learn from a Perth district office meeting that 157 shifts per week will be cancelled in that district to meet the shift allowance budget? Why are police cars garaged at Broome? Why are traffic duties virtually non-existent in the Kimberley? Why do we not have enough police officers and vans to cover Northbridge and the city? Why are there sometimes as few as five or six officers available at the East Perth lockup when the black deaths in custody report recommended that 13 officers be on duty? Every week I raise similar matters of extreme concern in the Police Service highlighting where the budget is not adding up.

Last week the Ombudsman's report reflected adversely on the Delta program. Rather than all the investigations being dealt with by the internal affairs unit, they are being referred back to the originating district. The Ombudsman also expressed concern about the blow-out in the time taken to conduct investigations.

The Minister has been unable to answer a very simple question: How can the level and standard of policing be declining across the State when he maintains that the police budget has never been bigger? The time has come for the Minister to give this House and the public some answers.

MR COURT (Nedlands - Premier) [3.32 pm]: The Government strongly opposes this motion. The Opposition cannot be taking this matter too seriously if it moves a vote of no confidence in which the Leader of the Opposition states that the Minister lacks passion in the performance of his job. I have seen a lack of passion today: The Deputy Leader of the Opposition slept the whole way through the leader's speech. He woke up at one point briefly, listened for a little while and went back to sleep. That is the level of commitment of members opposite!

The other thing I find amazing is that members opposite seem to rule out the Anti-Corruption Commission. They think it is irrelevant in this whole exercise. They then talk about resources going to the Police Service. I have never seen a Police Service in this country so starved of funds as the one the Government inherited when it came into office in 1993. Not only was it starved of funds; it also had appalling management structures. It is 1997 and the police have proper facilities, proper buildings to work from, and the electronic equipment they need. If members opposite run around continually knocking the Police Service, as they have today, they will undermine confidence - they do so every time they knock it.

Members opposite know that, if there is evidence of corruption in the Police Service, it must be reported. If they want to be responsible citizens, they should report it.

Dr Gallop: We have heard this rubbish.

Mr COURT: The leader cannot have it both ways: He cannot have a powerful, well funded Anti-Corruption Commission and then say it is rubbish.

Let us get the facts straight. All allegations of police corruption are referred to the Anti-Corruption Commission under its 1988 Act. It is ironic that today we have a report from the Anti-Corruption Commission in which the chairman states -

In June 1997, the ACC, in exercise of its new powers, appointed Mr Geoffrey Miller QC as a Special Investigator to examine certain allegations of police corruption. This investigation is continuing. The report of the Special Investigator is expected before the end of 1997.

That is only a month away. The chairman continues -

After consideration of the report, the ACC will decide whether any part of it should be made public.

As members know, the Anti-Corruption Commission now has the power to appoint a special investigator with the powers of a royal commissioner. That is what has happened with that appointment. If the ACC is of the view that a royal commission is warranted, it has the authority to recommend that to the Government. I have said previously that if the ACC makes such a recommendation, it will be accepted by this Government.

I suggest that members read this ACC report. It expresses concern about unsupported allegations. The report states -

It should be noted that the Commission is concerned about the increasing number of allegations which amount solely to assertions by complainants about corruption, but which are unsupported by any tangible evidence. Similarly, allegations involving events of up to 40 years ago often face serious evidentiary

problems due to the effluxion of time. The Commission will generally be unable to assist complainants unless they can provide objective facts in support of their allegations.

A report on television last night dealt with activities involving police officers. Wherever there is evidence, it is forwarded to the proper authorities and anyone involved in any wrongdoing should have the book thrown at him.

Running a Police Service is a difficult job. I believe that in this State we get outstanding leadership, not only from the Police Commissioner and the Police Minister but also from the assistant commissioners and the management team being developed within the service. That structure will guarantee that we have a service of which all Western Australians can be extremely proud.

Members opposite talked about budgets. Since this Government has been in power, the Police budget has increased from \$240m to \$400m. Members opposite should not come into this place and say that this Government has not been prepared to commit the dollars. It is not simply about dollars. For the first time we have a decent management structure in that organisation. We have a Police Commissioner and a team that now come to the Government and present their plans for organising the service for years into the future so that we have an even more efficient operation. No-one in the Police Service has been critical; to the contrary, they have said that they appreciate the support this Government has given to the service. That was conveyed to me and the Deputy Premier at a meeting on Monday this week.

Corruption in the Police Service is a very serious matter. We have professional people and a very well resourced body in the ACC, which has the ability to investigate any allegations and evidence about corruption. As I have said on many occasions, it is critical that evidence be brought forward. If people have done wrong, they must have the book thrown at them.

The Leader of the Opposition knows only too well the resourcing situation, and the genuine efforts made by the ACC in this area, yet he continues to knock. That does not help the Police Service one bit. Many of the allegations mentioned by the Leader of the Opposition, such as what was happening down at Manjimup, turned out to be fabrications, and that does not help the situation one bit. The Government totally rejects this matter of public interest and motion of no confidence.

MR PENDAL (South Perth) [3.40 pm]: I make a brief contribution to the debate, as that is the only contribution which Independents can make on such motions. I cannot support the words included in the preamble of the motion of no confidence in the Minister, although I agree with the substance of paragraphs (2) and (3). Therefore, about four and a half minutes into my address, I will move an amendment which reflects the predicament I face.

There may well be the need for a royal commission into the Police Service. Indeed, I am on record as saying that, in the end, such a commission probably is inevitable, and that I would support such a body. However, it would be judicious of us to await the outcome of the report by Geoffrey Miller, QC, which will indicate the position the Government should take. That is all I want to say about paragraph (1).

Paragraph (2) is the nub of my concerns. Although I am not prepared to vote in favour of a motion of no confidence in the Minister, my amendment seeks to tone down that expression in the preamble, and particularly to focus on part (2) of the motion; that is, that the Minister fails to acknowledge the crisis in the management and resourcing of the Police Service. I now give members two brief examples, and make one reference to the Premier's remark, relating to the level of police resourcing since the Government took office.

Some months ago, I asked the question that I have asked in this and a previous place for six or seven years; namely, I sought information on the number of home burglaries in a particular police district. That answer establishes one set of facts. However, the follow up question was an attempt to determine how many of those burglaries had been solved or cleared. That information has always been passed on to the Parliament by previous Ministers for Police, yet the current Minister denied me that information. When the Minister realised that that was the case, he invited me to put the question on the Notice Paper. Nevertheless, that question remains unanswered. When members of Parliament do not know the outcome of those resourcing issues, and the way they impact on their electorates, they are left in the dark, and I am not prepared to accept that situation.

I gave notice of a question eight days ago on police pistol and firearms practice. I am led to believe that as of August this year, 60 per cent of police officers were behind in their proficiency levels in that area. Such lack of training has serious consequences for the civil and criminal liability of police officers, yet eight days later those answers are still to be provided to Parliament. The implication of the situation is that resources are so tight that ammunition is not available to enable policemen to undertake firearms practice.

Amendment to Motion

Mr PENDAL: Therefore, I move -

To delete the words "has no confidence in" and "in that he", and insert after the word "House" the words "express concern that".

MR DAY (Darling Range - Minister for Police) [3.46 pm]: We have seen today another unfortunate, yet typical, knee-jerk reaction from the Opposition. Some serious allegations were made involving two serving police officers and one former police officer, and the Opposition, in typical knee-jerk reaction, and in parrot fashion, calls for a royal commission in exactly the same manner it did earlier in the year.

Dr Gallop: In 1993 and 1995 you said we needed no further inquiry.

Mr DAY: We have always said that we needed an appropriate body to investigate matters in a thorough manner.

The serious allegations are of concern to all members of the community, to the Government and to me. All public indications, and those given privately to me, indicate that these matters are being investigated in a thorough and comprehensive manner. However, the Opposition enters Parliament with a view to do nothing but score a few cheap political points as it has no interest in making any constructive contribution on how the Police Service should operate, how it should be constructed and how it should do its job better for Western Australia. Also, the Opposition makes no acknowledgment of the very good work being done, as the Premier said, by many thousands of police officers from one end of the State to the other.

I agree that the allegations are of concern, and that it is important that they be thoroughly investigated. That is happening. The community has a right to expect that its Police Service is free of corruption and that its officers act in the best interests of the community.

I will not comment on the accuracy of the allegations, as that is the job of the appropriate authorities to investigate, to make judgment, and, if they consider it necessary, to charge the appropriate people so they can answer for their actions in a court of law.

Mrs Roberts: What do you consider your job to be?

Mr DAY: The member for Midland is suggesting that I, as Minister, should get involved in investigating these allegations in a direct manner. That is the implication of her question.

Dr Gallop: You should develop an independent judgment on the state of the Western Australia Police Service, and take that judgment to your Cabinet colleagues. We have an independent judgment on this issue - you have not. You show no interest in the matter. You want to leave it to someone else.

Mr DAY: That is demonstrably not the case. I have a very strong interest in these matters, and it is my role to ensure that they are investigated thoroughly. Unlike the member for Midland and the Leader of the Opposition, I have confidence in the system.

Mr Ripper interjected.

Mr DAY: I have told the member for Pilbara how many police officers are in the northern part of the State.

Mrs Roberts: You have not told him the station-by-station figure, as was done by the former Minister, the member for Wagin.

Mr DAY: Why does the member not come up with an original thought for a change?

These are serious allegations. If there is any corrupt behaviour, and evidence that police officers, or anyone else, have acted in a corrupt manner, those people should appear in a court of law. It is important to alleviate the current concerns for the sake of the community and the sake of justice not only being done, but also being seen to be done.

The Government certainly is determined to ensure that these matters are fully and thoroughly investigated. It is not a matter of whether they will be investigated, but how they will be investigated. Legislation passed through Parliament in 1996 to establish the Anti-Corruption Commission precisely for this purpose.

Dr Gallop: Why did it not happen in 1993 or 1995?

Mr DAY: We are living in the present; the Opposition lives in the past.

The Anti-Corruption Commission has the responsibility of investigating these matters. Legislation to provide for that was passed last year with the support of the Opposition. I have no doubt the matters are being investigated thoroughly by a range of people. It is worth noting what the Wood royal commission in New South Wales recommended about endemic and systemic corruption in New South Wales. Two essential themes were recommended by the Wood royal commission for change in New South Wales. The first was that an independent

investigative body with coercive powers be established. That is exactly what has been established in Western Australia with the Anti-Corruption Commission. Second, it recommended that there be a substantial change within the Police Service; that there be a complete transformation of ideas of philosophy of management and of structure and accountability. To a large extent that is what has been done in Western Australia and what is continuing to be done under Commissioner Bob Falconer. The Delta program in Western Australia has brought forward substantial and positive change.

Mr Pental interjected.

Mr DAY: Does the member for South Perth consider that the only yardstick for whether the Police Service is successful is whether it is dealing with burglaries?

Mr Pental: That is one of them.

Mr DAY: I suggest there are many other yardsticks by which a Police Service should be judged. The Western Australia Police Service is increasingly responsive to concerns from the public. There is far more communication with the public than occurred in the past, including communication about allegations of corruption, illegality or wrongdoing by officers. The Police Service is more flexible and it has given its superintendents and officers in charge the power and ability to deal with local problems on a more effective local basis. Substantial management changes have been made to the Western Australia Police Service, as was recommended by the Wood royal commission in New South Wales. Rather than the system not working, all the evidence indicates that these changes are having a positive effect in Western Australia and that the system is working much better than it did in the past. Officers are being investigated and, where appropriate, are being charged. An officer was dismissed from the Police Service recently. That is by no means a new event. That happens as is necessary and it will no doubt happen in the future.

I return to the calls for a royal commission. As the Premier said, the Anti-Corruption Commission has the ability and, I suggest, the responsibility to recommend to government if a royal commission is necessary. If that advice is given, that advice will be accepted. Prior to that stage being reached, the Anti-Corruption Commission has the ability to appoint a special investigator, which it has done, with all the powers of a royal commission. That is exactly what is occurring at the moment.

I refer members to what independent commentators have had to say about whether a royal commission into the Police Service in Western Australia should be established.

Dr Gallop: We've heard those.

Mr DAY: The Leader of the Opposition might have heard them, but the truth of them -

Dr Gallop: Are any of those people employed by the Western Australia Police Service on a consultancy basis?

Mr DAY: Not to my knowledge at present. I have no doubt that a range of people have provided advice to the Police Service in Western Australia, as well as to other Australian police services. Let us consider what Professor Timothy Rohl, the Director of the Australian Institute of Police Management and of the Australian Graduate School of Police Management at Charles Sturt University had to say about whether this State should have such a royal commission. In a letter addressed to the Premier he states -

For many members of the public, calls for a Royal Commission from various people who seem well informed, must make some sense or at least create some doubt in their minds as to whether or not there should be one. I understand their concerns and would be the first to support this view if I believed that the citizens of Western Australia would benefit from a Royal Commission into their police service at this time.

But I do not for the following reasons:

Mr Marlborough: What is the date of that letter?

Mr DAY: It is dated 9 June 1997. The situation has not changed since then.

Mrs Roberts: Will you answer something for me?

Mr DAY: I will answer when I have educated the member with some of this information. The letter continues -

There is a mistaken and somewhat naive assumption, that Royal Commissions automatically 'fix' problems in police organisations. The evidence does not support this belief. The history of policing in Australia has been documented by Royal Commissions, Inquiries and Reports. If they had been successful in fixing problems, subsequent Commissions and Reports would not have been necessary.

Mr Marlborough: So, we don't have to call royal commissions?

Mr DAY: Who has ever said that?

Mr Marlborough: Is that what you are saying?

Mr DAY: Of course not.

Mr Marlborough: What is your intent? What are you saying?

Mr DAY: I have already commented on that subject. The member should have listened a little earlier. The letter continues -

The public is often left with a considerable sense of disappointment after Royal Commissions. They expect a raft of prosecutions which rarely occur. They didn't occur after the Fitzgerald Inquiry in Queensland and there is already concern that there will be fewer than might otherwise have been expected in New South Wales following the Wood Royal Commission into the New South Wales Police Service.

Dr Gallop: Do you agree that the decision of the Queensland Government to set up the Fitzgerald royal commission and the New South Wales Government's decision to set up the Wood royal commission were correct decisions?

Mr DAY: Yes, in the absence of an appropriate alternative body to investigate the serious allegations of corruption and concern in those States at that time.

Dr Gallop: My friend, the Independent Commission Against Corruption was in place.

Mr DAY: It was not the same organisation as the ACC. I refer members to what two other commentators had to say on this matter. I refer members first to a letter to me from Mr Alex Marnoch, a former senior officer of the Metropolitan Police Service in London.

Dr Gallop: London! He knows a lot about WA!

Mr DAY: He does. He has visited this State and has examined what is going on. He had made specific comment.

Dr Gallop: How much was he paid?

Mr DAY: I am not aware of his being paid anything. He states in his letter -

I am aware of the current pressure on you in relation to serious allegations made against members of the Drug Squad. They are indeed serious and must be thoroughly and vigorously investigated by the Independent ACC so that justice is not only done but is seen to be done. The ACC will be able to do that speedily.

I expect the Anti-Corruption Commission to conclude its investigation into certain matters by the middle of December and to make an appropriate report at that time.

Dr Gallop: Does it bother you that these very same arguments were used by your Government before the ACC came into place?

Mr DAY: I am concerned to ensure that these matters are investigated appropriately and effectively so that people who have been acting with criminal intent or acting illegally are charged and must account for their actions in a court of law. Royal commissions are not particularly effective at achieving that. The letter continues, as I was saying, -

A Royal Commission would take too long and from experience elsewhere would lose its way. Two things I have observed about your Royal Commissions are the absence of any long term impact (Deaths of Aborigines, Fitzgerald to name but two examples) and also how they soon become a means for the guilty to get away with past crimes on promise of giving evidence. To a person brought up within the English Justice system that is abhorrent.

I agree entirely with that sentiment. The letter continues -

DELTA has achieved a lot and is capable of achieving a lot more. A Royal Commission would not only destroy that, it would put your state back years and just at a time when you are in the forefront of policing, setting an example for others to follow.

Mr Marlborough: How can the Delta program work without money? You are not resourcing it properly.

Mr DAY: As usual, the member for Peel does not want to face up to the facts. He has only to look at the budget papers to see that resourcing to the Police Service is close to \$400m. In his Government's last year in office it was \$240m - a paltry amount. There has been an increase of 62 per cent over the coalition's term of government.

Mrs Roberts: Who's living in the past now?

Mr DAY: I am talking about the present. The letter continues -

You have the independent ACC with its senior investigator. They deserve a chance to speedily investigate and bring to justice those against whom there is evidence.

Let us look at what a local has to say. Dr Irene Froyland is the Director of the Centre for Police Research at Edith Cowan University. She is somebody whom the Opposition obviously rejects out of hand. She makes the point that one way to achieve the goals to which she has referred is to establish a royal commission.

Mr Marlborough: Will the Minister table all the letters he is quoting from?

Mr DAY: I am happy to do that. Dr Froyland continues -

In my view a Royal Commission is a costly, cumbersome, slow and destructive start to reform. Sometimes it is the only way, but the costs, in both the short and the long term, are major.

The considerations of a Royal Commission can be slow. The Wood Royal Commission was three years from establishment to report publication.

They can be very costly in both time and money and in the end produce a series of recommendations that often need considerable work before application.

Dr Gallop: So the Minister does not think they should have set up the Wood royal commission?

Mr DAY: I am talking about what is appropriate for Western Australia. Dr Froyland continues -

As a conservative estimate, it might be five years from the establishment of a Royal Commission to the successful implementation of most of its recommendations.

A Royal Commission, of itself, does not produce the information necessary for successful prosecutions, it does not inspire an organisation to change and it can lead to the loss of effective and innocent officers.

The fact is that a lot of good work is being done by police officers in Western Australia.

Mrs Roberts: Will the Minister table those letters now?

Mr DAY: I will table them at the end of my comments. Let us look at some of the comments I have received in recent times. I have a letter from a resident in the Midland area. I will not give his name as the Opposition will probably target him.

Withdrawal of Remark

Dr GALLOP: Mr Deputy Speaker, I request that you ask the Minister to withdraw that comment. It was an insult to all members on this side of the House.

Mr DAY: I am happy to withdraw that comment.

Debate Resumed

Mr DAY: The letter reads -

I wish to express my appreciation for the efforts and involvement of the local police in the Midland area. Midland unfortunately is not free of crime and unsociable behaviour. I am sure we even have problems that are not as common in other areas.

I am thankful that our local police are aware of these problems and are working towards keeping them to a limit, if not preventing them from happening in the first instance.

Trouble spots are well patrolled and I believe the Police presence is very positive. I have seen foot, cycle, vehicle and horse patrols through Midland, and mobile Police caravans.

The Police in general receive bad reviews from the media and the public from time to time. As a local resident I think it is only fair that credit is given when credit is due.

I could quote a number of other letters in which people expressed substantial support and appreciation for the work that is being done by police officers, not the least of which is a letter from the Shire of Toodyay which expresses appreciation for the additional police who have recently been appointed.

The member for Midland referred to a number of questions that she asked me during question time and for which I did not have detailed information in my head at the time. No reasonable person would have expected me to have that information. I have followed up those questions and I have answers to all the matters which she has raised in here. I will not spend time going through all of them.

The member for Midland asked about the Scott report. I am advised that the assistant commissioner for professional standards has advised that the report from Operation Tartan, which refers to the Scott allegations, has been finalised and will be forwarded to me in the near future. Included in the report is a recommendation that I as Minister seek legal advice from the Solicitor General regarding the report's being tabled in Parliament. That matter will be treated seriously and will be followed up.

We have seen today another very empty argument from the Opposition which fails to give due recognition to the substantial support given by this Government to the Police Service and the substantial good work which is being done by many thousands of police officers throughout Western Australia.

Point of Order

Mrs ROBERTS: We asked if the Minister was prepared to table those papers. He indicated he would table the lot at the end of his speech and so far he has failed to do so.

Several members interjected.

Mrs ROBERTS: We have a right to ask for those papers to be tabled. The Minister said on two occasions during his speech that he would table them. The time for him to table them is at the end of his speech, as he acknowledged.

The DEPUTY SPEAKER: Order! The time for the Minister to table them is when an attendant arrives to take them from him. At this stage nobody has arrived. I ask the Minister that when the attendant arrives he table those documents.

Mr DAY: I am happy to table the papers.

[See papers Nos 963A-C.]

Debate Resumed

MR BAKER (Joondalup) [4 04 pm]: I speak in opposition to the amendment and to the motion proper. The motion clearly is a cheap political point scoring exercise. What is the difference between conducting a royal commission in this State and the existing status quo in terms of the ACC and its powers? Essentially, there is no difference - zilch.

The powers of a special investigator under the Anti-Corruption Commission Act are essentially the same as those of a royal commissioner. They are coercive and powerful powers. Why does the Opposition continue with these allegations? Members opposite are out to score political points. There is no other reason.

If members opposite were genuine they would ensure that each and every allegation that is referred to them was not hung out to dry in this Chamber but was referred directly to the Anti-Corruption Commission. Of course, members opposite have not followed that course of action - which is the proper course of action to follow. Members opposite should not take that just from me, they can take it from the report of the Anti-Corruption Commission for the current financial year. On page 1 of the report the chairman, Mr Terry O'Connor QC, says that the community can be assured that the ACC does have the power and the determination to fight official corruption wherever it occurs and that will require the community to provide the commission with information upon which to act.

The commission does not want baseless, groundless allegations. It wants allegations plus evidence. Anyone can vent allegations. The Opposition should be producing allegations and evidence to the commission. That is what members opposite have failed to do.

I describe their handling of this issue as the "drip feed". If it is the case that members opposite have a bank of allegations against police they should release them all now, rather than drip feeding them to the media or to this place. If members opposite are sincere they will release all their allegations immediately; they will not sit on them. If members opposite are genuinely concerned they will refer their concerns immediately and directly to the proper authority and the proper person, that is the Anti-Corruption Commission and its special investigator. It is as simple as that.

MR COWAN (Merredin - Deputy Premier) [4.07 pm]: Notwithstanding the very disturbing remarks made by Mr Speaker with respect to the original wording of this motion I wish the House to understand that the Government will be supporting neither the amendment nor the original motion.

Dr Gallop: Are you disputing the Speaker's ruling?

Mr COWAN: I would like to see a precedent that indicates the decision upon which the Speaker based his judgment. Amendment put and negatived.

Motion Resumed

Question put and a division taken with the following result -

Ayes 16

Ms Anwyl
Mr Brown
Mr Carpenter
Dr Edwards
Dr Gallop
Mr Graham

Mr Kobelke
Mr Marlborough
Mr McGinty
Mr McGowan
Ms McHale

Mr Ripper
Mrs Roberts
Mr Thomas
Ms Warnock
Mr Cunningham (*Teller*)

Noes (28)

Mr Ainsworth
Mr Baker
Mr Barnett
Mr Barron-Sullivan
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes

Dr Hames
Mrs Hodson-Thomas
Mr House
Mr Kierath
Mr MacLean
Mr Masters
Mr McNee
Mr Minson
Mr Nicholls

Mr Omodei
Mr Pandal
Mr Prince
Mr Sweetman
Mr Trenorden
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Osborne (*Teller*)

Pairs

Mr Grill
Mr Riebeling

Mr Board
Dr Turnbull

Question thus negatived.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Second Reading

MR SHAVE (Alfred Cove - Minister for Fair Trading) [4.18 pm]: I move -

That the Bill be now read a second time.

This Bill amends the Real Estate and Business Agents Act 1978. The Government is committed to making the marketplace fairer and more competitive. It recognises that the removal of unnecessary regulations is consistent with this aim. However, it also recognises that adequate protection measures must be available to the community.

The aim of this Bill is to provide effective public protection and dispute resolution processes, in relation to fees charged in the real estate and business agents industry. The Real Estate and Business Agents Supervisory Board presently has no power to order restitution, if a party suffers a loss as a result of unjust action by a real estate agent, business agent or sales representative when negotiating, setting or charging fees. This Bill provides the board with this power by enabling it to make orders for the full or partial refund of fees, where it is found that an agent or sales representative has acted unjustly in all the circumstances. An offence for such conduct is created.

The Bill also includes a number of specific measures to improve the services the board can offer to the public. These amendments will give board staff, other than the registrar or inspectors involved in investigating breaches of the Act, power to conciliate disputes between real estate and business agents and their clients in relation to transactions. This move is likely to result in fewer consumers being placed in a situation where they have no alternative but to take civil action, if they wish to pursue a complaint against an agent.

The board will also be empowered to establish advisory committees for the purpose of obtaining expert advice in relation to such matters as, but not limited to, fee charging. This provision will address concerns by industry, small business and consumers that the board may not always possess the relevant expertise required to make a decision where specialised knowledge is required.

The Act was last amended in 1995 by the Real Estate Legislation Amendment Act, which came into effect on 1 July 1996. That amendment Act allowed for the deregulation of real estate and business agents' fees, by removing the statutory requirement for the board to fix maximum amounts of remuneration for services rendered by agents.

The second reading speech on the 1995 amendment Bill indicated the fees would be deregulated progressively. The speech also indicated that the fees for residential sales transactions would remain regulated for the time being. However, following requests from some sections of the industry and subsequent consultation with other key industry stakeholders, it was determined that the community would benefit overall if all real estate and business agents' fees were deregulated at the same time. Stakeholders also advised that a means of resolving disputes should be available in the event that parties disagree on a fee charging matter. This position is consistent with the Government's views. Currently, irrespective of the nature and extent of services offered, agents cannot charge above the maximum permitted level. Such a restriction is clearly anticompetitive and not in the best interests of the parties. In some instances a client may be keen to receive the additional services which an agent could offer, and is willing to pay an additional amount in exchange for those services.

The provisions in this Bill make it feasible to remove all maximum fee schedules for real estate transactions, by creating an avenue through which members of the public can obtain redress where they are unjustly treated in relation to fees. Upon enactment of this legislation, it is therefore my intention to ask the board to remove all fee schedules. Removal of the fee schedules is consistent with this Government's commitment to national competition policy. Such a move will allow agents to be more competitive by offering a range of services tailored to the needs of particular clients. Consultations with interested parties have also shown that there is general support for the board being given increased powers in relation to the industry it regulates. Industry itself has supported the concept of a forum for clients dealing with complaints about fee charging matters.

This Bill has been drafted to give the board the powers it requires to deal effectively with both the disciplinary and redress aspects of fee charging disputes, for licensed or registered industry participants. It is important to note that these new powers will allow the board to order restitution not only to a party who has contracted directly with an agent, but also to another party who has been adversely affected by a contract in which an agent has behaved unjustly in a fee charging matter.

The board's ability to order restitution will not be limited to contracts for the sale and purchase of land. This is important as it means that commercial tenants who normally pay rent and other charges levied as a result of an agreement between agent and owner, will be able to ask the board to order restitution where the agent has been found to have engaged in unjust conduct in setting, negotiating or charging a fee for the service provided.

It should not be assumed that because the Government is putting these measures in place it expects there to be a large number of instances of agents setting, negotiating or charging fees unjustly. In fact interstate experience indicates that this is by no means the situation. As members may be aware fees for residential sales transactions were deregulated in New South Wales and Victoria in 1993 and 1995 respectively. Advice received by the Ministry of Fair Trading indicates there has been no significant variation in the number of complaints made in those States about fee charging matters. Advice also indicates this is the experience in other Australian jurisdictions.

It should be noted that no other jurisdiction now regulates commercial real estate and business agent transaction fees, and only Queensland sets maximum remuneration levels for residential transactions. I stress therefore that these measures are preventive and protective. I do not expect the business of the board to increase in any significant way as a result of these amendments.

I emphasise that this Bill is not, as has been suggested, a reregulation measure. It is designed to protect only those people who, for whatever reason, may be taken advantage of by an unscrupulous agent. Because the majority of agents are decent and hardworking people, I do not expect that this will happen often.

In general I believe that in a free market, it is the individual's responsibility to make the necessary inquiries to enable agents to decide what is a reasonable fee for the services required. However, I want to make sure that all individuals in our community are adequately protected should an agent act unjustly in negotiating, setting or charging fees.

Clause 14(1) of the Bill uses the term "unjust in the circumstances". It has been drafted in this manner to directly relate to those rare situations in which a real estate or business agent or a sales representative does, in all of the circumstances, act unjustly in relation to fee charging matters.

The term "unjust" has not been specifically defined, to ensure its meaning is not limited. This effectively means that all the circumstances of the setting, negotiating or charging of the fee are taken into account. This includes questions of whether undue influence, unfair pressure or unfair tactics were used.

I am satisfied by ministry and board advice that the board will be able to determine whether an agent's conduct was

unjust in the circumstances. If it has to make such decisions, these will form precedents which will allow for consistency in judgments of this type.

The board was consulted during the drafting of this legislation, and the key features of the Bill have been explained to industry stakeholders including agents, small business, consumer groups and other interested parties.

Some sections of the industry have already been active in educating their members about the new market environment and obligations which will operate. The efforts of industry in this regard will be supported once the Bill is enacted, through a major educational initiative by the board and the Ministry of Fair Trading. The initiative will explain to the community in general, and specifically to consumers and persons involved in small business, their rights and responsibilities.

I also draw attention to the fact that in drafting this Bill, we have taken the opportunity to make a number of small amendments. These amendments will clarify the requirements on agents and sales representatives and therefore reinforce the protection that consumers require and expect.

Legal opinion has brought into question the power of the board to refuse the renewal of a triennial certificate or a registration, when the holder of the certificate or registration is no longer fit and proper. Accordingly, an amendment to make it clear that the board has this power is included. It is already current practice for the board and the registrar to issue or renew licences, triennial certificates or registrations without a formal proceeding when there is no contention. The Bill formalises this practice.

For agents who are entitled under section 61(4) of the Act to receive remuneration only "on settlement of the transaction", it is essential that this point in the transaction be clearly defined and identified. At the request of industry we have inserted a definition of "settlement" in relation to a transaction.

This Bill, with its aim of providing for public protection in the event that a real estate or business agent acts unjustly in negotiating, setting or charging a fee, demonstrates that the Government is intent on balancing the need to remove anticompetitive practices with a commitment to ensuring that all individuals in our society are protected. I am sure that this measure will therefore be welcomed by those who believe in a free market, and by those who are concerned to ensure that the community is adequately protected. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ROAD TRAFFIC AMENDMENT BILL

Second Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [4.26 pm]: I move -

That the Bill be now read a second time.

Members will recall that recent amendments to the Road Traffic Act replaced the Traffic Board of Western Australia with the Road Safety Council, and in February of this year the Office of Road Safety was established to coordinate the State's efforts to reduce the road toll.

I need hardly remind members that last year was the worst on Western Australian roads for 15 years: Nearly 250 people were killed and about 2 500 were seriously injured. The financial cost to the community was in the order of \$1.2b, while the grief caused to the families of those killed was immeasurable. Unless our road safety record improves, over the next five years one family in two in Western Australia will be directly affected by the trauma of a road crash, and more than one family in 12 will have a family member injured.

The establishment of the Road Safety Council has heralded a new era of strategic planning and coordination of efforts to address road trauma in Western Australia. In consultation with all relevant road safety agencies, industry and community groups, a comprehensive five year road safety strategy "The Way Ahead: Road Safety Direction for Western Australia" has been developed. It is consistent with the national road safety strategy based on national best practice; that is, a balanced and coordinated combination of enforcement and public education strategies backed by legislative, technological and engineering countermeasures.

A feature of the package of initiatives is the involvement of communities statewide and a comprehensive coverage of all road users. A draft three year implementation plan has been developed which fully details all action necessary to reduce the road toll in Western Australia, and a fully researched and tested five year public education program is ready to start. Part of this approach is the development of six monthly road safety priority programs detailing major targeted areas for enforcement and education. The first such program is under way.

Our strategy to reduce the road toll is based on three key areas: Effective public education, increased enforcement,

and wide community ownership and participation in road safety programs. This approach has proved to be effective in both Victoria and New South Wales, which are now acknowledged to be world leaders in road safety. The evidence is that since 1989, Victoria has halved its road toll and the number of deaths and serious injuries continues to fall. Members will appreciate the potential for cost savings for every death prevented, particularly the reduction in health costs that will result from reducing the number of serious injuries.

This Bill relates specifically to the enforcement component of the road trauma prevention package. All research indicates that education alone will not produce changes in drivers' attitudes and behaviour. To be effective, public education programs must be reinforced by the strong enforcement of traffic laws and appropriate penalties for breaches. Raising penalties for breaches of the Road Traffic Act is a key tool in our comprehensive assault on the road toll in Western Australia. Members will recall that the review of penalties received bipartisan support in the report of the Select Committee on Road Safety. I am confident that this support has not wavered and that members appreciate the life saving outcomes these measures will produce. It is vital they receive endorsement. This is not revenue raising. It is about saving lives and preventing injuries.

We do not use the word "accident" when we talk about road trauma, because some 95 per cent of road crashes have a component of human error. Drivers who speed, consume alcohol or fail to fasten their seat belts are risk-takers and each of the penalties under these amendments has been assessed on the basis of the crash risk from the driver's behaviour and actions. The new penalties therefore have a direct relationship to road safety benefits. They also have parity with penalties in other jurisdictions in Australia. As is presently the case, one-third of the money raised by infringements involving speed and red light cameras will go to the road trauma trust fund to be used for road safety education programs, so that the combined approach of enforcement and community education is effective and ongoing.

The Road Safety Council has endorsed a comprehensive awareness and information program to accompany the new penalties regime. There will be extensive media advertising, a comprehensive booklet, information on the Internet and a telephone hotline. So there will be no reason that drivers should not be aware that if they take risks on the road, they also risk much heavier penalties. I repeat, this is not revenue raising. Drivers who obey the law will not have to pay. We are just requiring them to drive safely and sensibly and make our roads safer for all Western Australians.

I turn to some of the specific provisions of the Bill. Currently, offenders convicted of the offence of driving with a blood alcohol level equal to or exceeding 0.08 per cent are subject to a minimum penalty of \$300 and a maximum of \$800, plus disqualification of their driver's licence for a period of not less than three months for a first offence. For any subsequent offence there is a minimum penalty of \$600, a maximum penalty of \$1 200 and disqualification for not less than six months. The clear scientific evidence is that crash risk increases significantly in line with increases in a person's blood alcohol content. Clause 6 of the Bill increases the maximum penalty for this offence to \$1 500 and introduces a range of minimum penalties which bear a direct relationship to the offender's blood alcohol level. For example, the minimum penalty for a driver who is a first offender and has a blood alcohol level of 0.08 per cent will increase from \$300 to \$400 and his licence will be disqualified for a minimum period of three months. If his blood alcohol level is 0.11 per cent, the minimum penalty will be \$600 and his licence will be disqualified for a minimum period of four months, and so on. Similarly, clause 7 provides for graduated monetary penalties for 0.05 per cent offences and introduces a minimum period of disqualification of three months for second or subsequent offences. A modified penalty of \$100 for first offences will remain in the Act. However, where a person elects to defend the charge in court, the monetary penalty will be \$200 with no mandatory period of disqualification.

Research indicates that young drivers' inexperience is one of the reasons young people are over represented in deaths and serious injuries on our roads. This issue of inexperience is being tackled as a separate exercise through the complete overhauling of the driver training and licensing system, details of which the Minister will be announcing later this year. It is part of our comprehensive approach to road safety, which includes many such initiatives to best prepare all road users to take their places safely on our roads. Members will be aware that young people can legally consume alcohol one year after most of them obtain their drivers' licences. We need to ensure that they have had substantial experience on the roads before they can exceed the 0.02 per cent limit. In most cases, young people will have had two years' driving experience before they can exceed this level of alcohol consumption.

Similar conditions for 0.02 per cent will be extended to individuals who are granted an extraordinary driver's licence. Therefore, clause 8 extends the 0.02 per cent limit which currently applies to probationary drivers to include persons who are the holders of extraordinary motor drivers' licences and those persons who have, within the previous three years, been convicted of driving under the influence of alcohol, refusing a breath test or a second or subsequent offence of driving with a blood alcohol level equal to or exceeding 0.08 per cent. Extraordinary motor drivers' licences are intended to apply only where they are essential to enable persons in dire circumstances to continue in their employment, and where there is no practical alternative to driving. They are not provided to meet the

convenience of a person who has lost his licence and as such there is no justifiable reason for drivers on extraordinary licences not being restricted to a blood alcohol limit of 0.02 per cent during the currency of that licence. Similarly, drivers who have been convicted of a serious alcohol-related driving offence should be subject to the same restriction for a period of three years following the return of their licences. All these measures are intended to reinforce the message to road users that driving is controlled by rules which must be obeyed for the safety of all. Holding a driver's licence is not a right; it is a privilege.

Clause 13 substantially increases or doubles monetary penalties for offences under the Act. For example, the minimum penalty for a first offence of driving under the influence of alcohol has increased from \$500 to \$800, the penalty for a first offence of reckless driving will increase from \$500 to \$1 000, and the penalty for unauthorised use of a motor vehicle will increase from \$100 for a first offence and \$200 for any subsequent offence to \$1 000 for a first offence, \$2 000 for a second and \$5 000 for any subsequent offence. In future, penalties for offences will be expressed as penalty units, with each unit having a monetary value of \$50. The adoption of penalty units will provide a simple mechanism which will ensure that penalties retain their deterrent effect by regular increments in line with inflation. Amendments to penalties provided in traffic regulations are being drafted currently and will be ready to be put in place once this Bill is enacted.

The Bill also addresses a number of other issues, including -

the ability of the Commissioner of Police to delegate the appointment of speed camera operators to senior officers within the Police Service;

the removal of the half annual licence fee for the non-return of number plates, as this offence now attracts an infringement penalty of \$65;

repeal of the prohibition from advertising car pooling arrangements; and

repeal of the offence of car watching.

Our road toll is too high and all these amendments are a vital tool in our efforts to save lives. I commend this Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

MOTION - COMMISSION ON GOVERNMENT RECOMMENDATIONS

Amendment to Motion

Resumed from 18 November after the following amendment had been moved -

That the motion be amended by inserting after (u) the following -

(v) Recommendation 150 - Scrutiny by Parliament of Commercial Activities of Government.

MR CARPENTER (Willagee) [4.37 pm]: This debate provides me with the opportunity to make a few points about the rights and responsibilities of members and Ministers of Parliament, public sector employees and the public, particularly given the accusations of the Premier and the Leader of the House in the Parliament last week about questions I had put on notice about a member of the staff of the Ministry of Fair Trading. The assertions by members of Parliament and others outside were that I had misused my position as a member of Parliament and abused the privilege that is accorded me as a member of Parliament in pursuing these issues, because at the centre of the investigations, I was asking questions on behalf of my sister, Lorraine Luscombe, a real estate agent in Albany.

I strongly refute the absurd assertions in the Parliament about my motives and intent in this matter and I will try to outline some of the circumstances to show why I strongly resent the comments made by people who should know better. Those people include the Premier who indicated in the Press that I had been taught a lesson and I should have known better. The very valuable lesson I have learned is about him and the people working in his office, not about me or anyone I know.

I will outline a couple of the assertions about me made by members of the Government via other people outside the Parliament.

Mr Barnett: You shouldn't do that.

Mr CARPENTER: I know the position I am in. The Leader of the House is not speaking, I am.

One of the allegations made about me was that I had acted on behalf of a person who was not a constituent of mine. Take me away and lock me up! I will do it every day!

Point of Order

Mr BARNETT: If the member for Willagee wishes to make a personal explanation, I would support his right to do so. However, the motion before the House relates to referring Commission on Government recommendations to the Standing Orders Committee.

The DEPUTY SPEAKER: I was looking at the motion on standing orders and I saw "abuse of privilege". I gather the member is basing his speech on that.

Debate Resumed

Mr CARPENTER: Thank you, Mr Deputy Speaker. Perhaps the Leader of the House should read the motion and inform himself, which is something he does not do very often. He makes a lot of wild comments and assertions about everybody else.

The DEPUTY SPEAKER: Perhaps we could get back to the motion.

Mr CARPENTER: The motion refers to the abuse of privilege by a parliamentarian and an attempt to stamp out abuse of privilege of the Parliament. I will explain the circumstances relating to this case and let people judge them. I was accused of helping a person who is not my constituent and of abusing my position by not revealing that Lorraine Luscombe was my sister. I was accused basically of abusing the privilege of the Parliament by pursuing that.

The circumstances relating to this case have become somewhat complicated because of a charge that has been laid. I am aware of the circumstances surrounding sub judice, so I will be very careful in my remarks. However, it is necessary for me to explain the detail of this case and how an abuse of privilege has probably occurred. In the first two or three days of September I received a phone call in my electorate office from my sister, Lorraine Luscombe, a real estate agent in Albany. To say that the woman was very, very distressed is a massive understatement. She was in a state of mind which I have never known during her life of 44 years. When she had calmed down she explained to me that she had just been interviewed by a member of the staff of the Ministry of Fair Trading. He had made certain assertions about her general reliability and her conduct as a real estate agent. She found his conduct extremely objectionable, to say the least. She was in such a distressed state that I told her to calm herself down and give it 24 hours and we would discuss the matter again and decide what action we might or might not take. This we did. Some 24 hours later I spoke to her again. I advised her that she should seek legal advice. On the conduct of the person who interviewed her in a manner which, on her description, one could describe only as grossly improper and a complete and utter abuse of the powers of a person employed in the public sector, I advised her to make a formal complaint to the Ministry of Fair Trading. I told her that I would contact the Ministry of Fair Trading to see what process had to be gone through to put in a complaint. I rang Mark Bodycoat, who is the acting executive director of the department. I explained the circumstances and that the woman involved was my sister. He told me to get my sister to make a written complaint and, if my memory is correct, he told me to put in a letter supporting the complaint. He said he would deal with it and that he regarded it as a very serious matter. After all, it was the Ministry of Fair Trading.

That is what we did: My sister wrote a letter and I wrote a letter to the acting executive director of the Ministry of Fair Trading, not to some lower functionary. He is directly answerable to the Minister. I have a copy of the letter. In the first line I wrote -

I write to you in support of the accompanying formal letter of complaint from my sister . . .

That is how hard I tried to disguise the fact that the woman involved in this case was my sister. I was not sitting in my office wearing a balaclava, trying to disguise myself from myself. I wrote the letter directly to Mr Bodycoat after having spoken to him. In the first line I confirmed what I had said to him on the phone; that is, that the incident involved my sister. In the second line of the letter I wrote -

As I pointed out in your telephone conversation, I consider the behaviour of -

Here I referred to the person involved -

- towards my sister to be . . . disgraceful.

I go on in the letter on five other separate occasions to mention the fact that the woman involved in the case is my sister. I was not trying to hide it but was confirming to Mr Bodycoat, on his advice, that I was acting on behalf of my sister because she had come to me with a very serious complaint.

Mr Barnett: I have no problem with that.

Mr CARPENTER: Good. The next day I sent him another fax and again asserted in that fax that the woman involved

was my sister. On 8 September, two days later, I wrote again to Mr Bodycoat to send him more information. Three times in that letter to Mr Bodycoat I asserted that the woman was my sister. I was so desperate to try to conceal the fact that I was acting on behalf of my sister that in three letters in three days I mentioned the fact 11 times! Mr Bodycoat responded to me on 9 September. He acknowledged receipt of the faxes. It is not as though the information did not reach him.

Mr Barnett: This is not relevant to the use of parliamentary question time.

Mr CARPENTER: The Leader of the House should keep talking. He has no idea what he is talking about. He is a very sad and poor parliamentarian. I explained to Mr Bodycoat quite clearly that the woman was my sister.

I now come to the questions I have put on notice. Mr Bodycoat said he would establish an inquiry into what had happened. He did that and appointed Warren Louden to investigate. Warren Louden rang my sister and said, "I know your brother; I am doing the investigation." He knew, and he rang me to tell me that he was investigating my sister's complaint. Nobody was trying to conceal from Mr Louden that the woman at the centre of this matter was my sister. He rang her to confirm that I was her brother and then rang me to confirm that she was my sister. I assured my sister that he was fair, that he would do a good job and that she should cooperate. She was very suspicious about whether she could rely on the Ministry of Fair Trading to do a fair job on her complaints. I will not give details of the complaint because some touch on matters that will go before a court. However, if anybody wants to have a look at them, I am quite happy to show them. That having happened, Mr Louden never contacted her again - not once!

Two weeks later when my sister came to Perth to visit her family, I asked her if she had been to see him yet. She said, "No, he has not contacted me." I said, "Ring him, and you can go and see him today." When she rang Mr Louden, he said, "I do not need to see you. I have worked out what happened." He did not afford the woman even the courtesy of an interview. When the Ministry of Fair Trading acted on Mr Louden's recommendations, which were essentially it seems that her complaint be dismissed, I contacted the Ministry of Fair Trading and said that it was not good enough and I would pursue the matter further. Having gone through that process and identified about 15 times to the staff of the Ministry of Fair Trading that the woman involved was my sister, the next question was how to go about it. My sister was interested in pursuing it only if I could get some truthful answers out of it. She was not interested in pursuing it if the assertion was to be made that she was my sister and I was trying to lean on people. She wanted the questions asked. Every person in the State has the right to have questions asked on his or her behalf in the Parliament.

My sister knew better than I what would happen if I wrote on the question paper "my sister Lorraine Luscombe". It did happen because the people in the Ministry of Fair Trading wanted it to happen. If I had known that those people and government members were to act with such complete and utter immorality, I would have put "my sister Lorraine Luscombe" on the Notice Paper. If they are to use it as a political weapon to clean me up on the way through, then I should stick it on the Notice Paper anyway. What is the big deal? I gave the government members, people in the Ministry of Fair Trading, the Minister, the Premier and all those with responsibility the opportunity to act with a little honour and dignity. There was no compulsion for that woman to be named. Members should show me where it says that I have to name her. She has a right to pursue matters like everybody else in this State without her name being dragged through the mud because she is my sister. Government members chose to do that and they stand condemned for doing it.

She has a right to be treated in exactly the same way as all other people in this State. Every other person in this State, except my sister, can have questions placed on the Notice Paper because that is one way - although from some answers that have been provided, I doubt it - of ensuring the answers will be provided truthfully. There is no time limit, no misdemeanour and no abuse of privilege if a member of Parliament puts questions on the Notice Paper. In the circumstances, everybody in the department who provides the answers knows only too well that the woman involved is my sister. The Minister could easily have been told, and obviously was told by the people in his department, that the woman is my sister. So what?

Mr Barnett: Did you tell the Minister?

Mr CARPENTER: Why should I? Does the Leader of the House expect me to trust that Minister to treat my sister in a fair and honourable way? I want the Leader of the House to answer this question: If he were in my circumstances and had to put his trust in that Minister, would he do that?

Mr Barnett: In this case -

Mr CARPENTER: The Leader of the House is refusing to answer the question.

Mr Barnett: I have not started yet.

Mr CARPENTER: The Leader of the House is refusing to answer. I want him to answer yes or no. How long will

it take him to answer the question? In those circumstances, if he had to put his trust in that Minister, would he do it?

Mr Barnett: I think you have lost it. I think you should sit down and calm down.

Mr CARPENTER: This comes to the abuse of privilege of Parliament.

Mr Barnett: You haven't broken privilege; you have behaved inappropriately.

Mr CARPENTER: I am asking the Leader of the House to think about what I am saying and to tell me who has abused the privilege of Parliament.

Mr Barnett: It's not an abuse of Parliament, but you made a mistake.

Mr CARPENTER: Is it me or someone on the other side?

Mr Barnett: It was inappropriate, and you have learned.

Mr CARPENTER: I did not make a mistake.

Mr Barnett: Yes, you did, and it was inappropriate.

Mr CARPENTER: If it shows up the creatures on that side of the Parliament for what they are - that is, they will sink to any depth and go to any extent to drag people through the mud because they are related to someone on this side of the Parliament - I would do it again tomorrow. What has happened to this woman is very unfortunate. I feel sorry for the Leader of the House if he condones it, because he is not the sort of person who should be sitting where he is.

Mr Barnett: I am not saying that; I am saying that your behaviour as a member of Parliament is inappropriate.

Mr CARPENTER: I will ask the Leader of the House one more time.

Mr Barnett: I'm not answering.

Mr CARPENTER: In my circumstances would the Leader of the House have put his trust in that Minister?

Mr Barnett: The answer to that is that I would never have got myself into your circumstances.

Mr CARPENTER: I want members to make note of this: The Leader of the House will not say yes to that question.

Mr Barnett: I would not be in your circumstances.

Mr CARPENTER: I have to do it, but the Leader of the House will not say yes to that question. The Minister knows full well what happens as a result of that. It proves beyond doubt what was going to happen anyway and what the motivation might be of those on the other side the Parliament.

Let me go to some of the horrendously prejudicial, shocking questions I put on the Notice Paper. As far as I can make out the first question was this: How many former New South Wales policemen are employed as investigators by the Ministry of Fair Trading? I admit that to ask a question like that is a shocking abuse of Parliament, and I should be thrown out of the place! The second question asked what were their names. We cannot get much more prejudicial than a question like that!

Let me go to question No 9, the one everyone is talking about. Everybody can read the questions, go through them one at a time and make a judgment about what is shocking about the questions on this Notice Paper. It is very interesting that the Minister is not sitting here today. As events unfold the answers to all the questions will become more interesting. Question No 9 - this is the crucial question that upset a few on the other side - is this: Given the finding of the Wood royal commission that corrupt and improper conduct were endemic in the New South Wales Police Force, what information was sought by the ministry about the former New South Wales policemen it employed? What a shocking question to ask! How could I dare ask a question like that? It was reported in the newspaper that I asked a question like that. That is terrible! The woman was not even my constituent. Those opposite want to have me locked up! A lot of ludicrous assertions are being made. What is wrong with having an answer provided to that question? Is there a problem in answering that question? We should get the Minister in here to answer it now. What is wrong with that question? Members should go through all the other questions and tell me what is wrong with my asking them. Why do I have to get up and tell people that I am in here; that a woman is under investigation; that this woman is my sister; and that I am asking questions about the matter? Why does her position have to be dragged out publicly so that her life in the small town in which she works is absolutely unbearable? That is exactly what those opposite have done, all for the sake of scoring a few pathetic, political points which could have been scored against me in another way. They are a disgrace.

Mr Barnett: If your sister finds her affairs public, it is because you used the forum of Parliament to ask questions. You should look at yourself.

Mr CARPENTER: I am looking at myself.

Mr Barnett: You chose to bring her affairs into Parliament.

Mr CARPENTER: I had to ask myself those questions. There was a risk that people might choose to make the matter public so they could clean me up on the way through, and they chose to do it. This woman deserves to receive answers to those questions in the same way as does anybody else in her circumstances.

I will dwell on the New South Wales royal commission and the police for a moment. Why did I ask that question? I have a huge pile of information about that, but I will tell members why. The person who interviewed my sister and another woman, Judy Bell, in Rockingham, identified himself as a former New South Wales policeman. He is now working for the Ministry of Fair Trading. Why is he going around telling people that he is a former New South Wales detective? So what? He brought that piece of information into the public domain and I have every right to ask questions about it. If he wants to tell people that, I can ask questions. Let him answer them.

The conduct of that man fitted exactly the template that described the conduct of some people exposed in the New South Wales Police Force. I have seen people like them before. One used to sit in this Parliament. They behave in a particular way. People can see it. This former policeman did that. He identified himself as a former New South Wales policeman. I am in the Parliament and I am asking questions about him. Let him answer them. There is no problem.

Mr Barnett: He does not have an opportunity. Now you may be getting close to abusing privilege.

Mr CARPENTER: I will not pursue that matter any further. The Minister for Fair Trading can answer the question. I seek leave for a further extension of 10 minutes.

The ACTING SPEAKER (Mr Ainsworth): No extension is available during debate on the amendment.

Mr Osborne: You made mention of it. There is no plot. The Minister is paired.

Mr CARPENTER: What have I sought for the woman in Albany who happens to be my sister? Have I abused my position? Have I sought a financial advantage? Is my sister the head of a company that has its hand out for \$400m from the Government? Am I seeking an improper financial advantage for her? No, I am not. The Premier has a brother in that position. The Premier is not doing that, and neither am I. Is my sister the head of the Pastoralists and Graziers Association of WA, whose brother gets up in here barking every day, giving his political view of the world? No, she is not. I am not seeking a financial advantage or a political advantage. I am seeking that she be treated fairly like everybody else.

MR BROWN (Bassendean) [4.58 pm]: This amendment seeks to include an additional term of reference to those proposed to be given to the Standing Orders and Procedure Committee to enable it also to report on recommendation 150 of the Commission on Government report about the scrutiny by Parliament of the commercial activities of government. I intend to deal with two matters that relate to the item proposed to be referred to that committee. Those two matters relate to paragraph (b) of the motion, that recommendations 31.2 to 31.5 on improving the accountability to Parliament be referred to the Standing Orders and Procedure Committee. I also intend to discuss paragraph (u) of the motion, that recommendation 122.4 on the advertising of tabling of subordinate legislation be referred to that committee for consideration. I make these comments in the hope that they will be reviewed by the Standing Orders and Procedure Committee, and a report will be made.

Mr Bloffwitch: Make sure we have enough time to get them through this session.

Mr BROWN: They will get through; the member may be assured. If this House sits long enough, they will get through.

I wish to focus my attention on these two matters in the hope that the comments will be considered by that committee. Recommendation 31 of the Commission on Government contains six proposals for improving the accountability to Parliament. In this section of the report the Commission on Government examines the committees of the Parliament as an effective way of properly examining all the issues that come before the Parliament. The commission made two recommendations about restructuring a committee of the Legislative Council and a committee of this place.

I will first deal with recommendation 31.3(a) which proposes that a Legislative Council standing committee on finance and audit be established to -

- (i) systematically consider annual reports and ensure follow up;

- (ii) systematically consider reports of the Auditor General and ensure follow up; and
- (iii) call for additional audit reports when required.

I have no difficulty with that recommendation on the issues that should be examined by that committee in the other place.

Last year I participated in a committee outside this House, which involved members and former members from both sides of the Parliament. That committee determines which annual reports of departments should be recognised for awards. The committee meets and considers annual reports submitted by departments that are keen to obtain some recognition for the nature and quality of their annual report. It is quite an onerous responsibility because one is required to read all the annual reports submitted to the committee by departments and agencies. From memory, between 70 and 80 agencies sought that award. It was interesting in the context that when one went through the annual reports in that way, one could identify a number of matters that a committee of this Parliament could examine to ensure the reporting requirements on agencies were properly carried out. Some of the observations made in that process were that some annual reports were indeed quality documents. The chief executive officer of the organisation had made it quite clear in the executive overview and in reporting on the operation of the department and agency, exactly what types of issues the agency faced, the difficulty it had dealing with those matters within the legislative or financial constraints under which it was operating, and so on. Some were full and wholesome reports, and in those cases the range of questions posed should not be left in the air when a report has been provided to the Parliament but no action has been taken to investigate the serious matters raised by those officers.

Equally, some reports can best be described as full of padding; that is, they contain many words, pretty pictures and graphs but not much substance. In my view, although a department may correctly say it has complied with the relevant legislation in providing this Parliament with an annual report, some annual reports provide very little substance, for either the community or this Parliament to glean an indication of what the agency has done with the resources allocated for the last financial year, whether it has achieved its mission objectives and so on. I certainly concur with the view that it is appropriate to provide a committee with explicit responsibility to examine annual reports.

Equally, the second item proposed for a Legislative Council standing committee on finance and audit is a requirement that the committee consider reports of the Auditor General and ensure they are followed up. That matter currently falls within the purview of the Public Accounts and Expenditure Review Committee of this House. In my view it does not matter where that function is carried out. If the Standing Orders and Procedure Committee considered it appropriate for that function to be carried out in the other place, so be it and I have no difficulty with that. Equally, it is proposed that a Legislative Council standing committee on finance and audit be able to call for additional reports when required. Again, I have no difficulty with that proposal.

In recommendation 31.4 the Commission on Government recommended that a Legislative Assembly standing committee on estimates and financial operations be established. In the body of its report the commission proposed that the Public Accounts and Expenditure Review Committee of this House, as we currently know it, be abolished. I disagree with that recommendation, not simply because of the name change of a standing committee of this House, but rather because of the mandate proposed to be provided to the new committee. The proposed mandate is set out in recommendation 31.4(c) to the effect that the committee should meet to consider the estimates and program statements when they are tabled and have a formal agenda and a systematic approach to its activities. The proposed committee is also charged with responsibility for systematically considering the annual estimates and program statements. It seems to me that on the basis of what was recommended by the Commission on Government, that committee will have a limited mandate rather than the broad mandate of the Public Accounts and Expenditure Review Committee.

I have some concerns about the narrowing of the focus and discretion of such a committee in this House. It is important that this House maintain a standing committee that has the capacity to investigate a range of issues dealing with the manner in which the Executive discharges its financial obligations. For example, if this Commission on Government recommendation were accepted, it would not be possible for that committee to carry out the types of inquiries that were previously carried out by the Public Accounts and Expenditure Review Committee. I instance the significant report of that committee on state support to industry, which was tabled in this Parliament towards the end of the last parliamentary session and which made cross-party recommendations about the mechanisms that should be employed by government in providing financial assistance to industry. I instance equally that committee's inquiry into the Totalisator Agency Board and the Port Hedland Port Authority, and various other inquiries that it has conducted in the interests of full disclosure for this Parliament.

I have some reservations about the limited terms of reference of the proposed Legislative Assembly Standing Committee on Estimates and Financial Operations. However, whatever the Standing Orders and Procedure

Committee might decide about how the responsibilities of audit and finance should be split between the two Houses, it is important that the committees that it recommends have a clear mandate about what their responsibilities shall be. I say that for the reason that a considerable weakness of the public accounts committee system is that it can investigate only those matters that the majority of the committee decides to investigate.

The Public Accounts and Expenditure Review Committee has determined not to investigate significant issues. For example, in 1995 when I was a member of that committee, the Auditor General had anticipated that between \$1.1b and \$1.2b of taxpayers' funds had been used for the purpose of contracting out services, and that committee was requested to undertake a thorough inquiry of those contracting arrangements to determine whether those funds were being used appropriately. Unfortunately, the three government members on that committee voted against that request, not because they believed contracting was not an important issue, and not because they believed the sums of money that were involved were not significant, but because they believed it was not in the Government's interests to have the committee examine those matters over the 12 to 18 month period prior to the next election. It was a political decision rather than an accountability decision.

When that sort of activity can take place on the premium accountability committee of the Parliament, steps must be taken to ensure that the structures we put in place to review and to undertake proper accountability checks cannot be frustrated by certain members refusing to undertake inquiries for political reasons. Therefore, I urge the Standing Orders and Procedure Committee to examine the prospect of giving the committees in this and the other place a clear and precise mandate about their functions so that all members of that committee will have the right to call for reports and to insist that the committee carry out its functions as laid out in its mandate. If that is not done, the accountability processes in place and the ones recommended by the Commission on Government will continue to be manipulated for political imperatives.

The report of the Commission on Government refers to the suggestion by McCarrey that an increase in the use of parliamentary committees will diminish the opportunity for them to be used for blatantly political objectives. If there is a desire to overcome that deficiency, it is important to provide a clear mandate for those committees. Equally, the Standing Orders and Procedure Committee should be concerned about the resources for and the openness of the committee proposals, and should give strong consideration to recommendation 122.4 of the Commission on Government about the importance of having public participation in the legislative processes.

MR COURT (Nedlands - Premier) [5.18 pm]: The Government does not support the amendment moved by the member for Cockburn with regard to recommendation 150, the scrutiny by Parliament of the commercial activities of government. We have moved that the Standing Orders and Procedure Committee examine a number of the recommendations made by the Commission on Government.

The Government has said that the main thrust of recommendation 150 is principally that a commercial activities of government Act replace the State Trading Concerns Act 1917. We have accepted in principle that such overarching legislation would be desirable, and a joint working party of Treasury officers is addressing those issues so that the matter can be progressed.

With specific reference to some of the matters raised by the member for Cockburn, the Government accepts that the Minister is responsible for any commercial activity of government and that that Minister should answer any questions about the operation of that activity subject to the parliamentary questions not being answered in such a way as to breach any commercial confidentiality or privacy obligations. Further, the Government has said that Ministers responsible to the Parliament for the corporatised bodies or the relevant Minister representing the Minister should be present when the chairperson or corporatised statutory authority is giving evidence to parliamentary committees, particularly when the questions relate to policy. Therefore, the Government supports the main thrust of the recommendations, but does not feel that they fit within the list of recommendations that the main motion suggests be referred to the committee. The Government therefore does not support the amendment.

MS WARNOCK (Perth) [5.21 pm]: The Opposition supports the original motion. This matter has taken a great deal of time to get to the Parliament.

Mr Court: The way we are going it will take a lot longer to get out.

Ms WARNOCK: I will take only a few minutes. When we are talking about an 18 month delay, five minutes will not make much difference.

Mr Court: We want it passed by Christmas.

Ms WARNOCK: We will do our level best; we are just as keen as the Premier to get out to our electorates to attend end of year functions.

I have listened to the Government caning the Labor Party over its behaviour in government in the 1980s and in the

past five years it has tried to convey a holier than thou attitude about parliamentary behaviour. Given that, the Government should have been in a tremendous rush to deal with this issue. I am pleased that at last a committee will be established and that it will report in June 1998. This has certainly been a very long running saga and the Opposition is pleased to see it being addressed by this Parliament.

I thought the Government would have been keen to get this matter into the Parliament earlier than it has largely because most of my constituents, and certainly the public at large, have made it very clear that they wanted these matters acted upon promptly. It is a very well known, sad and notorious fact that the public has little respect for politicians.

I turn very briefly to the aspect of the motion that interests me; that is, the concept of a code of conduct for members of parliament. How that would be developed and implemented, exactly what it would contain and, even more importantly, how members who fail to keep to the code would have sanctions imposed on them is very interesting. I am sure many people will have interesting things to say to the committee on the subject. I would have liked to hear the Government's recommendations on the matter by now.

Commission on Government recommendation 159 relates to a code of conduct for members of Parliament, and suggests that such a code be prepared by the members themselves. A standing committee should be established in each House to prepare the code, to give advice and assistance on ethical issues and to consider allegations of breaches. I know some people vigorously resist any such idea and say that the four-yearly election and the existing legal system are sufficient control over the daily behaviour of members of Parliament. However, a code of conduct would give confidence to the public, and for that alone it is worthy of serious consideration.

At the beginning of this parliamentary session I suggested to the Minister for Multicultural and Ethnic Affairs that we make a joint effort to establish a code of race ethics in this place. At least one other Australian Parliament - the Tasmanian Parliament - has attempted to do that and a motion along those lines has been moved in the Senate. We have discussed this matter several times but have yet to arrive at an arrangement whereby the matter can be best addressed. It is a complicated and delicate matter, and it is difficult to see how we can make it work. I made the point to the Minister that it would inspire confidence in the public if we were prepared to take a principled stand together, and I intend to continue discussions about that issue with my colleagues.

Those of us who regularly go to schools and other public places to talk about politics, Parliament, government and what we do here know that people are uniformly cynical about our standards. This is not helped by the fact that, as I often explain to people, the media is interested in us only when we are in conflict over some matter and in full attack mode. In vain one explains that we actually agree about more than 80 per cent of the legislation and, from time to time, debates are even reasonably civilised. However, the only time anyone hears about this place is when there is a lot of noise and anger.

Of course, the same people who take that view about parliamentarians are inclined to believe that we generally behave very badly, that we are interested only in accumulating enough votes to get re-elected and that we will say anything before an election but rarely remember what we said afterwards. We all know that most people do not think our conduct is admirable, and that is a source of great sadness to members on both sides. It is because of that, as much as anything, that we should attempt to develop a code of conduct. It is because of the urgency of that matter that I am a little surprised the Government has taken so long to move this motion.

In April last year, the Commission on Government recommended that Western Australian members of Parliament develop a code of conduct and also undertake ethics training to help repair their image. No-one would deny that it could do with help. At that time, the Public Sector Standards Commissioner, Digby Blight - a well respected and long serving public servant - said that members of Parliament need a code such as that which applies to the public sector. That code was introduced as a result of the Commission on Government recommendations. It provides that, first, public servants should be fair in using and sharing power for the common good and should not discriminate; second, they should respect the rights of others; and, third, they should contribute to the wellbeing of individuals and the common good of society. They are vague, motherhood statements but they are not a bad starting point. Our recognising that responsible behaviour is called for would give the public some confidence in this joint enterprise.

I am sure a code would be extraordinarily difficult to enforce. That is one of the reasons some people see it as unnecessary. I believe we should persevere; the enterprise would be very worthwhile and I support the attempt contained in this motion to establish that -

Mr Cowan: If you were to read the standing orders you would know that we already have one.

Ms WARNOCK: I know about that and I will refer to it later. We should go a bit further than that.

Mr Cowan: In what area?

Ms WARNOCK: I will not speak about that; I will speak -

Mr Cowan: Why not?

Ms WARNOCK: I will make a submission to the committee just like everyone else.

Mr Cowan: Why not put your views to Parliament? You cannot!

Ms WARNOCK: Early last year, before the Commission on Government reported, the Catholic Church devised a code of conduct for politicians entitled "Politicians and citizens: Roles and responsibilities". The paper called for higher standards from politicians. Also, it criticised the public for being too inclined to attack politicians; I share that view as it is too easy to assume that we are constantly in conflict. This view is taken from the media and consequently leads to abuse.

This five-point code, which was devised by the Catholic Church, asks for personal integrity, courage and decisiveness, realistic election promises and the avoidance of conspicuous consumption and personal abuse. As anybody who has attended question time knows, that last point might be difficult to achieve. However, I can see why the Catholic Church Social Justice Commission was interested in that aspect. Politicians commented that the proposition was a good idea but asked how miscreants would be pulled into line. That is a fair question which the committee will need to address, and about which, no doubt, everybody will have a view.

The COG chapter on a code of conduct covers the question in an interesting way: It said that the Beazley committee in 1989 drafted a code largely taken from the standing orders to which the Deputy Premier referred.

Mr Cowan: Beazley said that you did not need one; however, if you really want one, we will give you this model.

Ms WARNOCK: I know, but I disagree. Standing orders cover parliamentary language, dress standards, behaviour in the Parliament and conflict of interest among other things. It is argued that a number of Acts cover the ethical obligation of members of Parliament. I refer here to the reference in chapter 7 to elected officials. Page 154 of volume 3 of the Commission on Government report talks about the numerous Acts in Western Australia which regulate to some extent the ethical behaviour of members of Parliament. These include the Criminal Code, the then Official Corruption Commission Act, the Constitution Act, and the Constitution Acts Amendment Act. Numerous other Acts are mentioned. It says that the behaviour of members is governed by this legislation, so why therefore do we need a code?

Others in our community argue that as most other professional organisations - including journalists, for heaven's sake - have a code of conduct, so should members of Parliament have a code. If journalists can devise something reasonably effective, members should be able to produce a relevant code.

Various other reasons can be advanced for establishing a code. For example, new members of Parliament need some form of guidance, and members should have some standard to aspire to. Legal requirements are not necessarily desirable or adequate, as would be agreed by anybody who listened to evidence at the WA Inc royal commission.

Public confidence would be restored through some established standard of behaviour and, simply, we need that public confidence restored. Members of Parliament need that confidence, and the community needs to have more respect for its representatives. I support the Commission on Government recommendations.

MS McHALE (Thornlie) [5.33 pm]: Like the member for Perth, I am keen to refer to the Commission on Government recommendations. I support the amendment; however, Opposition members deplore the delay in government action on the COG recommendations. The Commission on Government was established following the Royal Commission into Commercial Activities of Government and Other Matters specifically to report on 24 specified matters arising from that commission. Clearly, COG was a very important inquiry, and some definite action should have been taken on its recommendations by now.

The first of two recommendations of COG that I will address is recommendation 159, to which the member for Perth has referred. I will also cover briefly Commission on Government specified matter No 9 dealing with an independent archives authority; in other words, the management of public records. That issue is not recommended for referral to the Standing Orders and Procedure Committee which is probably just as well; it requires government action which has not been forthcoming. Legislation on this critical matter should have been introduced into this House well before now.

The Government has done nothing to address the royal commission's very disturbing finding on public records. The commission said that records were not created, were lost, were destroyed, and were removed by officials. The Commission on Government recommended that an independent public records commission be established, with perhaps an attached public records office. The Government, through the Minister for the Arts, has recommended

that an independent public records commission be established, but that the public records office be contained within the Library and Information Service of WA. However, that model for the management of public records was rejected by the Commission on Government and by a number of public records management organisations, such as Archives Australia and Records Management of Australia. The Government has proposed a model which was rejected by the Commission on Government.

The community, and to some extent this House, has been expecting the legislation on public records to come before this House for virtually all this year. We still have not had the opportunity to scrutinise the Bill and to look closely at the model proposed by the Government to manage the public records of this State, and to address the disturbing findings of the royal commission on that subject. This issue is too important to neglect. Time should not be wasted. However, the Government has not introduced legislation. In effect, it has neglected that aspect of the royal commission relating to the management of public records.

An example of the Minister's indifference to the matter of public records is when I recently asked when the legislation on public records will come into the House. The one word answer was, "Soon". That is not good enough. Will it be this week or next March or April? We should have seen the draft legislation on public records, but that is not the case.

For the rest of my contribution I turn to the specific COG recommendations to be referred to the Standing Orders and Procedure Committee. Recommendation 159 refers to a code of conduct for members of Parliament. I do not want to traverse the same ground covered by the member for Perth, but a degree of overlap may occur - I will try to keep that overlap to a minimum.

As a new member I was acutely aware, and I continue to be aware, of the reputation members of Parliament have. All members who campaigned prior to the last election would have been faced with uncomplimentary comments about members of Parliament; for example, that we are all corrupt or that we have no standing in the community. If members did not hear any of those comments, they were very lucky or perhaps deliberately did not hear them. People said, "We are not talking about you, because you are not corrupt." However, somehow the rest of the parliamentarians are corrupt. Although I know I am not corrupt and that I have integrity, it nevertheless is disturbing to realise -

Mr Barnett: Have you a social conscience though?

Ms McHALE: I thought that would have been obvious. It is difficult as a member of Parliament to be part of a body of professional people which has such a low standing in the community. I remind members that that was one point I was concerned to address in my inaugural speech as a member of Parliament. Three years out from the twenty-first century I was concerned about restoring the confidence of the community in members of Parliament. When I was on the doorstep of people's houses they told me they wanted members of Parliament who had integrity, who were honest and whom they could trust.

I am very concerned about the reputation of members of Parliament. Notwithstanding that knowledge, I was proud to become a member of Parliament - and I still am. I know that perception in the community has justification, but also that members of Parliament work extremely hard and most of us are honest and have a high degree of integrity. I am very proud, and will always be proud, to be a member of Parliament.

Let us consider what external commentators have said about our reputation. Shortly after the recommendations of the Commission on Government came out, an article in *The West Australian* quoted Commissioner Jack Gregor. This is not good; therefore, if members opposite do not like foul language, they should block their ears or turn off the television on that side of the House. The article states -

Chairman Jack Gregor said more than a year of getting public views revealed people were disgusted with politicians' behaviour, believing they told lies, did not serve the electorate properly, acted with self-interest and got too many perks.

That is the background.

Dr Hames: Doesn't sound like us at all.

Ms McHALE: Members opposite should examine their own behaviour. As the saying goes, if the cap fits, wear it. If it does not, do not wear it. I am sure the cap does not fit.

Mr Cowan: We had a look inside it and it had your name on it, so we gave it back to you.

Ms McHALE: Members opposite would not like the sort of hat I wear.

Even in 1997 we are still faced with a credibility gap. Members on all sides of politics have a responsibility to fill

that gap. I refer members to a recent report published by the Public Sector Research Unit at the Curtin Business School entitled "Middle Managers, Minders and Ministers: Ethics, WA Inc and After". It is an interesting document and a good insight into how members of Parliament and Ministers are viewed in the community. The report was released in September 1997, although it is based on research findings done in 1994 - a year after the Labor Party lost government. The report states -

... the institution and the processes of the Parliament are only now recovering from the public disrepute into which they fell during this period, -

That is, the 1980s -

- and there is no assurance that this slight ascent will continue. Basically it is saying that even in 1997 we have not recovered very far and that we on both sides of Parliament are still battling a significant credibility gap.

I am surprised members opposite have not made a negative remark about the 1980s. It is genuinely recognised that the difficulties of the 1980s were due to weaknesses of the system and were not, as the Attorney General said some years ago, caused by the weaknesses of the people. The Commission on Government lays the blame at the feet of the system of government, not at the players within the system, when it says at page 23 of report No 5 -

We reject the argument that the excesses of the State government in the 1980s were simply the result of bad men and women who held office during the period.

Mr Thomas: That was the Premier's theory, wasn't it?

Ms McHALE: No, it was the Attorney General's theory. It might have been the Premier's as well.

Dr Hames: It does not mean to say that it is not that; it means it is not simply that. "Simply" is an important word in that statement.

Ms McHALE: I give the Minister full marks for listening. I am grateful he has done that.

Mr Court: Test us again.

Ms McHALE: I will. The next one will be more difficult; it will be directed at the Premier. The general view is that, having traversed the period of the 1980s, the Commission on Government and the Royal Commission into Commercial Activities of Government and Other Matters, it was the inherent weaknesses in the system that caused the difficulties we had. The report continues -

The whole point of a well structured system of government is to limit the damage -

This picks up on the Minister for Housing's point -

- that improper and reckless conduct by officials can inflict on the public. Much of the blame ... must be laid at the feet of a system of government that failed to prevent such events.

Although we had the difficulties of the 1980s, reform and changes to the system are imperative. With such statements about what is the root cause of the problems of the 1980s, it is reprehensible that the Government has not moved more quickly to implement the recommendations of COG. That it has merely referred this bank of recommendations to a committee will delay their implementation even further. I would prefer to see direct action on the recommendations and implementation of those recommendations.

Be that as it may, recommendation 159 addresses the code of conduct for members of Parliament. Recommendation 159 is a comprehensive recommendation. It provides not only for a code of conduct, but also for an induction program on ethical issues for new members, for continuing education for current members, and for a mechanism for dealing with breaches of the code and for sanctions. In other words, it is not saying just that we need a code of conduct, but that for a code of conduct to have any effect, a range of other things must be put in place, such as the induction for new members so members know what is the protocol and the framework for ethical conduct in Parliament. It recognises also that long serving members need continuing education. It says that for a code of conduct to have any effect, a system of sanctions for breaches must be in place. The recommendation is well thought out, and I support it. However, it is one that should and could have been implemented without referring it to another committee.

A code of conduct applied alone is not very effective as a form of self-regulation. Codes of conduct must be accompanied by other initiatives. Recommendation 159 suggests a range of initiatives. As the member for Perth indicated, it is rather distressing that since that recommendation was published in April 1996, in which the Commission on Government said that a code of conduct should be established within 12 months, 18 months have

passed and we still do not have a code of conduct, merely another recommendation referring it to a committee of this Parliament. I hope this committee will meet quickly to consider the code of conduct and will expedite this recommendation as quickly as it can. If the only way we will get a code of conduct is to have it referred to the Standing Orders and Procedure Committee, so be it. The Government has been tardy at best in finalising this and other recommendations of the Commission on Government. In my view it should have considered the recommendations and acted upon them.

There is a crying need for a code of conduct if that will bridge the gap between the public perception of our standing in the community and what we would prefer our standing to be. A code of conduct will not be the answer to how the community sees us; that will rest on our deeds and words, as was stated in a motion last week.

I again refer to the Curtin Business School study, which stated -

In posing the question, what went wrong during the WA Inc period, the government's response that it was not a fault of the system is one that is overwhelmed with informed evidence to the contrary. Virtually no evidence uncovered in this survey offers support for the government's argument. The written comments examined here give a clear indication that the public sector is seen -

Still - that is my word -

- as politicised, that ministerial advisers constitute an ethical problem in performing their role . . . in particular politicians, are seen to set a poor example. Indeed, the low opinion of ministers held by many of those who work close to them and who implement their decisions should be a major cause for concern.

As I cannot have an extension of time, I will conclude by saying that I hope the code of conduct will assist, increase and improve our standing in the community.

Amendment put and negatived.

Debate (on motion) Resumed

MR KOBELKE (Nollamara) [5.55 pm]: I support the motion, which will refer a range of recommendations of the Commission on Government to the Standing Orders and Procedure Committee of this House. Why have we seen this change of heart by the Government? Has the Government really changed its view or is this just another cynical exercise to make it look as though the Government is committed to doing something on the recommendations of the Commission on Government?

The Court Government during its first four years showed a total lack of appetite for taking up any of the matters raised in the report of the Royal Commission into Commercial Activities of Government and Other Matters. The Government was dragged into setting up the Commission on Government, and after it received a report from the commission it was not willing to address in any positive way the need to implement the recommendations of the Commission on Government.

I remind the House that the Royal Commission into Commercial Activities of Government reported to this Parliament in late 1992. It is now five years since members of Parliament became aware of a range of recommendations that should be taken up by the Parliament in order to improve the functioning of government in this State. Over the past five years the Labor Opposition has put pressure on the Government to do something in this area. The Government did not want even to set up the Commission on Government, which was a clear recommendation of the royal commission. It was not until November 1994 that the Court Government established the Commission on Government. That was two years after the major report of the royal commission was tabled in the Parliament. It took the Government two years of goading and pushing from the Opposition, and the media generally, before it set up the Commission on Government.

Having done that, the Government has not been willing to take on board the recommendations of the Commission on Government in any meaningful way. It has thumbed its nose at a range of recommendations made by the Commission on Government. Why, in the dying days of this year's parliamentary sittings, has the Government suddenly found heart to do something on the recommendations of the Commission on Government? One might ask whether the Government is really doing something about it. It is referring the matter to the Standing Orders and Procedure Committee, which is a right and proper thing to do. However, at this stage, so far down the track, people will ask whether it is because the Government wants to implement the recommendations or whether it is sending it off to this committee so the matter might get lost. The matter will be argued in the standing orders committee and some recommendations will come back to which the Government is not committed. The Government has simply fobbed off the whole thing. Many people will suspect that is the reason for this move by the Government and not because it has shown any real commitment to fulfilling the recommendations of the Commission on Government.

If this Government is committed to implementing those recommendations, why has it not stated a position? Why has the Premier not said, which he has totally failed to do, that in sending these recommendations to the standing orders committee, these issues should be fully implemented, and he wants feedback from the standing orders committee on how they might be implemented and how to fulfil those recommendations, which the Government supports? In moving this referral to the standing orders committee the Government has not uttered a single word about the level of government support for the recommendations. It has totally avoided the issue. It is not willing to give any lead to implement the recommendations of the Commission on Government. That gives rise to a view that this Government is being cynical with this move and we will not see implemented with the support of this Government of the Commission on Government recommendations which relate to the functioning of the Parliament. If they are implemented, and members on this side hope they will be, it will be in spite of the Court Government, not because of it. That is something about which the Opposition is concerned because we would like to see these Commission on Government recommendations taken seriously. The Opposition would like to see the Government make a statement of support for them. If the Government has difficulty with some aspects of those recommendations it should qualify that support. However, we have not seen even qualified support from this Government for those recommendations.

Sitting suspended from 5.59 to 7.30 pm

Mr KOBELKE: Before the suspension I was expressing some doubts about whether the Government had its heart in implementing the recommendations of the Commission on Government which are being referred to the Standing Orders and Procedure Committee. The Opposition supports not only that referral but also the implementation of the recommendations. That is something the Government has so far failed to do.

Mrs Roberts interjected.

Mr Barnett: During this week, obviously we must deal with this matter. The member for Nollamara should finish his speech.

Mr KOBELKE: The Leader of the House seems to have a problem which the Opposition would be happy to try to accommodate, but given his attitude I will press on with my speech.

The DEPUTY SPEAKER: That would be a very good idea.

Mr KOBELKE: The Government has shown no heart for implementing the recommendations of the Commission on Government. Nor did it show any interest in implementing the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters. The Government's argument against implementing the recommendations of the royal commission was that nothing was wrong with the system of government but the players somehow got it wrong. No-one - perhaps one or two Ministers, although I doubt that - believed that. Clearly it was not believed by the people of Western Australia, nor was it believed by people who view seriously, and commentate on, matters in this State.

The falsehood of that statement was evident in the past few weeks as a result of the report by the Royal Commission into the City of Wanneroo which was clearly linked to major players in the Liberal Party. That indicates that it is not about individuals but about improving the system of government, be it at a local or state level or within a range of instrumentalities or, as this motion indicates, within the Parliament of Western Australia.

This Government has been tardy, to say the least, in bringing forward reforms. It is five years since the Royal Commission into Commercial Activities of Government and Other Matters reported and this Government has failed to address in any serious way the overwhelming majority of its recommendations. The Government was finally dragged into establishing the Commission on Government; nonetheless, it has failed to take seriously its recommendations.

When we see moves like this before us tonight, we cannot help but draw parallels with the reactions of this Government on a range of other issues in simply dragging something out to suit its political purposes. It may be that the media was applying pressure and events were mounting to force the Government, in response to the reports of the royal commission or the Commission on Government or allegations of corruption, to create the impression it was somehow addressing substantive issues when clearly it had no intention of doing so.

There are many examples, but I refer to the report of the Select Committee on the Official Corruption Commission. The ridiculous situation occurred in which the Government introduced a Bill which resulted directly from the report of that select committee on which you, Mr Deputy Speaker, served well; yet the Minister presenting the Bill and the Premier had not read it. That was obvious because the Bill provided for the establishment of a parliamentary committee. It would have been a two minute job to remove that reference. However, the Government passed the amendments on that Bill and stated at the time that it had no intention of establishing the committee. If the

Government had read the Bill it would have taken out that reference. That proves that the Government was about window dressing to make it look as though it was being proactive on corruption by bringing in moves to strengthen the Official Corruption Commission. However, it had not even read its own legislation.

The Commission on Government made 263 recommendations. Late in 1996 the Opposition analysed the Opposition's and the Government's response to the 263 recommendations. The Government's record is abysmal. The Labor Party fully supported 179 of the recommendations; it gave qualified support to 80 and opposed four of them and put that on the record. The Labor Party could not support less than 2 per cent of the recommendations of the Commission on Government. It fully supported 68 per cent. However, the coalition fully supported 22 of the 263 recommendations, gave qualified support to 105 and opposed 136.

The Government is on the record as supporting only 8 per cent of the 263 recommendations of the Commission on Government and opposing slightly more than 50 per cent of the recommendations.

Mr Johnson: From where did you get those figures?

Mr KOBELKE: When the announcement was made, and when the Ministers and the Premier were asked which recommendations they supported, the Opposition kept a record. That is the Opposition's clear estimation which was released publicly in a document last year. To my knowledge the Government did not refute them. It is a clear indication of the lack of support by this Government for the recommendations of the Commission on Government. In this motion, we are asking the Standing Orders and Procedure Committee to address a number of recommendations that apply directly to the functioning of this House.

If the Government were committed to this motion, why is it not seeking to put on the agenda in the Legislative Council a motion asking its relevant committee to consider adopting the Commission on Government recommendations? They apply equally to that Chamber as they do to this one. The Government has not moved on it. How can we not form the opinion that the Government is not serious about this motion? It is not giving a clear commitment to fulfilling these recommendations. It has not even taken them up in the other place.

One example is the request for a citizen's right of reply. This House has already addressed that. The Government moved a motion on the Opposition's prompting knowing it had wide public support. The Government had no alternative but to move the motion and the Opposition gave full support to it. This House now has procedures by which a citizen has a right of reply if he has been defamed or spoken about incorrectly during proceedings in this Chamber. However, in the other place a senior Minister is opposing that move. The Government has not got its act together on these recommendations.

Mr Johnson interjected.

Mr KOBELKE: That is a different part of the argument. The point is a recommendation addresses a citizen's right of reply. We have put in place procedures which will allow that right for citizens of this State if it concerns a matter pertaining to the Legislative Assembly. In the Legislative Council, the Government can wield the numbers whenever it wishes, but it has not moved to ensure that the matter is taken up. Therefore, the Government has no commitment to ensure that these reforms are put in place. The Government is all about window dressing.

As further evidence, when I was preparing for this debate last week on Tuesday, 18 November I looked at the Legislative Council's Notice Paper. I discovered a notice given by the Leader of the House, a senior Minister in the Court Government, which stated, in part -

The Leader of the House seek a response from the Premier indicating the Government's attitude and intentions towards . . .

That relates to matters of this nature and form; that is, improving the system of government along the lines recommended by the Commission on Government. I do not say they are the specific recommendations of the Commission on Government, but it fits into the same general area. The member can check the details. My point is that the leader of government business in the other place has placed on the Notice Paper a motion requesting that the Government state its position. The Government has not got around to doing that yet. If that is not a lot of absolute twaddle, I do not know what is. Either the Government is committed to the COG recommendations and wants to improve our system of government, and seeks some reform, or it is simply playing games. On the evidence, the Government is playing games with the recommendations of the Commission on Government.

Mr Johnson: In this House the Government has enough members to guarantee the recommendations will go through this House, but in the other place the member's colleagues and the Greens (WA) and the Democrats have the numbers to do what they want.

Mr KOBELKE: I thank the member for that comment. That is a very good argument in support of my comments.

The Government has the numbers. If the Government has the numbers in this place why does it not state its position on the COG recommendations? The Government has simply said that it will send the matter to a committee, and request the committee to report. The committee will comprise members from both sides of this House. It will deliberate on those recommendations, without the Government stating publicly whether it supports all the recommendations or some of them.

Mr Johnson: Quite rightly, the Government considers that this House has the right to determine its standing orders; it is not just the Government.

Mr KOBELKE: That is different from the member's remarks a moment ago. He said that the Government has the numbers.

I will refer to the procedures and operations of this place: This Chamber operates on the basis of who has the majority of votes. The Government has a very clear and handsome majority. Therefore, nothing will happen with the standing orders or anything else, without government support. We also know that there are accepted procedures by means of which various things are done. It is right and proper that the standing orders committee should play a role in considering how matters should be changed, in the light of the COG recommendations referred to in this motion. They are very different matters. The first is a procedural matter of checking them off, making sure they are workable, and considering whether there should be minor modifications to fit with the standing orders. That is a right and proper role for the standing orders committee, but the standing orders committee is a lame duck if its recommendations do not fit in with the Government, because nothing will be put in place until the Government says it wants it - because the Government has the numbers!

Mr Barnett: You make it almost a mathematical point, and it is true, but the history of the Government has been that when the standing orders committee has made recommendations, generally we have accepted them. We accepted the report of the committee which the current speaker chaired. The right of reply was raised and pursued by the Leader of the Opposition, and we supported that. You must look at the record. If, in a proper sense, it is about improvements to the operations of this House, we have been supportive of it.

Mr KOBELKE: I thank the Leader of the House for his interjection. He is very capably assisting me in my arguments. That is my point. The Government has before it a set of clear recommendations from the Commission on Government. The Government has failed to indicate its support for the implementation of those recommendations. The Government has stated that the matter will be sent to the standing orders committee; the Government will allow a committee to carry the can. It wants the standing orders committee to decide whether these matters will be implemented, and the Government will simply take the recommendations of the standing orders committee, on which it has a majority, and say that the committee did not like some of the COG recommendations, but that is the standing orders committee! This has taken place with the Government keeping the matter at arm's length, so it does not need to make a decision, up front and publicly, about whether it supports the COG recommendations. It will send the matter to the committee which may take some, most, or none of them and bring back a recommendation. The Government will then act on that recommendation.

Mr Johnson: If the Government did not support in principle the recommendations, it would hardly send them to the standing orders committee. The Government is doing the right thing by sending the matter to the appropriate committee, which is looking at all the standing orders. It is very appropriate for the Government to do that.

The DEPUTY SPEAKER: Order! Perhaps the member should return to addressing his argument to the Chair. That will stop the constant argument between two members.

Mr KOBELKE: I did not have a problem with the interjections because so far those interjections have amply supported my argument. I will take up the matter raised by way of interjection by the member for Hillarys. The standing orders committee will make its recommendations based on the membership of the committee, which has a majority of non-Labor members.

Mr Johnson: That is reflecting on the Speaker.

Mr KOBELKE: No, it is not. Firstly, it may or may not be political; but, secondly, it lets the Government off the hook by allowing it not to make its view clear on the detail of the recommendations of the Commission on Government. This is a Government that believes so strongly in the Commission on Government that it cannot even formulate a position of substance on the details of the recommendations! It will let a committee look after it - a committee which quite rightly should play a part, but it should do so knowing, when it starts its work, the publicly stated position of the Government. However, the Government will not state its position. The Government will not put on the record in any detail what it thinks about the recommendations of the Commission on Government on which we are asking the standing orders committee to deliberate. That indicates that this Government is halfhearted, at best, in taking up the recommendations of the Commission on Government.

Mr Johnson: With respect, a cynic would say that that could be seen as the Government trying to influence the committee - and that would be wrong.

Mr KOBELKE: That is absolute tripe! The standing orders committee will look to the good functioning of this Chamber. I do not cast any aspersions on the individual members or how the committee would function generally. They are all members of Parliament who recognise the importance of this Chamber's functioning. They will address that as the No 1 issue.

The report of the Royal Commission into Commercial Activities of Government and Other Matters recommended five years ago that the Government do something and the Government delayed setting up the Commission on Government for two more years. The first two of its reports were released in late 1995, while the third report was released in April 1996. So the most recent report from which these recommendations come was tabled 18 months ago, while the whole process began five years ago. Because the Government does not have a clearly defined position on the recommendations it suggests that the Government does not care about the proper functioning of this Chamber.

The situation is becoming embarrassing. Because the recommendations of the Commission on Government have been sitting around for so long the Government thinks that it should send them off to a committee so that something can be seen to have been done. I hope the members of that committee take note of what I have said and realise that this is not a matter to be continually kicked around by making references to committees and initiating the need for further research. Those techniques have been used for far too long to delay reform in this Chamber. It is incumbent on the committee to seriously take up the recommendations of the Commission on Government and give full and proper recognition to the incredible amount of work the Commission on Government put into formulating these proposals so that it can come back with recommendations which mirror as far as possible these recommendations and receive the support of the Government. Anything less than that will mean that the suspicions of many people about what this Government is up to will have become fact.

Reform in a range of areas has been delayed for far too long. At last we can reform a number of the procedures governing the functioning of this Chamber and one hopes that the Government takes the matter seriously. The Standing Orders and Procedure Committee will come forward with a recommendation shortly after the new year and we hope to see those reforms implemented without any delay.

Debate adjourned, on motion by Mr Barnett (Leader of the House).

LOCAL GOVERNMENT AMENDMENT BILL

Second Reading

Resumed from 23 October.

MR McGOWAN (Rockingham) [7.53 pm]: It is my role as opposition spokesperson on local government to commence the debate on this Bill. I note that the Minister has just arrived in the Chamber; he has not missed much.

Mr Omodei: You haven't started attacking me yet, have you?

Mr McGOWAN: The Minister said before this debate began that I was free to have a number of free punches at him and he would not respond, so I invite my colleagues also to take up that offer.

This procedural Bill will amend the Local Government Act, passed last year, and will rectify a number of the faults discovered in that particularly large piece of legislation. In Bills of such size it is not uncommon over time to discover a number of faults, and it is important that they be fixed as soon as possible. The Opposition agrees with most of the clauses of this Bill, but it seeks clarification on some clauses.

The Bill contains a number of provisions. The first relates to how non-Australian citizens have been able to be elected to local government authorities as local councillors. That is an obvious breach of the intent of the Act and of all laws governing the election of all members and councillors of the various Parliaments and local government authorities around Australia. That anomaly will be rectified in this amending Bill. It will also mean that those currently serving as councillors on local government authorities will remain in their positions until the conclusion of their current term but that when it concludes they will no longer be able to be local government councillors unless they become Australian citizens in the intervening period. That is a fair and just provision and it will generally reflect the position of all Australian Parliaments and local authorities, so the Opposition supports that provision.

The Bill also sets out to rectify a situation that has been revealed in the Albany Town Council and Albany Shire Council, which I know are close to the Minister for Local Government.

Mr Prince: They are even closer to me.

Mr McGOWAN: I understand they love the Minister for Health and they are also very fond of the Minister for Primary Industry, depending on whom one talks to down there. I read an interesting newspaper article about a former colleague of the Minister for Primary Industry who had a few things to say about the Albany Shire Council, but, of course, the Minister could enlighten us.

Mr Osborne: You shouldn't believe everything you read in the papers.

Mr McGOWAN: I never believe anything they say about the member for Bunbury.

As I was saying, this provision will sort out the situation that has arisen in Albany in which members of the Albany Town Council and the Albany Shire Council have resigned en masse. I understand that the situation at the Albany Shire Council is in a state of flux, but that the Albany Town Council appears to be continuing the process it started about a month or six weeks ago.

Mr Omodei: What has happened is that the town has resigned but the shire councillors have not yet resigned.

Mr Prince: They said they wouldn't.

Mr McGOWAN: Is the Minister for Health hoping they will resign?

Mr Prince: Everybody is hoping that the proposal the shire put up some time ago will proceed: Both to resign, commissioners to come in to put the amalgamation in place, and a new election to eventuate.

Mr McGOWAN: The Bill is designed to solve the situation in respect of the Town of Albany where all the councillors have resigned. However, the Bill does not cover the situation in which commissioners would be appointed following the mass resignation of councillors. If the position of the shire is resolved, I am sure the Bill would enable those commissioners acting on behalf of the Town of Albany to act on behalf of the Shire of Albany, thereby saving the ratepayers of the region a considerable sum of money, especially considering the fact that those two will become part of the same local authority in the near future. It will presumably be known as the city of greater Albany.

Mr Omodei: We live in hope.

Mr McGOWAN: I would be interested to hear the remarks of the Minister for Primary Industry, but he will not be drawn on this point. He is pretending not to hear me.

The Bill also enables the Governor, obviously acting on the advice of his Ministers, to amend and revoke local laws where they are of such a nature as to be ultra vires or offensive to the people to whom they are designed to apply, to the overall guiding policy of the State or to society as a whole. The provision merely reasserts a situation under the old Local Government Act. I do not have a particular problem with that. The provision sorts out the situation so that when the Governor does revoke a local law, that revocation takes place immediately. It will enable the Minister for Local Government as a member of the Executive Council to let the Governor know the Government's position on particular local laws and enable him to take appropriate action.

The Bill also enables a local authority to take certain actions against property owners or occupiers who are not complying with local government notices on nuisances. I am not sure why that provision is in the Bill because I thought the Act already covered that situation.

Mr Omodei: I will respond on the nuisance issue.

Mr McGOWAN: The Bill also enables public submission periods to be held yearly when thoroughfares are closed. It also enables people who are adversely affected by the closure of thoroughfares to make submissions on the closure to a local government authority. The Bill also provides that notice need not be given to the residents of an area where a thoroughfare is closed for a short time. I presume this would cover such situations as in-fill sewerage, which recently affected my street in Safety Bay. Some of the thoroughfares there were blocked for a substantial time, which meant the residents of the area were not able fully to access their properties. It is a good idea to ensure that people have the right to make submissions on how thoroughfares should be closed. Obviously in the case of the in-fill sewerage project it is important that it go in; therefore, submissions should be exactly that - submissions but not a right of veto over the closure of the thoroughfare.

The Bill contains further provisions for the ratification of chief executive officers' delegations. I understand the provision is designed retrospectively to allow a CEO's delegation to be put into effect, where a CEO has delegated some power or responsibility to some of his or her staff in order for them to perform their roles. It is an important provision, and as such the Opposition does not have a particular problem with it.

I particularly wanted to raise with the Minister the issue of disclosure laws. The Bill contains some amendments to

the disclosure laws, which is a matter of some considerable debate at the moment concerning the findings of the Royal Commission into the City of Wanneroo. In the Minister's second reading speech on page 7371 of *Hansard* he outlined the amendments to section 5.63, which deals with common and minor financial interests which council members do not need to disclose at council meetings. The Minister's second reading speech is quite difficult to understand. Having read the three paragraphs on page 7371, I presume the intention of the Bill is to increase the requirement for councillors to disclose interests in the location of government related services and facilities where it may have an effect on their property, business or the like. I seek further elucidation from the Minister on that point. If the meaning of the provision is to decrease disclosure requirements of local government councillors, the Opposition will not be supportive of it. Therefore, the Opposition will be seeking an assurance that the provision is designed to tighten disclosure laws rather than allow further exemptions.

Mr Omodei: Are you referring to disclosure on the assets register of financial interests in relation to a councillor discussing matters at a council meeting or to the disclosure of gifts and political donations?

Mr McGOWAN: The provision seems to be designed to amend the exemption to disclosure laws contained in section 5.63. The Minister will know that some things are exempt from disclosure. If they are so broad as to have an impact on everyone in society, a councillor might say, "An increase in or decrease in rates affects me in the same way as everyone else." An exemption was provided for the location of government facilities. I understand that the Bill through the amendment to section 5.63 is attempting to reduce that exemption so as to make it more difficult for people to avoid disclosing the fact that they may be the beneficiaries of the location of some government services or facilities. I seek the Minister's advice that that is the Government's intent. The Minister knows that in the light of the Royal Commission into the City of Wanneroo, these matters are very topical and it is important that we set out clear guidelines to councils and to staff of local government authorities so that they comply with the spirit of what was laid down by the Royal Commission into the City of Wanneroo.

That brings up a further, wider point on disclosure laws. I urge the Minister to follow up the recommendations of the royal commission in relation to donations and gifts and conflicts of interest. The royal commission was an expensive exercise but it will be worth it only if at the end of the day we, the Parliament, put into effect the laws that were recommended by the royal commission in relation to donations and ensure that candidates for local government office and local government authority workers comply with those sorts of arrangements that are set out in the royal commission report.

The Opposition will seek to move an amendment relating to disclosure provisions. I urge the Government to support that amendment because it fixes a major loophole which was revealed in the City of Wanneroo royal commission report. I understand in the past it has been the practice for Governments to vote against amendments and Bills put up by the Opposition because the Government did not want the Opposition being seen to be setting the agenda. This issue is important, and as a matter of principle the Government should give serious consideration to supporting the amendment.

This Bill also sets out further provisions relating to the financial returns which are quite procedural, but not something to be overly concerned with. It also sets out some provisions for penalty interest. That is of concern to the Opposition. The second reading speech states that the provisions relating to late penalty interest will apply in the same way as those for late instalment payments, and local government authorities may continue to enter into special arrangements for payment in cases of hardship. I am interested in how this provision will operate. It seems to me that it may be onerous for people. As the Minister knows, rates time is a very stressful period for some homeowners because it affects their budgets, especially those who have not saved enough to pay their rates.

Under this provision, penalty interest can be charged by local government authorities when people are over 35 days late in the payment of their rates. For many people - in particular, those who own leasehold property - rate notices sometimes go missing. Tenants sometimes get hold of the rate notices and do not forward them on to the owner. It is quite easy for people who own a property not to be informed that rate payments are due, especially if they own a property which is outside the area in which they live. Rate notices come out at different times. People may live in one area and own a property in an area rated by a different local authority. Sometimes the owner may not receive the rate notice on the second property because of an oversight. If the rates are not paid within 35 days, people will now be charged late penalty interest. That is unfair to some people. I want the Minister to explain why that is being applied. It is quite onerous and it needs a proper explanation.

The Bill covers a number of other minor issues. In particular, I raise issues relating to the disclosure provisions and how they apply to the City of Wanneroo. In a press release the other day, the Minister indicated that he was quite ambivalent about the reappointment of the council as it stands. I seek an indication of the Government's intention for the City of Wanneroo when the inquiry that the Minister has set up has reported. It is interesting to note from the press release that the Minister is considering reappointing the former councillors and reinstating the City of Wanneroo as it existed previously. I wonder whether the Minister is seriously contemplating that.

Mr Omodei: I cannot remember exactly, but I might have made a reference to the inquiry making a recommendation for dismissal or reinstatement. That is what is reflected in the legislation. Until the inquiry report is carried out, I cannot make that statement.

Mr McGOWAN: If the inquiry hands down a report indicating that it is in favour of reinstating the council, will the Minister follow that advice?

Mr Omodei: I have no alternative; however, the split of the City of Wanneroo is imminent anyway. I think there is agreement, and might I say bipartisan agreement following comments made by members in Parliament, about bringing forward the split of the City of Wanneroo. That report would be ready before the inquiry report comes down. I will hold back any recommendations of the advisory board until after the inquiry is finished. It follows that if the advisory board recommends that the splitting of the City of Wanneroo proceed, it would follow on immediately after the inquiry. Whether the inquiry recommends dismissal or reinstatement, it is doubtful whether the council would continue.

Mr McGOWAN: It seems it is probably not a sensible thing to contemplate the continuation of the council in its current form. As members know, we have had five inquiries and it is important to bring forward the splitting of the City of Wanneroo as soon as possible. I point out again that the Minister indicated that he was considering reinstating the council, and I urge him to reconsider that position.

Mr Omodei: I will not be considering it at all unless the inquiry report says so.

Mr McGOWAN: If the inquiry says so, has the Minister indicated whether he will split the council immediately?

Mr Omodei: It would be reinstated in principle only, and the split would continue.

Mr McGOWAN: If the local government advisory board handed down a report which did not recommend a splitting of the City of Wanneroo, we would end up with the City of Wanneroo as it existed a month ago.

Mr Omodei: It is hypothetical, but if the inquiry report recommended the reinstatement of the council, that would happen. We are required to do that under legislation.

Mr McGOWAN: There is a prospect of the council being reinstated and all the councillors who were suspended being put back onto it as it formerly existed, and to continue, presumably, for a number of years.

Mr Omodei: There is a slim possibility.

Mr McGOWAN: Given that possibility, would the Minister contemplate bringing a Bill into this Parliament to resolve that situation?

Mr Omodei: Given that we have bipartisan support for the splitting of the city and that has been agreed to by all and sundry, including the City of Wanneroo, it is unlikely that that legislation will be necessary.

Mr McGOWAN: In any event, when the Minister responds, I ask him to answer those queries and the concerns I raised about penalty interest and the disclosure provisions.

MR AINSWORTH (Roe) [8.18 pm]: The second reading speech touches on the local government advisory board and how it deals with the district boundaries and ward changes. That has been a very big talking point in many country electorates and country areas I have been through in the past couple of months, so much so that when the issue was raised at the National Party's State Convention a few months ago, a motion was carried unanimously supporting the inclusion in the local government legislation of a clause which would allow for a referendum to be made available to ratepayers in the same way as is currently available when a total amalgamation is proposed. People in country Western Australia consider the same provision should be available for situations involving a partial change in the local government boundary, as applies to a total amalgamation.

I have had discussions with the Minister on this matter in the last week or two and, suffice to say, we have different views at this stage. However, I hope the Minister and some other colleagues can be persuaded on this matter because it would mean that if there were a proposal to remove part of a shire and add it to another local authority, the affected ratepayers would have some input. This is not the case under the current Local Government Act.

I had discussions with the Clerk of the Parliament to see whether amendments could be introduced to the current Bill. That is not possible because, although the Minister referred to boundary and ward changes in his second reading speech, the amendment relates to schedule 2.5, which is not the part of the Act that would apply to the changes I have been discussing. There is no scope at this stage to introduce amendments proposed by either a private member or the Minister. I took this opportunity to raise the issue because it has been of significant concern in country Western Australia and continues to be. I will have further discussions with the Minister about this, and I hope that at some

future time amendments can be introduced, with the support of the Government, to rectify the anomaly in the current Local Government Act.

MR GRAHAM (Pilbara) [8.22 pm]: This Bill will amend the Local Government Act in a variety of ways. I will deal firstly with the way the Act was amended on its passage through the Parliament last session with regard to cyclones. Amendments were made to the Act at that time to give a local authority the power to order a clean-up in the event of a cyclone. This legislation has little or no impact outside the north west of Western Australia, and it was designed to deal with some quite particular problems in the north west.

Over the years the preparedness of towns and municipalities to deal with cyclones had dropped dramatically. I raised that publicly about three or four years ago, using Port Hedland as an example. To my surprise, I was immediately supported by the State Emergency Service, the police, the local emergency advisory committees and the local authorities throughout the north west. They expressed their concern at the lack of preparedness for a cyclone in the north west. It is quite frightening.

Those who have been through cyclones and seen the effect of them will know that their power is awesome. It is extraordinary that those who have not experienced or seen them are unable to understand that it is necessary to clean up. The situation is worse now than it was when I first raised it. Because of the turnover of key people in the north west, the number of people with experience and in positions of power to deal with a natural disaster such as a cyclone is at its lowest level ever.

Mr Prince: Has it just happened?

Mr GRAHAM: I am not saying it has happened just now. It is a result of the effluxion of time, the lack of emphasis on it for a number of years, the lack of experienced people in positions of power or authority during a natural disaster, the moving on of old people with the knowledge, and the changes in key personnel in mining companies.

Mr Prince: A combination of things.

Mr GRAHAM: Yes. In addition, for between eight and 10 years there has not been a serious cyclone across a major population centre in the north west. I was never critical of the Government. Politicians raise these matters, and the Government takes them on board and acts on them. I was never harshly critical of the Minister or the Government for the actions it took.

Mr Omodei: You were very responsible.

Mr GRAHAM: I have asked the Minister to accept this as a point with some substance. I am not having a go at the Minister, but rather at the legislation. The Minister will recall that the key reason for my raising this was 130 houses from the old towns of Goldsworthy and Shay Gap, which are located in the Port Hedland light industrial area. They are old transportable houses split in half, which I said were potentially dangerous implements during a cyclone. The houses are split in half, they are not tied down, windows and doors are missing, and the roofs have been torn off.

To its credit, the local authority issued notices to the owner of the property and to the guy who owns the houses. I do not intend to go through the rather tortuous process that went through the courts, but the upshot is that a cyclone season later, those houses are still sitting in Port Hedland because of shortfalls in the legislation. The shortfalls include the local authority being unable to order the owner of those houses or the property owner to do anything with those houses outside the cyclone season. It must wait for an impending cyclone before serving an order, and that order allows a number of days for compliance. The exact number of days is not important in the scheme of things, except that the order does not require instantaneous action by the person on whom the notice is served. The legislation allows for that order to be appealed under the Local Government Act. That is where the situation comes a cropper. While the appeal goes through the local government system a cyclone could well occur. People have no idea when cyclones will occur, or how often or how serious they will be.

It could be - as proved to be the case in the Port Hedland example - that the appeal system, the court and the administrative process will be used by someone who is recalcitrant. That person has no intention of making this area safe. That is to the detriment of the local community. That company and the person involved used the appeals process to delay a legitimate council order to make the area safe.

It was done using the provisions of the legislation and I ask the Minister to introduce some legislative change, either through this legislation or at some later stage by administrative action. We are now, yet again, in a cyclone season and this will be the third year those houses have sat there when a cyclone could have gone through the area. I refer to the old Chinese view that every year a disaster is missed, brings disaster a year closer. In the case of cyclones, that is probably true.

I can think of absolutely no reason that this person should be allowed to have those houses remain in that area. There

is no doubt that he would incur a financial cost if he had to move those houses, but he bought those houses at a bargain basement price when the two mining towns closed, and he was aware when he bought them, because he has lived in the north for over 30 years, of the cyclone seasons and of the cyclone risks and hazards. The fact that he would incur a cost is irrelevant, because he is putting at risk other people's lives and property. All of us who live in the north have an obligation to make our area, be it our homes or our businesses, as safe as we possibly can. When an authority that is using its powers reasonably orders us to make our area safe so that we will not affect other people in the event of a natural disaster, we should comply with that order.

While I am talking about cyclones, I want to raise the question of caravans. Section 326 of the Act gives local government the authority to take action against owners or occupiers of land who do not comply with local government notices. I raise the question of caravans because as Ministers and, I am sure, many members know, Port Hedland is going through a rather large development which has caused an influx of people into the town. Although the Minister for Planning said when he was in Port Hedland recently that there is no land shortage, and I suppose he is correct, because there is thousands of square miles of the stuff - it is red - there is, however, a shortage of serviced land at reasonable prices.

Given the short term nature of the growth in the town, it can be argued that we cannot expect people to undertake development at great cost when in two or three years they will be left with slums because people will have moved and those homes will be vacant. However, that has led to an expansion in the caravan industry in the town. As a result of complaints from constituents, I had occasion to visit South Hedland caravan park last weekend, and I had a rather angry meeting with the owners and managers of that park, but that is life.

One of the major points that came out of that meeting was that some areas of that caravan park did not have cyclone tie downs to allow people to make their caravans safe. There can be no excuse for that. The owner of that caravan park should be required to provide those cyclone tie downs, and if that imposes a financial burden upon him, too bad. I have raised that matter with both the caravan park and the council, and I hope it is dealt with.

That meeting raised a series of issues about caravans in Hedland. New regulations and legislation are in place to deal with caravan parks, but I am told by the local authority in Port Hedland that some 700 caravans are situated in Wedgefield, the light industrial area of Port Hedland, and a further 300 caravans are situated around the town in people's backyards and driveways, and they are being rented out at extraordinary rates.

Mr Prince: How much are you making on yours?

Mr GRAHAM: I do not have one. That has increased the population in Port Hedland by about 2 500 people. I note the member for Geraldton is sitting in the Chair. The member for Geraldton may like, with his local member's hat on, to look at some of the problems in Port Hedland, because if the developments that are envisaged in his home town go ahead, all of these problems will come down the hill at him. As we said in Port Hedland, although many of the problems were foreseeable, with some good pre-emptive action, many of these problems could have been overcome. I hope the member has more success than we have had.

The problems that arise with these 2 500 people living in these unzoned and unregulated areas are manyfold. One problem is that between 700 and 1 000 caravans are located in residential and industrial areas with, one assumes, no provision for cyclone tie downs. Another problem is the health issue involved with having an extra 2 500 people living in a town of 12 500 people, with limited sanitary arrangements. We all know about the limited shower and toilet facilities that are provided in caravans. To have an extra 2 500 people live in a mid-sized country town is a huge impost. It also raises planning and economic issues, because those people are using the services in the town but are unrateable and make no contribution to the town.

Mr Prince: Is the sewerage system coping?

Mr GRAHAM: The short answer is no. An application is before the Government for the development of a new sewerage system in the town. I am not sure how far it has gone, but it was supposed to go to Cabinet.

Mr Barnett: I am advised that the Port Hedland Town Council has been given an additional allocation to help with the sanitation issue, I think of about \$700 000, from both the Government and BHP.

Mr GRAHAM: I am pleased to hear that. I heard it was in the pipeline, for want of a better word. The system was, and is, overloaded. There is also the vexed question of who would be liable if anything happened as a result of people living in those caravans. I suspect that even if the local authority made a local law, which under this legislation it would have the power to do, that people could not live in a caravan unless they met certain criteria with regard to cyclone tie downs, and noise, health, planning and zoning issues, there would still be the question of who would be liable if anything went wrong.

Secondly, I have no doubt that if those laws came into place, the practical and pragmatic effect would be that those

caravans would move out of the town and onto the roadsides and riverbanks around the town. Those people are employed in the construction industry and they need somewhere to live. I could speculate for quite a long time about why they do not take advantage of the accommodation that is provided, and it revolves around the money and allowances that they are paid, but I do not want to go down that path.

The reality is that it is in nobody's interests for those people to become homeless. If the local authority were to do that, the Government of the day would come under huge pressure from the resources companies to do something to house the HBI construction work force. I do not say that to be a smart alec or to put pressure on the Government; it is a reality that those people are a consequence of the construction. The system cannot deal with them because there are so many of them, so we have the untenable situation of people living in areas that I believe have inappropriate planning controls and inappropriate emergency service and safety provisions in the event of a cyclone.

I suspect that one answer might be that if the worst happened and we had a cyclone that resulted in damage, the Government should provide some comfort to the local authority, which was receiving no benefit from these people being in its region, by ensuring that it was not hit with a large damages bill. I am positive the local authority will make an approach to the Government in that regard. I hope the Government gives it urgent consideration because we are now in the cyclone season.

The DEPUTY SPEAKER: Perhaps the member can refer to the amendments in the Bill. The story was interesting, but we are discussing the amendments to the Local Government Act.

Mr GRAHAM: The Deputy Speaker has pre-empted me perfectly. I was about to refer to the amendments to section 6.28, the Valuer General's assessments and the way this works in the north west. I thank the Deputy Speaker for his tolerance because I did stray a little. However, I am sure he will agree that they are important points that should be made and that the Government should address them.

We all know how the process is underwritten by the Valuer General's assessment of the gross rental value of properties. The Valuer General's Office in Port Hedland is currently undertaking an assessment and that assessment will be inflated this year because of the issues raised previously.

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

Mr GRAHAM: Land values in Port Hedland will be increased significantly because of the problems that I mentioned earlier, including the land shortage. It is not unheard of to pay \$500 or \$600 a week to rent three and four bedroom houses in Port Hedland at the moment. Those rents lead to an increase in the GRV, which will in turn lead to a significant increase in rates. It is patently unfair that the people who in no way benefit from the resource development - the local residents - who in many cases have had their lifestyles ruined and who coincidentally live in the highest rated areas in the State are then hit with rate increases because of that development in their home town. I am not at all sure of the answer, but I ask the Minister to consider it and to respond. We all know that those GRVs never go down and the increases in the area this year are speculative. In five or 10 years those values will return to what they were.

I refer members to an omission; that is, the Local Government Act should provide some form of relief for local authorities that have their rate ability removed by agreement Acts. It is standard practice, and has been for 30 or 40 years, when negotiating with resource companies for the State to trade off the ability of the local authority to rate a development at anything other than the unimproved value. There must be some provision to allow for relief for local authorities from the State Government when that occurs.

It is a nonsense to have a \$2b or \$3b development in a small country town with everyone in the State benefiting but those closest to it, those most affected and the authority that is required to provide the facilities. The standard answer is that if the local authority needs something it should make a request to the State Government. The royalties collected from the development go into the consolidated fund and the Government will make an allocation if it is required. That is the rhetoric but not how the system works.

The lag between the development, the requirement for the local authority to undertake development and funding being provided by Government is very large. There are three significantly different time schedules with three significantly different pressures. The last to move is the local authority, which is the lowest in the pecking order and the least able to alter the CF allocation determination. A provision dealing with that problem should have been included in these amendments. It is unfortunate, and remote and regional Western Australia will suffer greatly because of that.

Debate adjourned, on motion by Mr Barnett (Leader of the House).

[Continued on page 8544.]

EQUAL OPPORTUNITY AMENDMENT BILL (No 3)*Second Reading*

Resumed from 11 November.

MS McHALE (Thornlie) [8.46 pm]: It gives me great pleasure to speak in support of this Bill as those on this side with a social conscience see the relevance of these amendments.

Mr Prince: Do they not all have a social conscience?

Ms McHALE: The question is to what extent that is true of the other side of the House.

The original Act - a significant piece of social justice legislation - was a Labor Government initiative in 1984. My predecessor, the then member for Gosnells, introduced this legislation, so there is a certain degree of symmetry in the fact that I am now speaking on the amendments.

The amendments deal with age discrimination. In 1993, the parent Act was amended to include the prohibition of discrimination on the ground of age, which I am sure will be of interest to many people on both sides of the House, particularly the long serving members. What we regard as a sunset clause applied for two years from 1993. For the two years from 1993, no complaints could be taken to the Equal Opportunity Commission even though the actions were unlawful. Also a number of exemptions were applied in the original amendments in 1993, particularly in relation to compulsory retirement. That is also a subject of the amendment before us tonight.

I will canvass the importance of these changes to human resources and industrial relations practices and policies. It is important to look at not only the legislation in its purest form, but also the application of the amendments on the grounds of age in real life settings in the industrial or business world. I will also briefly canvass applying age as a ground for unlawful discrimination.

First, I turn to the specific clauses and purposes of the Bill. A number of clauses, in effect, clean up and update a number of inconsistencies in the original Act. For example, clause 4 amends section 66ZL of the principal Act by deleting reference to the Occupational Superannuation Standards Act substituting the Superannuation Industry (Supervision) Act. This is an example of updating the principal Act.

Clause 6 will amend section 66ZM of the principal Act which relates to compulsory retirement and removes reference to the sunset clause. I take members back a few years. Until 1993, it was legitimate for people to be compulsorily retired when they reached a certain age. Usually, the age was 65 years, although in some instances with women it might have been 60 years of age. Generally, when workers reached 65 years of age, they had no choice but to be terminated, so to speak; that is, to retire compulsorily with no choice in the matter.

Therefore, the 1993 amendment was very significant. It removed the compulsory retirement obligation which meant that a worker could decide when he or she wished to retire. It was not a decision made for that person by legislation, but one he or she made at the time, obviously, in concert with employers in some instances, taking account of their financial and health circumstances, and a range of other factors. For the first time, people were able to determine their destiny in relation to when they finished work.

Clause 6 will also amend the principal Act to remove the sunset clause which provided a two year exemption in relation to people being retired compulsorily. It operated for two years until 1995. The reference is obsolete in November 1997 so it makes good sense to remove the subsection.

Section 66ZM(2) is also to be amended. This provision provides for an exemption in relation to the removal of compulsory retirement. Section 66ZM provides for compulsory retirement in certain instances. For example, the 1993 legislation allowed for the compulsory retirement of judges, within the meaning of the Judges' Retirement Act, for compulsory retirement to be lawful for District Court, Family Court and Children's Court judges, stipendiary magistrates and a list of other offices. The positions did not come under the purview of the age discrimination provisions. Those judicial positions are not subject to regular performance appraisals or standards. In effect, the only way a judge can be removed from his or her office is through reaching the compulsory retirement age. Those positions are not being changed.

Clause 6(2) of the amending Bill provides for the compulsory retirement of certain judicial office holders who currently are not exempt; namely, that list is increased. The provision has been extended to apply to the President or the commissioners of the Industrial Relations Commission, the judge of the Liquor Licensing Court and the Solicitor General. Those positions currently are not subject to the exemption clause and compulsory retirement does not apply to those positions. This amendment proposes that compulsory retirement be extended to include those positions.

The Minister may clarify a matter for me in his response.

Ms MacTiernan: I am sure he will be very interested in this matter as he is coming up to that age!

Ms McHALE: I said that a number of members opposite may be interested in the grounds of discrimination on the basis of age. What is the age at which the President and the commissioners of the Industrial Relations Commission, the judge of the Liquor Licensing Court and the Solicitor General must compulsorily retire?

Mr Prince: I think it is at age 70.

Ms McHALE: I am concerned that the age is not mentioned in the Bill, although it may appear in some supporting legislation.

Mr Prince: I am afraid I cannot give a definitive answer. I think it is found elsewhere. It is 70 years for District and Supreme Court judges, and I think these positions are on a par with them.

Ms McHALE: The legislation which governs these positions does not include any provision for compulsory retirement.

Mr Prince: I will give you an unequivocal undertaking to have that matter looked into, but I am fairly sure it is at age 70.

Ms McHALE: As long as the legislation is inclusive of that -

Ms MacTiernan: It is good to see the Attorney General has briefed the Minister.

Ms McHALE: Yes. Clause 7 of the Bill deals with the compulsory retirement of the Commissioner for Equal Opportunity provision in the principal Act. She is obviously of the view that she should not be subject to compulsory retirement, which view the Opposition believes is right and proper. We support that amendment as well. I omitted to indicate at the outset that the Opposition supports this Bill. I hoped it would have been patently clear from the way I was speaking that we supported it. For the record, members on this side support the amendments proposed in this Bill.

I will talk about one more significant part of the legislation; however, I will recap to this point. The amendment Bill will remove the sunset clause, which is an entirely logical thing to do, given that the two years is up. It also will preserve the provisions for compulsory retirement in certain judicial positions and extend that provision to a number of other quasi-judicial positions. The Minister will confirm what that retirement age is.

Mr Prince: I will not be able to confirm that in my response to the second reading debate, but I give an unequivocal undertaking that I will find that out and that the information will be supplied to you.

Ms McHALE: Okay. The other major effect of the Bill relates to the Commissioner for Equal Opportunity's responsibility to review other legislation. When provisions against age discrimination were introduced in 1993 the commissioner had the responsibility to review other public sector legislation to identify inconsistencies that might have arisen from the amendment to the equal opportunity legislation. This Bill deals with the findings of that review. It will amend not only the Equal Opportunity Act, but also 19 other state Acts. Those Acts are listed in the schedule to this legislation. The amendments will remove any reference to compulsory retirement for certain employees and officeholders. It is a logical amendment, given the primary focus of this Bill. If we are removing the sunset clause because we believe age is a legitimate ground on which to base claims of unlawful discrimination, there is no point having a raft of other state Acts that are inconsistent with that principle. The Commissioner for Equal Opportunity has reviewed that legislation and recommends that Parliament consider and amend another 19 pieces of legislation. I do not intend to go through those 19, but I will highlight a couple to make it clear what the practical effect of the amendment will be.

I turn first to the Animal Resources Authority Act. At the moment the chief executive officer of that authority must retire at 65. The section in that Act will be deleted.

Mr Prince: He is an excellent officer.

Ms McHALE: I am sure he or she is.

Mr Prince: It is "he".

Ms MacTiernan: It is still marginally possible that a person is competent, notwithstanding that he is a he!

Ms McHALE: But it is only marginal; it is highly questionable!

The Building Societies Act is interesting. It contains an upper limit of not 70 nor 75, but 72 years of age.

Mr Prince: I don't know why. There is probably some very good reason lost in the midst of history for that, and I'm blown if I know what it is.

Ms McHALE: It probably has to do with the average length of age of males or females or actuarial figures.

Ms MacTiernan: You know there is a biological basis for having a higher age limit for women compared with men. I read an interesting article earlier that stated men's brains deteriorate at a far greater rate than women's.

Mr Prince: Women's brains are smaller.

Ms MacTiernan: It's not the size that counts!

Ms McHALE: We deteriorated quickly from fact to fiction in that brief exchange of ideas.

The amendments to the Director of Public Prosecutions Act will remove the reference to the director being under the age of 65 on appointment and not holding office beyond 65. A person could be appointed at 64 and be required to retire at 65.

Mr Prince: I confess that is a strange way of putting it. I do not think any of the other Acts word it in that way. I do not know why it was worded like that.

Ms McHALE: The Commissioner for Railways must retire at 65; under this legislation he will be able to stay on.

Mr McGowan: What about judges?

Ms McHALE: As I said earlier, compulsory retirement applies to a number of judicial officers. That is preserved in this legislation and a number of additional positions have been added to the list.

Mr McGowan: Does it retain compulsory retirement for judges?

Ms McHALE: Yes. Amendments to the Small Claims Tribunal Act - the tribunal is often referred to in this House - will remove the requirement that a referee of the Small Claims Tribunal be under 65. These compulsory retirements make no sense in today's social context. Amendments to the Strata Titles Act will remove the requirement for persons to be under the age of 70. In typical form, small sections of the 19 state Acts that are being amended will be deleted and there is no need for anything to be included in their place. In a couple of instances a few additions are made; however, generally the state Acts are being amended by deletion.

In essence they are the main changes to the principal Act. The intention of the amendment Bill is to remove inconsistencies in the principal Act. According to the second reading speech, the Bill is designed to enhance the effectiveness of provisions in the Equal Opportunity Act. The Opposition believes that on the whole the amendments will do that; that by removing the sunset clause people will take complaints of age discrimination to the Equal Opportunity Commission and they will be investigated, conciliated and heard, if that is the outcome of the process.

I will make some general comments about the importance of the original 1993 legislation. Age discrimination is based solely on chronological age and, as with other grounds of discrimination, is generally the less favoured treatment of individuals compared with others. The 1993 legislation introduced that ground so that people could not be treated less favourably solely because of chronological or physical age. It removed age limits, both junior and senior, as in compulsory retirement. From a practical point of view age has become a critical issue since the introduction of the legislation which has outlawed age discrimination. It has brought with it the requirement to review management practices. I do not think this has always been the case. For instance, if a poor performer was in his or her sixties the general tendency has been to carry that person because he or she will be compulsorily retired in a few years' time.

Ms MacTiernan: We see that in the Parliament.

Ms McHALE: Unfortunately, we do not have compulsory retirement for members.

Managers cannot do that now. I know, having studied organisations, that there has not always been that shift. It requires a much more sensitive management of senior workers. Managers can no longer deal with poor performance by retirement. Managers must look at how they manage performance, retirement planning and so on. Human resource planning must change because of the amendment to the legislation. I am talking only about employment. Age discrimination applies in a range of other areas and has a particular impact on employment and human resources practices. That is because managers can no longer predict retirement as it was once possible when they knew that X per cent of their work force would move out at the age of 65 so they would have that exit percentage. Managers must now look at how they manage performance.

Many elderly people who have never been through a performance appraisal all of a sudden, at age 62 or 63, might

have management say that they are not performing very well. How do we deal with that performance question? It is not good enough to say that they are too old and they must leave.

Mr Prince: Poor performance is not necessarily a function of age. There are some things that a person who is older has more difficulty in doing, probably relating to physical mobility more than anything else. They also have a huge reservoir of experience and wisdom that is of immense value. It is a matter of the management of the asset that is represented by a person of that age.

Ms McHALE: I am not saying I believe the stereotypes about older workers. They have not been found to be true when people have undertaken research in that area.

Mr Prince: Having run an office myself, I have employed people who were old enough to be my parents and juniors young enough to be my children. It was fascinating to see the interaction. The result that one gets is first class.

Ms McHALE: To be sensitive to that one must look at the most appropriate ways of dealing with older workers. Whether it is different training modes or whatever, it is a question of being sensitive to the fact that one must manage.

Mr Prince: That is good management.

Ms McHALE: Yes. In the past there has not been the need for that.

Mr Prince: There has always been a need. In many respects, perhaps it has been too easy to say that because someone is retiring in a couple of years, that is the end of it. They have not thought about it at all.

Ms McHALE: Managers cannot say that any more, and rightly so. They must be able to deal with the performance. As an aside, it is an interesting point that the 1993 legislation provides that it does not make any action unlawful in relation to age if a decision is taken on occupational health and safety grounds. In other words, if there are strong occupational health and safety reasons one could, in theory, terminate a worker's employment. I would be interested to know whether that has been tested. It is important to recognise that the exemption clause which relates age to occupational health and safety is part of the principal Act.

I have canvassed the areas that are of concern to me by giving a brief overview of the impact of the amendments in removing the sunset clause, in preserving and extending the compulsory time for certain judicial positions and also by making consequential amendments to 19 state Acts, which again was logical to ensure consistency between the state Acts and the principal Act.

The other point that I wanted to raise, just to put it on record, was the importance of ensuring that human resource management practices, particularly in the public sector, were sympathetic and sensitive to the changes in the legislation and that we see effective policies which deal sensitively with an ageing population to start with and an ageing population that no longer has compulsory retirement. I commend the Bill.

MS MacTIERNAN (Armadale) [9.17 pm]: I want to make some inquiries about changes to the Workers' Compensation and Rehabilitation Act to which I can see no reference in this Bill. The workers' compensation Act is riddled with age discriminatory provisions that prevent workers over the age of 65 who have become injured in their workplace from receiving adequate compensation. In fact, in the event of a workplace accident, a worker who is over the age of 65 is entitled to receive basically only a pin money allowance. I forget the precise sum but it is in the order of \$30 to \$50, which is seen as an augmentation of the age pension. It is highly inappropriate for us to make amendments of the type that we see in this legislation without addressing that real issue of workers' compensation.

This came to my attention when I was Labor Party shadow Minister for labour relations. A number of people came to me who found themselves in that invidious position - in particular, people in the stores area who had continued to work well beyond the normal retirement age, and who subsequently had been injured purely through the nature of their work and not because of any infirmity associated with age. They were subjected to considerable insult because their age entitled them to only a small stipend and they were very much discriminated against.

It was also my view that the legislation was wrongly interpreted by the Accident Compensation Commission. The original debates did not give me the impression that that was the intention of the legislators at the time. Nevertheless, that has become the conventional wisdom. We are being inconsistent in this piece of legislation in looking after the position of Supreme Court judges et al while failing to look after the position of the many ordinary Western Australian working people who have continued to work beyond the age of 65. Quite often because they find themselves in parlous financial situations they are unable to rely on the pension.

Members may recall the case I brought before the Parliament recently concerning 74 year old Myra Parker who, because of a scam involving settlement and real estate agents, was forced to go out to work again in order to pay off a mortgage she had to take out to recover her home. These are not rare examples. They are becoming increasingly

frequent. As pensions provide less of an opportunity for people to sustain a reasonable lifestyle, more elderly people are working. It is not just a matter of financial need; people often enjoy their work and want to continue to make a contribution. However, from time to time those people will become injured. It is therefore important that we make sure they are provided for. I know that the Minister handling the debate on this matter has considerable experience - one might say even a degree of notoriety - in relation to workers' compensation!

Mr Prince: How kind of you.

Ms MacTIERNAN: I hope he will be able to tell us how the Government proposes to reconcile the issue of non-discrimination with the issue of discrimination that is rife in the Workers' Compensation and Rehabilitation Act.

MR PRINCE (Albany - Minister for Health) [9.24 pm]: I am obliged to the members opposite for their contributions, particularly the observations made by the member for Thornlie on human resource management and the changed practices that will result from these amendments. Some of her remarks were particularly appropriate. As I indicated by interjection, I am unable to answer her questions definitively about judicial officers. I think that the retirement age is 70 for the people she mentioned. However, I reiterate my undertaking to make inquiries of the Attorney General, for whom I act in this place, to establish the situation. Her query will be answered in some way as soon as possible.

The member for Armadale sought clarification on workers' compensation for workers over the age of 65. She is quite right that the Bill does not amend the Workers' Compensation and Rehabilitation Act in relation to those people. I am aware of the examples to which she referred. Unfortunately, I cannot give her the answer because the matter was not raised by opposition members in the other place. That is why the matter has not occurred to anyone else in a parliamentary sense. I do not know what is the answer. Again, I will endeavour to have an answer provided. It interests me also; therefore I will get the information as soon as possible.

I thank members opposite for their support of the legislation.

Question put and passed.

Bill read a second time.

Committee

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

Clause 1: Short title -

Ms MacTIERNAN: It was not the Opposition's intention to go to Committee. During the second reading debate the member for Thornlie and I asked a number of questions which the Minister undertook to answer. We do not want to labour this point, but the Opposition believes the third reading should be deferred until the Minister can provide some of those answers. Unfortunately the member for Thornlie is not here to raise questions. We are not trying to be difficult. However, the Minister indicated to us that he had not been briefed on some areas. The Opposition was simply asking that the third reading be deferred until the Minister could provide us with some of the answers to our questions. It depends how seriously members opposite treat parliamentary debate.

Mr PRINCE: I do not recall anyone asking that the matter be deferred until the answers were provided. I do not have the portfolio responsibility; I handle these matters for and on behalf of the Attorney General. I cannot give an assurance, for example, that I can supply the information by tomorrow. Were this a matter falling within my portfolio area I could make that judgment and commitment. I can say that the member's questions will be answered in writing as soon as that can be done. I do not know whether that will be tomorrow, Thursday, or next year, but certainly Parliament will go into recess this week.

The queries raised by the member for Thornlie seek information, not an amendment. The matter raised by the member for Armadale is interesting but, again, it is for information rather than amendment, and perhaps if it has not been addressed, it should be addressed in another amending Bill. Why delay the passage of this Bill, with which the member agrees and with which members in the other place have agreed, for information sought - even though it is information rightly sought? I will give an undertaking to supply it but I cannot say when, because I must ask the Attorney General to do it.

Ms MacTIERNAN: This goes to the way in which Ministers acting on behalf of other Ministers go about their business. I do not understand why a ministerial adviser is not present to provide some assistance to the Minister. We do not expect the Minister to be across the entire range of portfolios for which the Attorney General is responsible. That would be unreasonable. He has a heavy ministerial load as it is. However, it is somewhat dismissive of the processes of Parliament that the Minister does not have with him an adviser who is fully briefed

on the Bill, who could and would be able to answer the various questions we have put forward. This makes a mockery of this process of Parliament. We raise legitimate questions in this place but they are unable to be answered. It is not a criticism of the Minister that he does not know the answers, although I thought the Attorney General would perhaps have made more effort to have the Minister briefed on some aspects of these Bills. Notwithstanding that, I thought at least Parliament could have acknowledged this matter was of sufficient importance to have the bureaucrat responsible for providing briefings to the Attorney General here tonight to provide a similar service to the Minister. There are five Ministers in the other place; very important legislation originates in that place and more effort must go into ensuring that Ministers who take legislation through this place can properly handle that legislation. There is no point our filling in time if our questions are not answered. As to the Minister's comments about workers' compensation material, he acknowledges the point needs to be addressed. One might argue that if this Bill is facilitating the employment of people beyond the age of 65, it is very germane whether we should pass the Bill! The Minister said perhaps that should be the subject of another Bill. However, it appears it is potentially dangerous for us to be passing a piece of legislation which could see many more people being employed beyond the age of 65 years without concomitantly putting in place protections under the workers' compensation Act. At least the argument is that the two should go together.

Mr PRINCE: The member's final point is a good one. As far as I can see in the history of these matters it has not been raised. The point is worthy of debate. I suspect it comes under the Minister with responsibility for workers' compensation matters rather than under the aegis of the Attorney General.

Ms MacTiernan: Do you see the connection? The Bill facilitates the employment of people beyond the age of 65.

Mr PRINCE: Yes, I do. I have acknowledged that. It is a good point, and I want to know the answer. As to the other matters, the officer concerned is not here. He has been sent for, and he will come. Perhaps it would be appropriate for me to seek leave to report progress until a later stage of this day's sitting, and the matter can be brought on when the adviser arrives. However, I do not know whether he can answer the queries.

Progress reported.

[Continued on page 8543.]

COMMERCIAL ARBITRATION AMENDMENT BILL

Second Reading

Resumed from 9 September.

MS MacTIERNAN (Armadale) [9.37 pm]: The Opposition supports this legislation which seeks to modernise the Commercial Arbitration Act, and to provide a degree of uniformity around Australia on matters of commercial arbitration. The question of uniformity is very important, because many commercial transactions today are not subject to state borders, and matters could routinely traverse state and national boundaries. This creates a degree of vexation and difficulty when different commercial arbitration regimes are operating, because there will be disputes when multi-jurisdictional matters go before arbitration. The existence of varying regimes will make it very difficult and complex, and will leave open more avenues of appeal against the decision of that arbitration. Therefore, we see strong grounds in this case for us to seek uniformity with the national standards.

I note with some disappointment and sadness that Western Australia is the last State to embrace these rules, but no doubt the Attorney General was busy with much more important things such as advocating the election of judges, and other nonsense that he is prone to go on with.

Mr Osborne interjected.

Ms MacTIERNAN: It is an absolutely fabulous idea. I suggest that lord Bunbury read *Bonfire of the Vanities* to discover how first-rate the idea of the election of judges is.

Mr Osborne: You know I cannot read. Don't expose me in that cruel fashion!

Ms MacTIERNAN: To the contrary! I know that, notwithstanding the fact that lord Bunbury has not been elected to the front bench, he is without doubt probably the most literate of the entire Government.

Mr Osborne: Thanks for that.

Ms MacTIERNAN: It is absolutely true.

Mr Osborne: Did you say "illiterate"?

Ms MacTIERNAN: The most literate.

Mr Osborne interjected.

Ms MacTIERNAN: On this side of the House, we recognise the member's ability even if his comrades do not. One of the Minister's colleagues has recognised that.

Dr Hames: I am glad you said that. You've just protected my position for a while.

Ms MacTIERNAN: I am sure the Minister for Housing is in need of every modicum of protection the Opposition could afford him.

Dr Hames interjected.

Ms MacTIERNAN: The Minister did invite that response.

I have spoken about the need for uniformity and the reason the Opposition will support that. Another important part of the legislation is the modernisation of arbitration and the provision of a much broader framework for alternate dispute resolution. Alternate dispute resolution is no longer confined to arbitration. It takes in a broad range of dispute resolution procedures, such as conciliation and mediation, and the Bill recognises that broader scope for alternate dispute resolution beyond arbitration.

My work in the commercial law field and my forays into commercial litigation brought home to me the great imperative for business to embrace alternate dispute resolution. To a large extent it can be cheaper, although that is not always the case. Quite often, commercial arbitrators are expensive objects, particularly if one also must pay for legal representation, and one does not necessarily end up at the end of the day with a cheaper product. However, it is quicker and, in a broader sense, far more efficacious for business to go down this route, because while the direct cost may not be less in certain circumstances, in terms of the amount of management time and effort and psychological energy expended on the litigation process, ADR is greatly beneficial.

The whole nature of our legal system, our traditional court system, encourages one side to denigrate the case of the other side as much as possible. The whole way the adversarial system operates has the result of each party seeking to demean as far as possible the case of the other side and assert the merits of their own case. I learnt in commercial litigation that it is not simply a question of finding the truth, because there is indeed not one single truth. In most cases both parties fervently believe that their different versions of events and their different interpretations of those events is the truth and that it is not simply a case of one person telling the truth and the other lying. Both parties fervently believe in their own particular constructions of reality.

However, mediation and alternate dispute resolution is designed to get each party to understand that basic tenet - that the other side is not necessarily lying because they disagree with one, but that they see reality from a different perspective - and to try to work through a system in which one might be able to come out with a result where both versions of reality can coexist. That is significant, because in many instances commercial relations will continue with the party with whom one is engaged in litigation, whether it is as franchiser or franchisee or supplier or purchaser, because any range of business relationships may end up in litigation. Very often those parties either have to be, or should be, in a position to deal with each other in a post-litigation environment in the future. The traditional litigation process makes that very difficult. Because both sides are set in battle to destroy each other, the possibility of a profitable, ongoing commercial relationship is very much jeopardised by that process. However, if they can move into mediation and conciliation, there is every prospect that after the matters are settled the relationships will be resumed.

Another provision of the Bill is aimed at reducing the incidence of appeal from arbitrary decisions. One of the concerns is that people will go through arbitration as a dry run to tease out and encourage all the evidence from the other side to better prepare the case if they do not score a win on arbitration. That is a bit like what people in the criminal jurisdiction do with committal proceedings. This, of course, is not the purpose of arbitration and other dispute resolution procedures. The Bill quite properly seeks to limit the rights of appeal, so that it is really only in the situation of judicial review, rather than appeal, that relates to an arbitrated decision. The Opposition supports that because it recognises that the parties enter into these arrangements consensually. Having done that, given that they have consented to enter into these arrangements, it is appropriate to apply some force of the law on the determinations. This leads me to an issue which some might consider to be tangential to this matter - but not in my view; that is, the dispute resolution procedures in the workplace agreements legislation. That truly is some of the most disgraceful legislation that I have ever seen. I wonder where the Minister for Health and the Attorney General were when they allowed that aspect of the legislation to go through, because those dispute resolution clauses are anything but consensual in the context of workplace agreements.

It is the orthodoxy of the Government that it is not against the law to require a person to sign a workplace agreement to get employment. So it is not as if a person, in any real sense, is given the balance of power. Employees rarely

voluntarily enter into workplace agreements in those circumstances, given that they are required to accept these dispute resolution clauses.

I wonder whether the Minister for Health has ever looked at the sorts of nonsense set out in those dispute resolution clauses, because basically all the law provides for is a paragraph of verbiage with a heading over it that says "Dispute Resolution". There is no benchmark against which the Commissioner of Workplace Agreements is able to assess the content of that paragraph of verbiage. Some of the clauses in the workplace agreements are absolutely amazing. I am particularly fond of one which nominated the postmaster of the Bayswater post office as the person in charge of the dispute resolution in a contract. Many of them provide, particularly in mining agreements, for a site manager; that is, an employee of the employer is the person who will arbitrate fairly and neutrally when there is a dispute between an employer and an employee. That is patent nonsense. Many clauses have a person nominated by the president for the time being of the Chamber of Commerce and Industry of Western Australia. Again, that would hardly be a person who could be expected to be completely neutral in resolving a dispute between an employer and an employee. Given the commitment that the Government has to a commercial arbitration Act to providing a framework in which we ensure that commercial arbitration proceeds fairly and justly, I cannot see how the Minister and Government can square that away with the nonsense -

Mr Bloffwitch: Would you prefer a federal industrial court with an ex-Transport Workers Union organiser? Do you think he is less biased than would be a Chamber of Commerce person?

Ms MacTIERNAN: That is an extremely interesting example.

Mr Bloffwitch: It is.

Ms MacTIERNAN: That particular ex-TWU official has had his decisions appealed against many times. They have gone to the Federal Court and on to the High Court. Not one single appeal against that ex-TWU official has been upheld.

Mr Bloffwitch: Neither have the decisions of the president of the CCI been complained about. You are using that as a bad example.

Ms MacTIERNAN: I am interested that the member has raised this important issue. The various industrial relations commissions are able to provide three things: Firstly, a cheap method of dispute resolution; secondly, a speedy one; and, thirdly, one in which the people resolving the disputes have some experience of industrial relations. All of those three important strands have been completely jettisoned in the legislation which sees the Bayswater postmaster being nominated. The postmaster may be a very fine person but certainly someone who is likely not to have had industrial relations experience.

In the Industrial Relations Commission there are Chamber of Commerce and Industry of Western Australia representatives and people appointed from the ranks of government - I have no difficulty with that - and there are people appointed from the union movement; there is an amalgamation of skills. Matters can go before a single arbitrator or commissioner who will be one of those persons. They are within a broader framework in which there is basically a tripartite influence on the decisions. A culture arises out of a tripartite mechanism. Appeals can then be made to the full bench of the commission, which includes a TWU official, a CCI person and a person from government ranks. Therefore, built into that system is an assurance that the people who are making determinations know something about industrial relations and have come from a properly representative cross-section of the industrial relations field and not from one area only. It also provides cost effectiveness.

Mr Bloffwitch: It could not be any more cost effective than using the local president of the CCI.

Ms MacTIERNAN: That is interesting. I understand the arbitrators are generally charging about \$300 to \$400 an hour to deliberate on these disputes.

Mr Bloffwitch: I am an arbitrator of two at the RSL home and I never charge a cent. I do not know why the member said that arbitrators charge that amount of money.

Ms MacTIERNAN: Who chose the member for Geraldton as an arbitrator?

Mr Bloffwitch: The people who were providing the workplace agreements asked me. I spoke to the staff and they said it would be okay.

Ms MacTIERNAN: Is the member listed as the arbitrator?

Mr Bloffwitch: I am.

Ms MacTIERNAN: QED!

Mr Bloffwitch: For how many have you been picked?

Ms MacTIERNAN: Quite frankly, I have more work to do than the member. We can let the people of Geraldton know that the member is working only part time as the member for Geraldton and that he is available for other duties. I am sure they would be very pleased to hear that.

Mr Bloffwitch: I have never been called upon.

Ms MacTIERNAN: The member for Geraldton should think about this: He may well be a fine example of an impartial arbitrator, as much as I find that hard to believe, but it is possible. In this commercial arbitration legislation we would not allow to happen what we are allowing to happen under the workplace agreements legislation under which an employee might have a dispute over remuneration. The dispute may be over \$10 to \$20 a week, which is, for a low paid worker, a significant sum of money. The majority of these clauses require a lawyer to be appointed by the president of the Law Society for the time being or a commercial arbitrator appointed by the CCI. As I said, they would charge \$300 to \$400 an hour. A very ordinary dispute requires something like three to four hours of deliberation. It could therefore cost \$1 200. Under the majority of these agreements, by and large the employees are required to pay half of that amount. Therefore, employees on Mr Kierath's minimum wage of \$330 a week, wanting to seek clarification about their position involving a \$10 a week dispute, would have to be prepared to pay \$600 up front to have the matter arbitrated. It is not easy for them to be legally represented merely to get the arbitrator paid for. It is a complete nonsense. It effectively means that those people are not represented and simply do not avail themselves of the dispute resolution clause because it is not financially feasible for them to do so. I will not go into this at length, other than to say one of the real disgraces of the workplace agreements legislation is the dispute resolution provisions and the way in which this Government allows working people to be put into a situation in which they effectively have no way of achieving any realistic arbitration on pay disputes.

We support the thrust of this legislation. It is a pity that the Government does not have a consistency of approach to dispute resolutions and that in dealing with ordinary working Western Australians it does not seek to give the sorts of protections it is giving here to other commercial and civil litigants.

MR PRINCE (Albany - Minister for Health) [9.59 pm]: I am obliged to members opposite for their support for the legislation.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

FAMILY COURT BILL

Cognate Debate

On motion by Mr Barnett (Leader of the House), resolved -

That leave be granted for a cognate debate for the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill, and that the Family Court Bill be the principal Bill.

Second Reading

Resumed from 16 October.

MR McGINTY (Fremantle) [10.00 pm]: Two issues arise out of these Bills that relate to the Family Court. The first is the very important question of whether it is appropriate to maintain the situation that exists uniquely in Western Australia where a state court exercises both state and federal jurisdictions. Western Australia is the only State to go down this path of not ceding to the Commonwealth power for ex-nuptial relationships and ex-nuptial children. I pose this question because when Western Australia decided to go it alone and to have its own Family Court legislation, it was argued that advantages would accrue to this State and its residents from that arrangement. I suspect that since then the practice has been that this arrangement has been to the detriment of the people of Western Australia and, in particular, those who are party to a relationship which is not a legal marriage, especially the children who are born of such a relationship.

I say that for a very simple reason; that is, we are continually playing catch up, continually seeking to amend the Family Court Act of Western Australia to ensure that it contains provisions that are incorporated in the commonwealth Family Law Act. Any time there is an amendment of the commonwealth Family Law Act, some considerable time later the benefits of that provision flow through to affect non-legal marriages which are covered by the Family Court Act in Western Australia. For that period a detriment is incurred by people in Western Australia. It is time we reviewed whether there is any net benefit to the residents of Western Australia by retaining a separate Family Law Court in this State; that is, a state court exercising both commonwealth and state jurisdiction. I will need

to be convinced that there is a benefit. People who have come into my electorate office have from time to time been caught in the circumstances of a breakdown of the marriage or other issues affecting ex-nuptial children or children of de facto relationships, and have said that if they were living in any other state in Australia or if they were legally married, they would have been able to claim a benefit or utilise this procedure, but they have not been able to because the Western Australian Act is not as good as the commonwealth Act.

Generally speaking, as I have categorised it already, it is a catch-up matter - something which has been incorporated into the commonwealth legislation via an amendment and it has taken this State Parliament a year and a half, or thereabouts, to reflect in the state Act the provisions of the commonwealth Act. In other cases the legislation in Western Australia is designed to complement the federal legislation, to reflect legislation, and in doing so to ensure we have uniform legislation throughout Australia. Quite often there will be a provision which essentially picks up the provisions of the commonwealth Act as they are from time to time. By virtue of the state Act, the provisions of the commonwealth Act are automatically implemented in Western Australia. That is not the nature of the Family Court Act in Western Australia where, due to a lack of diligence by the Government, the amendments made at the federal level take far too long to flow on. That has hurt people in Western Australia or at a minimum has been to the detriment of a significant number of people in this State.

This Bill has two elements to it which highlight that very point. The first is that 17 months ago, in June 1996, the commonwealth legislation was substantially amended to make provisions for what we are now seeking to insert into the Western Australian legislation. There has been a specific 17 month delay. Whenever there are improvements to the commonwealth Act, there is usually a delay of approximately that magnitude; sometimes more, sometimes less. In this case the provisions to be inserted in this legislation are beneficial; they will be of assistance, in particular, to ex-nuptial children and their parents. We see here something which occurs every two or three years, whenever the commonwealth Act is amended, and the detriment accrues from that.

Another significant detriment of the state Family Court Act is being remedied with this legislation. Before going into the detail of the provisions of this legislation, I refer to section 35 of the Western Australian Family Court Act. It is my understanding that from the date of the commonwealth Act, when the power over ex-nuptial children was referred to the Commonwealth, the custody and guardianship of both the children of legal marriages and ex-nuptial children was determined according to the best interests of the child under the commonwealth Act. That has never been the case in respect of ex-nuptial children in Western Australia. That is a quite remarkable provision. Section 35 of the Family Court Act which is proposed to be repealed by this legislation, and not before time, provides -

Subject to the *Adoption of Children Act* 1896 and any order made pursuant to this Division, where the parents of a child who has not attained the age of 18 years were not married at the time of the birth of the child or subsequently, the mother of the child has the custody and guardianship of the child.

In Western Australia a provision contained in the state Family Court Act has not placed the interests of the child as the paramount consideration. We have said that the proprietary interests of the mother are the guiding principle in determining the custody and guardianship of an ex-nuptial child under the age of 18 years where the parents were not married. That should have been repealed a long time ago. It has left Western Australia out on a limb in terms of the scheme that has operated throughout Australia, and in a significant number of circumstances it has been to the detriment of the child because the test has not been the welfare of the child. That is not the case elsewhere in Australia. In the other jurisdiction, which is the commonwealth legislation because the States have referred their powers over ex-nuptial children to the Commonwealth in recent years, the test has been the best interests of the child. I am pleased to see the end of section 35 of the Family Court Act. It will achieve a measure of uniformity that was not present, but in any respect it is an odious provision. It highlights the importance of the need for uniformity in these provisions, particularly as increasingly there is far greater mobility of populations with people moving between various parts of Australia. People Western Australia who were not married but were living in de facto relationships were at a disadvantage at law with regard to the custody of an ex-nuptial child, in compared with those anywhere else in the nation. It was not good enough for those differences to continue. When significant changes or improvements are made to family law, they should operate throughout the length and breadth of the country from the same date.

That is another reason it might well be time to review the effectiveness of the Family Court Act of Western Australia, and consider scrapping the Family Court of Western Australia with a view to its incorporation under the Family Law Act of the Commonwealth. In that way Western Australia would not face these sorts of delays in the future, to the detriment of children at a very difficult time in their lives when their parents are separating. It is also a difficult time for the parents. These legal glitches, loopholes and difficulties, thrown up by the legal system in Western Australia, are quite unnecessary, and I do not think they were envisaged by the people who created the Family Court of Western Australia and the Family Court Act. Its implementation since that date should be reconsidered.

I now turn to the amendments contained in this legislation. First, we are told, and it appears to be the case, that this legislation is consistent with the obligations of this Parliament and the Commonwealth Parliament under the United

Nations' Declaration on the Rights of the Child. I have read this comprehensive legislation. It is certainly easy to read and it focuses significant attention on the rights of the child, and particularly on the interests of the child. It is always important when considering these matters to look at the extent to which this State has complied with international obligations under international conventions and traditions.

The other point that should be noted by way of introduction, is that the broad scheme of this legislation, derived as it is from the commonwealth Family Law Act, was in turn derived from the British Child Act of 1989. An inquiry was held by the Commonwealth Parliament into the workings of the British Child Act, and very much of the scheme that operates in Britain has been transported to Australia. It strikes me as a very good scheme, and one that changes a number of relationships in family law from those that have traditionally prevailed. For instance, currently the notions of custody of children and access rights focus very much on the interests of parents and the child is treated as a chattel. The existing scheme in the Act tends to refer to the rights of parents to have access and custody, treats the child as a chattel and, therefore, approaches the issue as rights in that chattel. I am pleased that the notion of parental rights has been replaced by an arrangement that focuses on the interests and rights of the child. This legislation is well founded in principle, and well founded in precedent from the United Kingdom and the commonwealth Act.

I cannot overstate the importance of the need for uniformity, in dealing with matters such as marital and family breakdown, and particularly the issues that affect property and, most importantly, children.

I turn now to some of the major features of the Family Court Bill. In describing those, I will give the reasons the Labor Party supports this legislation, albeit with the criticism that it has been delayed too long in its implementation. The first series of clauses in the Bill relate to the way in which disputes are to be resolved, particularly disputes between parents. Clause 47 of the Bill, which adopts section 14E of the Family Law Act, states that the primary dispute resolution method to be adopted for the purposes of this Bill is not an appearance before the court to argue the case in a litigious environment, but that the procedures and services for the resolution of disputes out of court will include counselling, mediation and conciliation. The counselling services are to be provided by family and child counsellors, the mediation services are to be provided by family and child mediators, and the conciliation services are to be provided by the court itself. In clause 48 of the Bill, the object of the dispute resolution part of the legislation is set out as follows -

to encourage people to use primary dispute resolution mechanisms (such as counselling, mediation or other means of conciliation or reconciliation) to resolve matters in which a court order might otherwise be made under this Act, provided the mechanisms are appropriate in the circumstances and proper procedures are followed;

It is interesting that the legislation then casts a duty on the legal practitioners involved and on the court to place significant emphasis on the primary dispute resolution methods of conciliation and mediation. Clause 49 states that a court must consider whether to advise the parties to the proceedings about the primary dispute resolution methods that could be used to resolve any matter in dispute. Clause 50 casts a similar duty on a legal practitioner involved in a case before the court, or consulted by a person considering whether to institute proceedings under the Family Court Act, to consider whether to advise the parties about the primary dispute resolution methods contained in the Act. Those positive provisions cast a duty on the court and on those assisting the court - the legal practitioners - to pursue the way in which those matters might best be resolved; in other words, they re-emphasise the primary dispute resolution methods contained in the Act.

That is a good move. It is most unsatisfactory to leave matters to be determined in the Family Court by the use of arbitral or legal proceedings. Over the years a significant amount of animosity has been built up towards the Family Court, where disgruntled men in particular, although also some women, have vented their spleen at the Family Court because they believe they have been done a grave injustice, and for many years after their experience in the Family Court they have been obsessed with that injustice. I suspect that is the result of treating these matters as being in need of legal resolution rather than adopting the more appropriate dispute resolution methods that are contained in this legislation. I might be wrong, but it seems to me that the likelihood of people leaving the Family Court in a disgruntled way would be minimised if these dispute resolution procedures were adopted rather than having a judge impose a judgment, and therefore an order, on the disputing parties.

I turn now to the provisions with regard to children, because that is the essence of this legislation. Clause 66 in part 5 of the Bill, which is headed "Children", states that -

The object of this part is ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.

That is a refreshing change from the approach that has traditionally been adopted in Family Court matters. The clause then emphasises that the guiding principles that underlie these objects are to be followed except when they are or would be contrary to a child's best interests. Those principles emphasise the rights of the child rather than the rights of the parents. That is a significant turnaround from the approach that was enshrined in the Family Law Act.

The first principle is that children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together. That principle embodies the notion that children have the right to know and be cared for by both parents regardless of their marital status. That principle emphasises the need for national uniformity, because we will need to amend the Family Court Act of Western Australia to deal with ex-nuptial children every time there is a change to the commonwealth legislation, notwithstanding the incorporation in our legislation of that principle. We may be in breach of that principle before we even start, because we know that the marital status of the parents will be an issue the next time the commonwealth Act is amended, and we may not reflect that change in the state Act for one or two years, or perhaps even three years, and during that time differential and prejudicial treatment may be meted out to ex-nuptial children.

The second fundamental principle is that children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development. Again, the emphasis is on the right of the child, rather than the more traditional approach whereby parents assert their right of custody and contact. The right of the parents in that sense does not exist in this Bill.

The third principle is that parents share duties and responsibilities concerning the care, welfare and development of their children. I hope that fundamental principle will be endorsed by everyone in this House. The fourth principle is that parents should agree about the future parenting of their children. Those principles are sound and involve a change in emphasis to assert the rights of children and the duties of parents.

Clause 68 refers to the meaning of parental responsibility. I am pleased to see that clause, although it deals only with a marital dispute or breakdown, or a dispute about the future of the child. These principles would be well embodied in legislation that deals with marriages that have not broken down. "Parental responsibility" is defined as meaning all the duties, powers, responsibilities and authority which, by law, parents have with regard to children. Clause 69 states that each of the parents of a child who is under 18 years of age has parental responsibility for the child, and that has effect despite any changes in the nature of the relationships of the child's parents. In that regard, it is interesting that this legislation will see the repeal of the odious section 35 of the Family Court Act of Western Australia, which gave the mother custody and guardianship of the child. That illustrates how profound are these changes.

The legislation then goes on to provide for counselling. Clause 72 provides that in any proceedings under the Act where the care, welfare and development of a child is relevant, the provisions relating to counselling, which are quite extensive, come into play. It gives the Family Court, during any proceedings under the Act and at any stage of those proceedings, power to make an order directing the parties to the proceedings to attend a conference with a family and child counsellor or a welfare officer. That direction from the court is intended to achieve a number of goals: First, to discuss the care, welfare and development of the child; and, secondly, if there are differences between the parties about matters affecting the care, welfare and development of the child, an attempt can be made to resolve those differences. Again, great emphasis is being placed on counselling. Counselling is nothing new under the Family Court Act or the Family Law Act, but this emphasis is most appropriate.

I refer members to clause 75, which deals with parenting plans. The old notion of orders of the court in respect of children is replaced by the notion of the parents reaching agreement in respect of matters affecting the child and then registering a parenting plan with the court that then becomes legally enforceable. Clause 75 provides that the parents of a child be encouraged to agree about matters concerning the child rather than seek to utilise the formal court processes to argue about the child. As I said, the notion of changing the environment from litigious, adversarial proceedings to a situation where people are encouraged by the Act, the court and counselling processes to reach agreement is a laudable objective.

Not only are the parents encouraged to agree about matters affecting the child but also, in reaching their agreement, they are required to make the best interests of the child the paramount consideration. Again, that is perhaps a restatement of a longstanding principle, but one that is now paramount.

A parenting plan is then said to be allowed to deal with a range of matters. Traditionally we have referred to "custody". The legislation now refers to the person or persons with whom a child is to live being the subject of a parenting plan along with contact between a child and another person or persons, questions relating to maintenance of a child and any other aspects of parental responsibility.

This Bill shows that every effort is being made to ensure that parents reach agreement, that the yardstick used is the

interests of the child and, by use of the parenting plans, that agreement can then be put into full effect. Again, they are laudable sentiments and I hope they make a difference in many cases coming before the Family Court.

Clause 114 refers to the object of this part of the legislation being to ensure that children receive a proper level of financial support from their parents. In particular, the legislation seeks to ensure that children have their proper needs met from reasonable and adequate shares in the income earning capacity, property and financial resources of both of their parents. In addition, parents should share equitably in the support of their children. That is perhaps a restatement of the principle that seems to be reasonably well accepted.

Clause 115 provides that the parents of the children have a primary duty to maintain the child. It means that that duty is, first, not of lower priority than the duty of the parent to maintain any other child or other person; the duty to maintain the child has priority over all commitments of the parent other than commitments necessary to enable the parent to support himself or herself or any other child or any other person the parent has a duty to maintain. Effectively, in making that call upon the financial resources of the parents - whether it be their income earning capacity, property or financial resources - the legislation provides that the duty to maintain the child is not in any sense subordinate to any duty to maintain anyone else. It has priority over all commitments other than the right of the parent to maintain themselves or another person for whom that parent is responsible.

The legislation then re-emphasises the obligation of the parents, where it provides that the duty to maintain the child is not affected by the duty of any other person to maintain the child or any entitlement of the child or another person to an income tested pension, allowance or benefit. Again, the legislation details the duty to maintain the child, and that duty is not a lower priority than any other duty. It is strongly emphasised throughout the legislation as not being affected by other financial arrangements affecting that child. These are very strong provisions in respect of the duty of parents to maintain children financially.

The other clause of the legislation which caught my attention and which I was pleased to see relates to a growing problem in the community; that is, child abuse. All members will be aware that in circumstances of marital breakdown and estrangement of parents - whether it be real, vengeful or whatever - allegations that the estranged partner has been molesting and abusing the child flow all too often. I hope that in most cases they are not well founded; nonetheless they become real in the mind of the estranged partner. Clauses 158 onwards provide some protection to people who make allegations of child abuse.

Through clauses 159 and 160, one of the parents will be given the right to file a notice in a prescribed form in the court where that person alleges that a child to whom the proceedings relate has been abused or is at risk of being abused. That person must serve a copy of the notice on a person who is alleged to have abused or from whom the child is alleged to be at risk of abuse. We see statutory recognition of the reality of allegations of child abuse in marital breakdown. Clause 159(2) places a duty on the Registrar of the Family Court, as soon as practicable, to notify the Director General of Family and Children's Services of the allegation of child abuse, or the allegation of a risk of child abuse.

Clause 160 outlines that a range of court officers are to be given a similar power, or perhaps a duty; namely, when the court officers - the registrar, a counsellor, a welfare officer or a mediator - has reasonable grounds for suspecting that a child has been abused or is at risk of abuse, that officer as soon as practicable must notify the Director General of Family and Children's Services of the suspicion and its basis.

The legislation then goes on to provide a range of protections to different degrees for people who make allegations of child abuse. This is significant. It is all too common for allegations of child abuse to be made in circumstances of marital breakdown, and it was a difficult policy decision to incorporate this provision into the Family Act; that is, people who make allegations of child abuse out of vindictiveness or malice should be afforded some protection. The underlying principle has been that the paramount issue is the interest of the child, and if a possibility arises that the child might be abused, a measure of protection is afforded to the people making the allegation.

The level of protection afforded to people who make allegations of child abuse is very clear. Firstly, protection is offered to a parent who has gone to the extent of filing a notice in the court, and serving a notice on the alleged abuser. As a duty is involved in reporting those matters, the protection involved is very clearly stated in clause 161. This protects the person who makes the notification, which overrides any obligation by any written law, any other law or any obligation of confidentiality. Similarly, liability in civil and criminal proceedings are put to one side, as is any breach in professional ethics in reporting child abuse. That is the nature of the protection. It is against defamation in criminal and civil proceedings; it is against allegation of a breach of professional ethics; and it overrides any circumstances of confidentiality in certain circumstances where a duty to report is involved.

However, an additional test is imposed through clause 161(3): People are afforded protection in making the report provided they make the report in good faith. That test of good faith is important as it is an additional burden to

protect actions undertaken under the Act. In general terms, the provisions of the Act in relation to the protection of children from child abuse strike the right balance.

The final matter in referring to the extreme rewrite of the Family Court Act of Western Australia relates to determining the best interests of the child where allegations are made of family or domestic violence or, secondly, where the question of independent representation of the child is involved. In the well-known case of *Re: K*, the Federal Court adopted a principle that circumstances arise where the child is entitled to different representation from that of either parent; this principle is based on the interests of that child. This legislation gives effect to the decision of the Federal Court of Australia a few years ago.

Clause 166 refers to the test or criteria to be applied in determining the best interests of the child. It states the factors which a court must consider when determining what is in the best interests of the child: Firstly, it must consider any wishes expressed by the child. I guess as part of that requirement, any factor the court thinks is relevant to the weight it gives to the child's wishes must be taken into account. Secondly, the nature of the relationship of the child with each of the parents and with other persons must be considered. Thirdly, the likely effect of any change in the child's circumstances, including the likely effect of any separation from either of the child's parents or any other child or person with whom the child has been living, is a factor to be considered. Fourthly, the court must consider the practical difficulties and expense of the child having contact with a parent, and whether the difficulty or expense would substantially affect the child's right to maintain a personal relationship and direct contact with the parent on a regular basis. That is one of the principles on which the legislation is founded.

The fifth criterion in determining what is in the child's best interests is the capacity of each of the parents to provide for the rights of the child, including emotional and intellectual needs. Sixthly, the child's maturity, sex and background must be considered. This is particularly important when considering Aboriginal children and children from certain ethnic backgrounds. Emphasis is placed on the need to maintain a connection with the lifestyle, culture and traditions, particularly with Aboriginal people or Torres Strait Islanders, or any characteristic the court thinks is relevant.

The next test laid down is the need to protect the child from physical or psychological harm. We then have the factor of the attitude to the child and to the responsibilities of parenthood demonstrated by each of the child's parents. The next consideration is any family violence involving the child or a member of the child's family, or any family violence order which applies to the child or the child's family.

We then have a peculiar provision in clause 166(2)(k). In determining the best interests of the child, the court is instructed to consider whether it would be preferable to make the order which would be least likely to lead to the institution of further proceedings in relation to the child. It would concern me if one of the parents were aggressively litigious as one of the factors the court would need to take into account is that it is preferable to make an order to minimise the likelihood of further litigation. In some circumstances, that could be pandering to the litigious person rather than placing emphasis on the rights of the child. It is perhaps an unusual provision to see contained in this legislation. Nonetheless, they are the tests to be applied by the court in determining the best interests of the child.

The final matter I will touch on is clause 171 of the legislation, which can in certain circumstances provide for the separate representation of the child independent of each or either of the parents. Clause 171(2) provides that if it appears to a court that a child should be separately represented in proceedings referred to in subclause (1), the court may order that the child is to be represented separately and also may make such other orders as it considers necessary to secure that separate representation. The Bill does not seem to address matters such as the cost of the separate representation of the child or how that separate representation is to be achieved. Nonetheless, it gives the court power to make the order in circumstances where the interests of the child dictate the need for separate representation of that child.

This is good legislation. It suffers from the disability of being brought into this Parliament belatedly. I hope it can be passed and become law quickly because many people have been adversely affected by the delay in bringing this legislation before Parliament. It will ensure that uniformity for ex-nuptial children exists between this State and the rest of the Commonwealth. I urge the Government to consider reviewing the effectiveness of the Family Court of Western Australia. My comments were designed to draw attention to the grave impost and difficulties that are placed on many families by the fact that this legislation is not amended automatically to bring it into line with the commonwealth legislation. In many cases the delays are inordinately long, given the objectives that are sought to be achieved and the nature of the relationships involved. To place further legal impediments on families at times of great stress in the name of protecting States' rights seems to be folly in the extreme.

MR BLOFFWITCH (Geraldton) [10.52 pm]: I come into a lot of contact with people who have had problems with the Family Court. After doing a little research into this Bill I can understand why there are problems. The 1975 Family Law Act operates basically so the mother has automatic sole guardianship and custody of the child. In turn,

the father has no legal rights to the child unless he obtains a court order or the parents enter into a deed which could be registered with the Family Court, giving the father some right of access, guardianship or custody. When we consider that, there is little wonder I hear from so many distraught fathers who feel they have not been listened to and have not been given an opportunity before the courts for custody of their children.

Like the member for Fremantle, I am glad to see the changes that have come forward in this Bill because they are extremely positive. However, I disagree with his philosophy that we should automatically hand over carte blanche the powers of this Parliament to the Federal Government. The only time the coalition Government did that was with mutual recognition legislation. That was for a self-evident purpose. It would have been a nightmare to change the regulations and by-laws to accede to mutual recognition had we not agreed to the commonwealth legislation overriding state legislation. We achieved that simply. That is the only time we have ceded our power to any federal legislation.

The Government has done such things as introduce mirror legislation, but the same thing occurs with mirror legislation because when a federal amendment is made, an amendment must be passed in this Parliament; when there is a change of regulations, we must move the change of regulations through this Parliament. As the member for Fremantle said, the changes we are making in 1997 for the Family Law Act came onto the federal scene in 1995. The Federal Government basically changed in two important ways the way the Family Court regards children. It made no distinction between children in a marriage and those outside a marriage. It deals with children in exactly the same manner under the new legislation. However, in doing so it gives more priority to the rights of the child. The legislation contains a notion of contact rather than a notion of access. That is a better way for the court to address what we are doing.

The amendments in this legislation will change many things. I can see nothing in the Bill that I think will not be a positive step forward. In most cases problems with the Family Law Court are not with the way the words are written, but with access to the court: One partner in a dispute will get legal aid and the other will not. I am not trying to be chauvinistic when I say this: Usually it is the fella who does not get legal aid. The mum with the kids gets legal aid; the father does not. He then finds himself at the Family Law Court with no representation to face someone on the other side with a lawyer. To say he is cleaned up is an understatement. Even if he goes back and tries to move for access, the same thing happens. It happens time and time again. In the future we must make it simpler for people to get access. It must be made less expensive so they have an opportunity to do these things. As a State we must put some equality into the system. If we are not going to represent both sides of the equation, I do not believe we should represent either side of the equation in court.

Mrs van de Klashorst: Could it be that often the man has a job and is working and in many cases the woman is home with the children and, therefore, the legal aid is given to her because she has no other means?

Mr BLOFFWITCH: In all the cases I know of the woman is usually far better off than the man because the man seems to have a happy knack of getting involved with someone else who has a couple of kids. He is trying to run a family with 35 or 36 per cent of his gross wage taken out. All he does is bleat to me that he is starving to death and cannot support his second family. There are some inherent problems. I am not saying there should not be child support because, after all, they are his kids and he must support them. These are some of the problems we must consider. It is little wonder people have gone berserk at the Family Court in the past. Some of the strains this lack of access puts on people is why we saw the changes that were made in 1995 to the federal legislation and that are now to be incorporated in Western Australia's Act.

I am very much in favour of all people with children, whether married or not, being treated in the same manner. I am very pleased to see that property settlements will be treated in the same way through the Family Court. That is a big step forward for people who are separating. Like the member for Fremantle, I am pleased that the Bill has addressed the problem of accusations of sexual and physical abuse. I know of some cases where nothing could be further from the truth. However, it is an extremely good ploy when one of the parents wants to restrict access by the other parent to put the other parent in a bad light when he goes before the court. Anything that is done to make that process a little more honest and fair is a positive step. I compliment the Government on bringing this Bill forward. I agree with the member for Fremantle that it has been a bit long in coming.

Mr McGinty: I want to clarify something I said in relation to the child abuse issue. The people who are protected from the operation of the defamation law and the like when an allegation is made are the court officers. The parent who makes the allegation is protected, because it is a formal document lodged in a court, and unless that parent is committing perjury he or she is protected by the courts.

Mr BLOFFWITCH: Until now, we did not know what was said because all these matters were secret. In the past, people have been able to say pretty well anything that has come into their fanciful minds. I like the fact that they must sign an affidavit and make that statement that will stand there forever under oath.

Mr McGinty: And then certain protections flow from that.

Mr BLOFFWITCH: Exactly, and that is the proper way to go. The Bill formalises that quite well. I am also pleased that we are recognising unmarried couples, because their children are just as important as the children of marriages. The other way I look at it is that if the Family Court does not deal with these people and deals only with married couples, married couples will be disadvantaged because the court treats their property in a different way from that of people who are not married. Basically, we were imposing a penalty on married couples by not applying the same treatment to the unmarried couples. It is logical that we go down that track. I am pleased that the legislation supports that. I support the Bill, and I thank the Minister for bringing it forward. I would have liked the Minister to bring it forward a little sooner.

MR RIEBELING (Burrup) [11.03 pm]: I have not fully studied this legislation. My concerns derive from the speech of the member for Geraldton on a number of changes that are contained in this legislation. I witnessed the mess that was in place prior to the original federal legislation which was introduced in 1975, where the non-custodial parent - the father usually - had things so easy that it was an absolute disgrace. That made the life of the custodial parent - usually the mother - very difficult and that flowed on to the children and affected the welfare of the mother and those children.

The concept that the 1975 Act put in place was that the non-custodial parent should pay maintenance to allow the child to enjoy the standard of living that the child would have had if the parents had not separated. An extreme example of a separation would be where the father was a millionaire and the mother had no means of support; the maintenance would allow the child to be brought up with the benefits that normally would flow from having a millionaire father. The member for Geraldton stated that people often came into his electorate office with examples of the father, or the non-custodial parent, having difficulty paying maintenance because he is trying to bring up another family. I have some sympathy for the quantum of maintenance that is paid these days, and probably the pendulum has swung too far the other way. However, if we take it back too far it is not the father or the custodial mother who will suffer, it will be the children.

The member for Geraldton would have experienced, as often as I, parents who say, "I do not want to pay that woman because she is now living with this bloke and all she does is drink." Those sorts of accusations are easily made, but in my experience in both the courts and my time as a member of Parliament it is rare that they are proved. In most cases the child is housed, clothed, educated and fed and the maintenance that is paid contributes in some way towards that. If the wife is in a position to buy a house and to better look after the child, so be it.

These amendments will allow for non-married people to be treated in a similar manner.

Mrs van de Klashorst: Ex-nuptial children.

Mr RIEBELING: Or illegitimate, whatever one wishes to call them. If they are to be treated in a similar manner to children of a marriage, I applaud that. It is long overdue. It is an unusual situation because Western Australia chose not to follow the rest of Australia in its treatment of children of a union that was not a marriage. Western Australia is now bringing its legislation into line with the rest of Australia. That is long overdue. I know the State Government is ever reluctant to admit that it is its intention to act in uniformity with the rest of Australia; however, that will be the net result of this legislation.

The legislation contains a number of safeguards. The member for Fremantle stated that he was pleased that the legislation provided some protection for people making sworn statements in the Family Court. I have never witnessed a court accept evidence other than on oath, which is via affidavit, in relation to allegations of misconduct towards children. The member for Fremantle said that this legislation will impose an obligation on people to make complaints under oath. I thought that was an obligation under the existing legislation, and that through either affidavit or sworn evidence in court, evidence - for instance, of the nature of sexual assault or abuse of children - would always be given under oath.

Mr McGinty: I have heard of cases where the allegation was made, but not in a formal declaration sense. It may have been made during some sort of conciliation proceedings or something of that nature. A few minutes ago the member for Thornlie mentioned a case of a similar nature which did not go through the formal procedure.

Mr RIEBELING: I do not know how that allegation would end up with an order, other than by consent. I understand that under the Family Court system, if an allegation is made and consented to by both parties an order will flow. If an allegation is made and not accepted, it will go before the Family Court for its validity to be determined. I have not heard of a case of denial of natural justice of the type intimated. If this Bill corrects that type of case I applaud it. In my 20-odd years in the courts I did not see that. It might happen in the metropolitan area, but we in the country make sure people see real justice rather than just reading about it. It is an interesting piece of legislation which deserves the support of this House.

I caution the Government about the pendulum swing I mentioned earlier. Clearly before 1975 the pendulum favoured the non-custodial parent to such a degree that dramatic legislation was required. The pendulum has since swung too far in the opposite direction. I hope this legislation will balance the fine line involved. The pendulum should swing in favour of the custodial parent to some degree. Having it the other way risks putting too many women and children in a position of poverty which, thank goodness, we have not seen for 25 years. I hope that we do not reach the stage again where men can abdicate their responsibilities by walking out and leaving their wife and children destitute.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [11.13 pm]: I thank the members for Fremantle, Geraldton and Burrup for their contributions to this debate. I also thank the Opposition for its support of the Bill. The members for Fremantle and Geraldton were very concerned about the delay in introducing this Bill, which matches the federal legislation. While they were speaking, I reread the Attorney General's responses in the other place. He remarked that he was very concerned about the delay and would have liked to see this legislation introduced much sooner. A committee was guiding him. The process was thorough and, even though the Attorney General wanted the same result as other members, the Bill was held up due to the committee's guiding the Attorney General and ensuring that the legislation was drafted thoroughly.

The member for Fremantle asked what was the benefit in having a separate Family Court in Western Australia and if I remember rightly the member for Geraldton also touched on it. The Attorney General spoke about this when we discussed aspects of the Bill. The Western Australian Family Court allows us in Western Australia - the tyranny of distance is always a problem with legislation - to be responsive to local demands and needs for the benefit of people using the Family Court.

He said that a review was undertaken of Family Courts of Australia. A number of criticisms and a number of recommendations were made in relation to the federal Family Court. The Western Australian Family Court was not criticised and is considered to be the best Family Court in Australia. We in Western Australia were not required to implement the recommendations made as a result of the review. If we are running the best Family Court in Australia surely it would not be a good idea to scrap it. We should make sure it continues in that way.

I agree completely with the member for Fremantle and other members that the emphasis in this Bill is on parental responsibility. The child is paramount. That should be the case with anything concerning children because they cannot protect or speak up for themselves. The legislation protects the child first and everything else must work around the child. In schools we have "child centred education". Perhaps we could call this "child centred legislation" in that the children's rights and needs and our responsibilities towards them are paramount. All three speakers highlighted that as a positive aspect of this Bill.

This Bill brings into line the circumstances of ex-nuptial children so that they fall into line with children of broken marriages. The Bill also introduces a new philosophy for the work of the court when dealing with ex-nuptial children, which emphasises dispute resolution rather than a confrontationalist approach. Once again, parents are being asked to consider their children's needs and rights before their aggrieved feelings towards each other.

The Bill repeals section 35 of the Family Court Act which gives the mother sole guardianship of an ex-nuptial child and custody rights. In the past this used to include the father. As the member for Burrup said, the legislation in 1975 went too far one way. I hope this legislation will bring it back to the centre so that both parents take responsibility and have the rights of the child foremost when making their decisions. This came from the United Kingdom precedent, and it should start to bring the balance back into the centre, as the member for Burrup suggested.

The Bill emphasises not only the basic rights of the child but also the basic responsibilities of parents. It is designed to make both parents look at how they can contribute to their child's upbringing and financial benefit. The first consideration of both parents must be to ensure that the welfare of the child is paramount and that the child is cared for properly. The operative word is "both". It is the responsibility of both parents, and the child has the right to contact and spend time with both parents. The joy of having children is accompanied by certain responsibilities, and this Bill reflects those responsibilities.

One of the benefits of the Bill is that it provides for a written parental plan or agreement about where the child will live, with whom the child will have contact, the financial support of the child, and parental responsibility. This can be worked out with the help of a counsellor or mediator, if necessary, in order to reach the best possible outcome for the child. The parenting plan can be registered in the Family Court. Once parents have sat down together to work out a plan, they will feel that they have ownership of the parenting plan and can stick to their part of the plan. Both parents must share the decision making; it is not left up to the mother to shoulder all the responsibility. That is, as the member for Burrup mentioned, a refreshing change. It will also, as the member for Geraldton mentioned, allow the father to have some say in what happens to the child. I, like other members, have cases come across my desk regularly where both parties have left the Family Court feeling aggrieved. The fact that it is a confrontationalist situation means that there is always a winner and a loser. This legislation aims to stop that confrontation so that it

is a win-win situation for the parents and the child. Fathers do have responsibilities and most fathers accept those responsibilities, but this Bill will handle the situation where they do not. That will benefit the child, who is, after all, the most important part of this Bill.

Mr Riebeling: This Bill matches the commonwealth legislation.

Mrs van de KLASHORST: Yes. Counselling and dispute resolution, as the member for Fremantle referred to in some depth, is an important part of the process. It must be recognised that this legislation provides for family and child counsellors to be appointed by the Federal Government. Western Australia does not have separate counsellors. The state Attorney General has advised that he is pursuing a request to the federal Attorney General to ensure that this is put in place as soon as the legislation is proclaimed so that mediation and conciliation will be available.

The member for Fremantle referred to clause 66, which states that children have the right to be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together. I like the word ex-nuptial rather than illegitimate, which carries with it the connotation that those children are different. I disagree with the member for Burrup and feel that ex-nuptial is a much nicer word. Clause 66 states also that parents share duties and responsibilities concerning the care, welfare and development of their children. I agree with the member for Fremantle that that is an important clause in the Bill.

Clause 72 refers to counselling. The emphasis is on mediation. If the parents are in a confrontationist situation and cannot get together to mediate, the court may direct them to mediate for the sake of the child. That is extremely important.

Mr Riebeling: That is not a change. Mediation orders have been made since 1975.

Mrs van de KLASHORST: Yes, but I am not sure whether they were made with regard to ex-nuptial children because those children could not be brought to the court in the same way. I stand to be corrected on that matter.

The member for Fremantle referred to clauses 75 and 76, which encourage parents to reach agreement. That is a positive move. Parents are encouraged to work out a parenting plan, which must be in writing and in which the interests of the child are the paramount consideration. Clause 114 states that the child must be maintained under all circumstances and must also receive proper financial support from both its parents. Both parents must work out the plan that will enable them to support their children. I, like the member for Geraldton, have had parents come into my office who have remarried and found it difficult to maintain two families. That applies not only to males but also to females who are supporting other children. It behoves both parties when they separate to consider that they may need to make provision in the parenting plan for another relationship down the track. People who have children in a de facto relationship or a marriage are responsible for those children, and that needs to be thought through when deciding to have children. The provision for the financial benefit of the child in clause 115 is a strong and major part of the rights of the child.

The member for Fremantle spoke on clause 158. I agree with him about the need to protect children from sexual interference and abuse. The Bill is strong on this aspect. Any person making allegations - especially a person other than a family member, or someone working in the area of child protection - is protected against any risk of breaching confidentiality. The provision reinforces the notion that the child is the most important person. There is no liability for notification under this clause. The provision will work well to protect children from people who may abuse them.

Clause 166 relates to how a court determines what is in a child's best interests. The court must take the wishes of the child into consideration. The clause relates to the nature of the relationship of the child to each of the child's parents and to other persons; the likely effect of any changes to the child's circumstances, including the likely effect on the child of any separation; and the capacity of each parent, or of any other person, to provide for the needs of the child. Another positive aspect is the consideration of the child's maturity, sex and background, including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal peoples and Torres Strait Islanders. This is a positive step to ensure that children cannot be separated from their parents unless it will be of some benefit to the child. There is also a need to protect the child from physical or psychological harm. That is an important point because often we do not see the psychological signs in the same light as we see the physical signs. Children cannot be directly or indirectly exposed to abuse, ill-treatment or violence, and that includes psychological ill-treatment. The court must consider the attitude to the child, and to the responsibilities of parenthood, demonstrated by each of the child's parents.

The member for Fremantle referred to subclause (2)(k) relating to whether it would be preferable to make the order that would be least likely to lead to the institution of further proceedings in relation to the child. This is part of the Commonwealth's legislation, and the Commonwealth does not want the State to change or limit that legislation. Therefore, we must accept that a court will not give in to a vexatious litigant. This clause addresses that aspect.

Clause 171 is a safeguard. The member for Fremantle queried the provision for a court to make an order for separate representation. In cases of allegations of abuse, often children need independent legal representation. This clause covers that separate representation of the child.

Mr Riebeling: Who will provide that, now that the Legal Aid Commission has effectively been defunded?

Mrs van de KLASHORST: I imagine that the court will demand an order for separate representation -

Mr Riebeling: Will there be cases, such as those in the Court of Petty Sessions, where magistrates or judges refuse to determine a case because no legal representation is provided? If no legal aid is provided the trial will not proceed.

Mrs van de KLASHORST: This Bill does not relate to legal aid, but I presume people will apply for legal aid. Legal aid has not stopped; it is still working well.

I thank members for their contributions to this debate. This legislation will benefit ex-nuptial children, because it will ensure that they will receive the same treatment as children of married couples. This is an important aspect. I agree with the member for Geraldton that court appointments should be made more simple and less expensive. This legislation may go some way to achieving that aim, because it will reduce conflict for both parties and will benefit children. This is positive legislation for children and their parents.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs van de Klashorst (Parliamentary Secretary) in charge of the Bill.

Clause 1: Short title -

Mr RIEBELING: This legislation turns back the clock to 1975 when the State decided to go its own way on the question of ex-nuptial children. Is the primary purpose of the legislation the amendments to maintenance and some evidentiary components?

Mrs van de KLASHORST: The main aim of the Bill is to change the concept of ownership to give the rights of the child first priority. Both parents need to take full responsibility for the child. In the past one parent had more responsibility than the other. Section 35 of the Act was inconsistent with the principles as espoused. This goes hand in hand with the rights of the child agreement signed by the Federal Government several years ago and fits in with the concept of those rights.

Mr RIEBELING: That section determined the situation for non-custodial parents.

Mrs van de Klashorst: That gave the mother custody and guardianship rather than both parents.

Mr RIEBELING: As I understand it, under the old legislation, when custody and guardianship matters were contested, in about 50 per cent of the cases that went to hearing the father gained custody of the children. In many of the cases the court was reluctant to upset the status quo. How will those statistics change after the enactment of this legislation?

Mrs van de KLASHORST: The reform intended in this Bill relates to the concept of parental responsibility for the care, welfare and development of children rather than giving parents any rights to custody and access, which fosters notions of ownership of children. As I said, it follows the 1989 United Kingdom legislation dealing with children and shifts the focus from parents having a proprietorial attitude to their children. We cannot pre-empt the court and say what will happen.

Mr RIEBELING: I understand the new concept. However, how will that change court determinations about access and custody? Will a greater number of fathers be awarded custody of children? If so, how is it expected to change the current mix?

Mrs van de KLASHORST: We in Parliament cannot say what the courts will do. Each individual case will be handled by the courts. We have a complete separation of powers. However, if the member were to refer to clause 66 he would see that the court must take into consideration the objectives of the legislation.

Mr RIEBELING: I appreciate the Parliamentary Secretary's comments. Did the Western Australian Attorney General's office have any ownership of the drafting of the legislation, or did we simply adopt the federal legislation? Presumably when one drafts legislation a study of its potential impact is undertaken. If under the old legislation it

was felt that an insufficient number of fathers gained custody of their children, has this legislation been drafted to avoid continuing that anomaly? I understand that we do not want parents to consider the children property of the marriage.

Mrs van de Klashorst: It is not marriage: It is ex-nuptial. That is what the Bill is about.

Mr RIEBELING: My understanding is that this changes the situation for matrimonial cases.

Mrs van de Klashorst: It relates only to ex-nuptial children. Only the Commonwealth can legislate in respect of marriage and children.

Mr RIEBELING: I thought this represented the adoption of the entire federal Act.

If neither parent has any prior claim to custody of the child, I presume the court will determine custody purely on the basis of the welfare of the children and who is the most able to provide care and protection. Is it envisaged that natural fathers will gain custody in greater numbers? At the moment fathers are almost never awarded custody.

The CHAIRMAN: I remind the member that we are discussing the short title.

Mr Riebeling: Not for much longer.

The CHAIRMAN: We will not want to because we are straying from that issue.

Mrs van de KLASHORST: There is no custody involved in this Bill. Clause 66 provides -

- (b) Children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development;

It will be up to the courts to decide, after the parents have had their counselling and done everything else, whether the child lives with one parent or the other and how the child will be looked after, taking into consideration part 5, which outlines the principle that children receive adequate and proper parenting to help them achieve their full potential.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Contents of this Act -

Mr McGINTY: Will the Parliamentary Secretary provide the reasons, beyond the traditional States' rights rhetoric, for continuing the arrangements with a state court vested with both the state and federal jurisdictions?

Mrs van de KLASHORST: I cannot answer that question. I am the Parliamentary Secretary and I have not discussed that aspect with the Attorney General. I will take that question on notice and provide the information from the Attorney General.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Definitions -

Mr RIEBELING: The definitions clause covers abuse, adoption and various other areas. The definitions clauses appear to be becoming longer these days, and this clause extends over several pages. It is supposed to make the reading of the Bill easier for the average person in the street, and for lawyers who wish to pursue finer points of law. However, I have questions about the definition of "abuse", which outlines various types of abuse which the legislation envisages. It is predominantly sexual abuse apart from paragraph (a), which refers to assault, presumably not of a sexual nature.

It is an unfortunate fact of life that children are often used as weapons in family breakups. In this matter, as the Parliamentary Secretary pointed out, it may not necessarily be the children of a marriage but could involve ex-nuptial children. This provision needs to be unambiguous at least to the parents of the children because of the importance of the abuse section to the welfare of children and how courts dispose of applications under the abuse provisions.

It is my understanding that under this legislation, as under the current system, an allegation will be made on an affidavit, or verbally under oath, and the court will determine the validity of the allegation and whether the sexual assault took place. This provision, because of its length, is somewhat constrictive in its meaning. I would enjoy the Parliamentary Secretary's comments on how widely the draftspeople think the definition will apply, and whether it needs to be extended. My reading is that a serious assault must occur before it falls under the abuse section. The

Parliamentary Secretary might give some indication for people considering the legislation in the future of the type of offence envisaged under paragraphs (a) and (b) of the abuse definition.

Mrs van de KLASHORST: In response to the first comment from the member for Burrup, the Bill is in plain language so it is reasonably easy for people in the street to read. This definition was taken from section 60D(1) of the federal Act. It would be completely unclear if the State had a different definition from the Commonwealth. Therefore, the definition was taken to match the federal definition.

Mr RIEBELING: Why is "stillborn child" in the definition of "child"? Is it a procedural mention relating to the previous children of the parental union? It is difficult to imagine why a stillborn child would be in an application under the legislation.

Mrs van de KLASHORST: This refers to the fact that child bearing expenses could be involved. Clause 5 defines "child bearing expenses" as a matter in respect of which a payment may be ordered to be made under proposed subdivision 2 of division 8 in part 5. This makes allowance for that matter.

Mr RIEBELING: Child maintenance orders have been changed dramatically, as the secretary mentioned in her response, under proposed section 84(5). Parenting orders will deal with matters mentioned in proposed section 84(2)(c). My understanding is that each parent of the child must pay his or her fair share of the upkeep of the child. I might have missed what was said about the capacity of the parent to pay, but presumably allowance is still made for the custodial parent's contribution to the child in a non-financial manner, and for the removal of such obligations from the non-custodial parent. Will the Parliamentary Secretary direct me to the relevant provision?

Mrs van de KLASHORST: "Custodial" is a word not used in the Bill at all. The whole concept has changed. As I mentioned before, the approach is to the concept of joint parental responsibility. The definition of "child maintenance order" means that it is part of the parenting order, which comes under clause 84(5). This gives the extent to which a parent order deals with matters relating to child maintenance orders.

Mr Riebeling: The one I read out does not cover that.

Mrs van de KLASHORST: It does. Will the member explain why he thinks it does not?

Mr RIEBELING: If clause 84 sets out how one works out a maintenance order, the Parliamentary Secretary is "a better man than I am, Gungadin". That basically tells one nothing about how to work out who is to pay what. I understand what the Parliamentary Secretary said about the terminology. Whether one calls them custodial parents, non-custodial parents or parents subject to a parenting order, one of the parents will have the child for the majority of the time. How will the responsibilities of what used to be the custodial parent be recognised in a maintenance order and how is the lack of financial commitment of the non-custodial parent worked out in the new process for maintenance?

Mrs van de KLASHORST: The clause the member read out defines a child maintenance order. Division 7 of the Bill refers to what is a child maintenance order, how the division deals with the Child Support (Assessment) Act, how it applies to making a child maintenance order, and other aspects of the court powers relating to child maintenance. Clause 5 is merely a definitions clause.

Clause put and passed.

Clauses 6 to 16 put and passed.

Clause 17: Judges may continue certain superannuation schemes -

Mr McGINTY: For the life of me I cannot understand, given the generosity of the judges' salaries and pensions scheme, why anyone would want to retain their membership of the government superannuation schemes, particularly as they have recently been significantly downgraded. Are any judges utilising provisions in clause 17 and, if so, why would they be there?

Mrs van de KLASHORST: I cannot answer that, simply because I am not the Attorney General. It comes under division 2 on judges of the Family Court of Western Australia and division 1 on the Family Court. I will take the question on notice and get an answer back to the member.

Mr McGINTY: When answers are given in this manner, what is the procedure for the provision of that information?

The CHAIRMAN: I do not think there is a parliamentary procedure. As with anything a member is not sure of, even if the Minister is, an undertaking should be given to the member to get back to him with an answer.

Mrs van de KLASHORST: We will make a note of the question.

Clause put and passed.

Clause 18: Tenure of office -

Mr RIEBELING: Is the age of 70 years standard for all other judges of the Supreme and District and Family Courts?

Mrs van de Klashorst: Yes.

Mr RIEBELING: I understand that under this Bill they are to be given the same salary as a District Court judge or a Supreme Court judge. Is it the equivalent of a District Court judge or a Supreme Court judge?

Mrs van de KLASHORST: They get paid by the Commonwealth. I would have to check to see whether the amount paid was the same or more.

Mr Prince: It is the equivalent of the salary of a Supreme Court judge. Originally the judges of the Family Court were Supreme Court judges.

Mr RIEBELING: I presume the giving of notice puts the notice in the hands of the judge rather than anyone else. If a judge says, "Next Monday I am off", that is in compliance with clause 18(2). Is that the normal condition for judges employed in the Supreme Court and the District Court?

Mrs van de KLASHORST: It was normal under the old Act.

Clause put and passed.

Clauses 19 to 158 put and passed.

Clause 159: Where party to proceedings makes allegation of child abuse - FLA s.67Z -

Mr McGINTY: During the course of the second reading debate questions were raised about how allegations of child abuse were dealt with under the current Act. Are and can allegations of child abuse be made under the current system outside the formal declaration process envisaged in this legislation?

Mrs van de KLASHORST: I understand that it works under the jurisdiction of the court in which the case is heard. There is provision for the welfare of the child and separate representation.

Mr RIEBELING: During the second reading debate it was said that this new improved system allowed for a complaint to be made and for affidavits to be lodged. As I understand it, that is the current system. If an allegation of a sexual assault is made against either parent, the simple mouthing of a complaint is not sufficient. One must put pen to paper and swear an affidavit or one would be sworn and give verbal evidence in court, which could be challenged by the person one alleges is the perpetrator of the assault, so that we have a system of justice instead of a system which denies justice. I have not seen in the Family Court previously any denials of natural justice. The system we are putting in place is a similar system to that which exists. Basically the rule of natural justice is retained in this legislation.

Mrs van de KLASHORST: Clause 159 states that when a party to proceedings makes an allegation of child abuse, the party must file a notice in the prescribed form. I imagine that such a serious allegation would have to be made by affidavit, as is the case now. The clause sets out the way to do it and states that the party must serve a copy of the notice on the person who is alleged to have abused a child or from whom the child is alleged to be at risk of abuse. If a notice under subclause (1) is filed in the court, the registrar of the court must notify the director general.

Clause put and passed.

Clause 160: Where member of the Court personnel, counsellor or mediator suspects child abuse etc. - FLA s. 67ZA -

Mr McGINTY: Why is there a different categorisation in clause 160(3), (4) and (6) of the different levels of mistreatment of a child? What consequences flow from each of those categorisations?

Mrs van de KLASHORST: It refers to the federal legislation. Section 67ZA of the Family Law Act includes the reasonable grounds.

Clause put and passed.

Clause 161: No liability for notification under section 159 or 160 - FLA s. 67ZB -

Mr McGINTY: Apart from the fact that it comes from the Commonwealth, can the Parliamentary Secretary explain the extent of the immunity that is granted under this clause to parents and to the court officers? Why is the notion of good faith introduced in subclause (3) when it is not present in any of the other subclauses? The clause seems to propose an immunity cutting in at a higher level in subclause (3) than in any of the other subclauses.

Mrs van de KLASHORST: Once again, we have the problem that we are following the commonwealth legislation and the commonwealth legislation includes "good faith". We would not want people in this State to have less protection than the protection offered by the commonwealth legislation.

Mr McGINTY: I asked whether the Parliamentary Secretary was aware of any merit reason for that appearing in the commonwealth legislation. The first question I asked was in relation to parents and a parent alleging sexual abuse by his or her partner. To what extent does clause 161 offer any protection to the parent alleging sexual abuse? Does it contain anything that protects the party against whom the allegation is made?

Mrs van de KLASHORST: Are you asking why parents are protected?

Mr McGinty: No, I am asking how they are protected.

Mrs van de KLASHORST: Under clause 161(2) a person is not liable in any civil or criminal proceedings and is not considered to have breached any professional ethics in respect of a notification where the notification is required.

Mr McGinty: I think that refers to a notification by a registrar or an officer of the court, not the lodging of the complaint brought by the aggrieved parent.

Mrs van de KLASHORST: Under clause 161(2) a person is not liable in civil or criminal proceedings and is not to be considered to have breached any professional ethics in respect of a notification under clause 159(2) or clause 160(2). The Bill says a person is not liable.

Clause put and passed.

Clause 162: Orders relating to welfare of children - FLA s. 67ZC -

Mr RIEBELING: Under subclause (1), in addition to the jurisdiction a court has in relation to children, a court has jurisdiction also to make orders relating to the welfare of children. I thought the paramount consideration in the Bill was the welfare of the children. Why must subclause (1) state the obvious? Subclause (2) restates the obvious; that is, in deciding whether to make an order under subsection (1) in relation to a child, a court is to have regard to the best interests of the child as the paramount consideration. Throughout this legislation the emphasis is on the child's welfare being paramount. Other clauses allow for orders to be made in relation to various orders. If this standard stood alone, where would it take this legislation?

Mrs van de KLASHORST: This confirms the main aim of the legislation that the child's rights are paramount. In some situations the court may need to make the order; for example, the mediation process may have broken down and there may be a need for the child to be protected.

Division 8 covers other matters relating to children and it contains provisions relating to the father being liable to contribute towards maintenance and expenses of the mother; location and recovery of the children. It may be that the children are in a different State or jurisdiction. It also covers allegations of child abuse and other orders about children, all of which do not fit into the provisions covering both parents. Clause 162 applies to all of division 8 and to all clauses between 132 and 162.

Mr RIEBELING: I understand what the earlier clauses allow the court to do. All I am saying is that the clause is superfluous. The court must bear in mind the second part of the clause when making an order for the welfare of the child. The objective of the order must be the welfare of the child. The second part of the clause must be in the mind of the court when it is making an order under the first part of the clause. The paramount consideration of the court must be the welfare of the child. I am saying that the earlier clauses allow for every possible type of order to be made. Is this a catch-all clause which will cover anything that is missed?

Mrs van de KLASHORST: It might be an order relating to adoption or guardianship where the two parents are not available, and the court might feel the need to override a provision by the power contained in this clause.

Mr Riebeling: This is an order in relation to the welfare of the children.

Mrs van de KLASHORST: It relates back to the state jurisdiction.

Clause put and passed.

Clause 163: Orders for delivery of passports - FLA s. 67ZD -

Mr RIEBELING: This clause deals with the confiscation of a passport for the child. I presume this clause is an extract from the federal legislation. I understand an order of this type on a stand-alone basis is usually in the federal legislation. The federal authority issues passports. This clause deals with the confiscation of a child's passport so the parent cannot remove the child from the nation. Is that right?

Mrs van de Klashorst: Yes.

Mr RIEBELING: If a parent complies with the legislation and hands in the child's passport, what is to stop the same parent from applying for another passport on the basis that the original passport was lost? I have no doubt that under the system there is an automatic notification of this sort of thing to the federal agency. I will be happy if there is an automatic notification about the passport and somehow the Australian Passports Office is given the original passport when a copy of an order is delivered to that office in Perth, or probably Canberra, so that the computer system will note that no other passport is to be issued. I understand how this sort of order can work when only the Federal Government or the State Government is involved. However, it is different when both state and federal authorities or two different jurisdictions are involved. It may well be in this legislation, but I have yet to see a process set out in this legislation to cover this. It may well be in the regulations. Will regulations be attached to this legislation that will describe that process?

Mrs van de KLASHORST: There will be some regulations, but I am not sure they will describe this process. However, it is normal procedure for a passport alert to go to the Australian Federal Police as a result of these sorts of court cases. It would be picked up in that process after the passport alert had gone out. A copy of the order is given to the Department of Immigration and Multicultural Affairs.

Mr RIEBELING: I want it placed on the record that that will be the process, not that it might be. I want to find out that when an order is made for the passport to be delivered to the court and is complied with, that information will be transmitted to the Australian Federal Police, or surely it should be the Passports Office. If that is the process, it is fine. There are two components in an order of that nature: One is that the order is made; the other is that it must be complied with. Presumably, there will be a double-barrelled process in place whereby the court making the order would, first, issue a notification or an alert and then issue a confirmation that the order has been complied with. I do not know whether the court is in the business of holding on to passports and whether the court would direct them back to the Passports Office. I want to know whether there is some certainty to the process and that we are not guessing.

Mrs van de KLASHORST: Once again, we are looking at what the court considers. Clause 163 states that if the court considers there is a possibility or threat that a child may be removed from Australia, it may order the passport of the child and of any other person concerned to be delivered up to the court upon such conditions as the court considers appropriate. The court will decide the conditions for the reasons for taking the passport.

Mr RIEBELING: I preferred the first answer to the second. I understand the first answer to be that the Australian Federal Police will be notified when the order is made.

Mrs van de Klashorst: That is what normally happens in these circumstances. The court can make its own decision. It might change from the normal ruling.

Mr RIEBELING: A court will make an order for an effect. The effect of making an order against a passport is to stop the person travelling.

Mrs van de Klashorst: Of course.

Mr RIEBELING: There would not be many other reasons for taking a person's passport. This clause deals only with the confiscation of passports, and presumably section 67ZD of the federal Act fixes an automatic process for notifying the authorities of a confiscation order as well as a second notification that the order has been complied with and that passport X is in the custody of either the court or the Passports Office. Could the Parliamentary Secretary confirm that that is the process? If it is not, it should be. If that is not the standard process, will this legislation guarantee that an order made under this clause has effect? Unless a process is in place, a parent may comply with the order and then go straight to the Passports Office and pick up a replacement passport. Passports can be obtained within 24 hours. The Passports Office is very efficient. Unless some process is in place to prevent a passport being issued, the efficiency of the Passports Office means that the court must be equally efficient and diligent. Unless this clause is linked with some other clause in the Bill that I do not know about, it does not offer the protection that the draftspeople intended.

Mrs van de KLASHORST: I do not know an awful lot about passports but both parents would have to sign the application form. If the court thought there was any danger, it would ensure that another passport could not be issued. I do not know how they do that.

[Quorum formed.]

Clause put and passed.

Clauses 164 and 165 put and passed.

Clause 166: How a court determines what is in a child's best interests - FLA s. 68F -

Mr McGINTY: Apart from the fact that subclause (2)(f) was derived from the federal legislation, can the Parliamentary Secretary tell us why there is specific reference to maintaining the lifestyle, culture and traditions of Aboriginal people and not an equivalent provision in relation to peoples of other cultures?

Mrs van de KLASHORST: I can only use commonsense in saying that perhaps because of the stolen generation and other things that have happened in the past the Commonwealth felt it was necessary to include this. I have not checked on that and I feel it is a good clause.

Mr McGinty: Does the Parliamentary Secretary not think that issue would be equally important for Islamic people, although maybe not for some people from Western Europe?

Mrs van de KLASHORST: We could write a book if we included every country in the world, because we are a multicultural society. It was specifically included because the stolen generation is an issue and we must ensure that those sorts of things never happen again.

Mr McGINTY: Paragraph (k) has very little regard to the welfare of the child when it includes a consideration of whether it would be preferable to make an order which would avoid further litigation. What is the justification for that appearing here? Whether people might or might not decide to exercise their legal rights at the end of the day should not be included in the legislation. I could understand, if that were done vexatiously, there might be an adverse effect on the child. However, it should be done by some other procedure rather than to incorporate that in a list of specific factors which must be taken into account in determining the best interests of the child. It seems that proceedings before the Family Court are irrelevant to that interest.

Mrs van de KLASHORST: According to my adviser, this will allow finality of proceedings so that we do not limit the State to change the Commonwealth's intention. We could finalise the proceedings and cover the possibility of a vexatious litigant.

Mr RIEBELING: What does subclause (2)(b) mean? Does it mean the court must determine some sort of fault in relation to paragraph (b)?

Mrs van de KLASHORST: It could be siblings, adult siblings, grandparents, perhaps teachers or doctors and a range of people with whom the child will come into contact during his or her life - even friends. There could be a reason that the court would need to look at the whole situation.

Mr RIEBELING: Once again, what does that paragraph mean? The nature of the child's relationship with the parents is that of a child to a parent. Similarly, paragraph (c)(i) refers to the likely effect of any changes in the child's circumstances, including the likely effect on the child of the separation from either of the child's parents. I would have thought the Bill relates to the parents' separation. What is that paragraph supposed to mean?

Mrs van de KLASHORST: The member for Burrup must remember that the parents were in a de facto relationship. One parent might be moving interstate and it might be that a parental plan provides that the child spend some time with the grandparents or a brother or sister of one of the parents or both. It might be a temporary arrangement. We are dealing with human beings and there are many exceptional circumstances.

Mr RIEBELING: It states that the court must consider the likely effect of any changes under these circumstances. This whole Bill deals with separation of the parents and who will look after the child. The clause states that a court must consider whether there is an impact when the parents separate.

Mrs van de Klashorst: That is right. That is what the court is there for.

Mr RIEBELING: Why is this statement of the obvious included in this clause? Would there be any action if the parents had not separated?

Mrs van de Klashorst: There could be an adoption application.

Mr RIEBELING: This clause refers to the child's parents and the likely effect on the child of any separation from either of its parents. If that is not stating the obvious, I do not know what is.

Mrs van de Klashorst: Perhaps sometimes it is necessary to state the obvious in legislation.

Mr RIEBELING: This Family Court Bill deals with the effects of the breakdown in a relationship, and this clause states that the courts must have consideration for the impact of the separation. Surely, by the time the court reached clause 166 of this Bill, it would be well and truly aware of that.

Clause put and passed.

Clauses 167 to 170 put and passed.

Clause 171: Court orders for separate representation - FLA s. 68L -

Mr McGINTY: I ask the Parliamentary Secretary to advise the Committee of the nature of the orders a court might make to achieve separate representation and, in particular, in matters relating to costs.

Mr RIEBELING: I referred to this clause in the second reading debate and asked whether it would be used in a similar way to the provisions relating to criminal actions, in cases where a court determines that separate representation is needed. The Legal Aid Commission has no capacity to represent children and, therefore, the court case might not be able to proceed. Will the Dietrich case have an impact on the Family Court's ability to deal with applications under clause 171?

Mrs van de KLASHORST: Costs are dealt with in clause 237 in part 12 - Miscellaneous. Legal aid is not part of any clause of this Bill. It is a completely separate issue. The clause provides that sometimes children will need independent legal assistance. That is as far as this Bill goes. It cannot include provision for legal aid because the Government has no control over that as far as this Bill is concerned. Clause 237 contains reference to section 117 of the federal legislation.

Mr RIEBELING: I thank the Parliamentary Secretary for her explanation, with which I disagree. This Bill will operate the same as legislation under the criminal jurisdiction. If the court says it will not proceed until Joe Bloggs is represented that means that legal aid will be sought if a person has no means to pay. Presumably we are talking about separate representation for a child. A child's capacity to pay would be very doubtful unless he had independent means. Very few children have the means to pay for legal representation. Unless the court has duty counsel whom the court will pay - I doubt that the state coffers would flow to that extent - presumably an order would be made that the Legal Aid Commission would represent the child. If the Legal Aid Commission said it did not have sufficient funds would the case stall?

Mrs van de KLASHORST: This clause safeguards the child when the child might need to be separately represented. The member for Burrup is right that a child might not have his own funding. However, that is outside the confines of this Bill. Therefore, I cannot indicate what would happen. Both parents might be millionaires who could pay. This situation would warrant commonwealth funding, or Family and Children's Services could become involved. Funding could be provided in many ways. We cannot canvass that here because it is a different subject.

Mr RIEBELING: We do not determine what, if any, legal aid is given out.

Mr McGinty interjected.

Mr RIEBELING: I have no doubt legal aid for this would not be available. The Parliamentary Secretary said that this is not our concern. However, the operation of legislation which passes through here is our concern. A child might well have multimillionaire parents, but that would not mean the child had means to pay legal representation. In most cases the child would not have separate means.

The guardian of the child could refuse to pay it anyway. If the court determined that would be the case, how would that be overcome under this legislation? Like Nero, the Parliamentary Secretary might say that we do not wish to know about problems that will arise. However, I am sure people acting in the Family Court will want to know if clause 171 is implemented and the child has no means to pay. I am sure this was drafted when it was thought that perhaps legal aid would survive the conservative Federal Government. That is clearly not the case; therefore this clause might be unworkable.

Clause put and passed.

Clauses 172 to 247 put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mrs van de Klashorst (Parliamentary Secretary), and passed.

ACTS AMENDMENT AND REPEAL (FAMILY COURT) BILL*Second Reading*

Resumed from 16 October.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

BILLS (3) - RETURNED

1. Pay-roll Tax Amendment Bill.
2. Maritime Archaeology Amendment Bill.
Bills returned from the Council without amendment.
3. Interpretation Amendment Bill.
Bill returned from the Council with an amendment.

EQUAL OPPORTUNITY AMENDMENT BILL (No 3)*Committee*

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clause 1: Short title -

Progress was reported after the clause had been partly considered.

Mr PRINCE: Two matters were raised by the members for Thornlie and Armadale. The first concerned the retirement age of the Liquor Licensing Court judge and the industrial commissioner. I have made inquiries of the officer responsible for the instructions on this Bill. She advises that the retirement age for the Liquor Licensing Court judge is 70 years and for the industrial commissioner it is 65 years.

Section 56 of the workers' compensation Act was referred to by the member for Armadale. I am informed it has been identified by the Commissioner for Equal Opportunity as part of the review of the Act. It is a matter of discussion between the Attorney General and the Minister for Labour Relations. This Bill cannot amend the workers' compensation Act. The matter needs to be the subject of a separate Bill at some stage in future. I received that advice from the senior legal adviser who is with the Equal Opportunity Commission and is the instructing officer on this Bill. I suggest the matter should be taken up with the Minister responsible for the workers' compensation Act. I am prepared to do that; no doubt the member will be as well.

Ms MacTiernan: I appreciate that.

Clause put and passed.**Clauses 2 to 8 put and passed.****Schedule put and passed.****Title put and passed.***Report*

Bill reported, without amendment, and the report adopted.

Third Reading

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

LOCAL GOVERNMENT AMENDMENT BILL*Second Reading*

Resumed from an earlier stage of the sitting.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [1.01 am]: The member for Rockingham raised a number of matters. The first, clause 15 relating to disclosure, is most important. As I mentioned in the

second reading debate, this clause deals with various common and minor financial interests that council members do not need to disclose at a council meeting. This legislation contains a new exemption dealing with the location of government related services. As it stood, the legislation would have required a councillor to declare an interest in major roadworks adjacent to his or her house. Accordingly it has been deleted. The member's question related to whether it is intended to widen the disclosure provisions. That is the intention of the legislation. While this amendment will remove the issue of adjacent government related services and facilities, it still widens the disclosure provisions.

The issue of campaign donations was raised by the Opposition in a Bill introduced in this Parliament. As I mentioned, section 4.59 covers disclosure and the Act contains regulation making powers. As advised previously, I wrote to the Department of Local Government on 16 October and have had preliminary advice on that matter. I will make decisions in relation to campaign donations, expenditure and gifts in the near future.

Mr Marlborough: Will you do that in the light of donations?

Mr OMODEI: I have a regulation making power in the current legislation. I sought advice from the department on 16 October and it is finalising its response. The regulation making power will be brought into effect in relation to donations, disclosures and gifts.

Mr Marlborough: The whole question of donations is raised in the Davis royal commission report, volume 2, which refers to the interview the commission conducted with Colin Edwardes. He said that he took bills for payment of printers to Dr Bradshaw for him to pay. It is clear from the evidence and all the facts gathered that that method of seeking payment was clearly to disguise that that money was actually being paid to candidates. I raise that because the Minister needs to have cognisance of that matter in considering any proposals to cover such a set of circumstances. The modus operandi of Bradshaw and his friends was to put in place a disguise mechanism by which money was never seen to be going to candidates, yet it was.

Mr OMODEI: The whole of the Royal Commission into the City of Wanneroo report has been referred to the department. As the member for Peel knows, it comprises 1 400 pages, which will be thoroughly scrutinised. If legislation needs to be changed, that will occur.

Mr Marlborough: Will the department be in a position to lay charges, if necessary, as a result of that report?

Mr OMODEI: All those matters will be referred to the relevant authorities by the royal commission. As far as the department is concerned, if scope exists within the current Act, charges will be laid if required. If not, it will be looking at the report and its impact on local government, and making any legislative changes it deems necessary.

Mr Marlborough: Will the current or the amended Act apply?

Mr OMODEI: It would have to be under the old Act, I assume - it is going back a long way.

I now respond to the concerns of the member for Rockingham regarding penalty interest on overdue rates. Under the Act, the 35 day penalty applies only if people do not enter an instalment agreement under which people make quarterly payments and under which it would be three months before any penalty applied. The change is to a similar arrangement to that which applies with the Water Corporation. The choice must be made by the ratepayer to adopt the instalment payment or to make a straight payment of rates. Interest will be applicable to unpaid rates after 35 days. The member for Rockingham is interested in changing that clause, but such amendment would cause cashflow problems to some councils. In cases of hardship, local government has the power to amend payment, write off payment, or allow conditions to apply to the payment.

The member for Rockingham raised queries on the Wanneroo panel of inquiry which will report on the Wanneroo royal commission and the activities of the council from 1992 to 1997. It is anticipated that the panel will be required to report to me on or before 9 February. I only have a couple of options for action on the report: If the inquiry recommends dismissal, I can reinstate or dismiss. If it recommends that I reinstate, I can only reinstate. Even if it recommends dismissal, I can reinstate the council - which is unlikely, of course - as it is covered under the legislation. If reinstatement is recommended, and the local government advisory board report is available to me - I expect it to be available to me at least within a month - I will probably hold that advisory board report until the inquiry panel makes its report. I do not think it would be sensible to mix the local government advisory board report with the inquiry report and confuse the situation in Wanneroo. If they are produced close together or simultaneously and the recommendation is to split the city, I dare say that the commissioners would stay in place.

Mr Marlborough: You have already made up your mind on that.

Mr OMODEI: I have told the member exactly what I am saying. Should the local government advisory board recommend the splitting of the city, then after the inquiry has reported to me, we would bring forward the splitting

of the city. At the same time, if the recommendation of the inquiry is to reinstate the city, the city councillors would be reinstated, albeit for a very short time.

Mr McGowan: Do you get on well with the city councillors?

Mr OMODEI: I could not really describe them as being close friends, but I have a very good relationship with local government in Western Australia, as the member for Stirling well knows.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: The member for Roe raised the issue of a referendum. He wrote to me today on the issue. The matter was raised at the National Party conference. A referendum is proposed for a situation where there is a partial boundary change. I have refused to do that at every local government forum that has been held since I have been a Minister. It is unlikely that I will change my mind because I believe that we would have no local government boundary change in the State should we agree to that proposal. It begs the question that if we are to have referendums to be able to veto boundary change, do we have referendums on small boundary changes to allow councils to split away? If we are to give people the right to veto a boundary change, we should give the same people the right to split away. If that is the case, we could end up with 300 councils in Western Australia. I do not think that would be acceptable either.

The member for Pilbara mentioned the problem in Port Hedland with caravans in residential areas and the cyclone issue. A number of caravans are in residential and commercial backyards. Part of the problem lies in the fact that the council's town planning scheme does not allow residential, occupied caravans in the commercial and industrial areas, bearing in mind that a boom is occurring in Port Hedland at the moment. The scheme allows caravans only for caretaker purposes, so most caravans are not known to the council and are currently illegally sited. The council has had discussions with both the Department of Local Government and my office about the possible remedies under the Caravan Parks and Camping Grounds Act. The problem is that up to 1 000 illegal, occupied caravans may not be secured and tied down according to cyclone precautions. With a notice served by the council there must be an appeal right. For all other cases, such as a building notice, there is a right of appeal. Section 3.34 of the Local Government Act allows the council in an emergency to do whatever needs to be done even without notice in the event of an impending cyclone. The member for Pilbara is requesting that the council do that only in an emergency and not prior to an emergency. To clarify the present position, in a case where a cyclone is coming towards a municipality, a council can do whatever it needs to do but it cannot do it prior to the cyclone. Of course, cyclones do not always continue in the same direction. I am prepared to re-examine that issue if it is not working in Port Hedland. Obviously, as I mentioned, Port Hedland is going through a boom at the moment. A number of issues are involved, including native title, and there is a major land shortage. Therefore, people need the capacity to be able to live in caravans in that area until we can clear up the matters of availability of land and housing.

The other issue the member raised was valuations. That section of the Act is amended to clarify that rating valuations made as part of a general valuation supplied by the Valuer General, but issued late, may be applied by the councils for rating purpose in the year of the issue of the valuation. This follows the current practices of the Valuer General and councils. The valuations provided by the Valuer General are covered under the Valuation of Land Act, not the Local Government Act, and should be raised with the Minister for Finance. I am prepared to raise this matter with that Minister.

The last item raised by the member for Pilbara related to agreement Act provisions. Any exemption from rates under an agreement Act is ratified by Parliament. This Government has recognised that. It recognises also that local government must be involved early in negotiations. Particularly in my discussion with the Minister for Resources Development and local governments we must ensure that local governments act in advance of any resource project so they can submit their bid for provisions for infrastructure for their local government, or where rate equivalents or rates are paid local governments must have that ability. I draw the attention of members to the BHP direct reduced iron process agreement in Hedland. In consultation with BHP the Government allocated \$7m for the South Hedland enhancement program. We must be vigilant about any further agreement Act provisions.

I thank members opposite for their support of this Bill. It is a small, but important, Bill. I expect that next year further changes will be made to the Local Government Act as they come forward.

Question put and passed.

Bill read a second time.

[Quorum formed.]

Committee

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

Clauses 1 to 12 put and passed.

Clause 13: Section 5.42 amended -

Mrs ROBERTS: This clause deletes the words "and this power of delegation". I note in the second reading speech that the Minister has made reference to the need for an amendment to clarify the fact that chief executive officers may delegate powers to employees. Does this apply to all powers which a council would allocate to a chief executive officer, or does it apply to only some of those powers which a council might delegate to a chief executive officer?

Mr OMODEI: Any powers the council can delegate to a chief executive officer can be subdelegated to a senior officer. We already have evidence to show that CEOs are inadvertently in breach of the act of subdelegating. This has been brought to my attention and that of the department, and we have sought to clarify the situation for the good running of local government to allow that subdelegation to occur.

Mrs ROBERTS: I am also very interested in the good running of local government in this State. I note the Minister said in his response that those powers can now be delegated from a chief executive officer to a senior officer. I cannot see where in this legislation it is defined that it must be delegated to a senior officer. Perhaps the Minister can clarify that and point out to me where a CEO might be prevented from delegating to a junior officer. I cannot imagine that would happen too often in the case of a major metropolitan authority, but it may cause a problem in some country local government authorities where a not very senior officer -

Mr Omodei: This provision also relates to proposed amended section 5.44 which says that a CEO may delegate to any employee of the local government authority in the exercise of any of the CEO's powers or to discharge that person's duty under this legislation, other than this power of delegation. The member is right: Many local government authorities have only a very small staff.

Mrs ROBERTS: I wonder whether we have gone too far and whether further amendments might be required to be brought back if we find this practice is not adopted in an appropriate way by the CEOs. In recent times we have seen that some CEOs are not beyond reproach. In that instance, I would be very concerned that they were delegating to junior officers some of the powers which have been delegated to them by council.

Mr OMODEI: The council can always take that power away from the CEO. As I mentioned previously, it is only for the good running of the local government authority. A criticism of some local governments has been the extent of minutes and the powers the councils retain which does not make for the efficient running of council. Obviously, the council will delegate to the CEO and subsequently the CEO will delegate to other officers of the council to the extent that the council desires that to occur.

Mrs ROBERTS: One of my concerns is that in some instances CEOs and council officers do not in my view properly report back to councils on the matters which they have dealt with under delegated authority. Are there provisions in either this legislation or the Local Government Act that cover that, or is the Minister relying on the councils to ensure that appropriate mechanisms for reporting back to the council are put in place? It is all very well for the Minister to say that a council can withdraw the powers of delegation; but, in some cases, some councils are not fully aware of what their officers are doing under delegated authority.

Mr OMODEI: Under current section 5.46(2) all delegations must be reviewed at least once every financial year by the delegator. At the same time a whole lot of other measures control the chief executive officers if they are not up to speed. All new CEOs will be placed on performance based contracts. The legislation contains statutory compliance audits and a whole lot of reporting mechanisms which allow for the close scrutiny of the administrative staff. I agree with the member for Midland that history shows, particularly in the case of the City of Wanneroo, that there have been problems with senior staff in that municipality. As I mentioned, the legislation needs to be tightened, and we will do that.

Mr McGOWAN: This Bill contains a number of provisions dealing with the way local government authorities operate and delegate to their staff. I am interested in the area of tenure and terminations of chief executive officers within local government authorities. I know many of these people are going on to contracts and performance based salaries and so forth. What is the situation for local government authorities that are dissatisfied with the chief executive officer? If that person is not on a fixed term contract, at the conclusion of that period how can the local government authority dispense with those services?

Mr OMODEI: As I mentioned, the new performance based contracts will be for five year terms. The contract will

specify the termination procedure and, in the case of early termination, whether there will be any specific payments. In all of those contracts advice is sought by the local government authority, usually, from the municipal association or the industrial advisers before the contracts are signed. I understand that the Institute of Municipal Management provides a pro forma contract for the employment of CEOs. They will always have that capacity. Terminating the employment of CEOs who are not under contract is done by negotiation and will take into account the industrial legislation. There would need to be good reason.

Mrs ROBERTS: When putting CEOs and other senior staff on performance contracts the Department of Local Government should take cognisance that in situations like the Wanneroo City Council, which has a power group which calls the numbers on that council, they are happy to have powers that in some cases are the responsibility of the council, delegated to the CEO or downwards to more junior officers. In some circumstances those junior officers would be bullied into making decisions. If a council reviews those decisions at the end of year and if that power group has the numbers on the council very little will be done about that and they will be happy with those decisions that have been made under delegated power. If other individuals on that council are aggrieved the onus will then be on them to take their claims to the Department of Local Government or elsewhere. It is worth highlighting that the dangers are increased when CEOs and other senior staff are appointed on contract. It is not a problem at the beginning of a five year contract because they have some certainty, but as they draw towards the end of the contract and have one or two years to run, many of them will be mindful of their future employment. Unfortunately that can put pressure on council staff members where particular power groups like the very ugly power group that operated on the Wanneroo council can dominate.

Mr OMODEI: Section 5.44 of the principal Act allows the CEO to delegate further down the line. In relation to a clique, in any committee or body the majority rules. The delegation must be made by an absolute majority of council. Whether that is one group that votes together, a combination of people, or individuals, an absolute majority is needed before a delegation can take place. That is democracy at work, as happens in this place.

Mrs ROBERTS: The Minister has missed my point. The system has changed in that whereas chief executive officers formerly had a long tenure, they are now perhaps on five year contracts with only a couple of years to run. That in itself is part of the problem. CEOs are on contract, and the Minister will delegate responsibility to them. Previously CEOs, city planners and the like expected to stay for the duration, provided their work was satisfactory, and they could be dismissed only on strong grounds. The situation now is that their contract could just be terminated. That is the area I draw to the Minister's attention with respect to delegation of these council powers to people with short terms to run on their contract. That increases the pressure on the council officers.

Mr OMODEI: I note the concerns of the member, and I reiterate that the tenure of contract of CEOs is five years. In addition, they are reviewed annually and the contracts are much shorter than they have been in the past. The argument raised by the member could be applied to those people who are on awards and not on contracts, but I will take on board the concerns the member has raised and address them.

Mrs Roberts: It can put greater pressure on people with short term contracts than on those with awards.

Mr OMODEI: The problems would occur with those on long term awards.

Mrs Roberts: No. Greater pressure can be brought to bear on people with short term contracts because they are concerned about the longevity of their employment.

Mr OMODEI: I take the point.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 5.63 amended -

Mr McGOWAN: This clause provides for a certain provision in the exemption section of the principal Act to be revoked, and it will tighten up the rules relating to disclosure. I am interested in matters that come before a council or matters of development that a council pursues. I seek some clarification from the Minister.

Mr OMODEI: My advice is that section 5.63(1)(e) refers to an interest relating to the location, care, control or management of a community service or facility provided, or to be provided, under a law of the Commonwealth, State or local government or by a body with non-profit making objects. By deleting that section we tighten that legislation. It is one exemption that will no longer exist.

Mr McGOWAN: I accept that point; it is a good thing. Is the Minister referring to where a government department or a local authority proposes to build a toilet block in a park near a councillor's house or a council employee's home,

to make an improvement to the road outside a councillor's house or to establish a park in the vicinity of a councillor's home? This is a broad area. Can the Minister define the limits he will be imposing in this provision?

Mr OMODEI: As the exemption is being deleted, councillors will have to declare an interest if they live near proposed toilet blocks, roads, traffic calming measures, community facilities, etc.

Mr McGOWAN: Will declaring an interest mean councillors will be unable to vote when a matter comes before a council or does it mean simply that the council will know of the interest?

Mr OMODEI: Once that interest is declared a councillor must leave the room and not take part in the debate or vote on that subject, as occurs with all other pecuniary interest provisions.

Mr McGOWAN: An upgrade of the main street of a country town could affect a number of councillors living on the road. That could result in the lack of a quorum.

Mr OMODEI: That is a good point. The council could seek an exemption from the Minister for Local Government. In a number of areas, because of an interest in common or for the general benefit of the community, all councillors might be required to declare an interest. It is similar to what occurs in my electorate, where tree plantations are common: Rural producers or people in the timber industry must declare an interest and seek an exemption from the Minister. That happens quickly and in most cases I accede to the request.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Section 5.74 amended -

Mrs ROBERTS: Is the "start day" the day of an election of a councillor for the first time?

Mr OMODEI: The amendment clarifies that the return period for the first annual return following a primary return will commence from the start day of the primary return. The annual return will then cover the period back to that date. The definition of start day is under section 5.74 of the Act and means, in the case of a council member, the day on which he or she made the declaration referred to in section 2.29 or, in the case of a designated employee, the day on which the person became a designated employee.

Mrs ROBERTS: Is the start day the date on which the person was elected to the council?

Mr OMODEI: It is the date on which the person signs the declaration, which may be the same day but is usually one, two or three days later, or more.

Mrs ROBERTS: That is of some concern. A person might be elected on a Saturday and attend the first meeting and sign the declaration the following Monday, and that would not be a difficulty. However, what would happen if a councillor did not sign the declaration until two or three weeks later, after he had disposed of some assets that might be relevant to some people? How will this Bill ensure that people sign the declaration within a few days of their election to council? The declaration of pecuniary interests should be signed on the day that the person is elected.

Mr Omodei: Do you mean the primary return rather than the declaration of pecuniary interests?

Mrs ROBERTS: Yes. The declaration should be from the time the person was elected.

Mr OMODEI: The legislation states at the time that the person makes the declaration. We have a number of publications to tell councillors how to stand for council; and we have a candidates' handbook, a councillors' handbook, a pecuniary interests handbook and a range of other publications that councillors can get hold of, and most councillors do that. With regard to the primary return, section 5.75(1) of the Local Government Act provides that a relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within three months of the start day; subsection (2) provides that a CEO must lodge with the mayor or president the primary return in the prescribed form within three months of the start day; and subsection (3) provides this section does not apply to a person who has lodged a return within the previous year or has within three months of the start day ceased to be a relevant person; and the penalty is \$10 000 or imprisonment for two years.

Clause put and passed.

Clauses 18 to 20 put and passed.

Clause 21: Section 6.51 amended -

Mr McGOWAN: I commented on this matter during the second reading debate, and I discussed it with the Minister before we reached the Committee stage. I urge the Chamber to oppose this clause. A procedure is in place under

section 6.51 of the Local Government Act for the collection of penalty interest if people pay their rates late. That is, if a person is three months late in the payment of his rates, penalty interest will accrue. If the rates are paid within three months of the issuing of the rates notice, the person will not be required to pay penalty interest.

This clause seeks to reduce the three month period to 35 days. Therefore, if a person has not paid his rates within 35 days of the issuing of the notice, he will be required to pay penalty interest. That is unfair. The second reading speech indicates that, in cases of hardship, a local government authority will have the capacity to waive payment of the penalty interest. This is a haphazard method of operation, because it will rely on the good nature of local authorities, and occasionally some of them do not possess that compassion. The clause also fails to recognise that for many people the payment of rates is a heavy burden on their annual budget. Many people have limited means and their annual budget is divided into weekly living expenses. A bill of \$500 for rates will make a large hole in that budget, and people must make an extra effort to accommodate the payment of that bill.

Of course, the Minister's comment will be that people have an opportunity to pay their rates by instalments, but many people do not want to do that because they will end up paying a higher premium than they would if they paid in one hit. The instalment system is good, and people should have that opportunity. However, it is a more expensive option for many people, especially in these days of low inflation. As a result, it is a very expensive proposition for people to pay their rates, but there is the added burden of the potential for the accrual of penalty interest if they fail to pay their rates within 35 days of the issuing of the notice. Many people are landlords, and some landlords may not have much spare income; their rates notice may go astray and, as a result, the 35 day limit could run out. The provision is unfair. The amendment to the Local Government Act less than a year ago is sufficient.

Mr OMODEI: The amendment provides an option. Under previous legislation, people could pay their rates in only one way. This provision will allow for quarterly instalments or full payment within 35 days. This is exactly the same situation as people face when paying other bills. That has been the case for the payment of water bills for as long as I can recall. This is in line with the operations of the old Water Authority, when I was Minister for Water Resources. The options are fair and just. If a person loses his account or delays payment of any other account, interest is applied. Therefore, local government rates bills should be no different.

Mrs ROBERTS: I concur with the remarks of the member for Rockingham. If we look back to the Local Government Act 1960, we find that some difficulties existed for a number of years. There was no capacity for a local government authority to charge any interest on rates due until 31 January the following year. Clearly that was not fair and it put local government at a severe disadvantage compared to other government agencies, such as the Water Corporation, and perhaps in relation to land tax and a number of other state government taxes.

Mr Omodei: You are talking about unscrupulous ratepayers. The member for Rockingham said it could be an uncaring local government.

Mrs ROBERTS: I am suggesting that there was a major problem because people would delay payments until 31 January and no penalty was applied. The amendments introduced by this Minister to deal with the payment of rates were very good and long overdue. People have up to three months to pay before any interest is imposed on the rates due. That is already a significant advance for local government.

I agree with the member for Rockingham that this puts the burden back on the public not only by making ratepayers pay up in a much shorter time frame but also by allowing councils to impose interest. Clause 21 provides that that interest can be at the rate set in the council's annual budget.

I find it interesting that the Minister made that comparison with the Water Corporation. I receive many complaints about people's water bills, particularly with regard to the interest rates charged by the Water Corporation. The authority has charged interest rates well above the current rates applicable on an interest bearing account or the rates it can get elsewhere. That is a clear example of a government agency's preying upon those people in society who are least able to afford to pay exorbitant interest rates. I suggest that nine times out of 10 people who are not paying their rates on time have difficulty paying, particularly when they realise the exorbitant interest rates that are applied by the Water Corporation. They know that if they do not pay by the due date they will be charged interest well above what they would have to pay if they borrowed that money from the bank to pay their bills.

What limits will be placed on councils when they set this rate? I am opposed to any further tightening of conditions for ratepayers paying bills. The current system introduced by the Minister is good. People now pay their bills earlier; they cannot delay total payment of their rates until January the following year. Most councils now offer good options for quarterly or six monthly payments.

Mr MARLBOROUGH: I am intrigued by the speed at which the Minister has introduced these measures. I also fail to see the relevance of the comparison between local government and the Water Corporation.

Mr Omodei: Quarterly payments.

Mr MARLBOROUGH: It might be quarterly payments. However, this legislation provides that each council will be allowed to charge a penalty rate based on a rate it sets in its annual budget. When the Water Corporation charges a penalty rate on householders, it does not charge a different rate in Albany, Karratha, Nedlands and Stirling. It sets a single rate. The taxation department also applies a single penalty to moneys owed. We have 154 different councils with more than 154 different circumstances to cause the penalty to vary. By this provision, the Minister will allow some people, depending on the circumstances of their council, to be unfairly treated by the penalty they will pay for late payment.

I refer to the two councils in my electorate, Rockingham and Kwinana. Kwinana ratepayers do not have much land which is rated because most land is owned by the Government or a number of multinationals which have that land and facilities under a state agreement. The municipality of Rockingham has an entirely different set of circumstances. Most of its land is privately owned and little is covered by state agreements. Therefore, the ability of that council to generate its rates within the rateable land in the municipality, and the population it has to serve, is greater than the ability of the Kwinana council to raise rates, owing to its smaller population.

As two entirely different circumstances apply within my electorate in two distinct municipalities, the penalty to be applied after 35 days will be different. Unlike the Water Corporation, the penalty will be different in the two neighbouring municipalities. I suggest that that needs to be looked at closely. If the Minister is to set a penalty, he should have the courage to set a penalty and lay down a standard. It should not vary according to the budget of each council.

Although the penalty for ratepayers is to apply after 35 days, the Government has introduced legislation to ensure that it need not pay its bills for a minimum of 55 days. Therefore, I am staggered to see the Minister put in place a provision by which ratepayers must pay a penalty after 35 days of not paying a bill, whether it be quarterly or otherwise. In debate on legislation by which the Government will have the ability to hang onto its money longer, the Treasurer said, when we queried that initiative, that it was in line with commercial standards. We need some consistency. The Government cannot have its way when it suits, and then hit ratepayers because a couple of local councils have seen the opportunity to grab money and the Minister has provided legislation to suit them.

Mr OMODEI: The rates payable by local government under the 1960 Local Government Act and the 1995 Act were due and payable after 35 days. Under the old Act, they did not apply a penalty until after January. Therefore, they could always sue for non-payment of rates but could not apply penalties.

Currently, the interest to be paid is prescribed by regulation at a maximum rate of 13 per cent. I understand that few councils charge 13 per cent, and most of them charge 8 or 9 per cent. I can review that situation.

Mr Marlborough: The key point is not to have the difference between the municipalities.

Mr OMODEI: That is a matter I am prepared to take on board.

Mr MARLBOROUGH: I thank the Minister for his reply. It convinces me that his proposed method is wrong. The Minister says that the present regulations allow up to 13 per cent interest. I would be loath to see any Government allow a local government authority to charge 13 per cent when the current bank interest rates are what, 4.5 per cent?

Mr Omodei: That is on investment. One cannot borrow at that.

Mr MARLBOROUGH: When I am paying the bill, I look at what I am getting for my money in the bank. I am not worried about what the council has to do to borrow. The Minister said most local governments charge 8 per cent. The Minister should recognise that if he is to use the Water Corporation as his comparison -

Mr Omodei: There are a number of comparisons.

The CHAIRMAN: The Minister must allow the member to speak.

Mr MARLBOROUGH: There should be no argument between the Minister and me that the Water Corporation's method of charging interest applies the same amount of interest to people throughout the State. It does not differentiate for people above the 26th parallel, or in Esperance, Kalgoorlie, Albany or Geraldton as against the metropolitan area. Why should 142 different councils with 142 different methods of accounting and abilities to generate funds through their assets have a system whereby people in the same State can be penalised differently for committing the same offence; that is, to be late with the payment of their bills?

Mrs Roberts: There is no logic in that.

Mr MARLBOROUGH: None at all. In the example I gave, why should people be charged a greater rate in

Rockingham than people are charged in Kwinana? It should not happen. If the Minister wishes to fix this properly, now is the time to fix it. The 35 day period is too tight. The Minister will not apply those standards to the Government. Today the Minister has moved to have the payment of bills in a minimum of 55 days to bring it in line with industry standards. The setting of standards should be equal across the board.

Mrs ROBERTS: The member for Peel is right when he says that there is no logic for local governments' being able to charge different interest rates throughout the State. I am pleased that the Minister has agreed that the current rate he has set of 13 per cent is far too high.

Mr Omodei: I did not say that at all; I said I would take it on board.

Mrs ROBERTS: The Minister is prepared to look at it. Does he think 13 per cent might be okay?

Mr Omodei: I will look at it.

Mrs ROBERTS: The Minister is a little equivocal about it now. However, 13 per cent is at least 5 or 6 per cent too high. He notes that most local governments in the State do not have the gall to charge the rate he has set. They have opted for 8 or 9 per cent as the upper limit of their range. They would have to worry about their re-election prospects if they charged those kinds of interest rates. Only government authorities such as the Water Corporation, over which the Minister formerly presided, charge those rates and get away with it.

Mr Omodei: Did they do it when you were in government?

Mrs ROBERTS: Nowhere near to the extent that the Minister did.

Mr Omodei: Interest rates were higher when you were in government. I did not see the good old socialist Government dropping them then.

Mrs ROBERTS: That is exactly right. The difference is that they charged a rate which is similar to the current borrowing rate. If we go back to the 1980s, not when I was in government but when the Labor Party was in government, the going interest rates were in the order of 15 and 17 per cent.

If the then Water Authority charged a rate like that, one could justify that. However, when the going interest rates are 5, 6 or 7 per cent, the Government cannot justify charging 13 per cent; the differential is too great. The Minister must answer this question: Why is there any logic in allowing local government authorities to set different rates? Should there not be just one rate? Should it not be applicable to everyone in Western Australia? Once again, the Minister opens up the potential for those least able to pay to have to pay the most. Long term established local government authorities, whether they be Peppermint Grove, Subiaco, or any one of the local government authorities in the western suburbs that have been established for a long period, do not have large borrowings. Often many of those smaller local governments do not provide many facilities such as swimming pools and the like to their ratepayers. It may be that those councils representing people who are generally fairly well off are able to charge a very low interest rate or none at all. Councils such as Wanneroo or Swan in expanding areas that are full of first home buyers and battlers may feel compelled to charge the higher interest rate. If rates are overdue anywhere in Western Australia, surely the rate of interest that should apply should be the same, irrespective of whether someone lives in Peppermint Grove or Balga.

Mr OMODEI: This Government brought in the instalment initiative to allow people to split their rates. I do not want to get too involved in this debate. If we took the argument of the Opposition to its logical conclusion, exactly the same parking fines would apply across the State and exactly the same rates in the dollar would be charged for every local government across the State for gross rental value and unimproved value. It is a nonsense argument. I let the member for Midland continue long enough to hang herself. Is the member for Peel suggesting that local governments across the State should pay the same rate in the dollar for the gross rental value or the unimproved value?

Mr Marlborough: You're missing the point.

Mr OMODEI: I am not missing the point. That is the point. I am prepared to take advice on the prescribed maximum limit of 13 per cent that has been put in place at this time. I will not debate this matter all night. A maximum limit of 13 per cent has been prescribed with flexibility for local governments to choose between zero and 13 per cent. Local governments have the capacity to talk to individual ratepayers if they have a hardship and, if necessary, to write off the rates completely. At least people have the choice to go to instalments - something they have not had before.

Mr MARLBOROUGH: In the Minister's argument that all councils do not charge the same for parking fines, that payment is based on a service given. It may differ from council to council, depending on the make-up of the council - how big its parking department is or how many people it has working in the street. We are not talking about a service

given, but about a penalty payment. We are talking about a fine for a misdemeanour. I do not know whether parking fines differ now. If parking fines differ, my rationale applies. I do not know whether parking fines are based on a section of the Local Government Act which says that local government authorities are allowed to charge penalties on the basis of non-payment after 35 days.

Mrs Roberts: They are regulated by the schedule brought into this place by the Minister for Transport.

Mr MARLBOROUGH: If the problem with parking fines is similar to what the Minister is trying to address with this Bill, they should be reviewed as well. Perhaps that legislation can be brought in tonight and we will help the Minister to straighten it out in the way we are suggesting. At the end of the process, we will have a fairer and more equitable process by which people pay the penalty. We are not arguing about a service being given. This Bill has gone out and this provision has not been picked up, for whatever reason. People may not have been in a position to pay or did not get the bill when it was delivered or whatever, and they are affected by a penalty payment. Just as this amendment is being put into this legislation now, the Minister has the ability to look at bringing the provision at least into line with what the Government wants for its bill payments - that is, 65 days, as was mentioned this morning - to bring them into line with business standards. Why do we not apply business standards to this clause? The Minister has the ability to change the legislation so that people who are penalised for non-payment under the local government regulations are penalised by the same amount, regardless of where they live.

Mrs ROBERTS: The member for Peel has made a valid point. Obviously we must have a penalty interest rate which should be provided uniformly. I do not think we can make any kind of assumption that the member for Peel or I would support all charges of local government being equal across the State. Obviously when we are talking about the provision of services, the cost of providing a service in one council area can vary markedly from the cost of providing that service in another area. By way of example, the council buildings which house a library service or a swimming pool in the City of Perth and other inner city locations might cost much more than it would to provide the same services in a country location. Likewise in a country town, such as Karratha or Kalgoorlie, there may be some other cost factors in terms of the property and generally in getting a service to that area. That would include the cost of construction of roads and all the other things local government authorities must consider. The cost of providing a rubbish service will vary from local government authority to local government authority. That is where the Minister is wrong in making an assumption that just because we say the penalty rate should be equal, we are saying that all these kinds of charges for services should be equal, or that every council should charge the same rate in the dollar. The Opposition is not saying that; we are asking why some people must pay a much higher penalty interest rate on overdue council rates when people in any one of over 100 other local government authorities do not have to. There is no logic to it. People do not pay different penalty interest rates on their water rates or any other government service or charge. This rate should be uniform and it should be a lot lower than 13 per cent.

Mr McGOWAN: We must address the central issue here; that is, the Local Government Act was passed last year. It set out a reasonable provision about interest on overdue rates. I find it difficult to understand why the majority of this amendment Bill deals with procedural areas and the like, whereas quite a detailed set of provisions are set out in the legislation. For some reason they found it necessary to change that. Clause 21, which proposes to replace section 6.51(1) of the Act, does not refer to 35 days, the period mentioned in the Minister's second reading speech. This provision appears to allow a local government authority to impose this penalty interest, which is equivalent to a fine, before 35 days.

Mr OMODEI: Section 6.50 states that the date determined by the local government under subsection (1) for rates or service charges is not due and payable earlier than 35 days from the date the rate notice is issued.

Mr McGOWAN: We need to remember that 95 per cent of people who pay rates are average householders. Occasionally they take a longer period to pay their rates than that which is specified, and we need to show them some compassion. I am sure if the Minister asked people in the street they would expect that a little bit of leeway should be given by local authorities. Local authorities are often the most unpopular element of communities - normally that is unjustified - and to provide local authorities with another opportunity to impose costs and fees upon ordinary people is a mistake.

In question time today it was revealed that businesses faced the prospect of a 55 day waiting period for payments from government departments. Let us say that a ratepayer's business - virtually all businesses pay property rates - must wait 55 days for its payment from the Government. That business cannot impose a penalty interest on the Government, yet if it is more than 35 days late in paying its rates - that is 20 days less than the Government takes to pay its bills - it will be liable for a substantial interest payment. It seems to be a double standard, and a case of government oppression. The Minister put a great deal of effort into drafting the original Bill, and he should stick with it.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Section 9.1 amended -

Mrs ROBERTS: Why is this change required?

Mr OMODEI: I am advised that this is a drafting improvement which clarifies that there is power for objection and appeal rights to be included in uniform local laws under schedule 9.1.

Mrs ROBERTS: How many local laws are currently in force and how many could be described as uniform local laws?

Mr OMODEI: I can give an undertaking to supply that figure but it is a large number. All the previous by-laws were rolled over into local laws, so there must be hundreds of them, and they vary from one local government to another. I will provide that information if the member wants it, but it will be a huge task for the department.

Mrs Roberts: What about those local laws that were not formerly by-laws?

Mr OMODEI: Certainly that will be much more achievable.

Mrs ROBERTS: Has the Minister approved any local laws dealing with the concerns expressed about the activities of Slic Chix in Oxford Street, Leederville?

Mr OMODEI: No. Some meetings have been held with the City of Fremantle in relation to the Slic Chix establishment in that area, which has the same owner. I gave an undertaking to the Fremantle City Council that the resources of the Department of Local Government and the Health Department would be available to assist in drafting those local laws. I do not know whether those laws have been gazetted or tested, but I hope they will stand up in court.

Clause put and passed.

Clauses 24 and 25 put and passed.

Clause 26: Schedule 2.5 amended -

Mrs ROBERTS: In the second reading speech the Minister said that this clause relates to the operations of the Local Government Advisory Board which deals with district boundary and ward changes. He said this schedule would be amended to ensure that both mayors and presidents elected by the electors and councillors may be members of the board. At this stage the Mayor of South Perth, John Hardwick, is a member of the board, but I understand he is elected by the council.

Mr Omodei: I understand he is elected at large.

Mrs ROBERTS: Is he currently in contravention of the Local Government Act?

Mr Omodei: The provision refers to people having experience as a councillor. He was a councillor before and, therefore, complies because he has had experience.

Mrs ROBERTS: Is it not in contravention of the Local Government Act for him to act in that capacity?

Mr Omodei: Not at all.

Mrs ROBERTS: Presumably the same criteria apply to Rob Rowell. Have any members been appointed to the board who do not meet the requirements of the Local Government Act?

Mr OMODEI: Mr Rowell is covered under schedule 2.5(2). The advisory board consists of five members, one of whom is nominated by the Minister. Mr Rowell is the Minister's nominee. The reason for the amendment is to cover the situation where a mayor is elected at large; he is not a councillor and, therefore, is not covered by the legislation. It is a minor amendment to ensure mayors elected at large comply with the Act when appointed to any of these positions.

Clause put and passed.

Clauses 27 and 28 put and passed.

Clause 29: *Local Government (Miscellaneous Provisions) Act 1960* amended -

Mr McGOWAN: I move -

Page 15, line 16 - To insert after "a person" the words "with appropriate experience or qualifications".

I spoke to the Minister about this amendment earlier and he was happy with it. This clause is designed to enable local people who have experience or expertise in the administration and operation of swimming pools to act as inspectors of swimming pools on behalf of a local government authority. Under the Bill that role can be performed only by someone who is an employee of a local authority. That causes difficulty in a large number of councils in Western Australia which are very small and probably cannot afford to employ someone or have someone trained in that capacity. This amendment will enable the local authority to draw on people with appropriate experience in the community. However, the provision in the Bill does not express that. The Bill merely provides that "a person" must be authorised by the local authority.

The amendment puts an obligation on the local authority to ensure that person is suitable for the job. Most local authorities will not read the Minister's second reading speech and will not realise that they must employ someone who is skilled through the Royal Life Saving Society or someone who might operate the local town swimming pool. However, this amendment will make local authorities aware of the fact that they must comply with this requirement. I hope that will result in more safety and better administered swimming pools.

Mr OMODEI: I am not sure whether the member for Rockingham has the intent of the clause correct. The amendment intends to allow local governments to engage persons other than employees. The Royal Life Saving Society approached the Department of Local Government seeking to become involved in inspecting swimming pool fences. They would have a tool kit that enabled them to fix the fences, latches and gates and they would provide cardiopulmonary resuscitation training for householders. I saw the approach by the Royal Life Saving Society as worthwhile. It was therefore necessary to change the local government legislation to employ such persons, considering they were not employees of local government.

Mrs Roberts interjected.

Mr OMODEI: Yes; they would. It would be a nominal charge. The society is saying that if it could get extensive work from local government it would become cheaper and its members would have the tool kit with them; whereas the normal inspector would not provide that service.

Mrs Roberts: When offered that service, people should have the choice of rejecting it and remedying it themselves.

Mr OMODEI: Certainly. The important thing is they could put out signs about CPR and thereby reduce the number of drownings in swimming pools. I am prepared to accept the amendment, provided parliamentary counsel believes it is workable. I have some doubts about what is meant by appropriate experience and qualifications; is it a builder or a plumber? I will ask parliamentary counsel, and if the amendment is inappropriate, I will have the legislation amended in the other place.

Mrs ROBERTS: I will not follow up on the qualifications of the authorised person but will wait for advice from the Minister and parliamentary counsel. What certification must that person complete to say that he or she has inspected the pool, and what records will be kept by the local government authority?

Mr Omodei: It must be reviewed either every two years or every four years. I will check that.

Mrs ROBERTS: It must be reviewed every four years. Would the inspecting officer have to sign off a certification?

Mr Omodei: Yes.

Mr MARLBOROUGH: My approach to this legislation is to remind the Government of its history and to indicate that the Minister should not simply apply this bandaid treatment. I do not know who made the request that some non-local government person carry out a responsibility that should lie squarely in the hands of local government. After all, we are talking about life and death situations and about the appropriate penalties that should apply to the inappropriate fencing of these facilities. I am not sure that an expert in mouth to mouth resuscitation -

Mr Omodei: This initiative has been endorsed by WAMA and local governments.

Mr MARLBOROUGH: It may have been, but I am not sure that it is right. The legislation on swimming pools is not right. It is still leading to deaths. The legislation is a watering down of the safest piece of legislation that was in place in Australia.

Mr Omodei: The problem was that it did not apply to 40 000 swimming pools.

Mr MARLBOROUGH: The Minister lowered the standards to safeguard children in backyard swimming pools. This is simply another bandaid attempt to cover up the mistake that the Minister made in the first instance. I am disappointed that WAMA has looked at this as a method of policing that legislation. WAMA should be looking at approaching the Minister for a return to the standards that used to apply to backyard swimming pools, where an existing backyard or site fence could not be used as the boundary fence for the pool. I am sure that Princess Margaret

Hospital will debate the Minister's legislation any time he likes, because it has made backyards unsafe for young children in this State. I am being kind to the Minister by leaving it at that, because the Minister cannot be proud.

I ask the Minister to demonstrate to me before the Parliament closes this week the benefits of this legislation for the health and safety of young children with regard to regulations for the introduction of swimming pools into the abodes of Western Australia. I will leave that question with the Minister. No-one I have spoken to in that health field - the people who must take notice of the end product of the disasters that occur around backyard pools - believes that the present legislation should remain as it is. There is a need to take an urgent look at legislation relating to backyards. To tackle it in this way may cover some weaknesses in the present system but it goes nowhere near meeting the standards that should be applied to the safety of young children in backyards with swimming pools. That safety has been jeopardised by this Minister's legislation.

Mr OMODEI: The clause relates to the inspection of swimming pool fences. I cannot leave the member for Peel's claims unchallenged. The current provisions relating to swimming pools were set by the previous Government and were applied to all new pools and isolation and perimeter fences; 40 000 swimming pools in this State were not covered by those regulations, nor was the river, any pond in any park, or any dam in Western Australia. The member for Peel has made capital out of that. That was true to form, but, again, he was wrong. The member should provide the figures. This provision is about the inspection of swimming pools and will allow the Royal Life Saving Club an opportunity to teach people cardiopulmonary resuscitation.

Mrs ROBERTS: Earlier I asked about certification by non-local government officers. What penalties could apply if those officers falsely certified documents relating to the inspection of pools?

Mr OMODEI: I am not aware of the penalty. It appears under the miscellaneous provisions of the Local Government Act. I will provide that information.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

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

House adjourned at 2.39 am (Wednesday)

QUESTIONS ON NOTICE

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

COLLEGES OF TAFE - HEDLAND AND KARRATHA*Enterprise Bargaining Agreement - Conditions*

1856. Mr RIEBELING to the Minister for Education:

- (1) I refer to the statement "These arrangements are tailored to the unique operating environments of these (TAFE) colleges" the Directors of the Hedland and Karratha Colleges have been attributed with making, in relation to proposals within the Enterprise Bargaining Agreement (EBA) currently being negotiated with the academic staff at these colleges, and ask:
 - (a) if it is the case that these colleges are "unique" (as DOPLAR also contends), why is this not reflected in funding;
 - (b) why have the colleges suffered funding cuts that could result in closure or downsizing of campuses or annexes;
 - (c) where is the Government's commitment to equity and access;
 - (d) why are staff and students at these colleges being asked to bear these costs through downsizing and rationalisation of campuses, that result in reduced access to these northern communities?
- (2)
 - (a) Why has the Director of Karratha College now been installed as the Interim Director of Hedland College, when this is a situation that has not occurred in the previous 16 years of Karratha and Hedland Colleges' operation;
 - (b) is this the beginning of a move to combine, to some degree, the two colleges;
 - (c) what effect will this have on already fragile communities;
 - (d) what is the anticipated effect on future funding of these colleges?
- (3) Is the Government's current and future commitment to EBAs being undermined when it shows a distinct preference not to bargain?
- (4) Does a real bargaining environment require full disclosure of the facts?
- (5) Why does it appear that a full disclosure of the facts is not currently occurring?
- (6) Are lecturers expected to perform the following duties -
 - (a) research and development of training in general, and in particular -
 - (i) consult with clients on training needs;
 - (ii) conduct training needs analysis and skill audits;
 - (iii) define and specify competencies to be achieved;
 - (iv) develop curriculum designed to assist in the achievement of competencies;
 - (v) provide information on training programs available;
 - (vi) evaluate in-house training programs?
 - (b) preparation and planning of training programs in general, and in particular -
 - (i) research, review and evaluate available resources and techniques;
 - (ii) sequence instruction to meet required time frame and student characteristics;
 - (iii) develop appropriate learning activities to optimise learning through learner motivation and participation;
 - (iv) establish support mechanisms for students requiring additional assistance;
 - (v) design the pattern of interaction and feedback?
 - (c) prepare and deliver training sessions in a variety of locales to meet the needs of course programs resources facilities and clients in general, and in particular -
 - (i) prepare training session materials;
 - (ii) specify and assemble resources required;

- (iii) deliver instruction in appropriate manner;
 - (iv) facilitate self-paced distance learning;
 - (v) deliver training individually or as part of the team as appropriate?
- (d) establish and maintain the learning environment in general, and in particular -
 - (i) manage student learning tasks;
 - (ii) establish and maintain performance standards;
 - (iii) provide directions to learners on task standards;
 - (iv) manage the organisation of learning?
- (e) assess the competency of students on entry, during and at the conclusion of training in general, and in particular -
 - (i) identify appropriate methods for assessment;
 - (ii) develop practical oral or written assessment instruments;
 - (iii) ensure that assessment is a reliable and valid measure of the standards required;
 - (iv) administer assessment against the required standards;
 - (v) record and report assessment results;
 - (vi) provide feedback to students on their demonstrated performance?
- (f) develop learning and resource materials in general, and in particular -
 - (i) research and write learning guides;
 - (ii) research and write self-paced learning materials;
 - (iii) select and produce instructional models;
 - (iv) produce materials in print-based, audio visual or electronic media as necessary?
- (g) engage in relevant professional development in general, and in particular -
 - (i) participate in professional development and training as required;
 - (ii) participate in action learning projects as required;
 - (iii) assist in the training of other staff;
 - (iv) pursue self development through study?
- (h) contribute to the administration of programs by engaging administrative task relevant to academic programs and college activities in general, and in particular -
 - (i) assist in the development of curriculum;
 - (ii) liaise and consult with industry;
 - (iii) market the college and its programs;
 - (iv) participate in college working parties and committees for the improvement of college procedures?
- (i) co-ordinate individual courses and programs under overall direction in general, and in particular -
 - (i) research and assemble curriculum materials;
 - (ii) prepare training programs;
 - (iii) assemble and allocate resources;
 - (iv) allocate tasks and monitor the performance of sessional staff;
 - (v) co-ordinate the training delivery and assessment of students?
- (j) participate in student careers guidance and skill recognition in general, and in particular -
 - (i) select and assess the entry level of intending students;
 - (ii) provide educational support prior to and following enrolment in relation to the choice of subject area, level of entry, mode of learning and level and type of assistance required;
 - (iii) provide students with information regarding career options and job placement;
 - (iv) contribute to the assessment of prior learning by clients in order to gain skill recognition;
- (k) Other duties in general and in particular -
 - (i) other duties as agreed between the academic staff member and the supervisor?
- (7) Are staff expected to lecture for 23 hours?
- (8) Are lecturers expected to only have 7.5 hours paid preparation time?

Mrs EDWARDES replied:

- (1) (a)-(b) Resource Agreements between the WA Department of Training and the colleges are currently being negotiated. The Department has been working with the three Pilbara colleges for the past

18 months to gain a full understanding of their funding structures. During this time Treasury funding levels have been maintained, and indeed increased to provide for Enterprise Bargaining Agreements as relevant.

- (c) Independent consultants have been working with the Department to assess the special needs of the colleges, taking into account their location, community responsibilities, and other regional factors. The consultants and department staff have visited the three colleges on a number of occasions and plan to make further visits in the near future to gain a full understanding of their special circumstances.
- (d) Funding of colleges is based on formulae developed over several years by the WA Department of Training. The adaption of these formulae to the funding of the Pilbara colleges is now being discussed. The purpose is to maintain the levels of service now provided but to make their delivery as efficient as possible.
- (2) (a) The appointment of the Managing Director of Karratha College as Acting Managing Director of Hedland College did not occur.
- (b) No.
- (c)-(d) Not applicable.
- (3) There has not been any "preference not to bargain". The AEU, and the Colleges share a common goal of obtaining an agreement.
- (4) Yes, as far as the parties are authorised to do so.
- (5) The only disclosure which did not occur was that which required Government approval before being offered to employees i.e. wage increases, as per Government policy requirements.
- (6) The list of duties (a)-(k), is an appendix to the enterprise bargaining proposal put forward by the colleges. It is based on duties currently expected of academic staff under the TAFE college lecturers award. Colleges acknowledge that some staff may require training and development to perform all of these functions. However, they are functions which all academic staff might be called upon to perform at one time or another.
- (7) No. In the proposed EBA hours are not calculated on a weekly basis, but on a four-weekly basis. The expectation is that staff have "delivery contact hours" (which include all forms of training delivery not just lecturing) of up to a maximum of 920 hours per annum. Delivery contact hours in excess of 92 hours in a 4 week period will be compensated for. There is no "expectation" of this being 23 hours/week.
- (8) At the moment preparation time is unspecified in the award. It is proposed that staff may apportion their time approximately:
 - 92 hours training delivery
 - 32 hours activities related to delivery (not just preparation)
 - 26 hours co-ordination and administration;
 - over a 4 week period. (However, this will be flexible).

FAMILY AND CHILDREN'S SERVICES - YOUTH ALLOWANCE

Effect of Introduction

1918. Ms ANWYL to the Minister for Family and Children's Services:

- (1) Is the department conducting any research with respect to the effect the introduction of the Youth Allowance from January 1998 may have?
- (2) If so, can the Minister detail the nature of the study and estimate the effect of the Youth Allowance on the numbers of families and children seeking emergency financial assistance?

Mrs PARKER replied:

- (1) The department will monitor the effect.
- (2) Changes in trends in the number of families and children seeking financial assistance, the number of young people seeking the Homeless Youth Allowance, and the number receiving support through the Supported

Accommodation Assistance Program, will be monitored. The impact or effect cannot be estimated at this time.

SCHOOLS - FACILITIES

Upgrading - Budget Allocation

1926. Mr BROWN to the Minister for Education:

- (1) Further to question on notice 1440 or 1997, can the Minister advise how much has been allocated in the 1997-98 budget for each of the items listed in the Minister's answer to question (3)?
- (2) How much was allocated to each of these items in the 1996-97 financial year?

Mr BARNETT replied:

- (1)-(2) The following amounts were announced in the new works component of the 1996/97 and 1997/98 capital works programs:

1997/98 Budget	1996/97 Budget		
Major Additions	28 400 000	3 700 000	
Alterations and Additions	24 500 000	32 000 000	
Administration Upgrades	2 000 000	2 000 000	
Toilet Upgrades	1 500 000	1 500 000	
Communication Upgrades	500 000	500 000	
Computers in Schools	9 400 000	6 600 000	
Library Resource Centres	1 200 000	1 200 000	
Covered Assembly Areas	-	-	(a)
Pre-Primary Facilities	14 100 000	18 500	(b)
Asbestos-Cement Roof Removal	4 000 000	-	(c)
Air-cooling of Transportable Classrooms	300 000	500 000	
Security Alarm Systems	1 100 000	400 000	(d)
Automatic Reticulation	10 700 000	800 000	
Ground Development	400 000	400 000	
Sewer Connections	411 000	500 000	

NOTES:

- (a) Amounts of \$4 179 000 and \$4 518 000 were allocated for covered assembly areas in the works-in-progress component of the 1996/97 and 1997/98 capital works programs respectively.
- (b) This amount includes \$1.8 million for Aboriginal Pre-Schools and \$1.3 million for the Rural Integration Program.
- (c) \$1.24 million was spent on asbestos-cement roof removal from the recurrent funds in the 1996/97 financial year.
- (d) This amount includes \$700 000 for other security-related arrangements.

FAMILY AND CHILDREN'S SERVICES - BROOME CIRCLE EDUCATION AND INFORMATION SERVICE

Grant

1987. Ms ANWYL to the Minister for Family and Children's Services:

- (1) I refer to your media statement dated 28 July 1997 with respect to the \$90,000 per annum grant to Broome CIRCLE to operate an education and information service about sexual abuse of children and ask, what is the nature of the program to be provided?
- (2) Which other regional centres have such funding allocated?
- (3) Who are the service providers and what amount of annual funding does each provider receive?
- (4) Were expressions of interest received with respect to the service, and, if so, from how many, and which agencies?

Mrs PARKER replied:

- (1) The service provides information and education concerning the incidence and prevalence of child sexual maltreatment, the harmful effects of the maltreatment both to the individual and the family, the dynamics

of such maltreatment and other information of a similar nature. It provides centre-based and outreach resources to people and agencies within the Kimberley Region.

- (2) This is a unique service.
- (3) Not applicable.
- (4) A Request for Proposal was advertised on 9 November 1996. There was one applicant, Broome CIRCLE, which was successful in meeting the selection criteria.

FAMILY AND CHILDREN'S SERVICES - CARE AND PROTECTION PROGRAM

Number and Cost of Applications

1999. Dr CONSTABLE to the Minister for Family and Children's Services:

In relation to care and protection applications lodged with the Children's Court, in each of the last five years and including 1997-98 -

- (a) how many applications were lodged;
- (b) how many applications were successful; and
- (c) what was the total cost of making the applications?

Mrs PARKER replied:

- (a) The number of care and protection applications lodged in each of the last five years including 1997/98 (to 8 September 1997):

1997/98	46
1996/97	198
1995/96	170
1994/95	269
1993/94	237

- (b) The number of care and protection orders granted in each of the last five years including 1997/98:

1997/98	28
1996/97	132
1995/96	151
1994/95	189
1993/94	153

- (c) Not available.

FAMILY AND CHILDREN'S SERVICES - ADOLESCENT AND CHILD SUPPORT SERVICE

Funding

2005. Dr CONSTABLE to the Minister for Family and Children's Services:

- (1) What is the total funding for the new adolescent and child support service?
- (2) How many FTEs will provide the service?
- (3) How many people are expected to use the service?

Mrs PARKER replied:

- (1) One off Capital works funding of \$2,390,000. Total operational funding of \$1,826,000 per annum comprising of \$923,000 existing funds and \$903,00 as new funding.
- (2) 38.1 FTE.
- (3) Based on a review of potential need in relation to the population of children in care during 1996/97, a pool of 386 children and young people at risk has been identified who may be potential users of one part or the other of the proposed Adolescent and Child Support Service.

SENIORS - BREAKING THE ICE BOOKLET

Number and Cost

2085. Dr CONSTABLE to the Minister for Seniors:

In relation to the publication *Breaking the Ice* -

- (a) how many booklets were produced;
- (b) what was the total cost of producing and posting the booklet;
- (c) who were the booklets sent to;
- (d) what financial contribution (if any) did the Chamber of Commerce and Industry make to the production and distribution of the booklet;
- (e) what were the objectives of publishing and distributing the booklet; and
- (f) how will the effectiveness of the booklet be evaluated?

Mrs PARKER replied:

- (a) 6,000.
- (b) \$21,938.
- (c) State and Federal Parliamentarians in Western Australia, relevant Chamber of Commerce and Industry members, Advertising Institute of Australasia Inc WA members, Public Relations Institute of Australia (WA) members, major graphic design companies, banking and finance industry representatives, electronic and print media, businesses that offer discounts to Seniors Card holders, seniors organisations, hospitals, local authorities, state government departments and public libraries.
- (d) Assisted with in-kind contribution to the launch of the publication.
- (e) To promote positive ageing, demonstrate how to market to this audience and to change community attitudes towards ageing and older people.
- (f) By feedback from the business sector.

EDUCATION - FIRST STEPS PROGRAM

Studies

2282. Dr CONSTABLE to the Minister for Education:

- (1) What evaluation studies have been undertaken to support the Minister's statement in question time on Wednesday, 17 September 1997 that the First Steps program had been successful in combatting literacy problems in our schools?
- (2) Who conducted the studies?
- (3) When were they conducted?
- (4) What was the cost of the studies?
- (5) What were the major findings of the studies?
- (6) Are reports of these studies available?

Mr BARNETT replied:

- (1) The following are the evaluation studies undertaken:
 - *Student Achievement*: A study of the effects of First Steps teaching on student achievement.
 - The development and implementation of the First Steps project in Western Australia.
 - A survey of the implementation of the literacy component of the First Steps project in Western Australia.
 - Case studies of the implementation of the First Steps project in twelve schools.
 - A survey of the effectiveness of the Focus Teacher B training for the First Steps project.
 - The implementation of the literacy component of the First Steps project in Early Literacy and Numeracy (ELAN) schools (schools with a high proportion of Aboriginal students).
- (2) Dr Philip Deschamp of Precision Information Pty Ltd conducted the studies.

- (3) All the studies were conducted in 1994.
- (4) The cost of the studies was \$27 000.
- (5) The major findings were:
- (a) That after statistically counterbalancing students' results to remove the effects of gender, race, language spoken at home and years in Australia, there was a positive relationship between the degree of implementation of First Steps and student results on literacy tests. This overall finding supports the position that First Steps was assisting students to master literacy skills more successfully than traditional methods.
 - (b) That at the Year 3 level, the statistical analysis identified a positive relationship between the degree of use teachers made of First Steps and student achievement. The relationship, being above the 0.15 level of confidence was significant and therefore unlikely to be the result of chance. This result supports the position that the increased use by teachers of First Steps results in greater mastery of literacy skills by students.
 - (c) That at the Year 7 level the statistical analysis identified a positive relationship between the degree of use teachers made of First Steps and student achievement. The relationship was not significant and may be the result of chance. While this result supports the position that the increased use by teachers of First Steps results in greater mastery of literacy skills by students, it does not do this with any great strength.
- (6) Yes. The Reports are available from the Education Department of Western Australia.

EDUCATION - LITERACY

Research - Reports

2294. Dr CONSTABLE to the Minister for Education:

In the last five years, what reports, reviews, research, or similar data have been prepared in relation to literacy levels in Western Australia, and in each case -

- (a) what was the date of the document;
- (b) who was the author of the document;
- (c) what were the essential findings of the report;
- (d) is the document publicly available;
- (e) what was the cost of the report; and
- (f) who bore the cost?

Mr BARNETT replied:

The answer was tabled. [See paper No 960.]

FAMILY AND CHILDREN'S SERVICES - CHILD CARE CENTRES

Number

2312. Dr CONSTABLE to the Minister for Family and Children's Services:

In each of the last five years, including the current year -

- (a) how many child care centres in each category were operating in Western Australia;
- (b) how many children attended child care centres;
- (c) what was the average cost per day for child care;
- (d) how many child care centres have opened; and
- (e) how many child care centres have closed?

Mrs PARKER replied:

(a)	DATE	SERVICES (Private for Profit)	SERVICES (Community based non profit)
	June 1993	106	102
	July 1994	130	104
	July 1995	189	105

July 1996	236	106
June 1997	255	100

- (b) The table below refers to licensed child care places. Each licensed place is equivalent to one full time child care place. Figures are not available in relation to the number of children accessing each place as this can vary on a daily basis depending on the number of part time children.

DATE	LICENSED CHILD CARE
June 1993	8043
July 1994	9192
July 1995	11742
July 1996	14045
June 1997	14483

- (c) The department does not have access to these figures.
- (d) The overall net increase in places and centres is demonstrated in (a) and (b) above. Further data is not available.
- (e) Twelve services have closed over the last five years. This relates to services that have relinquished their licence and not reopened under new management.

EMPLOYMENT AND TRAINING - UNEMPLOYMENT

Benefits - Effect of Change on Youth

2331. Mr BROWN to the Minister for Employment and Training:

- (1) Is the Minister aware the Federal Government's decision to change the unemployment benefits available to young people will place additional pressure on young people to remain at school until year 12?
- (2) Has the Minister and/or the Government assessed the degree to which this change will result in a demand for additional Technical and Further Education (TAFE) places?
- (3) Has the Government assessed the number of additional places that will be needed to cater for this change?
- (4) Has the Government assessed the number of additional TAFE places that will be needed in any event over the next five years?
- (5) On current planning, how many additional TAFE places does the Government believe will be needed in each of the next five years?
- (6) Has the Government made financial provision to meet these additional places?
- (7) What financial provision has been made?

Mrs EDWARDES replied:

- (1) Yes.
- (2) A preliminary analysis has been undertaken.
- (3) Preliminary estimates have been made.
- (4) Yes.
- (5) The estimated impact is up to 5,950 places per year. This figure has been based on increases in population growth and a forecast of additional students places required as a result of the introduction of the Common Youth Allowance and New Apprenticeship initiatives.
- (6)-(7) Financial provision for these additional places is currently being negotiated with the Commonwealth Government.

GOVERNMENT INSTRUMENTALITIES - MARKETFORCE

Contracts - Number and Value

2337. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) Since February 1993, has the Minister and/or any department or agency under the Minister's control engaged the company Marketforce?

- (2) How many contracts has the company received?
- (3) What is the value of each contract?
- (4) When was each contract let?
- (5) What has been the total amount paid to the company each financial year since that time?

Mr HOUSE replied:

- (1)-(5) It would require considerable resources to go back over five years of archives to obtain the information sought. If the Member has a specific question about any particular contract with Marketforce, I will provide that information.

ROTTNEST ISLAND - AUTHORITY

Promotional Levy - Legal Advice

2366. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Further to question on notice 1613 of 1997, can the Minister advise if he has obtained legal advice on the matters raised as being 'sub-judice'?
- (2) If yes, was that legal advice obtained from -
 - (a) Crown Counsel;
 - (b) private solicitors;
 - (c) other (specify)?
- (3) On what date was that advice received?

Mr BRADSHAW replied:

- (1) Yes - through the Rottnest Island Authority.
- (2) Private solicitors.
- (3) 2 September 1997.

ROTTNEST ISLAND - AUTHORITY

Management Plan - Endorsement

2367. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Is the Rottnest Island Authority required to develop and adhere to a management plan?
- (2) Does the Rottnest Island Authority have a current management plan?
- (3) When was the current management plan endorsed by -
 - (a) the Minister for Tourism;
 - (b) the Rottnest Island Authority?

Mr BRADSHAW replied:

- (1)-(2) Yes.
- (3)
 - (a) 1985
 - (b) 1985

Note: A new plan will be launched early next month.

EDUCATION - AUSSIE OPTIMISM PROGRAM

Funding

2384. Ms ANWYL to the Minister for Education:

I refer to the program known as Aussie Optimism Program to reduce depressive symptoms in children between the Education Department, the Health Department and Curtin University of Technology and ask -

- (a) what is the Education Department's contribution funding on a recurrent basis;
- (b) which schools will be targeted;
- (c) over what time frame;
- (d) are there any other initiatives in terms of the important area of reduction of depressive symptoms amongst school children?

Mr BARNETT replied:

- (a) No funding has been allocated on a recurrent basis. This program is a Curtin University research project funded by Healthways.
- (b) The trial is being conducted in 10 schools from the following Education Districts: Albany, Midlands, Narrogin, Bunbury, Swan, and Midwest. An additional 9 schools across those same Districts are involved as the control groups.
- (c) The Program will be completed by the end of 1998. Follow-up evaluation of the children involved in the Program will continue until the end of 1999.
- (d) The Education Department is providing support in a number of ways:
 - (i) the Health Education Curriculum which addresses important life skills;
 - (ii) the School Psychology Service supports schools to address the social, emotional, behavioural and academic needs of students;
 - (iii) a collaborative Health Department and Curtin University project to trial an early intervention program developed by Griffith University. This program, which targets high school students, will be trialed in metropolitan, rural and remote areas starting in 1998; and
 - (iv) the Students at Educational Risk Strategy has mental health as one of the focus areas for development.

COMMERCE AND TRADE - RED HILL PIONEER QUARRY EXPANSION PROJECT

Cost and Australian Content

2426. Mr BROWN to the Minister for Local Government:

- (1) Is the Minister aware of the Red Hill Pioneer Quarry Expansion project?
- (2) If so, what is the answer regarding the above project as detailed in parts (2) to (15) of question on notice 2424 of 1997?

Mr OMODEI replied:

- (1) No.
- (2) Not applicable.

FORESTS AND FORESTRY - JARRAHDAL MILL

Closure

2473. Dr EDWARDS to the Minister for the Environment:

- (1) Were any discussions held between Bunnings and the Department of Conservation and Land Management concerning the closure of the Jarrahdale Mill in the effort to avert the closure or arrive at a scenario where local employment could continue?
- (2) What was the result of these discussions?

Mrs EDWARDES replied:

- (1) No. CALM was only advised of the company's intention to close the mill when the announcement was imminent and irrevocable.
- (2) Not applicable.

AGRICULTURE WESTERN AUSTRALIA - LAND CONSERVATION OFFICERS

Redundancy

2482. Dr EDWARDS to the Minister for Primary Industry:

- (1) Can the Minister confirm that of the five Senior Land Conservation Officers employed by Agriculture Western Australia, two have left the department with no replacement having been sought and the remaining three officers may be made redundant?
- (2) If so, without suitably qualified officers on call, how does the department envisage handling matters of land conservation including the provision of advice on Notices of Intent i.e. applications to clear land made under the Soil and Land Conservation Act 1945 and applications for approval of subdivision - made under the Town Planning and Development Act 1928 and referred to the Commissioner for Soil and Land Conservation for advice?
- (3) What impact does the Minister expect this lack of expertise to have on the effective management of land degradation in Western Australia?
- (4) Can the Minister confirm that Agriculture Western Australia is currently faced with a significant backlog of referrals for applications for approval for subdivision?
- (5) If so, what is the reason for the backlog?
- (6) Will the department respond to the referrals within the specified time?

Mr HOUSE replied:

- (1) In 1994, four Regional Land Conservation Officers were appointed. Since that time, one of the four officers appointed, has resigned. That position has an officer appointed in an acting capacity. There are no redundancies planned.
- (2) Agriculture Western Australia employs 23 experienced officers located throughout the agricultural region to handle soil and land conservation matters.
- (3) No impact, as there is no lack of expertise.
- (4) Through an agreement with the Ministry for Planning, Agriculture Western Australia contributes to the planning process at the strategic level; for instance, Town Planning Schemes, Rural Strategies, Regional Planning.
- (5)-(6) Not applicable.

FAMILY AND CHILDREN'S SERVICES - DETACHED WORKERS

Funding

2505. Mr BROWN to the Minister for Family and Children's Services:

- (1) Is the Minister aware of an article that appeared in the *Sunday Times* on 21 September 1997 which reported inaugural Youth Affairs Council award winner, Reverend George Davies, call on the State Government to provide more funds for detached workers?
- (2) Is the Minister giving consideration to the call by Reverend Davies?
- (3) If so, does the Minister intend to allocate further funds for this purpose?
- (4) If so, how much?
- (5) If not, why not?

Mrs PARKER replied:

- (1) Yes.
- (2)-(5) Family and Children's Services provides funding for a range of services for young people. Through the planning process for non-government services, local needs are currently being re-assessed. Priorities for funding will be determined on the basis of the recommendations arising from this consultative process which involves both government and non-government organisations.

GOVERNMENT INSTRUMENTALITIES - LEVEL 7 POSITIONS AND ABOVE

Advertising - Cost

2514. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) In each department or agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 1996 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
 - (a) the person acting in the position;
 - (b) a person from the re-deployment pool;
 - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the departments and agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Mr HOUSE replied:

Agriculture Western Australia:

- (1) Five Level 7 and above positions were advertised outside the Public Service in the 1996/97 financial year.
- (2) \$4,800 in total.
- (3)
 - (a) One.
 - (b) Nil.
 - (c) Three.
- (4)-(5) None.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. two year plan for women which aims to achieve and increased percentage of women in senior positions.

Fisheries Department:

- (1) Three.
- (2) \$6,700 approximately.
- (3)
 - (a) One.
 - (b) None.
 - (c) One.
- (4)-(5) One.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women which aims to achieve and increased percentage of women in senior positions.

GOVERNMENT INSTRUMENTALITIES - LEVEL 7 POSITIONS AND ABOVE

Advertising - Cost

2522. Mr BROWN to the Minister representing the Minister for Finance:

- (1) In each department or agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 1996 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
 - (a) the person acting in the position;
 - (b) a person from the re-deployment pool;
 - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the departments and agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Mr COURT replied:

The Minister for Finance has provided the following response:

Government Employees Superannuation Board

- (1) One.
- (2) \$4,913
- (3)
 - (a) One.
 - (b) Nil.
 - (c) Nil.
- (4)-(5) Nil.
- (6) Yes.
- (7) This Government has launched the following:
 A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women which aims to achieve an increased percentage of women in senior positions.

State Revenue Department

- (1) Nil.
- (2)-(4) Not applicable.
- (5) Nil.
- (6) Yes.
- (7) This Government has launched the following:
 A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women which aims to achieve an increased percentage of women in senior positions.

Valuer General's Office

- (1) None.
- (2)-(4) Not applicable.

- (5) Nil.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women which aims to achieve an increased percentage of women in senior positions.

Insurance Commission of WA

- (1) One position. (Also advertised internally to existing employees).
- (2) \$6,679.
- (3) (a)-(b) Nil.
(c) One.
- (4) Nil.
- (5) One.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women 1996-1998 includes strategies to improve the representation of women in senior positions.

GOVERNMENT INSTRUMENTALITIES - LEVEL 7 POSITIONS AND ABOVE

Advertising - Cost

2523. Mr BROWN to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

- (1) In each department or agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 1996 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
 - (a) the person acting in the position;
 - (b) a person from the re-deployment pool;
 - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the departments and agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Mr BOARD replied:

Department of Contract and Management Services

- (1) In the Department of Contract and Management Services (CAMS), 21 positions at level 7 and above were advertised outside the public service in the 1996/97 financial year.
- (2) \$26,821.00.
- (3) (a) 5.
(b) 0.
(c) 6.

In addition, 5 were not filled and 5 were filled from within the public service.

- (4) None.
- (5) One woman was transferred into a senior position in CAMS.
- (6) Yes.
- (7) This Government has launched the following: A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women 1996-1998 includes strategies to improve the representation of women in senior positions.

State Supply Commission

- (1) In the State Supply Commission (SSC), 6 positions at level 7 and above were advertised outside the public service in the 1996/97 financial year.
 - (2) \$4,736.93
 - (3) (a) 2.
(b)-(c) 0.
- In addition, 3 were not filled and 1 was filled from within the public service.
- (4) 0.
 - (5) 1.
 - (6) Yes.
 - (7) This Government has launched the following:
 - (7) This Government has launched the following: A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women 1996-1998 includes strategies to improve the representation of women in senior positions.

Office of Multicultural Interests

- (1) In the Office of Multicultural Interests (OMI), no positions at level 7 and above were advertised outside the public service in the 1996/97 financial year.
 - (2)-(4) Not applicable.
 - (5) None.
 - (6) Yes.
 - (7) This Government has launched the following:
- A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women 1996-1998 includes strategies to improve the representation of women in senior positions.

Office of Youth Affairs

- (1) In the Office of Youth Affairs, 1 position at level 7 and above was advertised outside the public service in the 1996/97 financial year.
 - (2) \$2,400.00.
 - (3) Appointment has yet to be finalised.
 - (4) Not applicable.
 - (5) Nil.
 - (6) Yes.
 - (7) This Government has launched the following:
- A managing diversity policy which involves creating a workforce which accurately reflects the diversity of

the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women 1996-1998 includes strategies to improve the representation of women in senior positions.

GOVERNMENT INSTRUMENTALITIES - LEVEL 7 POSITIONS AND ABOVE

Advertising - Cost

2524. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

- (1) In each department or agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 1996 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
 - (a) the person acting in the position;
 - (b) a person from the re-deployment pool;
 - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the departments and agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor:
Burswood Park Board
W A Greyhound Racing Association

- (1) Nil.
- (2)-(4) Not applicable.
- (5) Nil.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women which aims to achieve an increased percentage of women in senior positions.

Totalisator Agency Board

- (1) 4 (1996 Financial year).
- (2) \$26,641.34.
- (3)
 - (a) 2.
 - (b) Nil.
 - (c) 2.
- (4),(5) Nil.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making

bodies. A two year plan for women which aims to achieve an increased percentage of women in senior positions.

Lotteries Commission

- (1) Nil.
- (2)-(4) Not applicable.
- (5) Nil.
- (6) Yes.
- (7) This Government has launched the following:

A managing diversity policy which involves creating a workforce which accurately reflects the diversity of the customer base and achieving contributions from a diverse range of people to key decision making bodies. A two year plan for women which aims to achieve an increased percentage of women in senior positions.

SENIORS - CULTURALLY DIVERSE BACKGROUNDS

Federal Government Funding Cuts - Impact Assessment

2550. Ms WARNOCK to the Minister for Seniors:

- (1) Has the Minister's department undertaken an impact assessment on services to culturally and linguistically diverse background clients as a result of recent cut-backs in federal funds by the Federal Minister for Immigration and Multicultural Affairs?
- (2) Will the Minister make this assessment available for public comment?
- (3) Will the Minister allocate extra funds to -
 - (a) meet the demand for increased interpreter services;
 - (b) ensure continuation of programs available for those of culturally and linguistically diverse background in the areas of -
 - (i) child care services;
 - (ii) women;
 - (iii) aged;
 - (iv) domestic violence?

Mrs PARKER replied:

- (1) Information provided by the Department of Immigration and Multicultural Affairs indicates that the overall level of funding for settlement and migrant services in Western Australia has not been reduced.
- (2) Not applicable.
- (3) (a) It is too early to predict whether there will be increased demand for funds required for interpreting.
- (b) Not applicable.

WOMEN'S INTERESTS - CULTURALLY DIVERSE BACKGROUNDS

Federal Government Funding Cuts - Impact Assessment

2551. Ms WARNOCK to the Minister for Women's Interests:

- (1) Has the Minister's department undertaken an impact assessment on services to culturally and linguistically diverse background clients as a result of recent cut-backs in federal funds by the Federal Minister for Immigration and Multicultural Affairs?
- (2) Will the Minister make this assessment available for public comment?
- (3) Will the Minister allocate extra funds to -
 - (a) meet the demand for increased interpreter services;

- (b) ensure continuation of programs available for those of culturally and linguistically diverse background in the areas of -
- (i) child care services;
 - (ii) women;
 - (iii) aged;
 - (iv) domestic violence?

Mrs PARKER replied:

- (1) Information provided by the Department of Immigration and Multicultural Affairs indicates that the overall level of funding for settlement and migrant services in Western Australia has not been reduced.
- (2) Not applicable.
- (3) (a) It is too early to predict whether there will be increased demand for funds required for interpreting.
- (b) Not applicable.

SCHOOLS - PRIMARY

East Carnarvon - Psychologist

2591. Mr RIPPER to the Minister for Education:

- (1) Is there a school psychologist allocated to the East Carnarvon Primary School to assist children in need?
- (2) If yes, how many contact hours are available to the psychologist?
- (3) How many students have been identified as being in need of this service?
- (4) What other support services are being given to these students?

Mr BARNETT replied:

- (1) No. The psychologist is allocated to the Carnarvon area.
- (2) The psychologist's work with the school is not time-based. It is related to requests from school, service agreements with the school principal and crises.
- (3) During Term 3, the school psychologist had 11 ongoing assignments in the school. Currently, the psychologist has agreements for 13 ongoing assignments and is available to the school to deal with urgent issues when they arise.
- (4) The Education Department also has a welfare officer and Aboriginal education officer located in Carnarvon. There is also a social worker available to the school. The school has three Aboriginal education workers and is visited regularly by a Health Department nurse and the Aboriginal Medical Service. The school, in conjunction with Carnarvon Primary School, operates the Gecko Program - a program for alienated students. This is supported by the education district staff and relevant members of the community.

SCHOOLS - PRIMARY

Binnu - Enrolments

2602. Dr GALLOP to the Minister for Education:

- (1) What is the current enrolment for each grade, including pre-primary, at the Binnu Primary School?
- (2) How many full time equivalent teaching staff are employed at the Binnu Primary School?
- (3) How many students are in each class at this school?

Mr BARNETT replied:

- | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| (1) | PPR | YO1 | YO2 | YO3 | YO4 | YO5 | YO6 | YO7 |
| | 3 | 5 | 4 | 7 | 7 | 3 | 10 | 5 |

Enrolment details are as at 1st Semester, 1997.

- (2) 3.0 (including the Principal).

Numbers are as at 2nd Semester, 1997.

- (3) Class No. 1 - 25 students Class No. 2 - 19 students

Class size details are as at 1st Semester, 1997.

AGRICULTURE WESTERN AUSTRALIA - ACCOUNTING SOFTWARE

Supplier and Value of Contract

2626. Mr RIPPER to the Minister for Primary Industry:

- (1) What accounting software is Agriculture Western Australia currently using?
- (2) Under what commercial arrangements has this software been supplied?
- (3) Who were the suppliers and what was the value of the contract for each package?
- (4) What additional expenditure has the department been required to make to overcome inadequacies in these systems?

Mr HOUSE replied:

- (1) Smartstream Financials.
- (2) A Request for Proposal was issued via State Supply Commission. An evaluation process identified three possible products. A detailed evaluation questionnaire was used to review each of the three shortlisted products and Smartstream was the package that was able to best meet the specification requirements contained in the RFP. Smartstream Financials was also part of the Panel Contract. A contract managed by State Supply Commission was signed on 30 October 1995 for the supply of the package to Agriculture Western Australia.
- (3) Smartstream was supplied by Dun and Bradstreet Software (since purchased by Geac Computers Pty Ltd). The value of the contract for the supply of ten modules was \$1,195,610. The modules are: General Ledger, Accounts Payable, Accounts Receivable, Decision Support (reporting), Procurement, Assets, Inventory, Budget, Funds Control, Allocations.
- (4) From 1/7/96 to date, approximately \$249,000, which includes application support, additional staff and overtime.

HOSPITALS - FREMANTLE

Cardiac Services Unit - Community Support

2654. Dr CONSTABLE to the Minister for Health:

- (1) Further to part (4) of the Minister's answer to question on notice 2318 of 1997, what evidence of community support for a cardiac surgery facility at Fremantle Hospital (such as surveys, questionnaires or lobbyist's information) was available when the decision to establish the facility was made?
- (2) Is the evidence (or any part) publicly available?

Mr PRINCE replied:

- (1)-(2) The petition referred to at (iii) in the answer provided to PQ 2655 indicated widespread community support and was presented to the Parliament.

EDUCATION - TEACHERS

Number

2666. Dr CONSTABLE to the Minister for Education:

How many teachers are currently employed in government and non-government schools in Western Australia?

Mr BARNETT replied:

DEPARTMENT OF EDUCATION SERVICES

The number of Full Time Equivalent (FTE) teaching staff in non-government schools in August 1996 (the most recent date for which information is available) was:

5 412 FTEs

(source; Australian Bureau of Statistics, Schools Australia, Cat No 4221.0, 1996)

EDUCATION DEPARTMENT OF WESTERN AUSTRALIA

20 327 teachers are currently employed in the government system in the following roles:

Classroom teachers	17 158
Education Officers	262
Principals and Deputy Principals	2 402
School Development Officers	129
School Psychologists	271
Youth Education Officers	105

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - WILDLIFE BREEDING PROGRAMS

Legislative Provisions

2668. Dr CONSTABLE to the Minister for the Environment:

Under which provisions of the Conservation and Land Management Act 1984 or other legislation is the Department of Conservation and Land Management to conduct or farm out wildlife breeding programs of commerce or conservation?

Mrs EDWARDES replied:

Section 33 (1) (d) of the Conservation and Land Management Act 1984 provides for the Department of Conservation and Land Management "to be responsible for the conservation and protection of flora and fauna throughout the State, and in particular to be the instrument by which the administration of the Wildlife Conservation Act 1950 is carried out by the Executive Director pursuant to section 7 of that Act". Section 34 of the CALM Act specifies the powers of the Executive Director of CALM including the power "to do all things that are necessary or convenient to be done for, or in connection with, the performance of the functions of the Department". The facilitation and authorisation of wildlife breeding programs can have a range of purposes including fauna farming, the supply of animals for translocation programs, and ameliorating poaching pressure on wild stocks by increasing captive populations in aviculture. This is consistent with the purposes of the Wildlife Conservation Act which provides for the conservation and protection of wildlife. Any funds raised by CALM in connection with such programs are used for further conservation programs.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - GOULDIAN FINCHES

Release from Captivity

2669. Dr CONSTABLE to the Minister for the Environment:

- (1) Did the Department of Conservation and Land Management ever release captive Gouldian Finches in Western Australia?
- (2) If yes to (1) above -
 - (a) how many;
 - (b) where;
 - (c) how did the department ensure that captive bred birds did not introduce any foreign pathogens, as well as interfering with a local gene pool into the ecosystem;
 - (d) what, if any, monitoring of this experiment has been conducted?

Mrs EDWARDES replied:

- (1) No.
- (2) Not applicable.

FAMILY AND CHILDREN'S SERVICES - CARE AND PROTECTION PROGRAM

Staff under Pressure - Reports

2674. Dr CONSTABLE to the Minister for Family and Children's Services:

- (1) On how many occasions in the last two years have staff members working in the Care and Protection program in the Department of Family and Children's Services reported that they are under pressure?

- (2) In which offices were the reports made?

Mrs PARKER replied:

- (1) In the last two years managers have on six occasions requested from the Director Metropolitan, extra assistance to deal with peak workload demand.
- (2) Armadale, Mirrabooka, Canning, Rockingham.

FAMILY AND CHILDREN'S SERVICES - NEW DIRECTIONS PROGRAM

Evaluation

2675. Dr CONSTABLE to the Minister for Family and Children's Services:

- (1) Has the "New Directions" program been evaluated, and if so -
- (a) who conducted the evaluation;
 - (b) when was it conducted;
 - (c) what was the cost of the evaluation, and
 - (d) is the report of the evaluation publicly available?
- (2) If no to (1) above -
- (a) will the New Directions program be evaluated;
 - (b) when will it be evaluated;
 - (c) who will evaluate it; and
 - (d) will the results of the evaluation be publicly available?

Mrs PARKER replied:

- (1) 'New Directions' has been evaluated in a report entitled 'Evaluation of Pilot Project for New Directions in Child Protection and Family Support', as well as being the subject of regular departmental statistical monitoring reports.
- (a) The Research and Information branch of Family and Children's Services.
 - (b) October 1995.
 - (c) The only costs were normal operational costs of the branch such as salaries.
 - (d) The report has been publicly available for more than eighteen months.

A further evaluation is planned. It will evaluate the impact and future implications of the Statewide Implementation of 'New Directions'. It is planned to commence in the first half of 1998.

- (2) Not applicable.

FAMILY AND CHILDREN'S SERVICES - CHILD ABUSE REGISTER

Listings

2676. Dr CONSTABLE to the Minister for Family and Children's Services:

- (1) How many children and adults are listed on the State child abuse register, and how are they categorised?
- (2) Which government agencies and departments in Western Australia and elsewhere -
- (a) have access to information contained in; or
 - (b) have provided information to,
- the State child abuse register?
- (3) Which non-government agencies and departments in Western Australia and elsewhere -
- (a) have access to information contained in; or
 - (b) have provided information to,
- the State child abuse register?
- (4) Which government and non-government agencies in Western Australia and elsewhere have refused or failed to provide information to the register, and why?

Mrs PARKER replied:

- (1) During the period 1 July 1996 to 7 November 1997, 1166 children have been listed on the Child Protection Services Register. The maltreatment categories are:

Physical	401	(34%)
Sexual	376	(32%)
Neglect	251	(22%)
Emotional	122	(10%)
Unknown	16	(0.1%)
TOTAL	1166	(100%)

- (2) (a) The following government agencies and departments are signatories to the Child Protection Services Register protocols:

Family and Children's Services
 WA Police Service
 Health Department of WA
 Education Department of WA
 Disability Services Commission
 Alcohol and Drug Authority
 Ministry of Justice
 King Edward Memorial Hospital
 Princess Margaret Hospital

- (b) Agencies which have to date provided information to the Child Protection Services Register are:

Family and Children's Services
 WA Police Service
 Health Department of WA
 Ministry of Justice
 King Edward Memorial Hospital
 Princess Margaret Hospital

- (3) Non-government agencies are not signatories to the Child Protection Services Register.
 (4) No government agencies have refused to provide information to the Child Protection Services Register.

FAMILY AND CHILDREN'S SERVICES - WOOD ROYAL COMMISSION

Response

2678. Dr CONSTABLE to the Minister for Family and Children's Services:

- (1) Has the Minister prepared a response to the Wood Royal Commission?
 (2) If yes to (1) above, is it publicly available?
 (3) If no to (1) above, will the Minister prepare a response, and when?
 (4) Will Western Australia be represented on the Federal Government's council for the prevention of child abuse, set up in response to the Wood Royal Commission?

Mrs PARKER replied:

- (1)-(3) The Minister for Family and Children's Services is preparing advice for Cabinet to consider the Government's response to the Wood Royal Commission. Information is currently being sought from other relevant State Government agencies.
 (4) Yes, Mr Robert Fisher, the Director General of Family and Children's Services is a member of the council.

FAMILY AND CHILDREN'S SERVICES - REPORTS

Child Maltreatment and Family Concern - Distinction

2680. Dr CONSTABLE to the Minister for Family and Children's Services:

Are child maltreatment reports also classified as a family concern report and, if so, in which cases?

Mrs PARKER replied:

When the department is contacted and the caller expresses concern for a child in a family, the information may be recorded and responded to as either a Child Concern Report requiring further assessment, a Child Maltreatment Allegation requiring investigation or as a report requiring the provision of Family Support services.

The Child Concern Report category is a temporary assessment category and must be changed to become either a Child Maltreatment Allegation or Family Support service once it is clear what the concern for the child relates to.

Child Maltreatment Allegations and Child Concern Reports are discrete and when recorded a report is classified as either one or the other.

FAMILY AND CHILDREN'S SERVICES - CHILD ABUSE

Police Service Notification

2685. Dr CONSTABLE to the Minister for Family and Children's Services:

- (1) Does the Department of Family and Children's Services automatically advise the Police Service when it receives allegations of child abuse?
- (2) If no to (1) above, why not?
- (3) What is the department's policy in relation to informing the Police Service of allegations of child abuse?
- (4) Are allegations of child abuse received from the Police Service recorded in the normal manner as child maltreatment reports?

Mrs PARKER replied:

- (1). No.
- (2) It is not appropriate to report all forms of child abuse to the Police Service. For example, emotional abuse and neglect are not matters usually dealt with by Police.
- (3) Family and Children's Services advises the Police Service of allegations of sexual abuse. The Police are also notified of physical assaults where the assault is serious or where an assessment is made that a less serious assault might be leading towards a more serious injury.
- (4) Yes.

POLICE - CHILDREN WHO HAVE LEFT HOME

Policy and Law

2688. Dr CONSTABLE to the Minister for Family and Children's:

- (1) What is the current -
 - (a) policy; and
 - (b) law,

governing the return to their parents of children between the ages of 13 and 16 who have left home and who have for some reason come into contact with the police?
- (2) Is there an agreement or arrangement between the Police Service and the Department of Family and Children's Services not to return such children to their homes?
- (3) If yes, is there documentation for the policy?

Mrs PARKER replied:

- (1)
 - (a) The current policy of Family and Children's Services is that children between the ages of 13 and 16 should be returned to the care of their parents unless there is a reason not to, such as when a child is at risk of abuse by being returned home. Each case is assessed individually. Involvement with the police is one of many factors that is assessed.
 - (b) Current law provides for no minimum legal age that a child may leave home. Therefore the Child Welfare Act's (1947) provisions relating to a child's overall welfare guides Family and Children's Services assessment and decisions in regard to 13 to 16 year olds who leave home. Contact with the police does not alter the legal obligation of Family and Children's Services in respect to this client group.
- (2) No.
- (3) Not applicable.

FAMILY AND CHILDREN'S SERVICES - CHILD SUPPORT

Responsibility

2693. Dr CONSTABLE to the Minister for Family and Children's Services:

Does a parent's responsibility to pay child support end when a child leaves home without parental consent and receives a living away from home allowance?

Mrs PARKER replied:

Family and Children's Services is not responsible for income maintenance issues. The department responsible for income support payments is the Department for Social Security.

FAMILY AND CHILDREN'S SERVICES - ADVISORY COUNCIL

Representative on Poverty Task Force

2713. Ms ANWYL to the Minister for Family and Children's Services:

- (1) Does the Family and Children's Advisory Council have a representative on the Poverty Task Force?
- (2) If so, who is it?
- (3) If not, why not?

Mrs PARKER replied:

- (1)-(3) No. It is not usual for Ministerial Advisory Committees to have representation from another similar body. However Brian Gordon, Director of Meeralinga, is a member of both the Family and Children's Advisory Council and the International Year for the Eradication of Poverty Taskforce.

DRUGS - PETROL SNIFFING

Strategy to Combat

2715. Ms ANWYL to the Minister Health:

I refer to the article in the *Kalgoorlie Miner* on 24 October 1997 titled "Strategy to Combat Petrol Sniffing" and ask -

- (1) What steps are being taken to address the cause of petrol sniffing?
- (2) What is the nature of the agreement and philosophy reached between you and the Attorney General?
- (3) What are the details of the Office of Aboriginal Health Strategy which is in the process of being implemented?
- (4) What is the time frame?
- (5) What co-operation will be required from the Departments of -
 - (a) Family and Children's Services;
 - (b) Aboriginal Affairs in terms of implementing that Strategy?
- (6) What Health Department programs are currently in place to deal with this issue for the following communities -
 - (a) Warburton;
 - (b) Cosmo Newbery;
 - (c) Mulga Queen;
 - (d) Kalgoorlie-Boulder;
 - (e) Coonana?

Mr PRINCE replied:

- (1) The Justice Coordinating Council (JCC), its member agencies and Aboriginal people in the Central Desert communities are working together to assess the causes of petrol sniffing and will identify and develop services to deal with the problem.
- (2) A number of assumptions underpin the approach endorsed at JCC and these include:

- petrol sniffing and other substance abuse impacts on remote, regional and metropolitan areas
 - causes and effects are multi-dimensional
 - we accept that our primary focus is on prevention of ill-health and crime
 - "bootlegging" of petrol should be outlawed and punishable in law
 - current reform agendas in Police, Health and Justice support a focus on primary prevention
 - diversion is a realistic option and needs to be appropriately resourced
 - decriminalisation of alcohol remains
 - solutions must revolve around the community being the focus for action
 - we need to develop and manage services along the continuum of experience and need at a community level
 - we need to support local solutions for local problems using local resources
- (3) The Strategy seeks to:
- provide appropriate risk reduction, health promotion, care and treatment, continuing care and social health services
 - be adapted to suit a variety of cultural and geographic settings
 - enhance intersectoral work in support of the goals
 - manage and co-ordinates the contribution of various functional agencies
 - promotes local solutions for local problems using local resources
 - achieve primary and secondary prevention of crime
 - utilises appropriate diversion alternatives
 - distinguishes between the health, criminal justice and community responsibilities.
- (4) Ongoing.
- (5) A key platform of the Strategy is to achieve a high level of intersectoral collaboration. The Departments referred to in the questions have been consulted and are included in this element of the program.
- (6) There are no reported incidents of petrol sniffing currently or in the past at Coonana and Mulga Queen.
- (a)-(b) At Warburton a range of activities and services are in place and these include:
- the Office of Aboriginal Health chairs the Laverton/Ngaanyatjarra Lands Substance Abuse Coordinating Committee which meets bi-monthly to address issues relating to substance misuse in the lands and ensures there is a coordinated approach between government agencies and the communities
 - development of local resources aimed at preventing petrol sniffing with the communities in the Ngaanyatjarra Lands in conjunction with the Youth Development Officer employed by the Ngaanyatjarra Council
 - involvement of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council in mobilising support with the women in the lands
- (c) Nil.
- (d) Includes support for the Ninga Mia Aboriginal Reserve Substance Abuse worker with programs at the reserve and the Henderson Program at East Kalgoorlie Primary School, training and support of staff at all three Christian Aboriginal Parent directed schools in the region, the 'Solvent Sniffing: An Information Guide for Parents' has been updated and is being distributed throughout the State
- (e) Nil.

SCHOOLS - HIGH

Applecross - Special Art Program

2729. Mr RIPPER to the Minister for Education:

- (1) Will the Minister guarantee that the special art program at Applecross Senior High School will be maintained?
- (2) If not, why not?

Mr BARNETT replied:

- (1)-(2) There are no plans to relocate the special Art program at Applecross Senior High School. The provision of secondary education, including specialist programs, will be determined in the context of the Local Area Education Planning process which should be completed by the middle of next year.

SCHOOLS - HIGH

Belmont, Kewdale and Cannington Senior - Future

2731. Mr RIPPER to the Minister for Education:

(1) Will the Minister guarantee that each of the following schools -

- (a) Belmont Senior High School;
- (b) Kewdale Senior High School;
- (c) Cannington Senior High School,

will continue to offer a comprehensive secondary program for the remainder of this parliamentary term?

(2) If not, why not?

Mr BARNETT replied:

(1)-(2) Belmont, Kewdale and Cannington Senior High Schools, like all secondary schools in the metropolitan area, Mandurah, Albany, Esperance and Kalgoorlie have commenced the Local Area Education Planning process. The future configuration of secondary schooling in these areas will be considered according to the principles and planning indicators outlined in the Local Area Education Planning Framework. Until such time as plans have been formalised and approved, no guarantees of provision at any site can or should be given. However, no change will be effected unless it confers identifiable educational benefits to the student population.

EDUCATION - TEACHERS

Enterprise Bargaining Agreement - Cost

2735. Mr RIPPER to the Minister for Education:

- (1) How much is the implementation of a new enterprise bargaining agreement for State schoolteachers from 1 January 1998 expected to cost the State Government?
- (2) How much of this cost will have to be met from within the existing education Budget?
- (3) What cuts to other activities will be required to meet this call on the education Budget?

Mr BARNETT replied:

- (1) A new enterprise agreement for government school teachers has not been reached. The State School Teachers' Union has made a claim for a 22% salary increase over 2 years. The Government Wages Policy provides for up to a 7% salary increase over 2 years. The Education Department is negotiating within the context of this policy.
- (2) The Government Wages Policy requires the Education Department to fund half of the salary increase.
- (3) It is not possible to determine what, if any, activities of the Education Department would be affected until the salary quantum and other elements of any agreement are known.

EDUCATION - LOCAL AREA PLANNING POLICY

Rationalisation of Schools - Allocation of Clusters

2737. Mr RIPPER to the Minister for Education:

- (1) What schools have been allocated to particular clusters for the purpose of possible rationalisation or amalgamation under the local area education planning process?
- (2) Is it the case that options for the future of schools in each cluster must be submitted to the Education Department before the end of 1997?
- (3) Will the Minister extend the deadline for the submission of these options?
- (4) If not, why not?

Mr BARNETT replied:

- (1) Nominal groupings of secondary schools in the metropolitan area, Mandurah, Albany, Esperance and Kalgoorlie have been made in most situations. Under Stage 1 of the Local Area Education Planning Framework, these nominal groupings will be modified as drafting committees consider information and develop options which may or may not involve schools amalgamating or closing. Many options are being considered.
- (2) District Directors (Schools) have been asked to complete the planning process for the abovementioned schools by June 1998. To fulfil this timeline it is necessary to have draft Plans finalised by the end of this year or early next year to give ample time for extensive community consultation in the first half of 1998.
- (3)-(4) The expectation that planning for secondary schools in the abovementioned areas be completed by June 1998 will stand. However, it is recognised that in some complex reorganisations an extension to this timetable may be negotiated.

SCHOOLS - NON-GOVERNMENT

Financial Assistance

2738. Mr RIPPER to the Minister for Education:

- (1) Did the Coalition promise before the 1993 election "to gradually increase the schedule of per capita payments to all non-government school students in WA to at least 25 per cent of real average government school per pupil costs" should it be elected to government?
- (2) Taking into account recurrent costs and payments only, what percentage do current per capita payments to non-government school students represent of real average government school per pupil costs?
- (3) Taking into account both capital and recurrent costs of government schools and capital and recurrent assistance to non-government schools, what proportion of government school per pupil costs is provided in annual assistance to non-government school students?
- (4) When will the Government meet the target for assistance to non-government school students included in its 1993 election promise?

Mr BARNETT replied:

- (1) The 1993 Election policy statement read: "Gradually raise the State per capita grants to at least 25% of the actual cost of educating a child in public schools".
- (2) Bearing in mind that the starting point for the Government was the position left by the previous Government's funding allocations (which had been left to languish), total recurrent funding to non-government schools is now 26.4% of the relevant benchmark in government schools known as the Average Government School Recurrent Cost (AGSRC). The Government does not calculate or report the percentage for per capita funding separately. Even though per capita funds make up 95% of the recurrent funds, the percentage of the government's total recurrent funds to non-government schools is a more valid indicator for the comparison with the AGSRC which covers all recurrent costs in government schools.
- (3) The calculation implied by this question is not valid as no capital funds are allocated by the State Government to non-government schools. However, assistance with schools' borrowings for capital works is provided as recurrent funding through payment of interest subsidies on low interest loans. The figure of 26.4% referred to in answer to Question 2 above is based on the inclusion of the interest subsidies in the funding to non-government schools and inclusion in the AGSRC of imputed loan servicing costs on capital funds for government schools.
- (4) The target was reached in 1996/97 through successive increases in the budget each year since 1993. The 1996 Election Commitment promised a further \$6 million over four years commencing in 1997/98 to further increase recurrent funding to more than 25% of the AGSRC (1997/98 has achieved a result of 26.4%).

HOSPITALS - SUICIDE CASES

Treatment

2754. Dr CONSTABLE to the Minister for Health:

Further to parts (3) - (4) of the Minister's answer to question on notice No. 692 of 1997 -

- (a) do non-teaching hospitals have a protocol with respect to the treatment of patients who have attempted suicide;
- (b) if yes to (a) above, what is it;
- (c) if not to (a) above, what treatment do patients who have attempted suicide receive in non-teaching hospitals;
- (d) what percentage of patients who have attempted suicide are transferred to specialist psychiatric units in the public health system?

Mr PRINCE replied:

- (a) There are no procedures required of all hospitals in Western Australia, however, there are guidelines for good practice that have been developed based on research into attempted suicide. These guidelines were prepared by the Youth Suicide Advisory Committee which reports to the Minister for Health. The three teaching hospitals, Royal Perth, Sir Charles Gairdner and Fremantle Hospitals are currently formalising protocols. Armadale- Kelmscott, Swan, North Metropolitan, Northern Goldfields, Peel, South West and Lower Great Southern Health Services all have suicide intervention services and agreed means of referral involving public hospitals and other health services.

These services focus on young people under the age of 25 as their highest priority but also extend service to older people. Mental health services in other areas are available to suicidal and potentially suicidal people.

- (b) These guidelines specify that hospitals should:
 - have a system to record all presentations of deliberate self harm, not just those cases where a person is admitted;
 - ensure all cases of deliberate self harm receive a comprehensive psychosocial assessment which includes mental health assessment, social work assessment and specification of a treatment and follow-up plan; and
 - ensure that all people are followed up after discharge to check that ongoing treatment has commenced.
- (c) Patients who have attempted suicide are treated for any injury which may have resulted from the attempt and for any underlying mental illness including depression or other co-morbid conditions, including alcohol or drug related problems. Management in non-teaching hospitals would be by resident medical staff or the referring general practitioner, with consultant psychiatric services available. Following discharge from hospital community based mental health services would be available to assist in ongoing management and prevention of further suicide attempts.
- (d) As indicated in the answer to the previous Parliamentary Question No. 692 of 1997, this question can not be accurately answered as data is not collected for all patient contacts in all outpatient services, with doctors or other health professionals.

However, using the most current data available, in 1995 of the 2174 hospital admissions caused by self inflicted injuries it is estimated that 44% of cases had further contact with designated psychiatric services in Western Australia. The 56% who did not receive treatment from designated psychiatric services may have been treated by general practitioners, private psychiatrists or attended outpatient clinics at general hospitals. This information is not available, however.

HEALTH - DENTAL

Dental Health Service Employees - Patient Assistance in Account Payment

2769. Mr BROWN to the Minister for Health:

Further to question on notice 2508 of 1997, does the policy of the Health Department as enunciated by the Minister's answer apply equally to the Dental Health Service?

Mr PRINCE replied:

Yes.

HEALTH - LEAD TOXICITY

Children - Wyndham

2777. Dr EDWARDS to the Minister for Health:

- (1) Given that the Department of Environmental Protection will be requiring an investigation into heavy metals contamination around the Port of Wyndham after monitoring has shown contamination levels of lead and zinc, will the Health Department be recommending blood lead monitoring of children in Wyndham?
- (2) If not, why not?
- (3) If such a monitoring program has been undertaken, what were the results?
- (4) What blood lead monitoring programs have been undertaken by the Kimberley public health unit?
- (5) What were the results of these surveys?

Mr PRINCE replied:

- (1) No. At the time lead transporting commenced in Wyndham, there was insufficient scientific information regarding the health effects of low level lead exposure to prompt the need for blood lead testing and monitoring. Much of the literature regarding the effects of lead in children is less than 10 years old.
- (2) Whilst exporting from Wyndham will cease this year, the benefits of undertaking blood testing now would be minimal, because no baseline levels are available to compare present levels with. It would therefore be impossible to assess whether the lead levels of children were due to the transporting of lead concentrates, or from other sources of environmental lead such as petrol and paints.
- (3) Not applicable.
- (4) The report on baseline results of the Derby Lead Monitoring Project will be available in the next few months. Currently the Kimberley Public Health Unit is waiting on some additional information regarding the lead content of dust samples before the report can be published.
- (5) The public will have access to the report once it is published. The publication date of the report and information on where to obtain a copy will be advertised in the local papers.

ENVIRONMENT - MINIM COVE

Buckland Hill Primary School - Bore Contamination

2782. Dr EDWARDS to the Minister for Education:

- (1) Has the Minister sought advice on the need for monitoring of the bore in the North West corner of the Buckland Hill Primary School due to the presence of mobile cyanide complexes in the Minim Cove containment cell?
- (2) If not, why not?
- (3) If so, what advice was received?
- (4) Has any communication with Buckland Hill Primary School been made in order to allay concerns of teachers and parents over the possibility of contamination of the bore?
- (5) If not, why not?

Mr BARNETT replied:

- (1) Yes.
- (2) Not applicable.
- (3) The bore water is safe to use, except for increased salinity which only poses a problem for plant growth. An ongoing monitoring program has been put in place through the Water and Rivers Commission.
- (4) A copy of the test results have been forwarded to the school by the Department's Occupational Health Unit.
- (5) Not applicable.

QUESTIONS WITHOUT NOTICE**HEALTH - BUDGET DEFICIT****832. Dr GALLOP to the Premier:**

I refer to the Premier's meeting last week with the Minister for Health regarding the Health budget.

- (1) What did the Minister reveal about the size of the deficit in the 1997-98 Health budget?
- (2) What commitments, if any, did the Premier give to provide additional funding in this year's and next year's Health budgets?

Mr COURT replied:

I met with the Minister for Health last week as part of our Budget discussions, and we discussed all components of that budget in some detail.

Mr Ripper: Did he have a final figure for the Health budget deficit for this year?

Mr COURT: We do not.

Dr Gallop: What's your best estimate?

Mr COURT: A number of estimates have come from the hospitals and the Health Department. It is no secret that the Health budget has been under pressure for some years, during which time some additional revenues have had to be found. We have a situation this year of flat revenues. I have discussed the matter with the Federal Government - I will continue to do so - as we simply cannot meet the growth in demands on our public hospital system out of our budget.

The Minister for Health will be providing some information on the estimates coming through. I will hold further discussions with the Minister over the next day or so in this regard.

Mr Ripper: Will you provide the information to the House?

Mr COURT: Does the member want an answer or not?

I intend to meet further with the Federal Government over the next couple of weeks on this matter because, even though the opportunity arose during the last Premiers' Conference a few weeks ago for a commitment to be made, we have not received the support we require from the Federal Government on public hospital funding.

Yes, there is a difficulty in health, and we have never run away from that situation. It is the biggest pressure point on the Budget. One of the challenges and responsibilities in government is to ensure that one lives within one's means. As part of the normal budget processes, I will continue to work through this issue with the Minister for Health.

HEALTH - JOONDALUP CAMPUS*Benefits***833. Mr BAKER to the Minister for Health:**

What benefits to the taxpayers of Western Australia have been identified by the Auditor General as flowing from the establishment of the Joondalup Health Campus?

Mr PRINCE replied:

I am delighted to respond to this question. The Auditor General has identified a number of significant direct and tangible benefits to the Western Australian community from this initiative. For example, he noted that considerable potential exists for competition to impact in a positive way on efficiencies in the public hospital sector. Second, he noted that the review of licensing of private hospitals has given stimulus to the consideration of an equivalent scheme for public hospitals. That is not a bad idea either.

Third, he referred to this development stimulating further reform in the planning of hospital services across the metropolitan area, together with a delineation of roles. That is very important. A strategic planning study for the metropolitan area is taking place, which is the first time we have had predicted planning in health. Fourth, the Auditor General's report also recognises our efforts in achieving savings through private sector financing of the capital component of the project compared with public sector financing. The report makes it very clear that a similar financial commitment would be necessary if the hospital expansion had been publicly funded; however, as a result

of the way we approached the issue, taxpayers' funds have not been diverted for the development and the private sector has shown that it can secure funds at an attractive rate.

Dr Gallop: You can spin around so much that you should go to the winter Olympics!

Mr PRINCE: I doubt whether the ice would hold me, to be honest.

Fifth, even though the cost of providing finance through the private sector was marginally more expensive than other funding, very significant financial benefits were achieved, including a reduction in state debt. Sixth, the Auditor General reported that the Health Department has estimated savings of up to \$22m to be achieved over the term of the contract. Seventh, the Auditor General also recognised that the Government will remain the legal owner of all land and buildings, which is quite different from the Port Macquarie situation. The report further acknowledged that the development falls squarely within government policy to increase involvement in the private sector.

Interestingly, that policy was shared by the former Labor Government, and I remind members of Hon Keith Wilson's comments in the metropolitan hospital plan of 1989: "The Government is proposing a health partnership with the private sector and seeking its greater involvement in the system, including contracting services for particular categories of public patients." He further stated, "The philosophy is to ensure that consumers have access to the best possible hospital services and to encourage the private sector to increase its contribution to those services in a manner which is beneficial to consumers and the private and public sectors."

The Auditor General identified a number of areas as needing improvement in similar future developments; for example, a transfer of a higher level of risk from public to private and improvement in some quality reporting requirements. The quality measures contained in the Joondalup contract with the best development time goes to key performance indicators. There are a number of other things. I welcome the report. A briefing last night with the Auditor General has been very useful. He made the point to me -

Several members interjected.

Mr PRINCE: The contract is not complete and the building is not finished.

Dr Gallop: Do you want a job as my public relations consultant?

Mr PRINCE: It does not matter what the Leader of the Opposition pays, I could never work for him.

The hospital will not be finished until February and, therefore, it is not possible to evaluate benefits in a tangible sense until the project has been running for somewhere between three and five years. What the Auditor General has said is very useful and a very good pointer. It gives the project a completely clear bill of health by comparison with the Port Macquarie Hospital, which is what the Leader of the Opposition ran on day after day last year. He said that this is Port Macquarie Hospital again. It is not. People were brought over from the Auditor General's department in New South Wales. They went away after a few days saying that we had not made any of their mistakes.

The SPEAKER: Order! Perhaps the Minister could bring his answer to a close fairly shortly.

Mr PRINCE: Certainly, Mr Speaker. The thing that gets up the nose of the Leader of the Opposition is that we promised a new hospital. The 80 public beds have become 260 beds with 70 private beds and a whole stack more services. We delivered. The Leader of the Opposition should go and look at it because it is being built now.

Several members interjected.

The SPEAKER: Order!

HEALTH - JOONDALUP CAMPUS

Closure of Existing Services

834. Mr McGINTY to the Minister for Health:

I refer to the very interesting, if dishonest spin that he has placed on the report of the Auditor General on the Joondalup Health Campus. I draw the Minister's attention to the finding of the Auditor General as follows -

There is not, however, reliable information to establish that the contract provides net tangible benefits to the State relative to the public sector alternative from either services or facilities.

He further found that there are risks to the State. Will the Minister confirm -

- (a) that the Joondalup Health Campus will be funded entirely by shutting down services at existing government hospitals;

- (b) that there is no tangible economic benefit to the State from the privatised Joondalup Health Campus; and
- (c) that the privatised Peel Hospital in Mandurah will be funded by the same mechanism, namely closing existing services at other government hospitals?

Mr PRINCE replied:

(a)-(c) First, with regard to the selected quotations from the report of the Auditor General -

Several members interjected.

The SPEAKER: Order! The Minister barely got up to give his answer when there were three or four interjections at once. That is unacceptable.

Mr PRINCE: The Auditor General also writes, "It creates the potential for the Department to negotiate substantial quantities of additional services" -

Mr McGinty: Where is the economic benefit?

Mr PRINCE: It is still being built; that is absolute nonsense. The member has been too busy with drugs to read it. Let me tell people what it means. I repeat - he writes -

It creates the potential for the department to negotiate substantial quantities of additional services at reduced prices to provide savings. . . . it remains unclear if this will provide savings relative to public sector provision as reduced prices have also been used when funding additional services at public hospitals.

Risks have been transferred to the Operator, including design and construction risks, running costs, labour relations, some market risks and some public liability risks. The transfer and sharing of risks with the Operator has the potential to represent a significant benefit to the State relative to the public sector alternative.

Ms MacTiernan interjected.

The SPEAKER: Order!

Mr PRINCE: He continues on page 4 -

Major tangible benefits of the contract relative to the public sector alternative are: claimed savings in capital costs; potentially lower costs; additional services; transfer to Government of the private component after 40 years at no cost;

No cost! The Auditor General continues -

legally enforceable quality requirements; and clear separation of responsibilities . . .

How much more does the Opposition want? It goes on and on. I come to the sentence that members opposite plucked out without giving the bit that goes before it or the bit that comes after it: They will wear the bit that comes after. I quote -

The State *may* benefit from a range of risks transferred to the Operator, a potential for savings in relation to the cost . . .

Dr Gallop: May?

Mr PRINCE: The health campus is still being built, or has the Leader of the Opposition not had a look at it? How can I possibly quantify that until the place is built and is running? Members opposite should look at it.

Mr McGinty interjected.

Mr PRINCE: I will tell members opposite what is tangible: 265 beds where the Labor Government had 80; 75 private beds where there was none; a brand new emergency department; renal dialysis; and a stack of new services. That is able to be seen. That was the promise and that is what is being provided. This year the Health budget received an extra \$54m. Last financial year it received an extra \$62m and part way through the preceding financial year it received an extra \$80m. An extra \$190m-plus in fewer than 18 months has gone into the Health budget. Those moneys are being used as wisely and as best they can be to deliver the best service to everybody, wherever they live.

There is now one board within the metropolitan area. The Government will be able to move resources to provide appropriate services to the people as close as possible to where they live. Of course that means moving services from

one place to another to some extent, rather than bringing people to the services. This is obvious and logical and something of which I thought the member for Fremantle would approve for the benefit of his electors. Obviously not!

HEALTH - JOONDALUP CAMPUS

Closure of Existing Services

835. Mr McGINTY to the Minister for Health:

Will the Joondalup Health Campus be funded entirely by shutting down services at existing government hospitals and will the privatised Peel hospital in Mandurah be funded by the same mechanism; namely, closing existing services at other government hospitals?

Mr PRINCE replied:

There was a hospital at Joondalup; therefore, funding already existed.

Mr McGinty: Surprise, surprise.

Mr PRINCE: The member for Fremantle asked about that. It is clear that services have been moved.

Mr McGinty: Have you provided one more dollar that was not allocated to another hospital? That is the question.

Mr PRINCE: For goodness sake! I just told the member that an extra \$54m has been allocated to the Health budget this financial year and an extra \$60m was allocated last financial year. The renal dialysis service there is being supported largely out of Sir Charles Gairdner Hospital. Is that a good idea?

Mr McGinty: How much money did you take out of Sir Charles Gairdner?

The SPEAKER: Perhaps the Minister could bring his answer to a close.

Mr PRINCE: A hospital already exists at Peel. It is too small. The Labor Government built it. It will be extended to 120 beds. It will be funded by the money that goes to the Metropolitan Health Service Board, which will be used to provide appropriate services to people where they -

Mr McGinty interjected.

The SPEAKER: Order, Minister! I give the call to the member for Vasse.

POLICE - MANJIMUP

Patrols

836. Mr MASTERS to the Minister for Police:

- (1) Is the Minister aware of recent claims by the Manjimup Chamber of Commerce and Industry about a reduction in police patrols in the area?
- (2) Will the Minister assure the House that this is not the case?

Mr DAY replied:

- (1)-(2) I thank the member for some notice of this question. Last week the member for Midland made a number of claims about what was supposedly happening at the Manjimup Police Station. I said at that time I thought the claims were fanciful. I have since had them checked: They are entirely fanciful and have no foundation. Let us look at what the member for Midland said.

Mrs Roberts: I asked you whether you were aware of them.

Mr DAY: The member for Midland claimed things were occurring. She claimed that the Manjimup station would operate on a five day working week. There is no truth in that. The Manjimup station will continue to operate seven days a week for the people of Manjimup and surrounding areas. It was claimed also that no night call-outs would be available. That claim has no truth. Officers at the Manjimup station provide a service between at least 8.00 am and midnight and often until 2.00 am. After that time officers are available to respond to telephone calls. It was claimed that no police would operate after 4.00 pm.

Mrs Roberts: You should read your mail and you should tell the truth in this House.

Mr DAY: I think the member for Midland is embarrassed. There is no truth in her suggestion whatsoever. As I have

said, police operate in Manjimup at least until midnight, and often later. It was also claimed that patrols would be confined to operating only within 10 kilometres of the town of Manjimup. That also has no truth whatsoever. A practice is being introduced of targeting patrols so the most effective service can be provided in the most efficient manner for the people of Manjimup and the surrounding area. The police in Manjimup have a responsibility to provide services to the towns of Pemberton, Donnybrook, Bridgetown and Walpole. From my knowledge of the geography of the south west, those towns are substantially more than 10 km from Manjimup. Rather than cutting services in Manjimup, members opposite should appreciate the excellent service being provided by local police to the local people, assisting the local community with a whole range of voluntary activities which are above and beyond the call of duty. These include assistance for victims within the domestic violence program; assistance with the RoadWise driver awareness program, a defensive driver program for probationary drivers and a defensive driving school for drivers of logging trucks; and involvement in running the Blue Light disco. It is time those opposite came up with a bit of constructive support for what police officers are doing throughout Western Australia and, in particular, it is time they started dealing with a few facts about themselves following their 10 years of neglect while in office.

SMALL BUSINESS - GOVERNMENT CONTRACTS

Payment of Invoices - Changes in System

837. Mr BROWN to the Treasurer:

I refer to the question I asked the Treasurer last week concerning changes to Treasurer's Instruction 308, which relates to payments to suppliers.

- (1) Is it true that this instruction was changed in September 1997?
- (2) Is it true that the change means suppliers now have to wait longer for payment from the Government than was the case prior to the change to the instruction?

Mr COURT replied:

- (1)-(2) In his second report which was issued in December 1995, the Auditor General raised the issue of agencies paying accounts before the due date. This resulted in the loss to the Government of significant sums in interest that could have been earned had the accounts been paid closer to the due date. The Treasurer's Instruction was changed to take into account those concerns expressed by the Auditor General. People were starting to pay the account 30 days from the date of invoice.

Mr Brown: Good commercial practice.

Mr COURT: No. I do not know what experience the member has had -

Mr Brown: Quite a lot.

Mr COURT: Good commercial practice is for businesses to pay the accounts within 30 days of the end of that month. The Minister for Finance, who has had considerable experience in what is quite proper commercial practice, made it clear that payment was to be made within 30 days, but that it should also be made in sufficient time to be received by the creditor before the end of that month. That is commercial practice. That is what the Treasurer's Instruction is: People should pay their bills within 30 days and the money should be received by the creditor so it can be in the account before the end of the month.

Mr Brown: It is 65 days.

Mr COURT: If it is 65 days, the member must be working under a different calendar from most of us.

EDITH COWAN UNIVERSITY

Bunbury Campus - Transfer to Murdoch University

838. Mr BARRON-SULLIVAN to the Minister for Education:

As the Minister is aware, there has been considerable debate this year over whether the Bunbury campus of Edith Cowan University should remain part of that university or be transferred to Murdoch University. Is this issue any closer to being resolved?

Mr BARNETT replied:

I thank the member for some notice of this question. I am conscious that he and other members in the south west have taken a great deal of interest in this issue. Earlier this year Murdoch University put forward a proposal to take

over responsibility for the Edith Cowan University campus at Bunbury. The local board of management and many of the civic leaders and business groups in the area have supported a transfer of that campus to Murdoch University. I am not sure whether that reflects a dissatisfaction with Edith Cowan University's role or a hidden aspiration to have a truly independent campus, if not a university of Bunbury.

The funding and administration of universities is primarily a commonwealth issue. One of the reasons for delay in resolving this was to obtain from the Commonwealth a true commitment on the funding level for that campus. That has now been made available and in discussions the commonwealth Ministers have essentially allowed the State to take the lead role in resolving this conflict. However, no changes will take place for the 1998 academic year. I have appointed Dr Michael Partis, the former head of the Secondary Education Authority, to undertake over a six week period a detailed review of the campus. He will consider staffing, courses, enrolments, prospects for growth, and administration. He will speak to both Murdoch and Edith Cowan Universities on how they see the university developing in the future. He will then make recommendations to me. They will not be binding. I hope that once that report is completed and I have had the opportunity to sit down with both universities, we can resolve the issue. It may involve some other changes affecting other campuses within the metropolitan area.

I have not been all that pleased about the way this issue has been unveiled over the past year. I urge members not to rush to simplistic solutions. When one is considering a university and a viable academic body the issues are not that simple.

ALINTAGAS - KINGSTREAM PROJECT

Epic Energy - Australian Competition and Consumer Commission Review

839. Mr THOMAS to the Minister for Energy:

- (1) Did the Minister claim in this place on 11 November and again last week that the AlintaGas-Epic Energy deal came before the Australian Competition and Consumer Commission because of a provision in the letter of indication?
- (2) Is the Minister aware that this was denied in *The West Australian* on 13 November by Ms Lee Hollis of the ACCC and Mr Nick Zuks of An Feng Kingstream Resources?
- (3) Did the Minister mislead the House and, if so, why?

Mr BARNETT replied:

- (1)-(3) As I said a number of times in debate last week, I have not seen the letter of indication or the arrangements for that.

Mr Thomas: Why did you claim that you did?

Mr BARNETT: The member for Cockburn asked the question and I will answer it; it is a straightforward process.

It was always my understanding that Australian Competition and Consumer Commission approval was formally designated as part of this agreement. It may not be. I have not seen the documentation. I very much doubt that Mr Zuks has seen the agreement.

Mr Thomas: Why did you claim it was?

Mr BARNETT: It was my understanding that it is, and I do not know whether that is incorrect. It was always the case that any arrangement between Alinta and Epic would not continue if the ACCC ruled against it. I will make it clear again, as I did last week, that during those discussions and negotiations, several meetings were held with Alinta and the ACCC about those arrangements. I take advice from the chairman and the chief executive of Alinta and I am satisfied with their advice.

CANAL ROCKS FOOTBRIDGE

Replacement

840. Mr MASTERS to the Minister for the Environment:

Some months ago the Department of Conservation and Land Management closed a footbridge at Canal Rocks near Yallingup because it posed unacceptable safety risks to the public.

- (1) What process has been put in place by the Department of Conservation and Land Management to plan for the replacement of the footbridge?

- (2) What progress has been made to replace the footbridge prior to the forthcoming summer holiday period?

Mrs EDWARDES replied:

- (1)-(2) I am pleased to advise the member for Vasse that preliminary plans have been prepared and the Department of Conservation and Land Management is in the process of preparing the materials list. CALM will talk to the local community about the design. Although the replacement is progressing, it is unlikely that it will be ready in time for the Christmas holiday period.

POLICE

Pilbara Electorate

841. Mr GRAHAM to the Minister for Police:

I refer to the Minister's refusal, in answering a parliamentary question on 18 September, to tell me the number of police located in towns in my electorate.

- (1) Is the number of local police stationed in my electorate restricted information?
 (2) If so, on what basis is the information restricted?
 (3) Is it an operational matter?
 (4) If it is an operational matter, when did it become an operational matter?

Mr DAY replied:

- (1)-(4) I am sure the member for Pilbara can count the number of police stations in his electorate as well as I can. If he needs some assistance to count them, I am happy to help him count them on a map.

POLICE

Pilbara Electorate

842. Mr GRAHAM to the Minister for Police:

How is it that every other Minister for Police in the time I have been a member of this Parliament, including the member for Wagin last year, has been able to answer the simple question of how many police officers there are in each police station in my electorate?

Mr DAY replied:

I apologise; I thought the member for Pilbara had referred to the number of police stations. As far as the number of police officers is concerned, I will investigate the matter and get back to the member for Pilbara.

INDUSTRIAL RELATIONS - WORKPLACE AGREEMENTS

Wage Increases

843. Mr NICHOLLS to the Minister for Labour Relations:

- (1) Is the Minister aware of statements by the Opposition that acknowledge that workplace agreements, which the Labor Party has promised to abolish on its return to government, are giving employees higher wages than the equivalent enterprise agreements?
 (2) If so, can the Minister comment on the alleged connection between workplace agreements and job security?

Mr KIERATH replied:

- (1)-(2) I thank the member for some notice of this question. For the last five years the ALP has been claiming that workplace agreements would result in people's wages being cut. In fact, the Miscellaneous Workers' Union sent a letter to every health worker in the State stating that they faced a 30 per cent reduction in wages, Senator Chris Evans said workers' hourly and weekly wages would be slashed, and Carmen Lawrence said wages would be forced down. The member for Nollamara recently admitted the truth when he said workers are being offered more money under workplace agreements. At least we are finally getting somewhere in hearing that admission. However, that is where the truth ended, because the member for Nollamara could not help himself and went on to say that workplace agreements give less job security.

Mr Bloffwitch: That is not true at all.

Mr KIERATH: Those comments are cowardly fearmongering and they should stop. They have been going on long enough. I said in March 1996 that the end of a workplace agreement does not mean the end of the job. Earlier this year in a brief ministerial statement I said the expiry of an agreement does not mean the termination of employment, unless there is an underlying contract that it is finite. The member for Nollamara knows that better than anyone else.

I even made available letters from various financial institutions indicating that whether or not employees are on workplace agreements is totally irrelevant with regard to access to finance and the future of their job. Despite this, the member for Nollamara keeps trying to draw this imaginary link between workplace agreements and job security. On two occasions I have demonstrated that he is wrong. He is wrong yet again. I can only assume he is deliberately trying to mislead workers and to peddle fear among the people who normally support the Australian Labor Party. Perhaps he should try to find out why they did not support him at the last election. Peddling such untruths was probably the major reason.

POLICE - MANJIMUP

Work Restrictions

844. Mrs ROBERTS to the Minister for Police:

Last Thursday the Minister told the Parliament that he was unaware of concerns expressed by the Manjimup Chamber of Commerce and Industry about proposed work restrictions at the Manjimup Police Station, despite the fact that the chamber had written to him about this issue a week earlier.

Did a member of his staff lie the week before when he told a journalist at the *Manjimup Times* that he had discussed those same concerns regarding the Manjimup Police Station with the Minister, or did the Minister mislead the House last week when he said he was unaware of those concerns?

Mr DAY replied:

Neither of the suggestions by the member for Midland is correct. I said last week, in answer to the question from the member for Midland on Thursday, that I was not aware of those specific concerns, and nor was I.

LOCAL GOVERNMENT - GELORUP QUARRIES

Licence Conditions

845. Mr BARRON-SULLIVAN to the Minister for Local Government:

Has a decision been made regarding new licence conditions for CSR Readymix Quarries in Gelorup?

Mr OMODEI replied:

I thank the member for some notice of this question. Since upholding the appeal by CSR Readymix Quarries early this year, the Department of Local Government has been endeavouring to resolve a number of issues relating to the conditions to be imposed.

I have now determined the conditions relating to nine areas of difference between the council and the company. Of those nine matters, one is subject to further agreement between the shire and the company, two will be determined by the Department of Environmental Protection, and six are based on the shire's submissions. This has been a long and complex matter to deal with, and a review will be conducted every five years.

The interest and advice of the members for Mitchell and Vasse are acknowledged and appreciated. In particular, the member for Mitchell has been a strong proponent of the review clause in the conditions.

DRUGS - HEROIN

Operation Alliance - Success

846. Mrs ROBERTS to the Minister for Police:

- (1) Does the Minister consider the first day of Operation Alliance to have been a success, given that no heroin - the stated target of the operation - was uncovered?
- (2) Why did the police invite the media to observe and report on the first day of the operation, when it is intended that it will continue until Thursday?
- (3) How do the police expect to catch heroin traffickers when the nature and duration of Operation Alliance have been extensively publicised?

- (4) Will heroin traffickers simply suspend their drug peddling until Operation Alliance has finished?

Mr DAY replied:

- (1)-(4) This operation has been undertaken by the Western Australia Police Service in conjunction with the Australian Federal Police, the Australian Customs Service, the National Crime Authority, the Department of Conservation and Land Management, the Department of Transport and, I understand, other agencies. It is a very good example of state and federal government agencies working together in a cooperative manner to assist in dealing with this difficult problem facing the whole community and getting on top of the drug problem. Rather than knocking these agencies for the initiative they are showing, the Opposition should be encouraging and congratulating them on their initiative and proactive activity.

Just because a large haul of heroin, for example, has not been found within a particular time, it does not mean the operation is not successful in any way whatsoever. It is important that these operations be undertaken to indicate that cooperation can occur between these agencies. It is also important for them to occur so that they act as a strong deterrent.
