WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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1997

LEGISLATIVE COUNCIL

Wednesday, 15 October 1997

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

PETITION - OSTEOPATHS BILL

Hon Bob Thomas presented the following petition bearing the signatures of 551 persons -

> To the Honourable the President and Members of the Legislative Council in Parliament assembled.
>
> We, the undersigned respectfully request that the Council amend the *Osteopath Bill 1997* via an exemption clause to make it abundantly clear that the normal process and practice of massage and its allied umbrella modalities is not in any way affected by the *Osteopath Bill 1997*.
>
> And your petitioners in duty bound will ever pray.

[See paper No 873.]

MOTION - STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Heroin Use in Western Australia

Resumed from 17 September.

HON DERRICK TOMLINSON (East Metropolitan) [4.04 pm]: At the last day's sitting on which I referred to this matter, I think Hon Cheryl Davenport and I were in agreement that parents sometimes willingly suspend their disbelief that their children may be dabbling with, or in the grip of, illicit substances. Hon Cheryl Davenport made the point that sometimes well meaning parents suspend their disbelief in an attempt to prevent the alienation of their child. We know from some of the tragic experiences of the last few months that those parents who sometimes willingly suspend disbelief for fear of alienating the affection of their children suffer the severest alienation of all; namely, the overdose of their child. It is only when it is too late that they realise their mistake in not admitting that their child was exhibiting a problem and that they should have responded to it in a positive manner.

It is akin to people who have a willing suspension of disbelief about the long term effects of tobacco addiction. For as long as I can remember, my father would sit at the table and roll his own cigarettes. I can still see him now rolling the tobacco in the palm of his hand, putting it into the paper, rolling the cigarette and licking the paper. As a child I was fascinated by this process.

At that time people spoke about tobacco being a filthy habit and not being good for one's health, but the willing suspension of disbelief took place. Later in his life my father suffered some deleterious effects from nicotine, but he persisted with the attitude, "Well, it will not happen to me; it happens to other people." I still have the very painful memories of him coughing just a few days before he died of lung cancer saying, "I wish I had never had a bloody cigarette." Unfortunately, that willing suspension of disbelief had something of the same consequence as the similar suspension of disbelief upon which Hon Cheryl Davenport and I agreed when last we debated this topic. That situation illustrates the need for not only an education program for the young people to warn them against dabbling in what might be a fun experience of an illicit substance, but also an intensive education program to warn parents about their responsibilities when they have a suspicion that their child might be using one drug or another. I shall return to that point at a later stage in the debate.

I wish firstly to quickly respond to the motion that the matter of heroin use in Western Australia be referred to the Standing Committee on Public Administration. I wonder what will be achieved by such referral. In effect, it will use the Standing Committee system as a de facto select committee. With the innovation of this House's decision to use standing committees, we consequently have fewer resources available for select committees.

Quite a legitimate strategy has been developed, which has some sense in it, of referring particular issues to appropriate standing committees and for them to operate as de facto select committees. However, because we have limited resources I would suggest to the House that we should be circumspect in how we use them. A referral of heroin use in Western Australia would certainly not achieve more, and probably would achieve less, than that which was achieved by the task force on drug abuse. I would suggest to those members who have not yet read the report of the task force on drug abuse that they read it. It is an excellent piece of work. That same excellent piece of work addresses the very issues the standing committee is being asked to address; for example, the incidence of heroin use in Western Australia.

The executive summary of the report presents some rather powerful indications of the extent of illicit drug abuse. Members will recall that it was only two years ago - the Attorney General could remind me - that the distribution of

needles for drug abusers was made legal in this State. We have in the executive summary of the task force some indication of the illicit drug abuse by the distribution of needles and syringes ranked by crude rate of locality in Perth metropolitan area and regional Western Australia. The most recent statistics available when the drug abuse task force reported in September 1995 related to the locality of needles and syringes distributed in 1994.

The statistics showed that Perth inner city had 477 103 needles and syringes, a crude rate of 366 185; Mt Lawley-Bayswater had 135 595, a crude rate of 32 219; Belmont-Cannington 130 545, and Gosnells-Armadale 125 985. Needles and syringes distributed in 1994 totalled 1 497 798 with a crude rate of 12 600. That indicates 12 600 possible addicts had taken advantage of the needles and syringes distribution program. If 12 600 in 1994 took advantage of that program, how many addicts were there, bearing in mind that the intravenous introduction of drugs into the system involves either amphetamines or opiates? One could assume that of that 12 600 a large number were heroin users. It is highly likely that between 1994 and 1997 there has been some exponential increase.

The data are here and available and the estimates have already been made. What would the standing committee do? I would suggest that it would have to go to the same sources to estimate the extent of heroin abuse. One can only estimate it; there is no other way than a detailed epidemiological study to achieve some more accurate estimation of the number of heroin addicts in this State. I do not believe that the standing committee could do a better job in estimating the number of addicts than was done by the task force into drug abuse.

We then turn to the effects on health and deaths caused by heroin use. Again one does not have to go any further than this report, which enumerates, describes and gives some estimation of the numbers of the health effects. It goes further than the health effects and looks at the economic cost. On page 9 of the executive summary is set out the costs of drug abuse. The cost to the community at paragraph 1.8.1 reads -

> The only attempt to quantify the total cost to the Australian community has been made by Collins and Lapsley (1991). Adapting their methodology and adjusting to real dollars in 1993, it may be estimated that the total direct cost to Western Australia in 1993 was $491.1 million as described in Table II.

The expenditure as funded by various levels of government was calculated as $239 784 778 - down to that precise figure. I would suggest that the standing committee would need to do no more than take the report of the task force on drug abuse of September 1995 and by a simple arithmetical calculation update those figures from 1993 to 1996 or perhaps to 1997 by using some estimation for the current year. There is no point in a standing committee of this Parliament attempting to duplicate the work that has been done so well by the task force.

Hon Kim Chance: How well did the task force address point (c)?

Hon DERRICK TOMLINSON: The question itself is a value question of the adequacy or otherwise of the facilities and treatment.

Hon Kim Chance: It may be a value question.

Hon DERRICK TOMLINSON: It is, but rather than look at the value question the task force looked at such things as the number of people who were on the methadone program. Chapter 8 on page 200 of volume 2 of the report shows the cumulative new admissions to the methadone program from 1973 to 1994. In 1973 there were two people and in 1994 there were 3 192 on the methadone program. What is interesting is to compare the new annual totals. There were two in 1973, 31 in 1974 and 142 in 1975. The number peaked at 266 in 1977 and dropped to 59 in 1980. It peaked again in 1985 at 230 and then dropped in 1986 to 150 and in 1987 to 134. In 1988 it rose to 247 people. I suggest that members refer to the graph on page 200. They may not be able to see it in the volume I hold in my hand, but the graph at figure 8.1 shows the cumulative new admissions to the methadone program for 1973 to 1994 are relatively constant. Certainly there are blips along the way but the increase in cumulative admissions is shown as an incline of about 30 degrees on that diagram. It is an increase from two to 3 192 over a period of 20 years.

Let us then ask the question about the effectiveness and not make any value judgment but draw on some extrapolation from the numbers. The cumulative figures indicate that the number of people who are treated successfully by the methadone program is minuscule compared with the number of people who remain on it. I suggest that members do not need to make a value judgment because it is a value question. This task force did not make a value judgment; it produced the statistical data from which one can extrapolate quite valid conclusions. In answer to Hon Kim Chance's question, the task force did a pretty good job of addressing paragraph (c) of the motion.

Hon Kim Chance: It did not even address it.

Hon DERRICK TOMLINSON: I am sure it did. I suggest the member read the report.

Paragraph (e) of the motion refers to the adequacy of the provisions of the Misuse of Drugs Act 1989. It is a very important question and one that should be addressed, and it is being addressed by a select committee in another place.

Mr President, am I allowed to refer to it?

The PRESIDENT: No.

Hon DERRICK TOMLINSON: Why duplicate the work of a select committee in another place by referring the same issue to a standing committee in this place? This is not a House of duplicated effort; it is a House of Review, and so is the other place. This House should review work of the other place rather than duplicate its work. We could then look at the way that the public, particularly young people, can be fully informed of the dangers associated with heroin use, including education programs to discourage young people from heroin use. When this was raised by a previous speaker I made the point that the Western Australian Strategy Against Drug Abuse program was a multi-dimensional, multi-disciplined approach to this problem, and there must be a multi-dimensional, multi-disciplined approach to this problem. A single dimensional program will achieve little in tackling heroin abuse. Education by itself will not defeat the problem; law enforcement by itself will not defeat the problem; medical treatment by itself will not defeat the problem; the education of young people by itself will not defeat the problem; and the education of older people, for example parents, by itself will not defeat the problem.

We must have a multi-dimensional, multi-disciplined program and the WA Strategy Against Drug Abuse is tackling the policy frame work, the education to prevent drug abuse, the agencies involved, the Education Department of Western Australia, the Association of Independent Schools of Western Australia, and the Pharmacy Guild of Australia.

I move now to health services and to the Department of Health where the strategy has outlined a six point program, which includes community support services, law enforcement, community action, specific issue initiatives - heroin overdose strategy, steroid strategy, solvent abuse strategy, alcohol abuse reduction program, tobacco strategy, pharmaceutical strategy, Aboriginal strategy - inner city issues and information and research. The 1995 report of the Task Force on Drug Abuse gave this Parliament a direction to follow. The Government has responded with the WA Strategy Against Drug Abuse.

I will not stand in this place and pretend that we have solved the problem; neither will I pretend that that strategy alone will solve the problem; and neither will I pretend that we will solve the problem in a single generation, because the experience elsewhere would tell us that we are at a stage now that they were at least a decade or two decades ago. They have tried all those independent strategies and have seen nothing more than either an escalation of substance abuse or the intermittent shift from one substance to another - from alcohol to heroin and from heroin to amphetamines. It is interesting that people who are addicted to one of those substances are probably users and abusers of other substances.

Heroin abuse is as serious a societal problem as any problem this community has ever faced, or will ever face. It is a problem which will not be resolved simply. It will consume a great deal of public and private resources and require a great deal of goodwill on the part of all participants.

Hon Tom Stephens: Would you say the concentration on policing and enforcement issues is an adequate response?

Hon DERRICK TOMLINSON: Of course it is not, and that is the reason I made the point that the law enforcement issue is only one small part of it.

Hon Ljiljanna Ravlich: It takes up 50 per cent of the budget and that is too high.

Hon DERRICK TOMLINSON: It may take up 50 per cent of the budget. However, the programs to which the other 50 per cent of the budget is allocated are equally important. One does not measure the importance of programs simply by the money that is spent on them. One measures the value of the programs on the effect they have in the community. If it is 50 per cent of the budget it may mean we are not putting enough resources into the other programs. I accept that; it is a legitimate judgment and one which has to be made. We cannot rely on law enforcement alone and that is recognised in the drug strategy and it was recognised in the Task Force on Drug Abuse report.

Hon Tom Stephens: Now it needs to be recommended by your Government.

Hon DERRICK TOMLINSON: I will not respond to that inanity. Members can score cheap political points from this issue in this House, but it is the most serious issue this community is facing and I will not be part of any cheap political point scoring over an issue as serious as this. We should not duplicate in this House, with inadequate resources - financial and human - the work that was done so well in 1995 by the Task Force on Drug Abuse.

As much as I sympathise with the issue involved I do not believe the House should support this motion.

Debate adjourned, on motion by Hon Bob Thomas.

MOTION - GOVERNMENT INSTRUMENTALITIES

Privatisation

HON LJILJANNA RAVLICH (East Metropolitan) [4.28 pm]: I move -

That the House direct the Standing Committee on Public Administration to inquire into the processes and outcomes of privatisation and the outcome of contracting out public services in the following terms -

(1) The extent to which state government enterprises have been privatised since February 1993.

(2) The economic and social impact of transferring state owned enterprises to the private sector.

(3) The cost and quality outcomes of privatisation in terms of the level of savings or additional costs that have resulted from the provision of services by private contractors instead of by government.

(4) The extent to which state government contracts or tenders have since February 1993 been awarded to -

(a) Western Australian companies or businesses;

(b) other Australian companies or businesses;

(c) foreign owned or controlled companies or businesses; and

(d) regionally based businesses.

(5) The extent to which risk is transferred from the public sector to the private sector and to which government companies or businesses are given government guarantees before agreeing to invest in large scale public sector projects.

(6) The extent to which policies have been introduced to guarantee the Western Australian public against financial default by private contractors.

(7) The extent to which "contracting out" of state public services has resulted in greater competition.

(8) The extent to which initiatives have been introduced to prohibit the practice of private companies acting as cartels, rather than competitors and thereby combining resources to tackle large scale projects.

(9) The extent to which current tendering practices ensure that -

(a) the process is open and fair;

(b) proper procedures are being followed; and

(c) mechanisms are in place to check the qualifications, credentials and financial backgrounds of those seeking contracts.

(10) The extent to which appropriate checking mechanisms are in place to allow regular monitoring of the performance of contractors and that the Government has in place a set of procedures to deal with breaches of contracts.

(11) A set of criteria or conditions which would allow the Parliament to make judgment on what constitutes "confidentiality" when referring to government contracts.

(12) The extent to which the competitive nature of contracting out has led to employees of contractors being paid below usual rates of pay and conditions.

(13) The extent to which government departments and agencies are prejudiced in the contracting arrangements when private contractors are able to legally pay their employees lower wages and conditions.

(14) The extent to which the Government should specify certain minimum requirements of contracting, including the requirement to -

(a) pay to employees a wage not less than that of an employee of the Government doing comparable work might be paid;

(b) subject the work under contract to the same level of public and parliamentary scrutiny as applies in the public sector; and

(c) the same level or nature of good corporate citizenship as that expected of government departments or agencies.

(15) Any other matters relating to privatisation and contracting out of government services as the Committee deems necessary.

Unlike Hon Derrick Tomlinson I will try to refrain from hitting the desk because I do not want to cause damage to it or injure myself.

Since being elected to the Western Australian Parliament I have followed with great interest the development in privatisation and contracting out. This development impacts on government agencies and can be considered from a public sector management point of view. It impacts also on ordinary individuals and the economy. I am very concerned about a range of issues in relation to privatisation and contracting out. At the heart of my concern is the issue of commercial confidentiality that was raised in this House yesterday when members considered the issue of contracting out the remaining section of MetroBus. Nevertheless, privatisation and contracting out are a feature of this Government. If it is to be remembered for anything, it will not be remembered for the things it has done in education, for great achievements in health or for enormous advances in areas such as drug education and addressing the problem of drugs. It definitely will not be remembered for what it has delivered to Western Australian workers because, quite frankly, it has not delivered anything.

Hon Kim Chance: I think it will be remembered!

Hon LJILJANNA RAVLICH: It might be remembered, but for all the wrong reasons, and definitely not for delivering anything positive. It will be remembered for the rate of privatisation and contracting out, particularly the latter.

Hon Derrick Tomlinson: It will be applauded by history.

Hon LJILJANNA RAVLICH: One can understand why the Liberal Party may have its name. Bearing in mind the huge amounts of money it has spent on contracting out, it can be said it has been so liberal with the public purse that it stumbled on its name along the way!

Hon E.J. Charlton: Where were you a few years ago?

The PRESIDENT: Order! Hon Ljiljanna Ravlich is doing a good job by herself.

Hon LJILJANNA RAVLICH: The priorities of the Labor Party are to create quality health care, education and transport systems for the families in Western Australia. The Labor Party believes there is no justification for the privatisation and contracting out of key government services. It believes the Government has an obligation to deliver quality services, and not to hand over core public assets for the sake of raising revenue and fostering private enterprise.

Hon Tom Stephens: You should listen to this, Mr Charlton.

Hon LJILJANNA RAVLICH: Yes, the Minister for Transport should listen because I will talk about matters that may be of direct interest to him. The contracting out agenda has had an enormous impact on the public sector alone. It has resulted in a reduction in spending on essential services. I hazard a guess - it is hard to get accurate figures because some employees are part time - that it has resulted in between 12 000 and 15 000 workers losing their jobs in Western Australia. That is a substantial issue and, although some of those people may have obtained employment subsequently elsewhere, the bottom line is that I suspect a significant proportion have ended up in the unemployment queues.

Hon Peter Foss: You suspect?

Hon LJILJANNA RAVLICH: I also suspect, Hon Peter Foss, that, given the definition of employment, which can mean only one hour's work a week, many people are not bothering to register as unemployed. I assume the problem is much bigger than the Government accepts.

Hon Peter Foss interjected.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: I suggest that Hon Peter Foss should listen very carefully to what I say.

Hon Peter Foss: Not to total speculation and suspicion. I like facts.

The PRESIDENT: Order! Let us listen to Hon Ljiljanna Ravlich.

Hon LJILJANNA RAVLICH: I am here to represent the viewpoint of the Western Australian public, and in particular to represent people in the East Metropolitan Region.

Hon E.J. Charlton: You mean the union.

Hon LJILJANNA RAVLICH: I have an entitlement to speak in this House.

Hon Peter Foss: I do not have to listen to you.

The PRESIDENT: Order! Hon Ljiljanna Ravlich is addressing the Chair; she is quite right in saying she has the right and privilege to address the Chair. I ask other members to respect that.

Hon LJILJANNA RAVLICH: I believe the unemployment situation is graver than it may present in official statistical data because, given that a person who works only one hour a week is defined as employed, I suspect many people are not bothering to register as unemployed. In fact, I suggest that on that basis the figures may pick up people who are working only two or three hours a week and are finding it very difficult to survive. However, they are defined as employed. I do not think the statistics represent the true picture.

Hon Tom Stephens: You can add people forced into the school system.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: I am very concerned about the reduction in both the quality and quantity of services for the public. I will give a personal example. On a number of occasions I have tried to contact people in government departments. I have listened to more radio broadcasts while waiting for service than I have in my own home. It is very difficult to get good service. I do not criticise Western Australian public servants for this. I am very critical of the level of reduction forced upon government departments and agencies by this Government. The flow on effect is that it is much more difficult for members of the Western Australian public to get the level of service required.

I mentioned earlier the number of people who have lost their jobs in the Public Service. One of the big promises from this Government related to small business. The Federal Government ran a very strong campaign saying that contracting out and privatisation would be very beneficial for small business because they would create jobs and competition. The Government did not take into account the fact that if spending power is taken from people on the one hand, the bottom line is that they do not demand goods and services and the call on the business sector is reduced. One does not need to be a mathematical genius to work out that situation. There are many unemployed people and there is not much confidence in the business sector, with the result that most small businesses are struggling. An indication of that is the current situation in other sectors of the economy. For example, the housing sector has been depressed for a long time.

Hon Derrick Tomlinson: How long?

Hon LJILJANNA RAVLICH: I would say about six years, perhaps longer. It has been a very depressed sector, and it is usually a fairly good barometer of economic confidence and activity. Quite clearly, there is not much confidence because people are not buying. They do not have the confidence to buy goods and services because many do not know for how long they will have jobs. It is as simple as that.

There are many problems with contracting out. In preparation for this speech, I carried out some research. One of the interesting things I came across was the commonwealth Ombudsman's press release of 25 September 1997 in relation to contracting out. She concluded that she had grave concerns about the contracting out process. The press release read -

> Commonwealth Ombudsman Philippa Smith has requested stronger powers, and greater clarity when it comes to ensuring accountability and responsibility for contracting out services.
>
> "The rules associated with contracting out are muddy, contradictory or not yet written," she said.

I suspect this is very much the case in this State and that it went down this contracting out path before it had the framework right. It is not clear who has responsibility for contracting out. Is it individual agencies? Is it the Contract and Management Services Department, or is it CAMS and the individual agencies? It is very difficult to work out who is responsible for it. I suspect that is because the Government was so hell-bent on implementing contracting out and so driven by its ideology that it moved so quickly down the path it forgot about putting in place an appropriate infrastructure and system to ensure proper processes were followed.

In her annual report the commonwealth Ombudsman highlights a range of problems created by contracting out. They include the muddy and often contradictory rules associated with contracting out and problems with citizens seeking

redress for poor service or other damage created by contracted service providers. At the end of the day if people are not happy with services provided by contractors, to whom do they go? Do they go to the Government? If so, to whom within government do they go? I would be very interested to know the answer to that question.

The commonwealth Ombudsman also found that buck passing of responsibility for problems occurred between government agencies, contractors and in some cases insurers. That will not surprise members. She also found confusion between the agencies' duty of care to their clients and their commercial priorities, and finally, arguments about commercial incompetence and considerations being unnecessarily and indiscriminately pitted against an individual's right to know. That was the issue to which I alluded earlier. They are very interesting issues.

I suspect that the findings of the commonwealth Ombudsman can be applied to the situation in this State. I also suspect that everything she has identified gravely concerns this State.

Hon Tom Stephens: It is probably even worse in Western Australia.

Hon LJILJANNA RAVLICH: I suspect so because we seem to be able to get even less information.

Hon B.M. Scott: Does it detail any complaints about duty and care?

Hon LJILJANNA RAVLICH: Hon Barbara Scott will find the detail in the commonwealth Ombudsman's 1996-97 annual report. One of the real concerns about the contracts let in Western Australia is the number of contracts. It is very difficult to get a handle on exactly how many contracts exist. It is also almost impossible to get a handle on the contract details and their value.

The Commission on Government provided at least a starting point when it said in its report No 3 of April 1996 -

> Under the Government's Competitive Tendering and Contracting (CTC) policy (Circular to Ministers Nos 46/93 and 46/94) the range of services subject to contracting out is increasing. A January 1995 survey to identify the extent to which the CTC program had been taken up by the Western Australian public sector found that 'the Government had contracted out more than $360 million worth of contracts per year to the private sector' (Treasury, 1995:81).

In 1995, $360m-worth of contracts were let to the private sector. I suspect that the figure this year is considerably higher. If we can be provided with the figures for 1995, I do not understand why we cannot get the current figures. In a question without notice of which some notice was given I asked the Minister for the number and details of contracts valued at more than $10m into which the Government had entered with the private sector. The Minister said that unfortunately the Government did not have a central depository for that information. That indicates that no-one seems to know who is controlling the ship and that it is sailing around without anyone having a hand on the rudder.

I understand that some very major contracts have been let on which it has been impossible to get information. One of those contracts is the Matrix contract, for the government fleet vehicles. The figure quoted to me was $50m over 10 years. It seems like a hell of a lot of money. I would like to be told I am wrong about some of these issues. I would also like to see copies of the contracts as they might put my mind, and the minds of Western Australian taxpayers, at ease.

I understand that the Joondalup Hospital redevelopment contract could amount to anywhere between $50m and $100m, once again over 20 years. The second lot of MetroBus' buses has gone out to contract. It will be interesting to hear what is the final figure for that contract because, as we know, it involves some variations. I will refer to that contract later.

Hon Tom Stephens: Is there not a real risk that Joondalup Hospital might also be a cost plus contract?

Hon LJILJANNA RAVLICH: I understand that might be the case. My real concern is that we are unable to say that we know this information for a fact. I call on the relevant Ministers to provide the information so that we know what will be the bill to Western Australian taxpayers. If at the end of the day taxpayers will be much better off and savings will be made as a result of the contractual arrangements with the private sector, that is good. The Opposition wants an indication of just how well off taxpayers will be. At the end of the day many people have felt a lot of pain and the Opposition wants to know whether it was worth putting Western Australians through that pain for those benefits.

Hon Bob Thomas: They are taking money out of the other public hospitals in Perth to pay for the service in Joondalup, but they are getting less service there than they were getting when they spent the money in other public hospitals.

Hon Tom Stephens: There is still no hospital in Armadale.

Hon LJILJANNA RAVLICH: Yes; there is still no hospital in Armadale.

Hon Derrick Tomlinson: Twinkle, twinkle little star, what a little fool you are.

Hon Tom Stephens: And no wards are open in Fremantle.

Hon LJILJANNA RAVLICH: Not only the value of these contracts, but also - it cannot be said often enough - the length of the contracts is a major concern. Most Western Australians are asking the same questions about the length and nature of the contracts. A number of people have asked me what the big deal is and why the Government cannot disclose the information about these contracts. If everything is aboveboard, what is the problem?

Hon Tom Stephens: Therein lies the answer.

Hon LJILJANNA RAVLICH: Absolutely.

Hon N.F. Moore: You should know the question, Mr Stephens.

Hon Tom Stephens: We know the question, Mr Moore.

Hon LJILJANNA RAVLICH: We will get to Hon Norman Moore a little later.

Hon N.F. Moore: Tell us about the very tall building in Bunbury that we are committed to for many years.

Hon Tom Stephens interjected.

The PRESIDENT: Order! The Leader of the Opposition and the Leader of the Government.

Hon LJILJANNA RAVLICH: Hon Norman Moore seems preoccupied with a big building in Bunbury. I suggest he have a look at it.

I turn to the supposed benefits of privatisation and the reasons the Government would have us believe that this is a great policy initiative and the way to go. The key benefits that are put forward in support of privatisation are improved efficiency, cost savings and increased competition. The problem with saying that improved efficiency is a benefit is that it is difficult to ascertain whether any improved efficiency has occurred.

Hon B.M. Scott interjected.

Hon LJILJANNA RAVLICH: If we had the information, we may be able to ascertain whether improved efficiencies have occurred. However, in the contractual arrangements of this Government it may be difficult to compare like with like. That is an issue the Government should address.

Hon Tom Stephens: Look at the mess it made of State Print, just for starters.

Hon LJILJANNA RAVLICH: There have been great variations in the cost savings of contracts. It was said yesterday that Hon Eric Charlton reportedly advised the media after the first MetroBus contracts were let that we should feel positive about the fact that the State would be $40m better off, because that saving would be delivered from the bus contracts. From $40m the figure went down to $6.4m. All I can say is that I am glad he is not handling my personal finances. Unfortunately he is handling finances on behalf of the Western Australian public.

Hon Tom Stephens: Mishandling.

Hon LJILJANNA RAVLICH: Therefore, we should be concerned, because one should not get that sort of estimate so wrong. If he was out by a couple of million dollars, we would say, "Okay, he is out by a couple of million." However, for the figure to go from $40m to $6.4m he must not have done maths at school. That is bad mathematics from Hon Eric Charlton.

Hon E.J. Charlton: I might arrange for you to go to night school to learn how to read a report.

The PRESIDENT: Order! As I said yesterday, Hon Eric Charlton sits in this House as the Minister for Transport. Everything he said yesterday was said in his capacity as Minister for Transport. I do not want to be pedantic, but he does not sit in this House as Mr Charlton or even as Hon Eric Charlton as a member; he is the Minister for Transport. If members make accusations, they must bear in mind that it was the Minister for Transport who made the comments yesterday to which Hon Ljiljanna Ravlich referred. I ask other members to remember that. For instance, the Leader of the Opposition is referred to as the Leader of the Opposition because that is his position in this House.

Hon LJILJANNA RAVLICH: Thank you, Mr President. When calculating the savings, the Minister for Transport got them horribly wrong. That was on the first set of figures. I wonder whether he will be capable of doing the sums any better this time around. There seemed to be a huge variation between the projected savings and the actual savings. There was such a variation that one must wonder about his judgments.

I turn now to increased competition. One of the real driving forces for privatisation and contracting out - contracting out in particular - was that they would result in greater competition; that the Government would let out more work and people in the private sector would be interested in competing for that work and, as a consequence, this would be beneficial for small business. A problem has emerged; namely, that small business has not necessarily been a beneficiary of the contracting out push. I will get to that point later. No work seems to have been done to ensure that competition is promoted or that practices that lead to reduced competition are eliminated from the marketplace. I would be interested to know what work has been done by the Government in that area, because I suspect it is very little. I suspect also there may be some colluding on contracts between businesses in the marketplace. I am not sure the Government has in place stringent mechanisms to make the sorts of checks that are required to ensure there is fair and increased competition in the marketplace.

The next point I will make is about the benefits. This Government is ideologically hell-bent on privatisation and contracting out. Since it came to office we have been told that enormous benefits will result from this. Considerable debate has occurred about how efficiency and cost savings are measured. It appears there has been a preoccupation with that measurement done purely on a quantitative basis. If at the end of the day the figures stack up or the dollar signs look as though things will be okay, the Government seems to say, "Let us go down this line." There seems to be no measure of the qualitative factors of privatisation and contracting out. From memory, the report that was undertaken by Phil Deshon on the contracting out of cleaning services in Western Australian schools concluded that the service was being delivered at a cost lower than the cost when it was done by school cleaners. However, he concluded also that the quality of the service received by most schools reduced. The bottom line is that one gets what one pays for. If we look purely and simply at the bottom line dollar figure, which is what this Government is preoccupied with, we do not obtain much indication of what the benefits are because it is looking at only one part of the equation. That is not appropriate.

We need to know how the Government calculates the benefits and what qualitative variables, if any, are included in those calculations. The Opposition has been keen to get its hands on contracts because, apart from anything else, they would provide an indication of the variables that might be included. They would be worth looking at closely from a qualitative point of view, which would assist in making a determination on the benefits of privatisation.

Debate adjourned, pursuant to Standing Orders.

[Questions without notice taken.]

JURIES AMENDMENT BILL

Second Reading

Resumed from 17 September.

HON N.D. GRIFFITHS (East Metropolitan) [5.33 pm]: The Australian Labor Party supports this Bill, which seeks to amend the Juries Act 1957. I wish to affirm my strong support for the jury system, which comes under attack from time to time because some people have difficulty with the occasional decision that is made by juries. Juries comprise human beings who sometimes get it wrong; so be it - that is the nature of life.

This Bill seeks to make jury service more friendly for jurors and more friendly for the court system as a whole. Juries do not appear from nowhere. The electoral commissioner prepares jury lists, which are put by the sheriff's office into a jurors book. When a jury pool is required, the summonsing officer, who in the metropolitan area is the sheriff and in other parts of the State is the relevant senior registrar, selects at random from the jurors book for the jury district in which the trial is to be held the number of persons necessary, in the summonsing officer's view, to provide sufficient selection for the jury pool. The Act provides for the selection of jurors to be done manually by ballot, or by computer.

This Bill seeks to extend the capacity to use modern technology. As the second reading speech correctly points out, the Act requires the summonsing officer to furnish to the jury pool supervisor a list of the names of the persons summonsed and the ballot cards for each person summonsed. This Bill allows the list of the names of the persons summonsed to remain in electronic form and for the ballot cards to be produced by computer following an electronic ballot.

The Act requires that the roll be called. This Bill allows for that to occur by means of an electronic process. The Act requires the jury pool supervisor to select by ballot from the box the jurors required and to provide to the court a list of the jurors selected and ballot card for each juror selected. This Bill allows the supervisor to select the jurors electronically by use of a computer, and it also permits a computer to be used to produce a list, for production to the court, of the names of the jurors selected and the ballot card for each juror selected.

Therefore, it enables the jury system to utilise up to date technology, which will make its operation more efficient.

It will mean less waste of time for the court system as a whole and, most importantly, it will mean that inconvenience to those good people who fulfill their duty as jurors is minimised.

HON HELEN HODGSON (North Metropolitan) [5.38 pm]: The Australian Democrats support this Bill. We have looked at its provisions and we can see no practical difficulties in having the selection of jurors carried out by computer. It will take an expert to develop the procedures, but we believe that it is appropriate in this day and age.

HON PETER FOSS (East Metropolitan - Attorney General) [5.39 pm]: I thank members for their support of the Bill.

Question put and passed.

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

STANDING COMMITTEE ON LEGISLATION

Energy Coordination Amendment Bill

Hon B.K. Donaldson presented the Forty-first Report of the Standing Committee on Legislation in relation to the Energy Coordination Amendment Bill 1997, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 878.]

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Second Reading

Resumed from 14 October.

HON MARK NEVILL (Mining and Pastoral) [5.40 pm]: The Opposition supports the Bill. The Small Business Development Corporation was established in 1983. It is one of the more enduring initiatives of the Burke Labor Government and provides a service to small business that is widely used and widely appreciated. It has given a lot of help to people and has probably saved people from losing money by going into small business without adequate advice. The corporation's annual report indicates that the service is in demand.

In recent years the Small Business Development Corporation has taken over the business enterprise centres which were set up during the 1983-1986 period when my colleague, Hon Julian Grill, was Minister for Regional Development. The first of the business enterprise centres was established in Esperance, and since then they have spread throughout the State and have resulted in the generation of thousands of jobs in country areas. As I recall, the facilitator of the first scheme in Esperance was Brian Willoughby, and that scheme was tremendously successful. We saw the first development of the sashimi fishing industry, and I think there was the tanning of fish skin and the smoking of sashimi. The industries generated something like $40m a year. However, they finished, not because the businesses were not successful but because of other fishing in the tuna industry, the issuing of too many licences and the collapse of the fishery.

The business enterprise centres have been very successful. I understand that in recent years the chairman of the business enterprise centres chairman's advisory group attended board meetings of the Small Business Development Corporation. The chairman of the Esperance group, Barry Sterne, an Esperance businessman who contributed much to the success of the centre, sat on the Small Business Development Corporation board, but I understand there has been a falling out and he is no longer contributing, which is a shame. I am not aware of the background to the situation.

This Bill seeks a number of changes. It will increase the board membership by two. There appears to be a misconception that there will be two more country members, but that is not the case. The current Act provides for four members, one of whom shall be a person representing small business in the country. The provision will not result in an increase of two members representing country areas. One extra member is required to be appointed from country areas, and we support that provision. As I said, Barry Sterne from Esperance no longer sits on the board. I do not know whether he had a vote at meetings; I think he was there by invitation. However, we are about to ensure that country representation on the board will be more than one person.

The Bill also provides powers of delegation. This appears to be a standard clause in a number of Bills these days. Clause 6 provides for the Minister to give directions. I compliment the Government on the provision whereby when the Minister directs a corporation to do something that the corporation board does not do, the process should be transparent and the Minister should make the reasons known. The provision will require the Minister to put the text of the direction in the annual report. This is the same situation that arose in the Western Australian Coastal Shipping

Commission Bill in the previous session, where it was pointed out that 12 or 18 months could elapse between a directive being issued and appearing publicly in an annual report.

The Labor Party will move to delete proposed section 11B and substitute part 6 of the draft state agencies Bill 1994. The way the Government Agencies Committee has put together the Bill is commendable. Section 30 of the draft state agencies Bill is far more effective than the current wording in the Bill before the House. Therefore, we will seek that substitution. Ministerial directions are fairly rare in government, as far as I know, in the areas I follow carefully. There was none under the Gas Corporation Act, and only one under the Electricity Corporation Act where the Minister for Energy directed the State Electricity Commission to build a 300 megawatt power station at Collie, which was entirely appropriate. That appeared some time later in the annual report. These are fairly rare events, and I do not think any Government should be too concerned about tabling them in Parliament. They are not subject to disallowance but are tabled for the information of Parliament. Governments should be allowed to govern and Ministers should be allowed to make decisions without being unnecessarily fettered.

Clause 6 also seeks to give the Minister access to information. I have a problem with that provision but we do not propose to move any amendments. There is no restraint under proposed section 11C. Ministers are entitled to seek any information from the corporation, and the corporation must comply with the request. Under this clause there are no caveats or restraints on the Minister's activities. A year or two ago, the Minister for Labour Relations had access to a list of building workers when debating legislation relating to the building industry. He wrote a letter to building workers, and many people considered it to be a very partisan, political letter.

That was the subject of some discussion. Ministers should not have access to mailing lists and such information. Certainly they should not be able to use information gained in that way for political purposes or for private financial gain. This provision does not give the Minister power to get information only for the purposes of performing functions under the Act. Clause 8 relates to confidentiality, but the restriction does not apply to matters other than for the purposes of the Act. There is no constraint on the Minister.

Such areas should not be amended in the Bill. The question of access to information should be dealt with under a privacy Bill covering the whole of government. We have seen how the Commissioner of Police wants to DNA test everyone; soon which of us has AIDS will want to be known. Under this type of clause, the Minister has absolute access, unless a specific Act precludes him from obtaining that information. Such provision is certainly not in this Bill.

Hon N.F. Moore: Will you have a long list of things to which Ministers are not entitled to have access?

Hon MARK NEVILL: No.

Hon N.F. Moore: Surely when a government agency is fully funded by the Government, the Minister is entitled to access information?

Hon MARK NEVILL: He is - I have no problem with that. However, the Minister should not have access to confidential information about, say, a business. If he has access to information, he is not to use it for improper purposes. I do not want to see every Act of Parliament amended. It could be dealt with globally through privacy legislation by which limits are placed on access to private information. If access is given to private information, constraints should be placed on how it may be used - that is, only for proper purposes. I am not suggesting that I have the answer, but abuses have occurred in the past. Such situations should be covered by some general privacy legislation rather than by writing a provision into every Act.

The Opposition does not intend to amend that provision. The confidentiality clause is another fairly standard provision which was written into a number of Acts. The penalty in the principal Act will be amended from $2 500 to $10 000, and I agree with that amendment.

The Opposition will move an amendment on the ministerial direction provision. I hope we receive the support of the House on that amendment as it will improve the Bill. That change was recommended in the thirty-sixth report of the former Standing Committee on Government Agencies, and this is an opportunity to put that change into effect. The Opposition supports the Bill.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.55 pm]: I thank the three members who have spoken on this Bill. I suspect that had the responsible Minister realised some of the consequences of this legislation, he might well have introduced a Bill which increased the size of the board by two, and left it at that. The board membership increase is all the Bill seeks to do in basic policy terms.

As Hon Mark Nevill said, the Bill will increase board representation from country areas by one member. The parent Act requires that one person on the board be from country areas, and the amendment will require two such members.

Interestingly, while the Bill was being drafted, parliamentary counsel made a decision that whenever Bills come before the House relating to statutory authorities, we should upgrade the legislation in a number of areas; for example, giving the Minister access to information, and the ministerial directions and secrecy provisions. This Bill contains the standard provisions which have been used by crown counsel for a number of years in respect of these matters. Ironically, we have debated tonight, not the substance of the Bill to increase the membership of the board by two but the other matters which have previously passed through the House unamended and without comment. They are now issues raised by members of the Democrats and the ALP.

Hon Norm Kelly indicated that he supported increasing the board's membership by two. However, he then attacked other parts of the Bill regarding the appointment of members. He spoke about political patronage when Ministers are able to appoint a board. If one takes away the right of Governments to appoint people to boards and gives it to some bureaucratic selection process, government may as well be given across to the bureaucracy. The member said he had designed a process of appointment, and I do not know whether he intends to proceed with that matter: The amendments he foreshadowed in debate are not on the Notice Paper, and I do not have a copy of Hon Norm Kelly's or Hon Mark Nevill's amendments. If Hon Norm Kelly proceeds with his foreshadowed changes so that the Ministry and the Executive are not entitled to appoint people to boards, government departments will be used to run everything.

If one has no control as a Government over the appointment of boards of statutory authorities, why have a statutory authority? The membership of that board could be anti the Government's positions on a range of issues; these may not necessarily be political matters, but may relate to the Government's policy and how it wants to run the State. We have a range of statutory authorities. I spent a lot of time on the Standing Committee on Government Agencies looking at what these bodies do and how boards are appointed. It was never suggested to me when contemplating government authorities that Governments should not be entitled to appoint people. I do not know whether Hon Norm Kelly intends to proceed with the amendment.

Hon Norm Kelly: We will not take away the power of the Minister to make appointments; we will make the process more transparent. It is not giving it to the bureaucracy. It is about the Minister still making the appointments, but everybody seeing the grounds on which the appointments are made.

Hon N.F. MOORE: Governments make decisions all the time, and the transparency in respect of most decisions ultimately is determined by whether the Government is re-elected. It is ultimately how to tell whether the Government is acting in the way the community wishes. I do not know what the member's ultimate amendment will be. It has not arrived on the Table of the House yet, and it would be helpful to see what the member proposes before I comment further. The notion that somehow or other a Government cannot appoint or choose persons it wishes to be on statutory authorities is a strange one.

Hon Mark Nevill: I agree.

Hon N.F. MOORE: I am pleased to hear that.

Hon Mark Nevill: But I do not think that is the member's intention.

Hon N.F. MOORE: I do not know the member's intention as I do not have his amendment. I have heard many comments about the way this House operates, and I have been told that members need as much notice as possible to consider matters. We have a rule that when a Bill is introduced, it is not debated for a week so members have a minimum of a week to contemplate the issues contained in the Bill. If members opposite want to amend this Bill, they should give the Minister handling the Bill at least five minutes' notice of what they propose. The notice should preferably be a day, particularly when the Minister is in a representative capacity, so he can contemplate the amendments. I do not yet have the Democrats' and Labor Party's amendments in writing, and this Bill has been on the Notice Paper for four weeks.

Sitting suspended from 6.02 to 7.30 pm

Hon N.F. MOORE: Before the dinner suspension I mentioned that I understood the Labor Party and the Democrats proposed to move amendments to this legislation. As yet I have not seen amendments in writing from either. It would be helpful at least to see what is proposed in advance of the Committee stage. Do we now have a situation where the opposition parties are not telling each other what they are doing so they can get a sneaky advantage over the other?

Hon Mark Nevill: There is no conspiracy.

Hon N.F. MOORE: I am pleased to hear it. I would be mortified if there were that sort of conspiratorial problem between the various opposition parties, with each seeking to get the upper hand on the other with amendments to legislation. That would be an awful state of affairs. I am not suggesting that is the case.

Hon Norm Kelly: It definitely is not the case.

Hon N.F. MOORE: The House has yet to receive a copy of the amendments. That is unacceptable, particularly as the Bill has been around for a long time. However, I will continue to respond to the matters raised.

Hon Norm Kelly talked about political patronage, and I have responded to that. He talked about the board maintaining its independence and ministerial directions being couched in guarded terms to maintain the independence of the board. He suggested that it would be inappropriate for a Minister to give a direction to a board not to do certain things that the board felt it should do. Hon Norm Kelly needs to understand that statutory authorities give boards a degree of independence; however, ultimately, the Government of the day accepts responsibility for what they do, so it is appropriate for Ministers to have power to direct. It is also appropriate, as this Bill seeks to do, to ensure that any direction is made public through the annual report of the organisation. If we leave the Act as it is and do not proceed with this amendment the situation will remain as it is; that is, the Minister can direct the board and there is no requirement for him to tell anybody other than the board. That is the situation in the parent Act. This Bill will make the situation more transparent than it is now. If members opposite start to move amendments to take us down a path that is different from that for any other statutory authority it will not be agreed to by the Government.

Hon Norm Kelly: It is not different from other statutory requirements.

Hon N.F. MOORE: If that were the case we would keep what we have now. As I said at the beginning of this debate, if the Minister for Small Business for one moment had thought we would have a lengthy debate on these extraneous issues he would have introduced a Bill that would only have increased the size of the board, and it would have passed in 37 seconds. Again, the secrecy clause is there for a very good reason and Hon Mark Nevill acknowledges that. It is a standard clause which has been introduced by the Parliamentary Counsel's Office to ensure uniformity in the way statutory corporations operate. Hon Christine Sharp raised similar concerns to that raised by Hon Norm Kelly but she intended to wait until after the second reading debate and Committee stage before she finalised her views on the matter.

Hon Mark Nevill supported the Bill and stated that it did not go far enough in respect of Ministers giving directions. He commended the Government for bringing in this clause but believes it does not go far enough and intends to move an appropriate amendment. The amending clause is a direct take from the state agencies Bill, which was put together by the Standing Committee on Government Agencies a couple of years ago. I have not seen the amendment, so I do not know what it will mean in real terms. My concern with an amendment to this standard clause being moved - it is ironic in a sense in the context of the Government Agencies Committee report - is that the Government Agencies Committee had sought to bring in some sort of uniformity through template legislation to apply to all government agencies in Western Australia. One of the reasons for this inquiry was that was a strong view of mine.

Hon Mark Nevill: Has parliamentary counsel considered part 6 in the state agencies Bill?

Hon N.F. MOORE: I cannot respond to that now. However, if I had been given some advance warning I could have found out why that clause was not accepted at this time. To give parliamentary counsel their due they have accepted that it is time to get some uniformity into legislation and the way statutory authorities are required to respond to Ministers and to Parliament. Whenever a statutory corporation or authority's Act comes before the Parliament for some reason parliamentary counsel include these standard clauses which will ensure, ultimately, that all statutory authorities have the same basic requirements in their legislation. If we were to amend this tonight we would find that the Small Business Development Corporation legislation would be out of kilter with all the good work that has been done by parliamentary counsel over time to try to upgrade other legislation. We would have to start again with another lot of clauses that would become standard clauses, and eventually they would be unacceptable to some people and so we would change them and we would never achieve a standard situation.

Hon Mark Nevill: It will be the dawning of a new era.

Hon N.F. MOORE: I used to think that things should move much quicker than they do. I still feel that way; however, I have come to realise why they take so long. It is a shame that the processes of government and legislation take so long. In a funny way that means we do not get excesses; on the other hand it is frustrating that we cannot make changes as quickly as we think is appropriate.

Hon Mark Nevill: I spoke for only 15 minutes.

I would argue that we are going far enough with respect to the Minister giving directions. The fact that this must be reported in the annual report is a step in the right direction, and we should not try to make this legislation any different from the rest by amending it further. I do not think I need to say any more. I have endeavoured to respond to the matters raised. I come back to the very simple point I made at the outset: This Bill seeks only to increase the number of members on the board of the Small Business Development Corporation, and those two members must

come from the country. While this Bill was being drafted, the opportunity was taken to add to it a number of standard clauses that have been used by parliamentary counsel whenever the opportunity has arisen to update legislation surrounding the way in which our statutory corporations operate. It would be a terrible shame if we were to amend those clauses again. In doing so, this statutory authority would be out of sync with all the others that are being updated on the basis of the new clauses that are being introduced.

I thank members for their support of the Bill. I hope we will see this Bill pass through the Committee without amendment.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 1: Short title -

Hon MARK NEVILL: I will make some wider comments during the debate on the short title. The Minister is correct in saying that in all these Bills we should have clauses relating to delegation, ministerial directives, information being sought by Ministers, and confidentiality. However, I do not see that parliamentary counsel possess all the wisdom in a general sense. They can certainly construct the provisions of a Bill far better than any of us could ever wish to; however, I think this Chamber should be prepared from time to time to assert its view about whether a standard provision which Crown Law may put into the legislation is the best solution for a particular situation. Simply because the same provisions have been used in a number of Bills does not mean that that must continue forever. Inevitably, there will be changes.

It is our view the inclusion of a provision from the state agencies Bill is a better way to proceed. I will move that only because the Australian Democrats put to me another amendment which I did not find acceptable. I came to the view that the provisions in the state agencies Bill were far better than that suggested by Hon Norm Kelly in his discussions with me. I think he has dropped his proposed amendment.

Hon N.F. Moore: I wonder whether somebody could be kind enough to give me a copy of that amendment. I have not got one yet.

Hon Norm Kelly: We are not seeking to delay it.

Hon MARK NEVILL: The amendment to which I refer will be discussed during the debate on clause 6. It is inappropriate for me to go into that clause in detail during the debate on the short title. However, we should be prepared to put forward standard clauses that are, in fact, better than those suggested by parliamentary counsel, if the Chamber is of that opinion. I do not think any of these amendments are of any world-shattering consequence; nevertheless, they are worthy of consideration.

Let us look at some of the standard clauses. Some are fairly general. Sometimes there are strengths in their being general; however, I cannot find any fault with the provisions in the state agencies Bill as presented by the previous Standing Committee on Government Agencies, after many months, if not over a year, of deliberation. If this Chamber is of that view, it should assert its opinion, even if it is contrary to what Crown Law considers to be the appropriate standard clause. I do not accept the thesis that because these provisions have been put in other Bills, we should continue this process. This Chamber has the right, if it wishes, to change that so that in future we have a more satisfactory provision in the Bill.

Hon NORM KELLY: The Minister has expressed his displeasure that he has not received a copy of the proposed amendment at this stage. I asked the Minister whether he would be willing to adjourn this debate to a later stage of this day's sitting so that we can have sufficient time to study the amendments and to consult with officers of the department about the effect of them. It is not the intention of the Australian Democrats to delay proceedings, nor to try to push amendments which we have not thoroughly consulted about and dealt with prior to coming into this Chamber. It would be more effective if the opposition parties in this Chamber could work together in proposing amendments prior to bringing them into the Chamber, because that would save unnecessary debate in the Chamber. That is what Hon Mark Nevill and I have been doing in the past couple of days. Unfortunately, owing to the lack of resources to enable us to provide these amendments earlier, we have to deal with them at this late stage. I now have a copy of the proposed amendments, so we are all looking at them for the first time. That is not the ideal way of dealing with legislation.

I object to the Minister's remark that we are attempting to interfere with the role of the Minister with regard to the Small Business Development Corporation. The Minister is wrong in saying that proposed section 11B, which provides that directions made by the Minister shall be included in the annual report, is consistent with legislation that is being introduced for all similar authorities. In the case of some authorities that have been set up or are in the process of being set up, directions made by the Minister must also be tabled in the Parliament within 14 sitting days.

We are not trying to interfere with the power of the Minister to give directions. We just want this process to be more transparent so that we can see what those directions are. We do not want those directions to be made public only perhaps 15 or 18 months after they have been made.

The proposed amendments in this Bill dealing with gender specific language will lead to inconsistencies in the Act with regard to gender specific language. I do not have a great problem with that, but I do have a problem with the Minister's saying that he is trying to bring this Act into line with all other legislation. The Minister cannot have it both ways.

I would be disappointed if the Minister continued to request that we proceed with the remainder of the Committee stage at this time, because that is not the best way to deal with legislation in this Chamber. However, I am prepared to debate the issues before us, with the proviso that that is not the ideal situation for parties who are trying to improve legislation for the benefit of all.

Hon N.F. MOORE: I have heard many things in this place, but I have now heard it all! This Bill has been in this Chamber for at least four weeks. It was No 1 on the Notice Paper yesterday, but we changed that to satisfy the requirements of other persons in this Chamber. We agreed to partly debate this Bill last night, on the basis that Hon Mark Nevill had to attend to other parliamentary business and could not participate in the debate. We have now reached the stage where, quite properly, we are seeking to progress the legislation.

For the life of me I cannot understand why, if these matters are of such great significance, they could not have been worked through in the time that has elapsed since the Bill first arrived in this place, or in the other place, which was quite some time ago, and why I could not have been given more than one minute's notice of the final amendments of the Labor Party and the Democrats.

Last night I was given a version of the amendments, which I sent to parliamentary counsel for consideration. That contained a series of amendments dealing with gender bias in respect of the term "chairman", which I find most extraordinary when the Interpretation Act covers that matter, and some highly convoluted process for the making of appointments. Two minutes ago, we were given a Supplementary Notice Paper which outlines the latest set of amendments. Hon Norm Kelly is now criticising me because I expect him to make some decisions about the legislation.

Hon Norm Kelly: Would you have preferred me not to have given you an indication of those amendments last night?

Hon N.F. MOORE: I would have preferred the member to put them on the Supplementary Notice Paper. Any person who wants to move an amendment to legislation usually gives the Chamber the courtesy of putting that amendment on the Supplementary Notice Paper as soon as possible so that members who are taking an interest in the Bill can know about potential amendments. It is grossly discourteous, in my view, for the member to deliver these amendments to me tonight and say that we should debate this legislation at some other time. I am busy enough, and I know the member is too, but at some time today the member could have said to me, "We cannot get these amendments to you today. Would you be prepared to debate them at some other time?" I was halfway through my speech when the member said that we should put the debate off. Goodness gracious!

The issues that are at stake here have nothing to do with and are beyond the scope of this Bill. This Bill is about increasing by two the number of persons on the board of the Small Business Development Corporation.

Hon Mark Nevill: The Bill is about what is in the Bill.

Hon N.F. MOORE: Yes, and I can assure the member that when this Bill goes back to the other place, if the Minister does not like these amendments, the other place will not agree to them, and this place will either accept or reject the increase of two and that will be the end of it.

Hon Norm Kelly: The Minister in the other place is not in such a rush to get it through by eight o'clock tonight.

Hon N.F. MOORE: This Bill has been sitting on the Notice Paper for a long time. If Hon Norm Kelly wants to keep delaying this Bill by coming up with all sorts of crazy amendments that suit his purpose, then we will sit here for week after week until he makes up his mind about what he wants to do. Hon Norm Kelly wants to have one thing on the one hand and another thing on the other hand - a typical Democrat attitude.

Point of Order

Hon MARK NEVILL: It is a breach of standing orders to harangue the Chamber as the Minister is doing. The Minister had the Kingstream Bill and the Land Administration Bill hang around this House for four months when everyone except himself was trying to get those Bills through.

The CHAIRMAN: There is no point of order. Will the Minister direct his comments through the Chair.

Debate Resumed

Hon N.F. MOORE: If the Chamber directs that we do not proceed with this Bill tonight, that is fine, but I have sought advice, I now have the amendments, and I believe it is appropriate that we proceed with the amendments. If the Chamber insists upon the amendments, that is what will happen.

Hon Mark Nevill: If you looked at the opposition benches and if you had any sense you would proceed with the Bill.

Hon N.F. MOORE: If the member had not interjected, I would have sat down at least two minutes ago. It is unnecessary for us to delay this Bill any longer.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 5 amended -

Hon NORM KELLY: I move -

Page 3, line 6 - To insert before the figure "6" the following -

subject to section 5A

It is very difficult for members to consider the amendment because it relates to a new clause which details the procedures for advertising of positions on the board.

Hon DERRICK TOMLINSON: If this amendment relates to an amendment which will be dealt with at a later stage, it cannot be dealt with until the later amendment has been dealt with. The proper procedure would be to defer consideration of this amendment until the subsequent amendment is dealt with, so that an order of sequence is established.

The CHAIRMAN: The committee may defer consideration of clause 5 until after consideration of proposed new clause 6, which would put things in the correct sequence.

Further consideration of the clause postponed, on motion by Hon Derrick Tomlinson.

Clause 6: Sections 11A, 11B and 11C inserted -

Hon MARK NEVILL: I move -

Page 4, lines 20 to 28 - To delete proposed section 11B and substitute the following -

11B. (1) The Minister may issue a directive to an agency and the agency is to give effect to the directive. A directive is to be in writing signed by the Minister.

(2) A directive must relate to agency policy or the discharge of its functions and is incapable of —

(a) authorizing anything unlawful;

(b) suspending the application to the agency of any written law;

(c) enabling the agency to do that which it may resolve to do of its own motion without the directive;

(d) conferring additional functions on, or rescinding existing functions possessed by the agency.

(3) The agency shall consider the directive within 14 days of its receipt and if it forms the opinion that the directive is outside power or otherwise unlawful, it shall notify the Minister of that opinion and the reasons supporting it and, unless the agency is required by the Minister's written notice that the directive is to be given effect, the directive lapses.

(4) Adherence to the Minister's notice given under subsection (3) does not cure any illegality or defect inherent in the directive or acts done by the agency in giving effect to the directive, but no action lies against the agency for anything done in conforming with the directive.

(5) A directive, an agency's notification to the Minister under subsection (3), and the Minister's notice insisting on adherence to the directive, shall be laid before each House of Parliament within 7 days of the making of each instrument.

(6) The instruments described in subsection (5) are to be published in the annual report of the agency.

Clause 6 should be defeated because in its current form it allows the Minister to give directions, in writing, to the corporation concerning its performance and functions. It also provides that the text of the direction must be included in the corporation's annual report. However, as we all know, an annual report can be tabled in this Chamber up to 18 months after a ministerial direction is made. By defeating this clause, we would be in a position to substitute a more comprehensive clause which would allow the Minister to issue a directive in writing. However, the amendment states that the directive must relate to corporation policy or the discharge of its functions. As it stands, clause 6 states that it must relate only to the performance of its functions. The proposed amendment is probably consistent with that provision, but it further specifies clearly what the directive cannot do. It cannot authorise anything unlawful; it cannot suspend the application to the corporation of any written law; it cannot confer additional functions on or rescind existing functions possessed by the corporation. If we want to do all those things, that should be done by an amending Bill.

Proposed subsection (2) of my amendment outlines the limitations of ministerial directives. Perhaps the most important part of my amendment is subsection (3), which requires the corporation to consider the directive within 14 days of its receipt, and if it decides the directive is outside power or otherwise unlawful it shall notify the Minister of that opinion and the reasons supporting it; and unless the corporation is required by the Minister's written notice that the directive is to be given effect, the directive lapses. Perhaps that provision is not so important in a Bill such as this, but it certainly could be an important element in some of the major corporations of government, particularly bodies which have powers to invest money. Nonetheless the proposed section has merit. The remainder of it is self-explanatory.

Members will have read the thirty-sixth report of the Government Agencies Committee. It has been referred to on many occasions during debate in this place. The provisions in part 6 of the Bill attached to the report is written in clear language. I urge members to oppose the clause as it stands.

Hon NORM KELLY: I fully support Hon Mark Nevill's amendment, the intention of which, as Hon Mark Nevill said, is to provide a structure by which the Minister will be able to give a direction to the corporation, but not in a way that is not supportive of small business in this State. I outlined to the Minister last night my original proposals, but these were not tabled and they were given to the Minister outside the Chamber.

Hon Derrick Tomlinson: What happens outside the Chamber has nothing to do with this place.

Hon NORM KELLY: I would be happy not to move my proposed amendment for this part of the clause in support of Hon Mark Nevill's amendment.

Hon N.F. MOORE: The clause should stand as printed. It is a clause which, contrary to the comments of Hon Norm Kelly, has been inserted in legislation since 1990. Some minor variations have been used depending on the circumstances involved, but generally speaking parliamentary counsel has been using these words on matters to do with ministerial direction since 1990 and the release of the Burt Commission on Accountability report.

Hon Mark Nevill's proposal is to insert into this legislation words contained in the Government Agencies Committee's thirty-sixth report; namely, the proposed state agencies Bill. I had a lot to do with drafting that Bill, Mr Chairman, as you well know. In a very pure world, one would ensure that such wording was used once it had been agreed to by the Parliament. That is not the case: It was agreed to by the committee, but not by the House or by any Government since the Bill was first floated. I hope in due course that the words will be used to cover directions. However, I have been reading the amendment and the wording is not clear. Proposed section 11B(4) reads -

> Adherence to the Minister's notice given under subsection (3) does not cure any illegality or defect inherent in the directive or acts done by the agency in giving effect to the directive, but no action lies against the agency for anything done in conforming with the directive.

I ask members to give me a simple explanation of what that means. I suspect that most members will not have a clue.

Hon Tom Stephens: The style is familiar.

Hon N.F. MOORE: Exactly. The thirty-sixth report created a Bill, at my instigation largely, which has not been agreed to by Parliament yet. A time may come when it is agreed to, and the words I have read out will be looked at closely by Parliament in the context of a Bill. However, we are asked tonight to throw into existing legislation words which form a draft Bill which has not been contemplated or debated by Parliament.

The wording of the Bill before us was put together by parliamentary counsel in consultation with Treasury following the Burt Commission on Accountability to deal with problems which came to light in that inquiry. Labor Party members know what it was about; they know about WA Inc and directives being given to corporations. Members opposite should look at the history of WA Inc and the directives given to statutory authorities by Ministers which no-one knew about.

Hon Ljiljanna Ravlich: We do not know anything about your contracts.

Hon N.F. MOORE: The member should not tell me about that. We are seeking to put in place a process which requires any directives given by a Minister to a corporation to be placed into an annual report. The Labor Party lived under a regime which almost ruined this State by using statutory authorities to do things which the Government wanted done to satisfy its political agenda. It just about sent the State broke! That is why the Burt commission and the Royal Commission into Commercial Activities of Government and Other Matters said that we need some transparency. We are seeking to provide that here.

Eventually, we will reach the point when the standing committee report will be adopted. I am disappointed that the report has not proceeded any further yet, and it is not through any lack of trying on my part. However, in the context of this debate, the amendment in the Bill is a darned sight better than the original Act.

Hon Mark Nevill: I agree with you.

Hon N.F. MOORE: It is not as good as what Hon Mark Nevill wants to achieve, nor what I sought when I was a member of the committee. However, we should take it step by step and I hope we will eventually reach the ultimate objective.

What happens if the Chamber decides to accept Hon Mark Nevill's amendment? When the Bill passes to the other House, if it does not agree to the changes, the Bill could be returned containing what the Minister wanted in the first place - that is, to simply put two country members on the board - and the other provisions could be left out. We could end up with a Bill which makes no change to ministerial directions; we could finish up with nothing in that regard. That potential may not arise on this occasion, but it is something members need to contemplate. It would be disappointing not to grab what we can now. If we do not, we may get nothing.

In respect of ministerial directions the parent Act states -

> The Minister may from time to time give directions to the Corporation with respect to its functions, powers and duties, either generally or with respect to a particular matter, and the Corporation shall give effect to these directions.

Full stop. That is the law as it exists, and that is what members might finish up with if they persist in trying to amend the Bill further. The Chamber should not agree to Hon Mark Nevill's amendment. Let us agree to the Government's proposal. I give the Chamber an assurance, for what it is worth, that I will continue to argue the case of the thirty-sixth report.

I hope that one day Governments may take that on board and do something with it. At least we are moving in the right direction with this Bill. To persist with the amendment will see us take a step backwards, which would be regrettable.

Hon NORM KELLY: The Minister keeps repeating the comment that all that is provided for in this Bill is an increase in the membership of the board. That is clearly not the case. It might have been the prime reason for initiating the Bill, but we are here to deal with what is put before us, which is what we are doing. I am fully supportive of Hon Mark Nevill's amendment. However, I support the Minister when he says that this is not a good situation. We have been thrown this amendment with very little time to look at it. I perused the amendment in my study of the Government Agencies Committee report but I had not looked at it in detail until a few minutes ago. However, I feel quite strongly that it improves on what is in the Act.

The Minister has said that under section 11(4) the Minister may from time to time give direction to the corporation in respect of its functions, powers and duties, either generally or with respect to a particular matter, and the corporation shall give effect to those directions. He can do that quite secretly, if desired. Those directions may not be in the best interests of small business. That situation is improved by the amendment. What is in the Bill is inadequate. We should not be in a situation where we may be waiting for 15 or 18 months after a direction has been

given by the Minister to find out what it was. The proposal by Hon Mark Nevill allows the Minister the same powers to give directions but it also allows the people of Western Australia to be aware of what are the directions and, more importantly, it allows the small business sector of this State to know the way that their Minister is acting on their behalf. No Government should be in fear of Hon Mark Nevill's proposal. It is an enhancement for a Minister for Small Business capably carrying out his responsibilities.

Amendment (words to be deleted) put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN (Hon J.A. Cowdell): Before the tellers tell I cast my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon Christine Sharp
Hon J.A. Cowdell	Hon Norm Kelly	Hon Tom Stephens
Hon N.D. Griffiths	Hon Mark Nevill	Hon Giz Watson
Hon John Halden	Hon Ljiljanna Ravlich	Hon Bob Thomas *(Teller)*
Hon Tom Helm	Hon J.A. Scott	

Noes (13)

Hon E.J. Charlton	Hon Murray Montgomery	Hon Greg Smith
Hon M.J. Criddle	Hon N.F. Moore	Hon W.N. Stretch
Hon B.K. Donaldson	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon Max Evans	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*
Hon Barry House		

Pairs

Hon Cheryl Davenport	Hon Peter Foss
Hon Ken Travers	Hon Ray Halligan
Hon E.R.J. Dermer	Hon B.M. Scott

Amendment thus passed.

The CHAIRMAN: The question before the Chair is that the words proposed to be substituted be substituted.

Hon N.F. MOORE: I was a bit amazed to hear Hon Norm Kelly say that he did not understand what this new clause meant. He said that he had not read it until two or three minutes ago.

Hon Norm Kelly: I did not say that.

Hon N.F. MOORE: The member did say that.

Point of Order

Hon NORM KELLY: I will take your direction, Mr Chairman, but that is not what I said in this Chamber. I ask the Minister to withdraw those comments.

Hon N.F. Moore: It is not unparliamentary to say what I said.

The CHAIRMAN: It is not a point of order, as it is a debatable matter.

Debate Resumed

Hon N.F. MOORE: Perhaps Hon Mark Nevill will allay my fears and describe to me in simple language what this new clause means.

Hon Mark Nevill: I have done it.

Hon N.F. MOORE: The member has not done it. I read out part of the proposed section and I do not understand it. We have part 4 and then go on to part 5.

Hon Mark Nevill: You signed off the Bill.

Hon N.F. MOORE: It was a long time ago. At this very minute I do not know what the member's proposed section

means. I suspect that Hon Mark Nevill does not know and nor does Hon John Halden. Members opposite are asking the Committee to agree to this new clause and I suspect half the members have not read it and, those who have, do not know what it means. If a Minister gives a direction to a corporation the following will happen if the Committee agrees to this new clause -

> (1) . . . A directive is to be in writing signed by the Minister.
>
> (2) A directive must relate to Corporation policy or the discharge of its functions and is incapable of -
>
> (a) authorizing anything unlawful;
>
> (b) suspending the application to the Corporation of any written law;
>
> (c) enabling the Corporation to do that which it may resolve to do of its own motion without the directive;
>
> (d) conferring additional functions on, or rescinding existing functions possessed by the Corporation.
>
> (3) The Corporation shall consider the directive within 14 days of its receipt and if it forms the opinion that the directive is outside power or otherwise unlawful, it shall notify the Minister of that opinion and the reasons supporting it and, unless the Corporation is required by the Minister's written notice that the directive is to be given effect, the directive lapses.
>
> (4) Adherence to the Minister's notice given under subsection (3) does not cure any illegality or defect inherent in the directive or acts done by the Corporation in giving effect to the directive, but no action lies against the Corporation for anything done in conforming with the directive.

It is very easy and very simple! I want members opposite to understand what they will vote on. To continue -

> (5) A directive, the Corporation's notification to the Minister under subsection (3), and the Minister's notice insisting on adherence to the directive, shall be laid before each House of Parliament within 7 days of the making of each instrument.

What are the instruments?

Hon Mark Nevill: The directive is the instrument.

Hon N.F. MOORE: It states that the corporation shall consider the directive within 14 days, but it must be tabled within seven days. To continue -

> (6) The instruments described in subsection (5) are to be published in the annual report of the Corporation.

Hon N.D. Griffiths: Do not act on suspicion, but on the truth.

Hon N.F. MOORE: That is half the problem. I am suggesting to members that it is wrong to bring in a clause like this and ask the Government to make a decision on it on the basis of what I understood Hon Norm Kelly to say; that is, he read it only three minutes ago. I expect he understands it implicitly!

Hon Norm Kelly: I said I scanned it.

Hon N.F. MOORE: I hope he understands the consequences of it because he is asking the Government to make a decision on a significant change to the way in which business is done in Western Australia. When the Opposition was in office it did not have to make decisions or tell anyone about the decisions it made on what corporations should do.

Hon Tom Stephens: This debate has occurred many times over the last four years. This amendment has been argued and never carried. Members understand what is happening.

The CHAIRMAN: Order! If members want to make an extended contribution they will have to stand.

Hon N.F. MOORE: The Chamber will make a decision on it. I ask members to look at what it means in reality. Unfortunately, I lost my argument that one of the main reasons for the thirty-sixth report was to get some uniformity in the legislation. If the Assembly agrees to this amendment we will have one corporation which is subject to this sort of legislation and every other corporation subject to a different set of rules. The aim of the exercise with respect to the thirty-sixth report was to get template legislation across the board so that every statutory corporation in Western Australia is subject to the same basic rules. The aim was not to pick up this clause and pass a similar clause in other

circumstances. We are now creating a different set of circumstances for this corporation compared with the others, when the aim of the exercise is to get uniformity.

The action members opposite are taking is contrary to the professed intent of the Standing Committee on Government Agencies to get uniformity as outlined in its thirty-sixth report. The Assembly will not agree with this amendment and the Bill will not be passed. If Mr Halden had been in the Chamber for more than one minute he would know this Bill is about one thing; that is, two new members -

Hon Tom Stephens: Have not you listened to what Hon Norm Kelly and Hon Mark Nevill said?

Hon N.F. MOORE: Hon Tom Stephens is incapable of knowing what this debate is about. This Bill could have done what the Minister wanted and that is to add two members to the corporation. This Bill could be made up of clauses 2, 3, 4, 5 and 9 and not include clauses 6, 7, and 8. It could have been passed in 30 seconds because members opposite would consider it a good Bill. Parliamentary counsel made the correct suggestion that while we are dealing with legislation which affects this corporation we should bring it up to date by including those clauses which relate to delegation, giving directions, providing access to information and confidentiality. Similar clauses are being inserted in other legislation that affects corporations as the Bills come before Parliament. It is an updating process and it is a good idea.

Tonight members will make sure it will not happen again. Every time this Bill is sent back to the Assembly it will say, "Don't bother - we will deal with the first five clauses." As for the matter that has been raised tonight, we will finish up with the existing Act that gives the Minister the power to direct the corporation and not have to tell anybody except the corporation. I ask members to make sure of what they are voting on. By voting for it they will do two things which are incorrect on this occasion. Firstly, they will be introducing an entirely new element at a time when we are trying to implement uniformity and, secondly, they will be going down the path of ensuring we do not take a step in the right direction, which is what this Bill is doing.

Hon NORM KELLY: I understand what this proposed new section means. It means accountability and transparency. I am sorry if the Minister has a problem with it. If this provision does not apply to other corporations or statutory authorities, so be it, but perhaps it should be included in the legislation referred to by the Standing Committee on Government Agencies. That is not the case; therefore, we must deal with the Bill before the Chamber. I do not have a problem with the directives of the Minister and the corporation being tabled in the Parliament within seven days of receipt of the responses. It is about the small business sector seeing what their corporation and the Minister are doing for them.

Last night I alluded to the lack of urgency on the part of this Government in bringing about legislative changes that would support the small business sector in the State. I applauded the Minister for some aspects of this Bill that have a lot of merit.

I do not have a problem with this amendment. The Minister keeps saying that we need to consider what we are voting on, and members must do that. The Minister has not considered it because he received it only a few minutes ago. He had the opportunity to adjourn the debate to a later stage to allow members to fully consider it. He could have discussed the impact of this proposal on the corporation with departmental officers. That is what it is really about. It is not about what happens tonight with the numbers in this Chamber; it is about how the SBDC will operate now and in the future. Will this improve or hinder the operations of the SBDC? Will it assist the small business sector to know what is occurring in the SBDC and how the ministry is acting on its behalf?

Hon JOHN HALDEN: I have heard the Leader of the House on numerous occasions try to defend a report he signed as Chairman of the Standing Committee on Government Agencies. There was a conflict between his role as chairman and Leader of the Government in this place.

Hon N.F. Moore: With respect, I was not the chairman.

Hon JOHN HALDEN: Even if the Leader of the House was not the chairman, he was a member of that committee. He said that we needed template legislation and that we should work progressively towards implementing these reports. However, nothing ever happened. We may slowly and incrementally move towards the final destination the report recommended, but we never get there. The Leader of the House knows that it would make the Government far more accountable than it was at that time and would be under the proposed legislation. In the past four years opposition parties have not had the numbers in this place. They moved amendments to Bills emanating from the report by the committee, of which the Leader of the House was a member.

Hon Barry House: Not a specific clause like this.

Hon JOHN HALDEN: Yes. I remember that because on occasions I have got up the Minister's nose in the same way as I have tonight.

Hon N.F. Moore: You have not got up my nose.

Hon JOHN HALDEN: The Minister gave the same speech he gave tonight, although I concede with minor variations. He knows that in the past opposition parties did not have the numbers, but they do now. The Leader of the House has adopted the position that the Opposition is a collection of morons and this amendment does not make sense.

Hon N.F. Moore: I did not say it did not make sense. I asked whether you understood what it meant.

Hon JOHN HALDEN: We understand implicitly. The Minister knows better than others what it means. He served on that committee for longer than anyone else. As a former member of that committee I know exactly what it means, and many members know exactly what it means.

Hon N.F. Moore: I hope everybody does.

Hon JOHN HALDEN: The reality is that the Leader of the House said members on this side do not believe in a committee system and they do not want one. We are talking about a recommendation by a committee of which the Leader of the House was a member. He signed off that report; he believed in the recommendations and members on this side still believe in them. The recommendation essentially is that directions given by Ministers must be tabled in the Parliament, but not under the existing system where annual reports are received 18 months or two years after the event so that they are worthless in any contemporary debate. The Government wants a useless, worthless political argument two years after the event. If there is a problem and individuals at that authority are concerned about a direction, they should be able to protect themselves. The Government should not forget the legislation with regard to that, which is the Attorney General's pet hobby horse. The Parliament should be advised of any conflict and, if necessary, should comment on that conflict in a contemporary arrangement. That debate should not be held two years after the event, as happens now.

The clause in the report by the Standing Committee on Government Agencies was about making the Government put those directives before the Parliament. There can be all sorts of arguments about whether it is appropriate in an historical context and about which party was responsible. At the end of the day it does not matter. The reality is here and now; that is, opposition parties believe that if this situation arises, members of the board of this government authority should have due protection and should be able to notify the Parliament. That is not a horrendous request. The Leader of the House may laugh.

Hon N.F. Moore: The hypocrisy of people on your side is unbelievable. For 10 years you did nothing. You directed agencies to spend money.

Hon JOHN HALDEN: There is nothing hypocritical in this.

Hon N.F. Moore: Not much.

Hon JOHN HALDEN: There is nothing more hypocritical than the Minister signing off this report and then going through this diatribe about why members should not vote for the amendment. The Minister should stand first as a hypocrite. When he does so, other members will stand and proclaim their guilt. He must get to his feet first because he is well and truly caught by this matter.

This is a particularly important clause, and it should be part of template legislation. The fact that it is not should not weigh upon our considerations one bit. This should be part of the rules because it is about accountability. It will put Governments and Ministers, such as Richard Lewis, who performed abominably in the previous Government -

Hon Barry House: He was a good Planning Minister.

Hon JOHN HALDEN: Exactly. He was absolutely a good Minister! One does not have to go any further for hypocrisy if one reflects on that statement. That is why the clause should be included. If this Committee insists upon it and that means the Government will not put the legislation through but will throw it out, so be it. It is the Government's decision. Ultimately the decisions are made by the Parliament. The Legislative Council made its decision when the Leader of the House was a member of that committee. He voted for this provision and put his name to it. It is a good accountability procedure, which is appropriate, necessary and warranted. When a division is taken and members vote, the ultimate hypocrite will be seen. It may well be the Leader of the House or it may not. I do not think any member should be threatened by the comment by the Leader of the House that this Bill will go down.

Hon N.F. Moore: I am telling you what the fate of the Bill will be.

Hon JOHN HALDEN: If we adhere to a report of a Legislative Council committee and these sorts of principles, that sort of blackmail should not be tolerated. Any Government of any persuasion should accept the proposed procedure.

If it does not, it says only one thing - the Government and the Minister of the day do not want to be immediately accountable for their decisions. They do not want to be held up in a contemporary arrangement for what they have instructed others to do. I suggest we support this amendment.

Hon BARRY HOUSE: My name was on the thirty-sixth report when it was tabled in 1994. I had just taken over as the chairman at that stage.

Hon N.D. Griffiths: Who was the previous chairman?

Hon BARRY HOUSE: Hon Norman Moore was the previous chairman; Hon John Halden, Hon Tom Stephens and Hon Doug Wenn were members of the committee at that stage and Hon Kim Chance joined later. Much of what was said, and what Hon John Halden said about the principles enshrined in ministerial direction was right. We discussed those things in the committee but there has been some literal and loose interpretation of the report. It was never the intention of the committee to advocate clauses in specific Bills; it was dismissed as unworkable. It was always the intention to put into place some uniform legislation. A template was proposed of the sort of legislation that a Government should examine. I know the Government has been examining it in the last year or two.

Hon N.D. Griffiths: How do you know that?

Hon E.J. Charlton: He is part of the Government.

Hon BARRY HOUSE: Sometimes we might feel like mushrooms, but we are not totally mushrooms. It was not the intention to have every tiny piece of legislation or a million regulations tabled in the Houses of Parliament because that would be unworkable. We discussed that at some length and dismissed it. I am not sure from where members are getting advice which prompted an amendment such as this. Certainly the principle was discussed. The only intention of members opposite is to have a small political victory rather than to make this legislation any better. The Minister has indicated that template legislation is being considered and that is where it should stand.

Hon J.A. SCOTT: This clause in no ways impinges on the Minister's ability to direct the corporation; it simply enables that direction to be more apparent and open to scrutiny. It also gives the corporation the ability to have its viewpoint seen by a process which enables it to come before this Chamber. I knew little about the previous committee's deliberations. Although I respect the viewpoints that come from those committees, there has been considerable debate in this State about accountability and openness of process. This amendment will neither prevent the corporation from operating nor impinge on the Minister's ability to give direction. It merely makes it more accountable. I cannot see that we must throw out the baby with the bath water as the Minister suggests.

Hon N.F. Moore: That is a scenario we need to contemplate; I did not say it would happen.

Hon J.A. SCOTT: I do not think this will have a draconian effect on the Minister. It will not make a great deal of difference to him provided everything is above board and no problems arise. It creates no problems for an open and honest Minister. I would like to understand what is the Minister's real objection. Certainly where there is some contention about those directions or where they might be seen to be not in the best interests of the corporation the Minister should be obliged to have that publicly known. That is as it should be and it is part of the role of this Chamber to ensure these processes are put in place; at least that is what I thought we were here for. I would like to understand the Minister's concern. I do not see it as something about which we should be getting hot under the collar.

Hon MARK NEVILL: Hon Jim Scott made a good point. The Minister handling the Bill, the Leader of the House, has not provided any critique of this clause that convinces the Committee to vote against it, other than to say that members do not understand it. I find it quite logical, well set out and in simple language. He has not given us any argument why we should oppose it other than it is different from the clause we are replacing. I thought that was the essential part of the process.

The Minister also attacked Hon Norman Kelly for his lack of knowledge of this part of the report.

Hon N.F. Moore: With respect, he said he had only just read it.

Hon N.D. Griffiths: He is a quick learner.

Hon N.F. Moore: That is good; he is much quicker than I am.

Hon MARK NEVILL: In that case Hon Norman Kelly was not all that accurate. On the Western Australian Coastal Shipping Commission Amendment Bill, handled by Hon Eric Charlton, we had an extensive debate about this clause where most parts were read into the transcript. Hon Norman Kelly took part in that debate. Although he might not have re-read it until a few minutes earlier I am sure he was well aware of the general thrust of that section of the Act which required tabling of these directives. It also gave the agencies concerned some power to respond to that directive if they felt it was unlawful or not in the interests of the corporation.

Hon Norman Kelly understands this clause as does, I think, everyone else in this Chamber. I do not think anyone, other than the Minister, has complained that this is a difficult clause to understand.

The members of the committee involved in the thirty-sixth report were Hon Norman Moore, Hon Barry House, Hon Murray Criddle I think, Hon George Cash, later Hon Kim Chance, Hon John Halden and Hon Doug Wenn. The report is thorough and one of which no-one should be ashamed nor from which they should back away. Those members signed that report and should therefore be prepared to offer a better argument for why it should not be used. The question of ministerial directives arose in another report in 1988 when a government agencies committee of this House, of which I was chairman at the time, undertook an inquiry into the financial management and accountability of the State Government Insurance Commission and the State Government Insurance Corporation. Prior to the election, in the committee's findings and recommendations under the heading of "Accountability" the report read -

> The Treasurer (as the responsible Minister) is empowered under section 10 of the State Government Insurance Commission Act of 1986 to give directions to the Commission with respect to the way in which the Commission carries out its functions and duties and exercises its powers. The direction may be general or specific. Section 36 of the Act gives the Commission the same power of direction over the Corporation. In neither case does the Act require the direction to be in writing or disclosed to the public. The Committee has always maintained that where powers of direction are given to ministers (and by a combination of sections 10 and 36 the minister has power to direct both the Commission and the Corporation) the legislation providing the power of direction should require any direction to be given in writing and disclosed in the annual report of the agency subject to the direction.

Recommendation 1 of this report is -

> The State Government Insurance Commission Act 1986 should be amended to provide that all directions given by the Minister to the State Government Insurance Commission and by the State Government Insurance Commission to the State Government Insurance Corporation should be in writing and included in the annual report of both agencies.

To my knowledge that was the first time that matter was raised. The report was ignored by the Press of the day. About three months later the Burt Commission on Accountability report or another report - I am not sure which - recommended that ministerial directions should be in writing and included in those annual reports, and it made the front page of *The West Australian*. We said it three months before and it was ignored; someone else said it three months later and it was the lead story in *The West Australian*. I felt jaundiced after that headline because it was portrayed as a new suggestion.

The matters involving the State Government Insurance Commission occurred in 1988-89. Members know the issues surrounding the investing of SGIC and Government Employees Superannuation Board funds into the rescue of Rothwells Ltd. The decisions about those funds were made some time after Brian Burke resigned from Parliament, yet he is the one who is blamed for those decisions. The provision the parties on the cross-benches are trying to put forward would have been a handy provision to have in the SGIC and SGIO Acts at that time.

Hon N.F. Moore: Didn't they tell you what they were doing either?

Hon MARK NEVILL: No, there was no requirement to do that under the Act.

Hon N.F. Moore: Didn't your Ministers tell you what they were doing?

Hon N.D. Griffiths: You don't tell your back bench what you are doing.

Hon N.F. Moore: Because we don't do the sorts of things your Ministers were doing.

Hon N.D. Griffiths: You treat them like mushrooms.

Hon MARK NEVILL: I have been in Parliament long enough to know how Cabinet treats its back bench.

Hon N.F. Moore: If I were you, I would make sure I told everybody I did not know anything; that they did not tell me anything and I was completely ignorant of what they were doing. Your member is relying on the fact that he was not told anything.

Hon MARK NEVILL: I am not sure what the Minister is alluding to. This is a sensible provision. It is a provision that has not been baulked at by any member of this Chamber. The Minister's attitude to it is rather strange. He seems to be most put out by it. I do not think it is of that much consequence in terms of politically managing the Government. The number of ministerial directives Ministers give their departments over a year could be counted on one hand. These provisions would ensure that more thought was given to those directives than would otherwise be given. I believe Governments are elected to govern and Ministers are elected to make decisions. We should not

tie them up to the nth degree. This is a reasonable provision. It is far better than the one it is replacing. I urge the Chamber to support the insertion of this new section 11B.

Hon N.F. MOORE: I have been called a hypocrite. I will wear that on the basis that I was a member of the committee that produced the thirty-sixth report. I was the chairman of it for much of the time that report was undertaken; however, I was not the chairman when it was presented to this place, although I believe I was a member when it was signed off on. The report is but a report of a committee to the Parliament. To my knowledge - I may be wrong - it has never been debated and agreed to by the Chamber. The draft Bill has not been properly scrutinised by anybody other than the committee itself; therefore, it has not been subjected to the sort of scrutiny a Bill would normally get. Hon Mark Nevill seeks to take out a clause of a draft Bill and put it into legislation, even though that Bill itself has not been considered by the Parliament, agreed to or disagreed to.

Hon N.D. Griffiths: The report was debated.

Hon N.F. MOORE: I do not believe it was debated. I do not think members ever agreed to it one way or the other. I must look back in history to confirm that.

Hon N.D. Griffiths: You said it was the best debate you ever participated in.

Hon N.F. MOORE: It may well have been a debate to note the report or something like that. Members have not said that Bill must be debated and gone through clause by clause. I was as much of the cause of the Bill being produced as anybody because I believed it was necessary to create a draft template Bill that would create the sort of legislative environment in which government agencies should operate. However, as Hon Barry House succinctly pointed out, it was never intended that that Bill would apply to every agency. It was done to give parliamentary counsel and others who draft legislation some idea of what the committee believed was appropriate legislative terminology. I have signed off on this report. However, the reason I say we should not agree to this amendment today is that the existing provision in the Bill is adequate for the time being. This sort of matter must be contemplated across government, not for one agency.

Hon Mark Nevill: I bet that in 14 years there has not been one directive to the Small Business Development Corporation. Why put it there in the first place?

Hon N.F. MOORE: If that is the case, it will be because a future Labor Government has not done anything about it, because the coalition will not be in government for the next 14 years. I make this point about hypocrisy.

Hon Mark Nevill: I did not call you a hypocrite.

Hon N.F. MOORE: No, Hon Mark Nevill's mate did - the scarlet pimpernel who left his number crunching for five minutes to come in here and make a speech. Hon John Halden said I was a hypocrite.

Hon N.D. Griffiths: That is irrelevant.

Hon N.F. MOORE: Let me get one thing straight. For 10 years I sat in this Chamber in opposition, arguing against the way the previous Government was spending money and directing organisations such as the SGIC to spend lots of money buying huge amounts of property in the central business district.

Hon Mark Nevill interjected.

Hon N.F. MOORE: I want the member to understand what his party did in office so he understands the hypocrisy of his argument. Opposition members have changed their views 180 degrees since they changed sides. They did not do one thing in their time in office to try to fix up this problem. They knew what their Ministers were doing, even though Hon Mark Nevill said the backbenchers were kept in the dark and they did not know the agencies were being directed to buy the CBD properties.

Hon Mark Nevill: I did not say that.

Hon N.F. MOORE: That is the impression the member is trying to create. The point I was trying to make in my earlier interjection is that I would stick with that story if I were Hon Mark Nevill. I would keep saying, "I didn't know; I didn't have a clue; I can't remember." It is a good line to use because Hon Mark Nevill will never have it hung on him. The bottom line is this: His Government directed agencies to spend lots of money, which was eventually lost, and it did not do anything to fix it up. The only reason this clause is before us now is that I, as a member of the then Opposition, said it was time we did something about it.

Hon N.D. Griffiths: We are doing something right now.

Hon N.F. MOORE: The member is on some sort of pedestal suggesting that he is the font of all knowledge and he has a totally self-righteous attitude to this issue. The Government is saying that there will be uniformity across the

system so that every agency has this clause in its legislation; this must at least be included in the annual report. That is unlike the situation when members opposite were in government - they did not do anything. They did it and hoped like hell that no-one found out. The trouble was that members opposite lost so much money the public could not help but find out and we are still paying for it.

Several members interjected.

Hon N.F. MOORE: I get hot under the collar -

The CHAIRMAN: The Minister should address his comments to the Chair.

Hon N.F. MOORE: - about this issue because of the gross hypocrisy of members opposite. I do not have many problems with this amendment. However, I have not had time to establish how it would work. It is six years since the report was written.

Hon Mark Nevill: It was three years ago.

Hon N.F. MOORE: It was in our first year in office, which is four years ago.

Hon Mark Nevill: It is dated 27 April 1994.

Hon N.F. MOORE: That is when it was tabled. This amendment was put in front of me one minute before this debate. I read through it and I am trying to find out what are the processes. According to subclause (5), once a directive is given it must be tabled within seven days; within seven days of the corporation's decision it must be tabled and then if the Minister insists that must be tabled -

Hon Mark Nevill: If this clause is ever used I will shout you lunch.

Hon N.F. MOORE: I will take the member up on that.

The CHAIRMAN: I thank members. The Minister has the floor.

Hon N.F. MOORE: It was never intended by the standing committee that we take clauses out of the draft Bill and put them in legislation without considering the Bill in its entirety to see whether each clause was appropriate in the circumstances. Hon Mark Nevill is doing that and it is wrong. I am sure some members do not know what it means and no-one has thought about the consequences. It might well be fine, but no-one has thought about it since it was reported four years ago.

The main aim of the whole exercise of the thirty-sixth report was to introduce some uniformity in legislation. As a member I kept seeing Bills before the Parliament relating to statutory authorities that were all different; there were different obligations and requirements for different agencies. The Government has tried to establish a process whereby every agency is required to do the same things in respect of the Minister, Parliament, providing information and ministerial directions. The Parliamentary Counsel's Office, to give it its due, has started on that process, but we have a long way to go. We should grab what we can get now -

Several members interjected.

Hon N.F. MOORE: We do not need to pass this provision at this time. I have already indicated that it is my intention as an individual and as Minister to continue to pursue the need for the thirty-sixth report to be seriously contemplated by the Government -

Hon N.D. Griffiths: Has it not started yet?

Hon N.F. MOORE: - not to adopt it as a Bill with the exact wording but at least to consider how it might ultimately be implemented across the board. To do it piecemeal is a retrograde step. To do it this way is not in any way helpful.

Hon B.K. DONALDSON: Many members were puzzled this evening because we received a Supplementary Notice Paper dated Tuesday, 14 October only 30 minutes ago. The Minister read out the amendment moved by Hon Mark Nevill and asked members what it meant. I notice Hon Nick Griffiths looking very puzzled.

Hon N.D. Griffiths: I am looking very puzzled because of your statement.

The CHAIRMAN: There will be no cross-Chamber conversation.

Hon B.K. DONALDSON: I was talking to you, Mr Chairman. Unruly interjections were coming my way.

This is a serious piece of legislation involving some very deep and meaningful principles. It is not good enough that amendments are thrust upon us in this manner.

Proposed section 11B(2) provides -

> Text of a direction given under subsection (1) is to be included in the annual report submitted by the accountable authority of the Corporation under section 66 of the *Financial Administration and Audit Act 1985*.

Section 66 of that Act provides -

> (1) The accountable authority of a statutory authority shall cause to be prepared and submitted to the Minister, within 2 months after the end of the financial year of the statutory authority, an annual report containing -
>
> . . .
>
> (d) such other information as the Minister may direct in writing.

I know that that section was amended in 1989 or 1990. Were those amendments a further tightening of the Act? I have not seen the committee's thirty-sixth report - it is not something members normally carry at all times.

Hon Kim Chance: Shame on you! You should.

Hon B.K. DONALDSON: The Minister is correct: The Deputy Premier said the Government was trying to achieve some recognition of small business in rural and regional Western Australia on the board. We should look very closely at the thirty-sixth report. The Minister has already given an assurance that he is prepared to look at the template legislation that the committee considered in 1993. I do not believe that members opposite know what they are talking about.

Supplementary Notice Papers should be available to members on the day they are printed. It is outrageous that we received this one on Wednesday, 15 October at 8.15 pm. To be discussing a principle that has far-reaching effects in this manner reflects no credit on us as members or on this Chamber. Did the amendments made in 1989 and 1990 to the Financial Administration and Audit Act 1985 in any way further enhance or increase the reporting requirements of the accountable authority?

Hon N.F. MOORE: I regret that I cannot answer that. I can only assume, with Hon Bruce Donaldson's great knowledge of these things, that he is right and things have improved over time. This debate might be better finished at another time. It has reached that stage where the Chamber may not be in a mind to make the right decision.

Progress

Progress reported.

CONSTITUTION OF WESTERN AUSTRALIA BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.A. Cowdell, and read a first time.

Second Reading

HON J.A. COWDELL (South West) [9.23 pm]: I move -

> That the Bill be now read a second time.

The Constitution of the United States commences thus -

> We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

That is a fitting preamble to a clear, functional and impressive document outlining the system of government of a great democracy.

The WA Constitution Act 1889 commences -

> Whereas by the 32nd section of the Imperial Act passed in the session holden in the 13th and 14th years of the Reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was among other things enacted that, notwithstanding anything thereinbefore contained, it should be lawful for the Governor and Legislative Council of Western Australia, from time to time, by any

> Act or Acts, to alter the provisions or laws for the time being in force under the said Act or otherwise concerning the election of the elective members of such Legislative Council, and the qualification of electors and elective members, or to establish in the said Colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses to consist of such members to be appointed or elected by such persons and in such manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and function of the Legislative Council for which the same might be substituted; and whereas it is expedient that the powers vested by the said Act in the said Governor and Legislative Council, with the powers and functions hereinafter contained: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:-

That is a fitting if incomprehensible preamble to a fragmented, dysfunctional document that highlights some few aspects of our governmental system.

The WA Constitution is a source of embarrassment to those who have recourse to it. Were it more freely available and widely disseminated it would hold the State and its Parliament up to public ridicule. It is only the obscurity of the document, or more particularly documents, that precludes overwhelming and damning public censure.

Despite 17 amending Acts over a century, clauses of the following nature still form a part of the Constitution of Western Australia. Clause 42 states -

> When 6 years shall have elapsed from the date of the first summoning, under section 6, of persons to the Legislative Council, or when the Registrar General of the Colony shall have certified, by writing under his hand to be published in the *Government Gazette*, that the population of the Colony has, to the best of his knowledge and belief, exclusive of aboriginal natives, attained to 60,000 souls, whichever event shall first happen, this Part shall come into operation, provided that the Governor in council shall have power, by proclamation in the *Government Gazette*, to further postpone the operation of this Part for any period not exceeding 6 months.

Clause 54 of the Western Australia Constitution Act 1889 states -

> The Commissions of the present judges of the Supreme Court and of all future judges thereof shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve), any law, usage, or practice to the contrary notwithstanding.

Clause 59 of the Western Australian Constitution Act 1889 states -

> It shall be lawful for the Legislature of the colony, subject to the provisions of this Act, to impose and levy such duties of Customs as to it may seem fit, on the importation into the Colony of any goods whatsoever, whether the produce of or exported from the United Kingdom or any of the Colonies or Dependencies of the United Kingdom or any Foreign Country. Provided always, that, except as authorized by the Imperial Act known as the *Australian Colonies Duties Act 1873,* no new duty shall be imposed upon the importation into the Colony of any article the produce or manufacture of or imported from any particular country or place which shall not be equally imposed on the importation into the colony of the like article the produce or manufacture of or exported from all other countries and places whatsoever.

Clause 61 of the Western Australian Constitution Act 1889 states -

> Nothing in this Act contained shall prevent Her Majesty from dividing the colony of Western Australia as she may from time to time think fit, by separating therefrom any portion thereof, and either erecting the same or any part thereof into a separate Colony or Colonies under such form of Government as she may think fit, or from subdividing any Colony so created, or from re-uniting to the Colony of Western Australia any part of any Colony so created.

It is embarrassing to have the Constitution refer to our gracious sovereign Queen Victoria - "whom may God long preserve" - to our position as that of Crown Colony and to Western Australia's undoubted powers to levy a full range of excise duties. Hon Max Evans may only dream of this!

It is totally repulsive that our Constitution should embody racial exclusivity and indicate that "Aboriginal natives" not be counted in the population of the colony, even in the historical context in which it appears.

Altogether there are 130 current sections of the Constitution, spread over two Acts - the Constitution Act 1889 and the Constitution Acts Amendment Act 1899. Of these sections, 28 are obsolete. The 1889 Act, in fact, has 78 numbered clauses. Thirty-two of these clauses have since been repealed and stand as numbered clauses without any related text. The 1899 Act has 52 numbered clauses. Eleven of these clauses have since been repealed and stand

as numbered clauses without any related text. The Acts have five schedules, three of which are obsolete. The nature of the latter schedules is illustrated by schedule D of the Constitution Act 1889. Schedule D refers to the level of compensation for government officers who may lose their positions as a result of the new Constitution coming into force. The officers and level of compensation are specified as -

	£ s. d.
Sir Malcolm Fraser, K.C.M.G., Colonial Secretary	700 0 0
Charles Nicholas Warton, Esq., Attorney General	336 6 8
Anthony O'Grady Lefroy, C.M.G.,Colonial Treasurer	550 0 0
John Forrest, C.M.G., Surveyor General and Commissioner of Crown Lands	500 0 0
	£2,083 6 8

The Constitution of Western Australia is not just repugnant to the wishes and standards of the people of Western Australia in these last years of the twentieth century; it is little more than a dog's breakfast. The Western Australian Constitution is the only State Constitution that is contained in more than one Act of Parliament.

This Bill seeks to overcome the worst deficiencies of the Constitution of Western Australia. It consolidates the Constitution Act 1889 and the Constitution Acts Amendment Act 1899 into one Act. It re-orders the sections of these Acts so that they are arranged in five parts - preliminary, the Parliament, the Executive Government, the judiciary and local government - which are further arranged by division. Obsolete sections of the 1889 and 1899 Acts, incidentally those that are the most embarrassing and repugnant, are discharged. Nine sections of the Constitution Acts Amendment Act 1899 - those sections pertaining to parliamentary qualifications and disqualification - are transferred to the Electoral Act in the accompanying Electoral Amendment (Constitutional Provisions Bill) 1997.

This Bill does not in any way alter or change the substance of any of the current provisions of the Constitution Act 1889 and the Constitution Act Amendment Act 1899. It certainly re-orders and re-numbers them and places them in either the proposed new Constitution of Western Australia Act 1997 or the Electoral Act 1907. Obsolete sections are removed. The need for legislative action in this regard is apparent. It has been apparent for some time. I refer members to the report of the 1991 Joint Select Committee of the Legislative Assembly and the Legislative Council on the Constitution. This select committee unanimously recommended consolidation along the lines envisaged in the Bill I here present. The views put forward by the 1991 select committee are as pertinent today as they were in 1991. The second term of reference to that committee was "to give consideration to consolidating the law, practice and Statutes comprising the Constitution of Western Australia." The committee's considered response to this term of reference is contained in volume 1 of its final report which states -

> The Committee gave priority in its work to achieving a single Constitution Act which is a consolidation of the Constitution Act 1889 and the Constitution Acts Amendment Act 1899. The enactment of such an updated Constitution is seen as an important first step towards reforming the State Constitution in that it -
>
> . Provides a simpler more readily available Statute which can be more easily understood by interested citizens;
>
> . Will assist in any process which seeks to create greater public awareness and understanding of the State Constitution;
>
> . Gives an example of the possibilities for constitutional reform which will provide impetus for continuation of this process;
>
> . Supports the objectives underlying the other two terms of reference.

It is appropriate to refer to the third term of reference of the joint select committee, which states -

> To make recommendations concerning making this body of laws and practice (The Constitution) more readily accessible by the citizens of this State.

The committee noted -

> The marked difference between the forms of the Western Australian Constitution and the Australian Constitution make it more difficult for the Western Australian Constitution to be readily available.
>
> As already suggested in the section on our present State Constitution (3.1) an intending reader would need to purchase several Acts some of which may be a number of booklets and loose sheets of amendment Acts . . .
>
> To make this near incomprehensible collection of papers readily available to the people of this State would seem to be of dubious value, although it is possible that providing such a disjointed collection of statutes may be one way of gaining public support for the reform of our constitutional statutes. The consolidation

> of the two principal Constitution Acts undertaken by this committee is intended as an important beginning to this process.

The committee further noted -

> The form of our present documents make it a daunting prospect for any one to attempt to comprehend our Constitution. That prospect is nigh on an impossibility for anyone without a basic knowledge of legislation and how it works.
>
> Another difficulty to understanding our Constitution is the archaic and legal terminology which is used in these statutes. There are many terms and phrases which are unfamiliar to people. The Consolidated Constitution has tried to improve this situation by adhering to the use of 'plain English'.

The findings of the 1991 joint select committee with respect to consolidation of the Constitution and public accessibility are as relevant today as when they were made six years ago. The committee's findings are unanimous. The signatories to the report include Deputy Premier Hendy Cowan and our own Hon Derrick Tomlinson.

In case I am accused of plagiarism, let me acknowledge immediately that the consolidated Constitution Bill, which I am presenting, mirrors the draft consolidated Constitution contained in volume 2 of the report of the 1991 joint select committee.

Although events have moved on since 1991, the need to address the problems identified in the joint select committee's report remains. Both the Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government have pointed out the need for action. The royal commission saw the need for legislative reform, encompassing the Constitution. The royal commissioners wrote -

> . . . we consider it necessary to make explicit the fundamental principle and assumptions upon which our representative and responsible government is based and which should guide continuing reform.

The commission clearly foresaw the need for constitutional reform in its own immediate recommendations and in the proposed terms of reference for the Commission on Government, which, in part, state -

> The reform we recommend for the Legislative Council necessitates consequential changes both in the constitutional relationship between the two Houses and in the representational basis of the Legislative Assembly . . .
>
> If the Council is to be constituted as a House of Review . . . it would be quite inappropriate that it retain the power to block supply. In such circumstances, that power should be denied in the Constitution.

It was also envisaged that the position of the independent parliamentary agencies be secured in a constitutional sense. The Royal Commission into Commercial Activities of Government and Other Matters clearly foresaw the need for constitutional reform and said as much five years ago. The Commission on Government also recognised the inadequacy of the current situation. The commissioners wrote -

> It became clear to us during our public consultations that the current constitutional arrangements for WA are unsatisfactory. Throughout the State people are surprised that our constitutional documents were scattered across different statutes, were difficult to access and omitted or were vague on some of the most fundamental structures of government.

They further observed -

> The Constitution Act (1889) and the Amendment Act (1899) contain only a skeleton of the process of our system of government. Much is omitted.

The commission made some very useful recommendations for building on this skeleton, which I shall refer to shortly. However, in recommendation 262(2) it favoured constitutional consolidation and wrote -

> Upon the amendment of the Constitution Act 1889 in accordance with our recommendations, the remaining provisions of the Constitution Acts Amendment Act 1899 should be consolidated with the Constitution Act 1889 or repealed.

Informed opinion is united on this matter. I refer to that section of the minutes of the WA Chapter of the Constitutional Centenary Foundation, of 12 November 1996, with regard to business arising from the 1995 annual general meeting, which states -

> The Chairman reported that on 13 December 1995 the Convenor, the Hon Justice David Malcolm AC, had written to the then Attorney-General, the Hon Cheryl Edwardes MLA, requesting that steps be taken to

> consolidate the State Constitution. On 19 December 1995 the Attorney-General responded noting that consolidation was not necessarily a simple matter but indicating consideration would be given to this request. On 8 February 1996 a letter was received from the present Attorney-General, the Hon Peter Foss MLC, noting that it would be appropriate to consider this project in the light of the Commission on Government Report No 5, dealing with the State Constitution, due for completion in August 1996.
>
> The Chairman noted that the Commission on Government's Report Number 5 had been handed down and was now a public document.

Government Procrastination: Astoundingly, the Government remains unmoved by the unanimity of a royal commission, the parliamentary Joint Standing Committee on the Commission on Government, the Commission on Government, the Constitutional Centenary Foundation and the Chief Justice.

Of course, there have been signs of life on the government benches. The Premier is reported in *The West Australian* of 10 August 1996 as promising a new easy to read and consolidated Constitution by Christmas.

The Government in its official response to the Commission on Government reports stated -

> The Government supports, in principle, the consolidation of the constitutional laws of Western Australia into one Act . . .

Is Government inaction due to the staunch opposition of the Attorney General? Hon Peter Foss lectured the Commission on Government against constitutional reform. Western Australia did not need a new Constitution spelling out how its system of government worked, he stated, because most people would not read it or understand it. He stated also -

> How many citizens of WA have come along and told you they haven't got a feeling of not having a Constitution? They say that because its probably all they have ever heard about the Constitution - I don't think it indicates a massive public concern about having or not having a Constitution.

When asked by Commissioner Sharman if he thought it highly undesirable that the average citizen could not get a document describing the major characteristics of the system of government, Hon Peter Foss stated, "No, I don't. How many people read the federal Constitution or understand it?"

At the same time we have the spectacle of the Premier lecturing Prime Minister Howard on commonwealth constitutional reform. On 30 May this year, the Premier demanded that the Commonwealth Constitutional Convention deal with the revenue imbalance between the Federal and State Governments, as well as the republic issue. He stated -

> The point I'm making is that there are many other issues associated with the working of our federation that West Australians want to address . . . We will certainly be constructively participating in that (republican) convention but we are not going to accept that is the only issue that needs to be addressed as we move into our next 100 years of federation.

At the annual Liberal Party conference in July the Premier threatened to have a Western Australian convention deal with a range of federal constitutional matters - but not a word about state matters! Again in August, on constitutional issues the Premier thundered -

> If the Federal Government does not provide the leadership to move down that particular path it will be at their political peril.

Leadership at the state level is singularly lacking. To be frank, the emperor has no clothes. How can any Prime Minister, how can any citizen of Western Australia, take this Premier seriously when he steadfastly refuses to honour his promise of consolidating the Western Australian Constitution and making it available to the people of Western Australia in a readable form? How can anyone take Premier Court seriously on any constitutional matter when he will not let the people of Western Australia have a say in reforming their Constitution? It is time that this Chamber added its voice to that of the joint standing committee, the Commission on Government, the royal commission and the Chief Justice and told the Government to get on with the job.

A Start to Constitutional Reform: The Australian Labor Party has consistently supported constitutional reform. The current ALP state platform states -

> Labor will create one Constitution document by rationalising and consolidating the Constitution Act 1889 and the Constitution Acts Amendment Act 1899.

At the last state election the ALP clearly defined its support for constitutional reform in its formal response to the

Commission on Government recommendations 257 to 263. The party policy document stated -

> Labor supports the consolidation of the Constitution Act Amendment Act 1899 with the Constitution Act 1889 with the repeal of spent clauses.

Of course, the party's support for constitutional reform is more wide ranging than this. At the 1996 election the party stated -

> Labor supports defining the role of the Governor, Executive Council, Premier and Cabinet Ministers in the Constitution Act . . .
>
> Labor further supports defining the existing jurisdiction of the Supreme Court and protecting judges through the Constitution Act . . .
>
> Labor supports the specification of the offices of Auditor-General, Ombudsman and Anti Corruption Commission in the Constitution Act . . .

Labor has committed itself to the definite proposals for constitutional reform contained in recommendations 254 and 257 to 262 of the Commission on Government report.

Further than this the ALP has committed itself to actively involving the public in the process of constitutional reform through a people's convention. That is why a motion in the following terms stands in my name on the Notice Paper of this House and in the name of Dr Gallop on the Notice Paper of the Legislative Assembly -

(1) That this House calls on the Government to implement recommendation 263 of the Commission on Government, as unanimously endorsed by the Joint Standing Committee on the Commission on Government.

(2) That a people's convention be convened prior to 19 August 1997 to consider the inclusion of new clauses in the state Constitution, pertaining to the following matters -

- (a) assent to legislation;
- (b) Bill of Rights;
- (c) electoral rights;
- (d) initiation of constitutional amendment/citizen initiated referendum;
- (e) new preamble;
- (f) power of Parliament to recall Parliament;
- (g) prorogation;
- (h) recognition of Aboriginal peoples;
- (i) resolution of parliamentary deadlocks;
- (j) role of local government;
- (k) role of political parties;
- (l) selection, appointment and powers of the Governor; and
- (m) size of the ministry.

(3) That the people's convention consist of 75 delegates directly elected by the people and 25 delegates nominated as representatives of community views.

This is to give effect to recommendation 263 of the Commission on Government.

This Bill is more limited in scope. It seeks merely to consolidate our two principal Constitution Acts in accordance with the recommendations of the 1991 Joint Standing Committee on the Constitution, the Royal Commission into Commercial Activities of Government and Other Matters, the Commission on Government, the Chief Justice and the Constitutional Centenary Foundation, and in accordance with Labor policy and the occasional statements of the Premier.

I propose that the House endorse the principle of this Bill by second reading it and then referring it to the Standing Committee on Legislation. Members quite rightly would need to be satisfied that the Bill achieves what it sets out to do, that it is still appropriate to transfer nine clauses of the old Constitution Acts to the Electoral Act, and that Parliament is competent to make these changes.

I hope that upon report of the Legislation Committee, this House would pass the Bill and the Government would adopt it in the Legislative Assembly. I believe this is an appropriate first step to show that there is genuine parliamentary commitment to constitutional reform. The consolidated Constitution should be widely circulated in the lead-up to the people's convention. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

[Resolved, that the House continue to sit beyond 10.00 pm.]

CHARITABLE TRUSTS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon N.F. Moore (Leader of the House), and read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.50 pm]: I move -

That the Bill be now read a second time.

Charitable trusts differ from other trusts in a number of respects. The principal difference is that a charitable trust is a trust for the benefit of purposes - not individuals. Those purposes must be charitable purposes and must also be for the benefit of the public.

The meaning of charity in its legal sense is derived from the preamble to the Statute of Charitable Uses 160, also referred to as the Statute of Elizabeth. The law recognises four principal categories of charity: The relief of poverty; the advancement of education; the advancement of religion; and other purposes beneficial to the community. If a trust is for any of those purposes and if it is directed to the public benefit, it is a charitable trust. Because charitable trusts have a public character it is the traditional function of the Attorney General to supervise and enforce charitable trusts.

Another unique aspect of charitable trusts is that, unlike private trusts, they may be created so as to endure in perpetuity. Because of that characteristic there is a tendency for charitable trusts to become outdated and out of step with current attitudes and needs of society. An example of this is trusts for the maintenance of orphanages. Another problem that can arise is that over time the sum of money or other trust property may become inadequate to carry out the charitable purpose. Charitable institutions are often appointed as trustees for a number of trusts and can find themselves facing problems of this nature in relation to more than one trust.

The Supreme Court has always had power to vary the terms of charitable trusts to overcome problems of this nature pursuant to the doctrine known as the cy pres doctrine. In addition the Charitable Trusts Act was enacted in 1962 to provide a process for trustees to seek the court's approval for variation of the terms of or mode of administration of charitable trusts.

With small trust funds the legal costs involved in obtaining Supreme Court approval of a scheme for variation can be disproportionate to the value of the trust property or the income of the trust. The principal purpose of the Charitable Trusts Amendment Bill is to provide a quicker, simpler and less costly procedure for approval of schemes in the case of small trust funds.

The Bill amends the Charitable Trusts Act 1962 in respect of four specific areas dealing with alternative approval procedure for schemes; termination of small trusts; combining schemes; and joint applications for approval of schemes. I will now comment in relation to each of these matters.

Alternative procedure for approval of schemes: If the trustee of a charitable trust wishes to vary the terms of the trust in order to alter the charitable purposes or the mode of administration of the trust, the trustee is required to obtain Supreme Court approval of the scheme for variation. The trust fund usually bears the costs involved in this process.

Charitable trusts range in size from trusts in the order of millions of dollars to those with as little as several hundred dollars or less. With small trust funds the costs involved in obtaining the court's approval for a scheme may be quite disproportionate to the value of the fund.

The Charitable Trusts Amendment Bill provides that where the value of the trust property is less than $50 000 or a prescribed amount, whichever is greater, or the annual income is less than $10 000 or a prescribed amount, whichever is the greater, the Attorney General may approve the scheme. Should the Attorney General refuse to approve the scheme the trustee may apply to the Supreme Court in the ordinary way for approval. The trustee is also able to make an application directly to the Supreme Court in the ordinary way for approval rather than seek the Attorney General's approval should this course be preferred for any reason.

In New South Wales, Victoria and Tasmania, the Attorney General is given similar powers to sanction schemes for the variation of charitable trusts with small funds. The Attorney General in his discretion may require the trustee to give public notice of the proposed scheme and the Attorney General must have regard to any representations made to him by interested persons. In addition, the Attorney General may charge the trustee reasonable fees for the legal costs and expenses incurred in considering the scheme.

For the purpose of those provisions the value of the property in the trust fund would include all property held in the fund, including current and accumulated income as well as capital. The ceiling levels of $50 000 and $100 000 are intended to be increased from time to time by regulation.

Termination of small trusts: Where the property or income of a charitable trust is "inadequate to carry out" the charitable purpose, pursuant to existing provisions the trustee may apply for approval of a scheme whereby the property/income "shall be disposed of for some other charitable purpose, or a combination of such purposes". However, where the value of the trust property or the income is very small it may be more expedient for the remaining capital to be expended and the trust terminated, rather than prepare a scheme to enable the property or income to be applied for some other charitable purpose.

The Bill provides that where the value of the trust property is less than $15 000 or a prescribed amount, whichever is the greater, the trustee may, if the value of the trust property is too small in relation to the charitable purposes for any useful purpose to be achieved by the expenditure of only the income derived from the property, seek approval for a scheme to dispose of the trust property for the charitable purposes.

The scheme may be approved by the Attorney General or, should the Attorney General refuse to approve the scheme, the trustee may apply to the Supreme Court in the ordinary way for approval. The trustee is also able to make an application directly to the court for approval of such a scheme rather than seek the Attorney General's approval should this course be preferred for any reason.

As with the proposed new approval process for schemes for variation of small trusts, the Attorney General in his discretion may require the trustee to give public notice of the scheme and the Attorney General must have regard to any representations made to him by interested persons. Likewise, the Attorney General may charge the trustee reasonable fees for the legal costs and expenses incurred in considering the scheme. The ceiling level of $15 000 is intended to be increased from time to time by regulation.

Combined schemes: Currently the Charitable Trusts Act 1962 makes no provision for two or more trustees to combine their respective trust funds where the trusts have similar purposes and the property and income of the trusts could be used more effectively in conjunction. The Bill is intended to permit a variation of the terms of a trust where the trust property could be used more effectively if pooled with other property applicable for similar purposes and administered jointly.

The proposed amendment relating to combined schemes is intended to apply to all charitable trusts and is not limited to charitable trusts with small trust funds. Accordingly, whether a combined scheme would require approval by the court or whether it could be approved by the Attorney General would depend upon the ceiling level of the property or the annual income of the trusts involved.

Joint applications: Additionally, the Charitable Trusts Act 1962 makes no provision for the trustees of a number of trusts with a common element to make a single application for approval of their respective schemes. The Bill permits trustees to submit a single application for approval to the Supreme Court or the Attorney General as the case may be, where the schemes involve substantially similar issues. As with the proposed amendments relating to combined schemes, the amendments in relation to joint applications would apply generally and would not be limited to small trust funds and the application for approval would be made to either the court or the Attorney General depending upon the ceiling level of the trusts involved.

The Charitable Trusts Amendment Bill seeks to introduce a range of practical, commonsense measures into the Charitable Trusts Act 1962. Simply stated, the Bill is concerned with providing trustees with a number of mechanisms to assist them in achieving more effective management of charitable trusts. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.D. Griffiths.

SUNDAY OBSERVANCE LAWS AMENDMENT AND REPEAL BILL

Introduction and First Reading

Bill introduced, on motion by Hon E.J. Charlton (Minister for Transport), and read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.59 pm]: I move -

That the Bill be now read a second time.

The Sunday Observance Act 1677 (UK) is an Imperial Act which applies in Western Australia. This Statute has been the subject of consideration by the Western Australian Law Reform Commission, which in its "Report on the United Kingdom Statutes in Force in Western Australia (Project No. 75, October 1994)" considered that the only provision of the Imperial Act which might be preserved is section 6, which prohibits the service of process on a Sunday. The report did, however, point out that section 6 is out of date and should be reviewed and that service of process on Sunday is permissible in the Australian Capital Territory, New South Wales, Victoria, New Zealand and the United Kingdom. The Imperial Act has been repealed in the Australian Capital Territory, New South Wales, Queensland, Victoria, New Zealand and the United Kingdom.

A number of reasons support the repeal of section 6 of the Imperial Act; namely, that section 63 of the Justices Act permits execution of warrants on Sundays; often, as a result of deregulation of trading hours, Sunday is the only day in which police can find people at home to serve summons; police who, unaware of section 6, have served summons on Sundays have done so without incident or complaint; and other jurisdictions permit service on Sundays.

In the context of the Restraining Orders Act, consideration was given to the possible relevance of the prohibitions contained in section 6 of the Sunday Observance Act 1677 (UK) to the service of telephone restraining orders on a Sunday. Although on the face of it the Sunday Observance Act may not preclude the service of such orders, a decision was made to further research this matter in order to provide an assurance that no difficulties would be encountered with such service. That research confirmed that, although the Act itself probably did not preclude such service, a common law provision remains which probably forms part of Western Australian law and which may cause some difficulty. This relates to the common law position that “judicial acts”, except in limited circumstances, are prohibited on Sundays. The common law rule has been abrogated in a number of cases by Statute; for example, the Supreme Court Act and the District Court Act have specific provisions to enable those courts to sit at any time. However, the real risk seems to remain that judicial acts of magistrates, save perhaps for those under the Local Courts Act, may be held invalid if done on a Sunday; that is, otherwise valid acts could be invalidated by the operation of the common law rule.

Broadly, the Bill seeks to do two main things: Firstly, the Imperial Act known as the Sunday Observance Act 1677 (UK) is to be repealed so far as it is part of the law of Western Australia. Secondly, by an amendment to the Interpretation Act the Bill will remove doubt that any decision by any person acting judicially is valid despite it happening on a Sunday, thus abrogating the common law rule if it applies; and at the same time it will validate any such judicial acts which have already occurred in case the rule applied. Therefore, the Bill provides a measure of retrospectivity in that anything done before the commencement of the relevant provisions is as valid, and is to be regarded as having always been as valid, as it would have been had the changes commenced before the thing was done.

As with the Supreme Court Act and the District Court Act, under a number of Western Australian Acts the common law rule has been abrogated with respect to criminal matters dealt with under the Criminal Code. However, the common law rule does not appear to have been abrogated with respect to judicial proceedings for offences created by Statutes other than the Criminal Code and dealt with under the Justices Act. This is reflected in the existence of statutory provisions specifically providing for the validity of certain kinds of judicial acts done on Sundays; an example of this is section 31(3) of the Fish Resources Management Act . With the passage of this Bill, those provisions will no longer be required, and for this reason a number of Statutes will be amended consequentially as set out in schedule 1.

In conclusion, this is an important Bill in that it seeks to improve certainty in relation to the validity of a range of judicial and other acts performed on a Sunday. Although the Bill builds upon the work of the Western Australian Law Reform Commission, it opportunely addresses concerns raised following the enactment of the Restraining Orders Act because it is important that any uncertainty relating to the issuance of restraining orders on Sundays be removed, especially given the new provisions relating to telephone orders. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.D. Griffiths.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon N.F. Moore (Leader of the House), and read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.04 pm]: I move -

That the Bill be now read a second time.

The Guardianship and Administration Act in part provides for the guardianship of adults who need assistance in their personal affairs, for the administration of the estates of persons who need assistance in their financial affairs, and establishes a board with jurisdiction in respect of guardianship and administration matters.

Section 6 of the Guardianship and Administration Act provides for the appointment of the President and Deputy President of the Guardianship and Administration Board. In particular, section 6(2) allows for either judges, masters or registrars of the Supreme Court, or judges of the District Court or Family Court, to be appointed as president. The original intention of the legislation was that a judge, master or registrar would be eligible for appointment as president while continuing to hold his or her substantive appointment. This has been the case to date with judges appointed to the board.

It is intended that one of the current registrars of the Supreme Court be appointed as president. However, it is open to interpretation whether section 6 of the Guardianship and Administration Act would allow for a registrar, so appointed, to continue to hold office as a registrar. In order to overcome this potential problem, the Guardianship and Administration Amendment Bill will enable a registrar of the Supreme Court to have concurrent appointment as both a registrar and President of the Guardianship and Administration Board in the same manner as a judge. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.D. Griffiths.

ROAD TRAFFIC AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon E.J. Charlton (Minister for Transport), and read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [10.07 pm]: I move -

That the Bill be now read a second time.

Honourable 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 the 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 both 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. Honourable 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 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 belt 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 may be 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 why 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.

Let me turn now 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 would be disqualified for a minimum period of three months. If his blood alcohol level were 0.11 per cent, the minimum penalty would be $600 and his licence would 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. However, administrative procedures have been put in place to ensure that persons who have held a licence for a period of not less than three years and have not been previously convicted of an alcohol-related driving offence will have the option of paying a modified penalty of $100.

Research indicates that young drivers' inexperience is one of the reasons why 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 I 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 from 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 an extraordinary motor driver's licence 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 why drivers on extraordinary licences should not be 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 licence.

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 can retain their deterrent effect by regular increments in line with inflation. Amendments to penalties provided in traffic regulations are currently being drafted 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 for 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 adjournment, on motion by Hon N.D. Griffiths.

OSTEOPATHS BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [10.18 pm]: I move -

> That the Bill be now read a second time.

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

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

The Osteopaths Bill was being developed simultaneously with the development of new legislation regulating dentists, physiotherapists, chiropractors, occupational therapists, psychologists, podiatrists, optometrists and pharmacists - the other health professions. It was decided to accelerate the passage of the Osteopaths Bill because osteopaths were the only health profession in the group without the benefit of an existing registration scheme. Additionally, competition policy reform review of the Osteopaths Bill was a reasonably straightforward exercise, given the small number of osteopaths practising in Western Australia.

There has been widespread concern that those practising massage, natural therapy or other associated health practices will be prevented from legally continuing their practice upon enactment of the Osteopaths Bill 1997. Unfortunately, this concern has arisen from the spread of misinformation. The Osteopaths Bill 1997 is intended to not prevent persons practising massage, natural therapy or other associated health practices.

Development of new legislation for the other health professions will continue using the Osteopaths Bill as the template Bill. It is acknowledged that there are significant differences between the other health professions and

osteopathy and it may be necessary or appropriate to adjust the template to take account of issues affecting particular health professions. It is also acknowledged that competition policy reform of the draft legislation for the other health professions may involve a more comprehensive analysis, particularly for pharmacy, dentistry and optometry.

The Bill is drafted in seven parts. Part 1 provides a definition of osteopathy. This definition revolves around the diagnosis and alleviation of somatic dysfunction, complemented by health education. The definition of osteopathy does not encompass the use of drugs or operative surgery. The definition was developed over a number of years in consultation with bodies representing a range of health professionals, including medical practitioners, chiropractors and physiotherapists. Much of the concern expressed by the masseurs has arisen in relation to the definition. However, during meetings with the united front of professional masseurs it has been established that masseurs do not diagnose and do not perform manipulations. As the definition of osteopathy in this Bill has three limbs and is conjunctive, the practice of massage is not caught by the definition. This means that masseurs will not be affected by the Osteopaths Bill 1997.

Part 2 establishes the registration board. The board is to consist of six members: Three osteopaths who are nominated by the Australian Osteopathic Association, one osteopath appointed by the Minister; one person who is appointed by the Minister to represent the interests of consumers; and one legal practitioner nominated by the Law Society of Western Australia.

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

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

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

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

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

Part 5 relates to disciplinary matters. A complaints assessment committee - consisting of one osteopath, one person other than an osteopath and possibly one or more persons considered appropriate by the board - will be responsible for assessing complaints. The complaints assessment committee has the power to dismiss complaints that are frivolous, vexatious or without substance and to make recommendations to the board as to appropriate action. The complaints assessment committee may refer a complaint to the board -

> for an interim order - preventing or restricting an osteopath from practising until the complaint is fully investigated by formal inquiry which must commence within 14 days;
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> with a recommendation that the board -
>
> - attempt to settle the complaint by conciliation;
> - caution or reprimand the respondent;

- accept an undertaking from the respondent to take or refrain from actions specified in the recommendations
- institute a formal inquiry; or
- take no further action.

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

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

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

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

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

Debate adjourned, on motion by Hon N.D. Griffiths.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.27 pm]: I move -

That the Bill be now read a second time.

The introduction of this amendment Bill represents a commitment to providing all students throughout Western Australia with the same high quality education, regardless of geographical location, as stated in the Government's education policy which was released last year. The Country High School Hostels Authority Act limits the authority to the provision of services for isolated students enrolled at non-metropolitan government primary and secondary schools. There is a genuine need for the Country High School Hostels Authority's residential colleges to be able to accommodate other students, both in meeting some student demand and in improving the financial viability of some hostels. Amendments to section 3 and section 7 of the Country High School Hostels Authority Act 1960 have been proposed to meet the requirement for the authority to provide accommodation services for isolated students statewide; to allow the authority to provide accommodation for a broader category of student; and establish an order of priority for the allocation of accommodation.

Other students seeking admission to the authority's residential colleges include isolated students enrolled at local TAFE colleges, isolated students enrolled at a local non-government school and non-isolated students. In the past, many country based non-TEE secondary school students left school after year 10. This is evidenced in the lower retention rates at year 11 and year 12 for country students in comparison with metropolitan students. However, country secondary schools are becoming more successful in linking with neighbouring TAFE colleges to provide for students with careers in mind. While some students are satisfied with school based vocational programs, other students find that TAFE best meets their needs and leave secondary school altogether to attend TAFE. The amendments to the Act will enable the authority to provide accommodation for these students. For example, the authority has two boarding facilities in Northam, one of which could be utilised for TAFE students. In Esperance there is strong support for an integrated community college which will link secondary, TAFE and tertiary education providers and the authority's residential college together in servicing the educational needs of students in the region.

The Esperance Community College initiative is well progressed and is typical of the interagency planning and cooperation being developed to deliver more effective and efficient educational services in rural Western Australia. The amendments will also benefit isolated non-government school students seeking admission to the authority's residential colleges throughout the State. Some smaller non-government schools in Albany, Northam and Geraldton, for example, do not have boarding facilities. The amendments will allow students who choose to attend these schools to be admitted under special arrangements. Each case will be approved by the Minister for Education. The non-government sector will be required to contribute its fair share towards residential college maintenance costs and future capital costs.

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

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

Although the amendment Bill will help to optimise educational opportunity and residential college enrolments for students in the south west of the State, where the authority's residential colleges are located, it will also assist in the establishment of new residential colleges in the north west. The amendments will allow new residential colleges to be developed in conjunction with the non-government sector in areas such as the north west where cost inefficiencies have inhibited the establishment of boarding facilities. The amendments will allow the Government and the non-government sector to join in funding the establishment, maintenance and operation of boarding facilities in locations where each sector has established schools which are attractive to isolated students. Currently, isolated families in the Kimberley and Pilbara regions have no local options. They must send their children to either the authority's south west residential colleges, to non-government metropolitan hostels or boarding schools or to boarding schools interstate. The amendments will allow the authority to support regional development in the Kimberley where boarding facilities will be critical in attracting agriculturalists to take up holdings in the Ord River expansion currently being promoted. The establishment of boarding facilities will in turn encourage the establishment of private schools, thereby making the region even more attractive for settlement and industry.

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

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

Debate adjourned, on motion by Hon N.D. Griffiths.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.33 pm]: I move -

That House do now adjourn.

Adjournment Debate - Greenhouse Gas Emissions

HON J.A. SCOTT (South Metropolitan) [10.34 pm]: Over recent weeks I have become increasingly angry about a particular issue that has been constantly in the Press; that is, the position the Australian Government has taken on

greenhouse gas emissions. The Howard Government's position and particularly the utterances of the Prime Minister are both dishonest and stupid. The dishonesty comes first from the Prime Minister using some very dodgy research, produced with the financial support of coal companies and aluminium smelters, which deliberately cuts out any opposition viewpoint to that research. The research has been slammed by academics, economists and economic think tanks throughout Australia who have said it is grossly exaggerated. I find it extraordinary that a department that is supposed to advise the Government on future policy can be bought to the extent of providing dodgy reports to back up the Government's argument and allow these companies to continue to produce excess greenhouse gas.

Not content with the gross exaggeration in this report of an annual loss of $12b to Australia, the figure has been further increased by John Howard in his statement that it would cost Australia $68b per year. It is a huge jump. It is blatant dishonesty. I am really annoyed by the fact that many commentators are missing the point about John Howard and his so-called Minister for the Environment arguing that Australia should not stick to the level of greenhouse gas production agreed to at the first greenhouse conference. If Australia were kept to its current limits, it would not make a great difference to Australian coal producers. John Howard is trying - and it is most dishonest - to break down the agreements between other nations. He does that because Australia's principal coal markets are overseas and not in Australia. By doing that he is putting future generations on this planet at risk. He is risking the future of the planet for the gains of particular coal interests and aluminium smelters in this country. It is a very unethical and dangerous position, but also it is blatantly stupid because it is not necessary to cut back on our industry to meet those targets. There are many ways to move towards those targets which will be of great benefit to this country. I can point to a few examples.

Most of the fuel in Australia is used by private motor cars, yet the Prime Minister is doing nothing serious to ensure that Australians move away from private car transport into more efficient forms of public transport. The State Government is doing very little in that regard also. The Prime Minister is also withdrawing funding from research institutes which are looking at ways of dealing with the greenhouse problem. Furthermore, he is ignoring any attempts to use renewable energy processes in this country. These are all areas in which greenhouse gas emissions could be cut significantly. There are other ways, such as downsized management of energy. The Federal Government is introducing in every State the most stupid process of a competition policy. This process will allow lots of private companies to compete with each other to see who can sell the most energy, and no thought has been given to the greenhouse gas production that will cause long term problems. There are no measures to contain growth in the energy market, and neither has any attempt been made to consider the long term interests of this country when those energy supplies start to dwindle. The Prime Minister is selling out the future of this country, and he is doing nothing to make industries more competitive. Australia uses energy in a very wasteful way. By moving towards energy saving measures and new technology, this country can gain by selling that technology to other nations. It could be a smart nation, and not one that digs up coal and sells it overseas. It could sell ideas, and they do not cost much in greenhouse emission terms.

Hon Derrick Tomlinson: Hot air does.

Hon J.A. SCOTT: Hon Derrick Tomlinson is a expert in that area!

Hon Derrick Tomlinson: I am surrounded by it.

Hon J.A. SCOTT: In his unethical stance our Prime Minister is taking the interests of a handful of companies and imposing them on the peoples of not only this country but also many countries of the world. An article by Brian Toohey in *The West Australian* of 13 October reads -

> Australia's final position has not been formulated but some officials are talking privately about Australia demanding the right to increase emissions 20 per cent by 2010 compared with 1990 levels.

That is exactly opposite to what we are supposed to be doing. We are supposed to be decreasing them by 20 per cent compared with the 1990 levels if we are to bring about a reduction in the greenhouse gasses on the planet. The article continues -

> Apart from Australia, every other developed country at the Kyoto meeting is likely to commit itself to a freeze with a cut in its greenhouse gas emissions.
>
> The European Union is advocating a cut of 15 per cent from the 1990s levels and the Japanese appear to be going for a cut of around 5 per cent. The United States is still to make up its mind but looks like pushing for something close to a freeze on current 1990 levels. New British Prime Minister Tony Blair is a passionate advocate of taking tough measures.

John Howard is arguing that we in Australia should be able to have a special position; that is, as we are very high producers of greenhouse gases per capita and because we have failed miserably in the past we should be allowed to pollute even more. Toohey says -

> The argument is akin to saying that a country which drops more garbage per head into the international oceans than anyone else should not have to cut back as much as other countries because it would not be in its national interest.

The Prime Minister of Australia is taking an appallingly unethical position. He is out of date, unethical, dishonest and is leading this country completely in the wrong direction. It is about time we got real leadership on this issue.

Hon Derrick Tomlinson: Yes; Cheryl Kernot.

Hon J.A. SCOTT: It is about time the future people on this planet are considered by John Howard and the Liberal Government. Their attitude is a disgrace.

Question put and passed.

House adjourned at 10.42 pm

QUESTIONS ON NOTICE

AGRICULTURE WESTERN AUSTRALIA - RESTRUCTURING

663. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

(1) What stage is the restructuring of Agriculture Western Australia currently at?

(2) What measures of productivity have been used to compare productivity levels before and after the restructure?

(3) What are the results of these productivity measurements?

(4) How many people are currently employed by Agriculture Western Australia?

(5) What is the aggregate number of hours of staff training relating to the restructure which have been recorded for the department as a whole since the commencement of the restructure?

(6) What is the aggregate number of hours in (5) above for each country office of Agriculture Western Australia?

(7) What is the average number of hours an officer of Agriculture Western Australia has spent receiving staff training on matters relating to the restructure?

(8) Has the restructure met the objectives set by the Minister for Primary Industry?

(9) What benefits has the restructure delivered?

Hon E.J. CHARLTON replied:

(1)-(9) Since the completion of the restructuring of Agriculture Western Australia following the Agriculture Portfolio Review of 1994, and other associated changes, substantial improvements are being delivered. These positive results for both staff and clients can be summarised as follows:

Real increase in State Government funding for agriculture;
Strong client focus and emphasis on customer service in delivering agency services;
Investment in research and development, information and resource protection; outcomes driven by industry and community partnerships in agency planning to meet market expectations;
Enhanced protection of agricultural resources and products from exotic pests and diseases through sharper focus on surveillance and rapid response;
Delivery and management of services in regional locations close to clients enabling greater adoption of results of research and development and feedback from clients.

Agriculture Western Australia has 1693 staff (as of 21 August 1997), and over the past 18 months, training and information has been provided to these staff through workshops and meetings at regional, district, group and individual levels. These meetings have also involved at different times the Minister, Chief Executive Officer, the agency executive team, other levels of management, and members of the partnership groups, board and advisory committees that work with Agriculture Western Australia. This process has been supplemented by regular items in AgBrief, the agency's internal publication.

FORESTS AND FORESTRY - HILLIGER FOREST BLOCK

Area

711. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

(1) What is the total area of Hilliger forest block near Nannup?

(2) What is the area of jarrah forest within Hilliger?

(3) What is the area of unlogged ('virgin') jarrah forest in Hilliger block?

(4) Does the Department of Conservation and Land Management intend to log Hilliger block in 1997 or 1998?

(5) If yes, what area is planned to be logged at what time, and what species, grades and volumes of wood are planned to be extracted?

(6) Can the Minister for the Environment provide a map of Hilliger showing the extent of jarrah forest, the location of virgin jarrah forest, and the location of planned logging coupes?

Hon MAX EVANS replied:

(1) 7,710 hectares.

(2) 6,390 hectares.

(3) 6,300 hectares.

(4) Yes.

(5) 1997-98 Logging Plan.

Operations are scheduled to commence November/December 1997.

Gross area of logging coupes: 2,960 ha
Anticipated net area to be harvested: 2,140 ha

Anticipated products and volumes:
30,500 cubic metres first grade jarrah sawlog
6,100 cubic metres 2nd grade jarrah sawlog
3,000 cubic metres 3rd grade jarrah sawlogs
17,200 cubic metres marri chiplogs

1998/99 Logging Plan

Gross area of logging coupes: 1,120 ha
Anticipated net area to be harvested: 860 ha

Anticipated products and volumes:
13,700 cubic metres 1st grade jarrah sawlog
2,700 cubic metres 2nd grade jarrah sawlog
1,300 cubic metres 3rd grade jarrah sawlog
12,900 cubic metres jarrah residue logs
10,000 cubic metres marri chiplogs

(6) See paper No 877.

ENVIRONMENT - MALLEE FOWL

Translocation - Francois Peron National Park

765. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to the translocation of Mallee Fowl to the Peron Peninsula as part of Project Eden -

(1) Will the Minister table the Conservation and Land Management's ("CALM") Translocation Proposal for the incubation of eggs removed from the wild and release of young birds into Francois Peron National Park?

(2) Is a proposal required under CALM's policy on Translocations No. 29?

(3) Did the above proposal cover the removal of Mallee Fowl eggs from the wild in the wheatbelt and pastoral region?

(4) If not, why not?

(5) On what date was the translocation proposal approved by the Director of Nature Conservation?

(6) Was the translocation proposal reviewed and approved by CALM's Animal Ethics Committee?

(7) If yes, when was the approval granted and what documents did the committee use in arriving at its decision?

Hon MAX EVANS replied:

(1) Yes. See paper No 876.

(2) Yes.

(3) It covered the removal of eggs from the Binnu/Ajana and Dalwallinu/Wubin areas of the wheatbelt.

(4) Not applicable.

(5) 20 November 1996.

(6) An application for approval for the translocation of Mallee Fowl to Francois Peron National Park was assessed and approved by the CALM Animal Experimentation Ethics Committee.

(7) Approval was granted on the 25 September 1996, based on the application form prepared by the proponents.

ENVIRONMENT - OPERATION DESERT DREAMING

Cost

766. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to Operation Desert Dreaming. Will the Minister provide the total and itemised cost of Operation Desert Dreaming indicating the sources of the funding, whether it is from Conservation and Land Management ("CALM"), or from Government and non-Government bodies, and including salaries of CALM staff involved in the project, over the total duration of the project?

Hon MAX EVANS replied:

Costs of the project, May 1991 - December 1993 -

			$
(a)	CALM staff (salaries)		63 516
(b)	Other staff		Nil
(c)	Operating expenses including travel, equipment, technical assistance		93 600
(d)	Capture, holding, feeding, transport of animals		5 100
(e)	Administrative expenses		37 093
	Total		199 309

Sources of funding -

(a)	External	WA Petroleum	58 000
		ANCA	30 000
		Landscope Expeditions	10 700
	Subtotal		98 700
(b)	Internal (CALM) Salaries and Administration		100 609
	Subtotal		100 609
	TOTAL		199 309

ENVIRONMENT - MALLEE FOWL

Translocation - Francois Peron National Park

767. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to the removal of additional Mallee Fowl eggs from the wild -

(1) Is Conservation and Land Management planning to remove additional Mallee Fowl eggs this year from the wild as part of project Eden for incubation and release of young next year into Francois Peron National Park?

(2) If yes, is this new translocation project included in the existing translocation proposal?

(3) If not, will a new translocation proposal be produced?

(4) Will this translocation proposal be externally peer reviewed?

Hon MAX EVANS replied:

(1) Yes, CALM is planning to remove additional Mallee Fowl eggs from the wild this year as part of project Eden.

(2) No, this is not included in the existing translocation proposal.

(3) Yes, a new proposal will be produced.

(4) This will be considered.

ENVIRONMENT - MALLEE FOWL

Translocation - Shark Bay

769. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to the Department of Conservation and Land Management ("CALM") Mallee Fowl translocation program at Shark Bay -

(1) When will the Mallee Fowl be released into the fenced-off area at Shark Bay?

(2) Have all feral cats and foxes been removed from the area, such that it is now free of such predators?

(3) Where did the eggs of these Mallee Fowl come from?

(4) How many eggs were removed?

(5) How will the removal of the eggs affect the population of Mallee Fowl in the region from which they were removed?

(6) Are there any pre-existing Mallee Fowl populations remaining in the fenced off area at Shark Bay?

Hon MAX EVANS replied:

(1) Five birds were released in September 1997.

(2) Virtually all foxes have been removed and feral cat numbers have been reduced to less than 20 per cent of their former level on the Peninsula.

(3) Binnu/Ajana and Wubin/Dalwallinu.

(4) 52.

(5) Little or no effect.

(6) No.

ROADS - CURTIN AVENUE, COTTESLOE

Widening

772. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

(1) Are there any plans to widen or alter Curtin Avenue, Cottesloe?

(2) If so, what are these plans?

(3) Will land be resumed to do this?

(4) If so, what is the estimated cost of these resumptions?

(5) What amounts of traffic are predicted to use Curtin Avenue once the upgrading of Servetus Street is completed?

Hon PETER FOSS replied:

The Minister for Planning has provided the following reply:

(1) Yes.

(2) Curtin Avenue, Cottesloe runs parallel and immediately west of the Perth to Fremantle railway line. The Metropolitan Region Scheme (MRS) currently shows an Other Major Highways reservation partially on the railway reserve and partially on the Curtin Avenue road reserve. The existing MRS reservation is not viable because of its impact on the railway.

(3)-(4) Yes, however, the extent of land acquisition required and therefore the cost of land will not be available until the draft plans have been developed further.

(5) The upgrading of Servetus Street is not expected to increase traffic on Curtin Avenue above current levels. However, there will be a general increase in traffic in the metropolitan area resulting from normal population growth. The present volume of traffic on Curtin Avenue ranges from 12,500 vehicles per day north of Marine Parade to 25,000 vehicles per day near its junction with Servetus Street.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL

Signatory to Code of Practice

830. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) Is the Department of Conservation and Land Management ("CALM") a signatory to the National Health and Medical Research Council (NH&MRC) Code of Practice for animal experimentation?

(2) Has/is CALM followed/following the responsibilities of institutions as outlined in 2.1 of the code?

(3) Is CALM's Animal Ethics Committee constituted according to 2.2 of the code (note in particular membership in 2.2.2, ie at least two members independent from CALM)?

(4) In relation to any particular proposal, is full documentation available as required in 2.2.9?

(5) If yes, would the Minister for the Environment table this documentation for the Mallee Fowl and the Bilby Translocation Proposals to the Francois Peron National Park?

Hon MAX EVANS replied:

(1) No agency is required to be a signatory to the National Health and Medical Research Council's Code of Practice for animal experimentation. The Code of Practice was prepared as a guideline for the operation of Animal Experimentation Committees and CALM follows the Code.

(2) Yes.

(3) Yes, the Committee has three independent members.

(4) Yes.

(5) Documentation is available for the Mallee Fowl translocation. [See paper No 875.] The translocation proposal for the Bilby has not yet been prepared.

QUESTIONS WITHOUT NOTICE

COURTS - FAMILY

Mediation Services - Funding

869. Hon N.D. GRIFFITHS to the Attorney General:

(1) What is the funding allocation for mediation services to the Family Court of Western Australia for this financial year?

(2) What was it for the financial year ending 30 June 1997?

(3) In each case, what amount was provided by the Commonwealth?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Nil.

(2) $24 000.

(3) The Family Court of Western Australia is fully commonwealth funded.

LEGAL AID - FUNDING

Commonwealth Contribution

870. Hon N.D. GRIFFITHS to the Attorney General:

(1) What amount has the Commonwealth agreed to pay for the provision of legal aid in Western Australia for this financial year?

(2) When did the Attorney last consult with the federal Attorney General about legal aid funding in Western Australia?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) The agreement is for six months until 31 December 1997. For the full financial year until 30 June 1998 the sum is $8.25m.

(2) 4 July 1997.

PORTS AND HARBOURS - DAMPIER PORT

Privatisation

871. Hon TOM STEPHENS to the Minister for Transport:

I refer the Minister to the proposed privatisation of the Dampier wharf and his interview on ABC Radio on 24 September.

(1) Did the Minister raise the issue of alleged labour inefficiencies as a reason for privatisation of the wharf?

(2) Is the Minister aware that port and wharf users, including WAPET, BHP, Brambles Manford, PGS Exploration, NT Shipping Agencies Pty Ltd, Mobil Exploration and Producing Australia Pty Ltd, CB Marine and Engineering Pty Ltd, Ampolex Limited, Tidewater Port Jackson Marine Pty Ltd and others have all praised and commended the port workers for their service?

(3) Is the Minister aware that those companies' descriptions of the quality of the port workers' service have included: "an excellent service and assistance"; "flexibility and attention to safety shown by your members...was...and...is exemplary"; "the flexibility and regard you have demonstrated is...well noted"; "excellent service"; "co-operation and willing work ethic...of invaluable assistance"; "your great team...a grand effort...a credit to the WWF"; "thank you for your patience and service"; "yet to find a more accommodating, productive and conscientious group of workers"; and "work ethic on the wharf is beyond reproach"?

Hon Derrick Tomlinson: Signed, Martin Ferguson.

Hon TOM STEPHENS: My question continues -

(4) In view of these outstanding commendations by major Australian and foreign companies for the work practices at Dampier, will the Minister apologise to the Dampier port employees for his slur on their work and explain to the House the real reason he wants to sell off the Dampier port?

The PRESIDENT: I ask the Leader of the Opposition to look at Standing Order 140 when he considers framing another question along those lines.

Hon E.J. CHARLTON replied:

(1)-(4) The decision to invite expressions of interest for the operation of the Dampier port is simply to ensure that those people who want to do business there can do so effectively. I invite the Leader of the Opposition to forward me that list of commendations and a copy of the letters.

Hon Tom Stephens: I will do my best.

Hon E.J. CHARLTON: I want to see the information relayed to the port.

Hon Tom Stephens: I hope you will not take reprisals against the companies.

Hon E.J. CHARLTON: I would like to substantiate the comments made by the Leader of the Opposition. This Government and I want everyone, including the port users, the employees, the businesses and the port authorities,

working together responding to the day-to-day requirements of those bringing products in and sending them out. As a service wharf, the port is critical to the oil and gas industry and the people providing those services. The Government will ensure that anyone who operates from that port, whether directly or indirectly, can do so in the most effective and efficient manner.

If all the employees to whom the Leader of the Opposition just referred are doing their work in the most effective manner then obviously they have nothing to worry about because they will be required to continue to do so. He should look forward to that and so can they. However, if there are any individuals who do not fit into that category then perhaps their future is not as good.

HEALTH - BROOME DETOXIFICATION CENTRE

Opening

872. Hon TOM STEPHENS to the Minister representing the Minister for Family and Children's Services:

(1) When it is anticipated that the proposed Broome detoxification centre will be opened?

(2) Is the Minister aware that it has been anticipated within the Broome community that the future operation of the Broome detoxification centre will be dependent upon the active participation of the Broome Kullari Patrol?

(3) Has the Minister received any information regarding the impact of the Aboriginal night patrols in Broome, Derby and Fitzroy Crossing on the amount of domestic violence, alcohol related hospital admissions and public drunkenness and, if so, what is the substance of this information?

(4) Will the Minister move to allay the apprehension in these towns that these services may have their funding withdrawn and, if not, is this an indication of the Government's intention to withdraw their funding?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question and ask that it be placed on notice.

HEALTH - BREAST CANCER

Cannington Screening Unit

873. Hon KIM CHANCE to the Minister representing the Minister for Health:

I refer the Minister to the report headlined "Future unclear for breast cancer unit" published in the Canning community newspaper on Tuesday, 7 October.

(1) Given that the lease on the Cannington breast cancer screening unit expires in a few months, will the Minister guarantee that alternative suitable premises in Cannington will be found for the government run breast screening unit?

(2) The Minister has now had in his custody for several months a copy of the report he commissioned to investigate the future of breast cancer screening services in Western Australia. Will the Minister end the anxiety that is being caused by public speculation about the privatisation of these services and make the report public? If so, when; if not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) A decision will be made when the report on breast screening services has been considered by Cabinet.

(2) Yes, when a decision is made by Cabinet.

ENVIRONMENT - BORAL CONTRACTING PTY LTD

Alcoa Roadways - Dust Suppression

874. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

(1) Does Boral Contracting use water from Alcoa's mud lakes in the locality of The Spectacles for the purpose of dust suppression on its roadways? If so -

(a) What is the pH of such water?

(b) Does the Department of Environmental Protection allow the use of such water for dust suppression?

(2) Why is Western Construction currently working on the Browns Road Alcoa pipeline?

(3) Has there been a spill from this pipeline? If so -

(a) Was the DEP informed of such a spill?

(b) What was the size, nature and impact of such a spill?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No, but Boral Contracting does use bore water, stormwater runoff and water from the Alcoa cooling water pond for the purpose of dust suppression on Alcoa roadways.

(a) Depending on the source of water the pH is in the range 8-11.

(b) Yes.

(2) Western Construction has undertaken preventive maintenance on the pipeline.

(3) Yes.

(a) On the day of the spill Alcoa informed the Department of Environmental Protection of the occurrence.

(b) Approximately 5 000 kilolitres of cooling water was spilled covering about one-quarter of a hectare. The pH of the water was about 11. DEP inspectors examined the site of the spill about five days later and concluded that the environmental impact was negligible. However, further monitoring is being undertaken.

HEALTH - NURSES

Shortage

875. Hon MURIEL PATTERSON to the Minister representing the Minister for Health:

(1) How many nurses are required to make up the shortfall currently being experienced in the state health system?

(2) How many of these places will be filled using foreign nurses, and when will they be available?

(3) What plans are there to prevent future shortages?

Hon Tom Stephens: There would not be a shortage if the Government paid them properly.

Hon MAX EVANS replied:

Mr President, that question was not directed to Hon Tom Stephens. I thank the member for some notice of this question.

(1) The exact number of nurses required is not known. This information is sourced from individual health services by the Health Department and the accuracy of information received is reliant on the compliance rate of the respondents. In the period from June to December 1996, 837 vacancies were reported statewide. The January to June data is now being compiled by the department.

(2) The exact number of places is not known; however, all the major acute hospitals in the metropolitan area have indicated they are unable to fill senior general nursing positions and there continues to be a chronic shortage in mental health, midwifery, critical care and general nursing in the rural sector. Advertisements will be placed in the United Kingdom and Ireland at the end of October and beginning of November. It is anticipated that successful applicants will be employed in the new year.

(3) The Health Department, in consultation with the universities and health services, is developing short and medium term strategies to assist the attraction and retention of nurses in Western Australia. These include -

Appointment of a senior nursing adviser to promote nursing as a first career choice for school leavers and to market nursing to other target groups, including mature aged persons.

Development of a health service based re-registration program for nurses who are not currently registered and who want to return to the nursing workforce.

Continuation of nursing scholarships especially in the clinical areas.

Development of rural based midwifery programs.

Continuation of work orientation programs for new graduates with particular emphasis on rural employment.

Introduction of a graduate nurse consortium to improve the recruitment and selection of new graduates.

Development of clinical chairs in critical care and clinical nursing.

ENVIRONMENT - KEMERTON INDUSTRIAL PARK

Disposal of Hazardous Wastes

876. Hon CHRISTINE SHARP to the Minister representing Minister for the Environment:

Considerable notice of this question has been given.

(1) Where will the future hazardous wastes for the proposed expansion of the Kemerton industrial park be disposed?

(2) Will a comprehensive hazardous waste disposal plan be part of the report into the Kemerton expansion due to be released in the near future?

Hon MAX EVANS replied:

(1) I am advised that the State Government is funding studies to identify a suitable site or sites for a secure landfill to service the Kemerton industrial estate with the capacity to meet the future needs of industry. The final disposal option for any hazardous waste will depend on the nature and specification of the waste product. Accordingly a site suitable for receiving a wide range of wastes is being sought.

The State Government operates the intractable waste disposal facility at Mt Walton East, which is the only site available in Australia suitable for the disposal of solid intractable wastes.

(2) Any proposal to develop a secure waste disposal site associated with the expansion of the Kemerton industrial park will require referral to the Environmental Protection Authority. The matter of timing of this referral can best be addressed following consideration of the site selection study currently under way and the likely needs of industry.

FAMILY AND CHILDREN'S SERVICES - MIDLAND FAMILY AND SUPPORT SERVICES PROGRAM

Budget

877. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Family and Children's Services:

(1) What was the total budget allocation to the Midland family and support services program for 1997-98 compared to 1996-97 and 1995-96?

(2) How many full time equivalents were allocated to the Midland family and support services program in 1997-98 compared to 1996-97 and 1995-96?

(3) How many family support cases has Family and Children’s Services in Midland dealt with so far this year and how does this compare with cases handled in 1996 and 1995?

(4) How many family support cases remain on the unallocated list at the Department of Family and Children's Services in Midland?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) The total operating budget for Midland was $1 335 924 in 1995-96; $1 543 166 in 1996-97; and 1997-98 is yet to be determined.

(2) The FTE allocation for Midland was 32 in 1995-96; 34 in 1996-97; and 34 in 1997-98. Also, a regional relieving pool was created to assist in responding to peak demands.

(3) From 1 January to 31 December 1995, 893 new family support cases were opened in the Midland office. From 1 January to 31 December 1996, 820 new family support cases were opened in the Midland office. From 1 January to 15 October 1997, 586 new family support cases were opened in the Midland office.

(4) All cases are allocated to teams to ensure urgent tasks are actioned and monitored. As at 15 October 1997, 16 cases are yet to be allocated.

ENVIRONMENT - TELSTRA HERITAGE PAYMENT

Funding Priorities

878. Hon J.A. SCOTT to the Minister representing Minister for the Environment:

(1) Has the State Government listed its priorities for heritage funding via the Telstra one-off heritage payment?

(2) If yes, what are those priorities?

(3) Is the oil mallee project in the wheatbelt included in this list?

(4) If not, why not? What funding is intended to be allocated to the oil mallee project?

(5) When is it expected that tree oil extraction will be a viable industry in Western Australia?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The State Government endorsed and forwarded to the Commonwealth Government the projects as recommended by the state assessment panel.

(3) Yes. The Oil Mallee Association coordinator project is in the list of continuing agency projects recommended for funding under the national land care program by the state assessment panel. Oil mallees are also an option for investigation under the new project for developing multiple purpose species for large scale revegetation which has been submitted in the package endorsed by the state assessment panel.

(4) Not applicable.

(5) The Oil Mallee Association has just completed a business plan which indicates that the amount of leaf resource must, at least, be doubled to bring down overhead costs to a level where revenue from oil sales will exceed total cost of production. About seven million trees have been planted to date, and a planting rate of two million seedlings a year must be sustained to the year 2000 before this level of resource is available. The association is developing a strategy to achieve the required planting rate.

HOMOSEXUALITY - STATISTICS

879. Hon GREG SMITH to Hon Helen Hodgson:

My question relates to Order of the Day No 42. The member has stated that research indicates that between 7 per cent and 13 per cent of the population is gay or lesbian; by the age of 13 years most homosexual youth are aware of their attraction to same sex partners; and by the age of 14 years most lesbians are aware of their attraction to same sex partners.

(1) Where did the statistics come from?

(2) How up to date are they?

Hon HELEN HODGSON replied:

(1)-(2) I ask the member to put this question on notice. I have that information, but without being given notice, I do not have it in the file I have with me in the Chamber.

LESCHENAULT LEISURE CENTRE - FUNDING

880. Hon J.A. COWDELL to the Minister for Sport and Recreation:

Further to my question on notice on 25 June about the Government's commitment to fund a one-third share of the swimming pool proposed for the Leschenault Leisure Centre in Australind -

(1) Has the study undertaken by the Ministry of Sport and Recreation regarding the need for swimming pools at both Hay Park in Bunbury and at the Leschenault Leisure Centre been completed?

(2) If so, what is the outcome of that study, and when will the relevant parties be advised of the outcome of the study?

(3) If not, when will the study be completed?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The deliberations of the working party were discussed with representatives from the City of Bunbury and the Shire of Harvey on 10 October 1997. Parties to those discussions are considering the study findings, and I expect to be in a position to release details regarding the outcome in the near future.

(3) Not applicable.

MUSEUMS - MUSEUM OF WESTERN AUSTRALIA

Human Resource Management Practices

881. Hon E.R.J. DERMER to the Minister for the Arts:

In the annual compliance report recently submitted to the Parliament, the Commissioner for Public Sector Standards noted that there were several complaints about the human resource management practices in the Museum of Western Australia. The commissioner confirmed the basis of these complaints and identified deficiencies in the Museum's human resource practices.

(1) What was the nature of these complaints?

(2) What steps has the Minister taken to ensure the deficiencies in the human resource practices are remedied?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) As to the first complaint, an employee of the Museum lodged a grievance against an alleged breach relating to standard No 1, covering recruitment, selection and appointment, of the Public Sector Standards (Human Resource Management). This complaint was investigated by an external reviewer and the grievance was not substantiated. As to the second complaint, an employee lodged a grievance relating to standard No 5, covering redeployment, of the Public Sector Standards (Human Resource Management). This complaint was investigated by an external reviewer who determined that there had been no breach of standard in relation to the complaint. Both complaints were lodged by the same employee.

(2) An independent review of the agency performance of the Museum in relation to equal employment opportunity and diversity outcomes was undertaken in November 1996 by the Public Sector Standards Commission. As a result of the report, an operation plan has been developed by the Museum in response to a series of recommendations made by the reviewer. This plan has been discussed and submitted to the Director of Equal Opportunity in Public Employment and positive endorsement was received. This plan is being implemented across the eight sites of the museum. A comprehensive human resource plan has also been developed and was submitted to the Public Sector Standards Commissioner for comment. This plan is also being implemented within the Museum, ensuring compliance with the public sector standards in human resource management. The Museum appointed a qualified, experienced human resource manager in 1996, following a period of temporary placements in the position. This action will promote the

development and ongoing management of the human resource function of the Museum. However, probably the most significant development has been the establishment of the Department of Culture and the Arts. All agency employees have now transferred to the ministry, which has a human resource function. The ministry as a whole has a more extensive human resource capacity than any individual agency.

HEALTH - BROOME REGIONAL ABORIGINAL MEDICAL SERVICE

Vacancy for Doctor

882. Hon TOM STEPHENS to the Minister representing the Minister for Health:

(1) For what period has the Broome Regional Aboriginal Medical Service been advertising nationally in an attempt to fill a vacant doctor's position?

(2) Is the Minister aware that BRAMS can only offer a remuneration package of $40 000 less in direct salary terms to a doctor working in the public health system?

(3) Is it correct that doctors working within BRAMS provide about one-half of the public hospital in-patient services and two-thirds of obstetric services for the Broome community, but for the past two years the state Health Department has been unable to pay for the services at the same rate applied to every other medical practice in Western Australia?

(4) Is the Minister aware of any instance where a transfer of funds was received from the Commonwealth in 1995-96 to improve the access that remote Aboriginal communities have to the services of doctors?

(5) If yes, is the Minister aware of how these funds were eventually distributed?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(2) No.

(3) The Kimberley health service has advised that no automated data capture systems are available that would allow ready extraction of the information requested by the member within the time frame for this question without notice. However, it is believed that the services provided are 40 per cent for in-patient services and between 30 per cent and 50 per cent of obstetric services for the Broome community. BRAMS had been remunerated according to an earlier arrangement; however, BRAMS unilaterally withdrew from the arrangement and negotiations for a new agreement continue. BRAMS continues to be paid according to the previous agreement during these negotiations. The latest offer to BRAMS was made within the past three weeks, to which no response has been received.

(4) The Health Department of Western Australia received a grant from the commonwealth Department of Health and Family Services in 1996-97 to improve medical services for remote Aboriginal communities.

(5) These funds are held in trust pending agreement between the Commonwealth and the State on the specific services to be purchased.

WATER RESOURCES - SECRET HARBOUR AND PORT KENNEDY RESORTS

Water Extraction Licences

883. Hon J.A. SCOTT to the Minister representing the Minister for Water Resources:

Under the water extraction licences held by the developers of the Secret Harbour and Port Kennedy Resorts -

(1) What levels of extraction were permitted at each location in 1996-97?

(2) What was the actual level of extraction for 1996-97?

(3) Has either development sought an increase in the level of water extraction and can the Minister provide details, including reasons for seeking an increase?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Secret Harbour has a number of licences. The total of the combined licence allocations is 625 025 kilolitres. Port Kennedy also has a number of licences. The total of the combined licence allocations is 424 700 kL.

(2) The level of extraction permitted at Secret Harbour is 648 615 kL and at Port Kennedy it is 423 841 kL.

(3) Yes. The increase at Secret Harbour was for the additional irrigation of public open space. The commission subsequently refused that application. The increase at Port Kennedy was for the additional irrigation of public open space and a second 18 hole golf course. The commission also subsequently refused this application.

POLLUTION - CONTAMINATED SITES

Omex - Clean-up

884. Hon LJILJANNA RAVLICH to the Minister representing the Minister for the Environment:

(1) Does the projected cost of the Omex contaminated site clean up include the purchase of the site or any part thereof?

(2) If so, how much will be paid by the Government?

(3) To whom will the money be paid under that arrangement?

(4) Will Mr Quaekenbush be paid any money as part of the site clean up arrangements?

(5) If so, how much and for what?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(3) The projected cost of the clean up includes the foreseen costs of all necessary works to achieve the site remediation. It is very likely that this will include the purchase of some land in the area, but the extent and nature of any purchase will be determined by negotiations that are not yet concluded.

(4)-(5) It is the Government's intention to ensure that Mr Quackenbush, or other Omex associated interests, does not profit from the clean up of this site.

HOSPITALS - FREMANTLE AND PRINCESS MARGARET

Elective Surgery

885. Hon J.A. COWDELL to the Minister representing the Minister for Health:

(1) How many patients who had their elective surgery at Princess Margaret Hospital for Children cancelled during the recent school holidays come from the Mandurah and Pinjarra area?

(2) How many people from the Mandurah and Pinjarra area are currently on the waiting list for elective surgery at Fremantle Hospital?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Four cases.

(2) Mandurah, postcode 6210, 428 patients; Pinjarra, postcode 6208, 59 patients. This data may include medical patients who routinely are not included on the waiting list data; however, we were unable to edit these in the time frame given. The figures above are accurate to within approximately 5 per cent of the true figure.

HOSPITALS - BUNBURY REGIONAL

Elective Surgery

886. Hon BOB THOMAS to the Minister representing the Minister for Health:

With regard to elective and non-urgent surgery at Bunbury Regional Hospital -

(1) How many people are waiting for this type of surgery?

(2) What is the expected time delay for this type of surgery?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) All waiting lists for the south west are held by doctors who attend Bunbury Regional Hospital.

(2) Not applicable.

Hon Tom Stephens was granted leave to table correspondence concerning question without notice 871, but was denied leave to have the correspondence incorporated in *Hansard*.

[See paper No 874.]