



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Thursday, 26 September 1996

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 11.00 am, and read prayers.

PETITION - REGIONAL PARK SOUTH OF GUILDERTON, ESTABLISHMENT

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 18 people praying that there be established a regional park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathlands south of the mouth of the Moore River.

[See paper No 653.]

MOTION - URGENCY

China Trade Relations, Waterfront Productivity

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter addressed to me and dated 26 September 1996 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House at its rising adjourn until December 25, 1996 for the purpose of discussing actions of the Commonwealth Government which are impacting on the capacity of Western Australian industry to expand trade in Asia, to discuss in particular those statements made by the Minister for Trade about Australia's waterfront productivity while he was in Shanghai recently and were reported in *The Australian* August 30, 1996 on page 5.

Yours sincerely

Hon Kim Chance MLC

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON KIM CHANCE (Agricultural) [11.10 am]: I move -

That the House at its rising adjourn until 25 December 1966.

I thank members for their support of the motion.

I refer initially to what begins as a good news story in today's *The West Australian* carrying the headline "China signs agreement with WA to boost trade". Unfortunately the story had a sting in the tail - a reference to the attacks in China's major newspapers today and yesterday on the Prime Minister for his planned meeting today with the Dalai Lama. However much we welcome the agreement signed yesterday between the Deputy Premier, Hon Hendy Cowan, and the Vice Governor of the Zhejiang Province, Mr Long Anding, the fact remains that the damage that has been done to Sino-Australian trade relations as a result of today's meeting between the Prime Minister and the Dalai Lama is significant, and our trade officials and diplomats will need to work long and hard to salvage the situation.

Hon I.D. MacLean interjected.

Hon KIM CHANCE: The member should listen and he will hear what I think.

This situation arises at a time when Australia is just about to harvest one of its biggest wheat crops ever. Currently the world is awash with wheat; every major wheat producing nation is reporting either record or excellent crops.

Hon M.J. Criddle: It is hardly awash.

Hon KIM CHANCE: Very nearly - so much so that the price of Australian wheat has fallen significantly below the psychologically important \$A200 a tonne barrier.

Several members interjected.

Hon KIM CHANCE: Yes, but Australian Wheat Board predictions, which are usually reliable.

In response to Hon Ian McLean's interjection, I do respect the Prime Minister's judgment in these matters, and I defend his right to meet whomever he wants to meet; that is something he and his advisers must decide. However, I cannot for the life of me see that protocol demanded a meeting with the Dalai Lama by any more senior government Minister than the Minister for Foreign Affairs. The Dalai Lama is not a head of State; he is a head of State in exile and a religious leader. There is no doubt that Australian Buddhists are a large and highly respected part of our community, and I mean no disrespect to them or to the Dalai Lama in saying what I have said. However, today's meeting unnecessarily risks our relationship with China and a decision about the meeting should have been made in that context.

The attitude of the coalition to our relationship with China has been confused and amateurish for decades; this is nothing new. I remember with clarity, and not a little bitterness, the words of the then Deputy Prime Minister, Mr Doug Anthony, when he said in the early 1970s that he would not sell his soul by trading with what he was pleased to call Red China. In doing that, he slammed the door on our wheat trade with China and allowed the Canadians to dominate that most important market in our region - a dominance that it still holds over Australia. While we have a coalition Government our attitude to China varies between gross offensiveness and fawning subservience. Of that latter attitude, there is no better example than the comments made by Tim Fischer while in China recently. Less publicised perhaps than his appalling statement about improved health standards in Tibet were comments he made while in Shanghai, to which reference is made in the motion, which were reported in *The Australian* on Friday, 30 August 1996. He is reported as describing Australian waterfront productivity as disgraceful and he warned that the Federal Government was preparing measures to improve it dramatically. The article states -

The Deputy Prime Minister said he had recently visited a container port under Australian management in Buenos Aires, which was unloading 40 containers an hour while it was being renovated. "At the same time, Botany (in Sydney) is slipping back to about 15 containers an hour," he said.

"Australia cannot ignore the performance inadequacy on the waterfront. If we do so, we do so at our own peril.

"Botany has brilliant cranes, excellent rail connections and a dual carriageway to a nearby container area - everything sits there, but we are doing 15 containers an hour. It's a disgraceful performance compared to one of our competitors. A great deal needs to be done, and all I can say is watch this space."

Not only did Mr Fischer grossly misrepresent our waterfront performance he also set out to denigrate our export capability to further what is nothing more than his own domestic political agenda while in a foreign country.

Hon N.F. Moore interjected.

Hon KIM CHANCE: I will get to that quickly. Hon Tom Helm will provide more detail on how badly Mr Fischer misrepresented the situation. However, I will briefly explain the situation.

Container productivity is counted in 20-foot equivalent units; that is, a 40-foot container is effectively counted as two containers, and that measure is standard worldwide. Under a productivity arrangement at Port Botany, a 40-foot container lift that used to be counted as two TEUs is now counted as only one TEU. The effect on nominal rates is obviously a reduction even though the same amount of cargo is being unloaded per hour.

The *Maritime Workers Journal* of May-June 1996 states that as a result of that change members fear that politicians could exploit the anomaly when in reality the rate of lifts per hour is increasing. They did not have to wait long, because by August this year we had the Minister for Trade racing off to a customer country - and one of the most important ports in the Asian region, Shanghai - saying that our performance was lousy compared with Argentina's. We must ask what kind of message that is sending to our trade customers. The message seems very clear: Mr Fischer is telling the Chinese that they should buy Argentine, not Australian.

Hon N.F. Moore: How do you draw that conclusion?

Hon KIM CHANCE: He is telling the Chinese that the Australian waterfront performance is worse than the performance on the Argentine waterfront. It is not only wrong, but also is effectively an act of treachery. Mr Fischer has done nothing more than take the domestic political agenda of industrial relations - it is clear that is his aim - to try to promote that issue and his own agenda in a foreign country. We all remember the statements of Mr Fischer and others whenever the former Prime Minister Paul Keating made a comment, particularly in Asia, that even remotely related to a domestic issue. I can recall people being offended by comments Paul Keating made about an Australian republic. However, promoting the idea of a republic in the Asian region is a positive. Monarchists may not think that is the case, but in Asia the idea of Australia separating itself in a constitutional manner from what the Chinese regard as an old colonial power is a positive. Not everyone may agree with that and, of course, members have every right to disagree, but at that time in Asia it was a positive. Telling the people of China that Australia's

export performance is lousy is a negative. For as long as this country leaves its foreign affairs and trade relations to bungling fools like Fischer and Downer, it will have troubles and will be in no better situation than it was when Doug Anthony was Minister for Foreign Affairs and he told the Chinese Australia did not need their trade and they should look to the Canadians.

Hon P.R. Lightfoot: You are committing the same indiscretion by saying that Mr Fischer and Mr Downer are bungling fools.

Hon KIM CHANCE: Everyone knows that. That is nothing new.

Hon P.R. Lightfoot: What do you think the Asians will think of that?

Hon KIM CHANCE: They will probably think that at least somebody in Australia recognises the truth.

Hon P.R. Lightfoot: It is not helping the situation.

Hon KIM CHANCE: There are two agendas in this matter: The first is the foreign affairs question of the meeting between the Prime Minister and the Dalai Lama. It is well outside the scope of the State Parliament to comment on that, but at least it has a right to express a view about whether it is a wise decision. I have reserved my opinion on the matter by saying that I think the Prime Minister has judgment which we must respect, and he has probably adopted that position on the basis of good advice. Even so, I am not all that happy about it. The meeting goes beyond the normal extent of required protocol, because the highest level demanded by protocol in a meeting with the Australian Government is with the Minister for Foreign Affairs. I could be wrong in that matter, and I will accept any correction of that statement.

The statements by Mr Fischer arguably are not defensible. Why take an issue - if it is an issue at all and it is faithfully represented, which it is not - which is purely domestic to a forum in China to discuss it? It is simply not acceptable. It is not doing Australia any good, particularly Western Australia. If we are to regard China as a market on which this country can rely, with mutual trust between the two markets, we must stop taking domestic issues into that forum for resolution.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.24 am]: What a pity that we are debating a negative approach from the Opposition when in today's newspaper there is the unusually good headline of "China signs agreement with WA to boost trade". Perhaps that good news story has offended members of the Opposition and they now need to raise other matters to muddy the waters to suggest it is not good news and that somehow the work of the State Government is being undermined by the Federal Government.

The interesting point about Hon Kim Chance's comments is that he referred to the visit of the Dalai Lama but did not give his opinion about the meeting with the Prime Minister. He said we must respect the Prime Minister's view, but then insinuated that the Prime Minister was making the wrong decision by meeting that person. However, he did not quite say it was not the right thing to do.

Hon Tom Helm: What is your view?

Hon N.F. MOORE: I do not have a view in respect of this matter because I do not know enough about it. I have not come into this Parliament saying the Commonwealth Government is jeopardising trade with China. Members opposite have done that and, as a consequence, they should advise the House of their opinion. Hon Kim Chance should have said whether he believes the Prime Minister should meet the Dalai Lama. This issue was raised by members opposite, not by me.

Mr Keating met the Dalai Lama four years ago and no motion was presented to the Parliament on that occasion by members opposite. Mr Keating also said that the Prime Minister of Malaysia was recalcitrant, and I do not recall members opposite claiming on that occasion that it would jeopardise trade with Malaysia. For once a good news story has appeared in the Press about Western Australia's productivity, trade with China and a good arrangement with the Province of Zhejiang. All we have heard from members opposite is that Tim Fischer said something in China about productivity on the Australian waterfront that would jeopardise this country's export performance in Asia. People in China do not buy things on the basis of the producer's waterfront activity; they buy on the basis of the cost of the goods. If the Argentine waterfront is far more efficient than the Australian waterfront but the price of the products is higher, the Chinese will buy the goods from Australia.

Hon Kim Chance: That is over-simplification.

Hon N.F. MOORE: It is not over-simplification at all. Hon Kim Chance is suggesting that because Mr Fischer said in China that productivity in Australia is lower than productivity in Argentina, it will stop the Chinese from buying Australian products. That is not true. Australian products could be cheaper in China if its waterfront productivity

were higher. However, the bottom line is that the Chinese will buy from the cheapest market, provided the quality is good. It makes no difference to the Chinese whether the Australian waterfront is productive.

The simple bottom line is that Hon Kim Chance thinks the meeting between the Dalai Lama and the Prime Minister will jeopardise Australia's trade with China, but he is not prepared to say so. Also, he was not prepared to criticise Mr Keating for his indiscretions in Malaysia or his meeting with the Dalai Lama four years ago.

Hon Kim Chance: I was not here four years ago.

Hon N.F. MOORE: The Opposition was here at that time but nobody criticised the meeting.

Hon John Halden: Neither did your side.

Hon N.F. MOORE: Because we were not criticising it. We probably thought it was an appropriate meeting. Nobody made a big deal of it. Perhaps a big deal should not be made of this meeting either, but for some reason it has. The sum total of the comments by Hon Kim Chance, with regard to Mr Fischer's comparisons between waterfront activity in Australia and Argentina and the effect it will have on the Chinese market, is a lot of hot air and a waste of time. There is no substance to what he said, but it has been said on a day on which Western Australia has entered into an agreement with the Zhejiang Province to boost trade with WA. It is a very good news story which I hope members opposite will continue to promote, rather than their muddying the waters by introducing extraneous arguments such as those we have heard this morning. I do not propose to waste any more time. This argument means nothing and is of no substance. It is a waste of time.

HON TOM HELM (Mining and Pastoral) [11.29 am]: I support the motion before House, and note that it has nothing to do with the meeting with the Dalai Lama, although Hon Kim Chance referred to it. It seems that members opposite had no opportunity to defend the motion relating to the productivity of Australia's waterfront but found something else to have a crack at. The Opposition did not comment on whether the Prime Minister should meet the Dalai Lama or any other person.

Hon I.D. MacLean: Hon Kim Chance brought it up.

Hon TOM HELM: The motion provides an opportunity to discuss -

Hon I.D. MacLean: Your side brought it up.

The PRESIDENT: Order! I will decide whether the member is off the track and what he can and cannot talk about, and unless I say so the member can keep going.

Hon TOM HELM: I intended to talk about waterfront productivity, the issue that the Deputy Prime Minister brought up in a foreign country when trying to chalk up the profile of another foreign country and in the process bringing down the profile of his own country - the interests of which he should be representing when overseas. That has given members the chance to debate a point of view that is rarely discussed in this place; that is, why productivity may not be as high on the waterfront as it should be. I put the proposition that if equipment on the waterfront were up to world standard, and profits that had been made within the waterfront industry had been ploughed back into the industry, we would be world best consistently. As it is, we are world best on an ad hoc basis.

I have some information that I will share with the House that will prove the proposition that Hon Tim Fischer has missed the point in taking a sideswipe at the workers on the waterfront. Some members on the other side of the Chamber are clear about whom they blame for what they perceive to be a lack of productivity on the waterfront. Although members opposite put the blame unfairly but squarely upon the work force, members on this side have had little opportunity to put the opposing view that it has more to do with equipment. I will quote an article in the *Maritime Workers' Journal* of May-June 1996 about a portainer crane operator. The article states -

. . . Luis Ramirez holds the record crane rate at Container Terminals Australia Limited, Port Botany - a record 50 TEU per hour.

That is, 20 foot or equivalent units. Containers come in two standard sizes, 20 foot and 40 foot. In that internationally recognised method of measuring the lifts the 20 foot units are standard and, previously, if one lifted a 40 foot unit that was considered to be the equivalent of two 20 foot units. I am not an expert in this; however, the reason is that the jig that lifts the container must be changed; it has a different cell. When one is loading a cellular craft - that is, a container boat - there are different configurations, and it is slower in some respects to load 40 foot units than 20 foot units. The same tonnage can be achieved if the cranes are working to maximum capacity of tonnage. The article quotes Luis Ramirez -

"We have the potential to do 100 TEU each two hour driving shift," he said. "But that depends on whether the equipment is working. And it depends on the ship. Some jobs I can only do 10 units an hour."

In recent weeks, even under the new productivity employment scheme (PEP), Louis has only been able to chalk up a 45 TEU best. Like workers at other Australian ports, he puts most of the delays down to equipment failure. Members on the job say that it is rare for a shift to go by without the crane failing for up to an hour at the time.

Those sorts of crane failures do not occur because workers are not working hard enough or fast enough. All that is recorded is that tonnage is not moving on that shift. The same number of workers are there; they must wait to see how long it will take to repair the crane. Those workers are not doing much work, and certainly they are not shifting cargo. That is why the tonnage rates through Australian ports have decreased. The article continues -

CTAL management recognise this. They have also installed two new multi million dollar cranes and gang's only have to do 16 lifts (up to 32 TEU) per shift to qualify for a bonus until all the new gear including the computer system are fully installed and fully operational.

That is a recognition of the inadequacy of the equipment that the workers are using. The rate of pay stays the same. However, workers are frustrated because the skills they are being paid for are not being utilised, and they are doing some other work and receiving the same rate of pay as the work they should be doing. They take on board the increased stress that is involved in the more detailed work of driving a portainer. The article continues -

But the crane rate has become a political football. The Howard Government has seized on the TEU to compare Australian ports with multi-billion dollar operations in Singapore and Rotterdam. It is a comparison that Australian wharfies resent.

"It's like trying to win the Bathurst 1000 with a mini minor," they say. "We are expected to work to today's standards with yesterday's equipment."

That sums up the problems on the waterfront. No-one can deny the reduction in the work force on the waterfront. Why is it that the expected productivity increases from reducing the work force have not been achieved? Some evidence suggests that management is unable to manage with the reduced work force, and the equipment this reduced work force is expected to use is not up to standard. In foreign ports, and I suppose in Australian ports, a ship geared to use the modern equipment is more likely to get wharf space than a ship that is not. A ship that can be turned around faster by moving cargo faster is a welcome sight on the waterfront from the point of view not only of the worker but also the stevedore, because the more cargo that is turned around the more money that is earned. A ship that is old and not up to modern standards takes longer to load and unload - no matter how good the equipment is - than a modern ship.

It is a combination of things, but the group that is least responsible for the inadequate tonnages that are going across the waterfront are the wharfies. I will quote a story in the *Maritime Workers' Journal* of July-August 1996 headed "Wharfies equal world's best" which states -

Adelaide wharfie, Charles Bridgeland, is one of a team of portainer drivers at SeaLand, Adelaide, who are scoring top crane rates of up to 35 containers per hour. The Adelaide record is more than double the national average and higher than the average box rate of the world's top ports.

The union has been monitoring crane rates and equipment failures, in recent weeks, to coincide with release of the Bureau of Transport and Communications report *Waterline* in July.

The MUA has accused stevedoring management of neglecting to properly service cranes and other equipment on the waterfront and shifting the blame for the resulting poor productivity onto the labour force.

Acting Jnt National Secretary Vic Slater said the failure of management to service multi-million dollar equipment was leading to crane down time, on average, of one hour per shift in some ports. Maintenance workers complained they are only given time to do 'band-aid' repairs.

The latest Bureau of Transport figures on crane rates for the first quarter of 1996 were up from last reports, but still show that Australia behind the European ports. Adelaide has the highest average hourly crane rate in Australia, while Sydney has the lowest.

Vic Slater said the discrepancy was due to SeaLand, Adelaide, implementing a comprehensive servicing program to keep cranes in top condition. SeaLand shift logs show that all equipment is operating around the clock.

That is the difference. I use this motion to demonstrate to the House that the Deputy Prime Minister had no right to criticise workers on the waterfront.

HON P.R. LIGHTFOOT (North Metropolitan) [11.38 pm]: I -

Hon John Halden: What a surprise that Hon Ross Lightfoot has stood up.

Hon P.R. LIGHTFOOT: It may be a surprise to the Leader of the Opposition; it was not a surprise to those thinking people on my side of the House.

Hon John Halden: Why are you up then?

Hon Tom Helm: That is why they have all left.

Hon P.R. LIGHTFOOT: I disagree with some of the speech made by Hon Kim Chance. However, before I get into my critical mode it is fair to say that the Western Australian container port at Fremantle is better than those in the other five capitals in Australia - Adelaide, Melbourne, Sydney Brisbane and Darwin. However, that does not put it into world best class. Today we are a global village and it is not sufficient to say that we are the best in Australia. We must strive to be the best in the world. Mr Fischer, the Deputy Prime Minister, was saying - whether the statement he made is correct, in diplomatic terms, I will leave to someone else to judge - that the movement of containers in the single Port of Botany in Sydney is not good enough because of the global village concept that businesses must operate under today. We are judged on an international basis, not on what our brothers do in Australia. That is the problem. Without question, there is a bottleneck at our ports. Without question, part privatisation - as minuscule as it is - in Western Australia has played a large part in ensuring that Western Australia is once again the best in its field. Without question, Western Australia is great in its field. Mr Fischer was talking about the Port of Botany, not Western Australia. His statement did not and does not impinge upon Western Australia - hence the headline in a major article in *The West Australian* that the Leader of the House referred to.

However, I disagree with Hon Kim Chance when he wove into this issue the republican debate, and how people in Asia are "offended" because of Australia's very peculiar system of government where we have a "foreign" head of State. Hon Kim Chance did not say that we are surrounded in this part of the world by monarchies; or that our major trading partners have monarchies. Perhaps they are not foreign in the same way as ours, but they do not duplicate each other either. Emperor Akihito of Japan does not emulate King Bhumibol of Thailand; King Bhumibol does not emulate the Sultan of Brunei; the Sultan of Brunei does not emulate the very important part that the Sultan of Jogjakarta plays in the constitutional history of Indonesia. Nor does that fit well in Indonesia with the people in West Irian who have no ethnic or cultural ties to other Indonesians; nor does it fit well with the island people of Bali who are Hindus and not Moslem, and have nothing of a sectarian commonness with the rest of Indonesia. Therefore, there are separate areas to look at. The point is that our major trading partners, with few exceptions, are monarchical systems or those which depend constitutionally, and sometimes absolutely, on their kings, sultans or other equivalents.

Hon Kim Chance: But they are their own monarchies.

Hon P.R. LIGHTFOOT: I will run through it again: West Irian would like to have its own monarchy, but does not. There is nothing common about the Hindu people in Bali; they have nothing in common with the Sultan of Jogjakarta. Therefore, we can point to areas that undermine the argument about Asians somehow being offended because we have a Queen - from whom 70 per cent of Australians have either derived or come directly from Her Majesty's United Kingdom. That puts to bed the argument with respect to trade somehow being diminished - if that was the implication - by a monarchical system in Australia that does not have that monarch actually living in Australia.

Hon Kim Chance: It has a link to the old colonial power.

Hon P.R. LIGHTFOOT: The statement made by the Deputy Prime Minister in Shanghai to a group interested in Australian trade did not impinge upon Western Australia. Western Australia still enjoys being the most efficient mover of tonnage; we ship more tonnage from Port Hedland than is shipped from any other port in the world. However, that is not to say that waterside workers do not need reform.

I know this will bring a smile to the faces opposite: When I was 14 I worked on the wharf. It was a salutary experience. It taught me, when I had gone through that rather painful time of adolescence, that I did not want to be a wharfie. I do not know whether I have retrogressed by becoming a politician, but I assume that at least I have probably progressed some way up the professional ladder from that rather base structure as a 14 year old working on the waterfront. Since then, without question massive reforms have occurred. However, bottlenecks still occur at our wharves -

Hon B.K. Donaldson: Did you commence those reforms?

Hon P.R. LIGHTFOOT: I do not know, perhaps it is coincidental, but I do not think that the stevedores should employ 14 year olds. I do not think they do that now, so perhaps I did, in a sense, have some effect. I think the Leader of the Opposition wishes that I still worked on the wharves. Perhaps if I did, we would be shifting more containers than currently.

Without doubt, there are bottlenecks on the wharves. It is not a matter of if we will have reforms, but how those reforms will be undertaken. Western Australia is leading the way, to some degree, with live sheep exports - records were broken again last year, when more than four million live sheep were exported; our container rate increased last year, I think, by about 7 per cent, and we have the most efficient container port in Australia. That says something for Western Australians generally, but we are still well behind the 40 containers an hour, to which Mr Fischer referred to in Buenos Aires, in the Argentine. That number must be matched because we mirror to some degree Argentina's mineral and some of its primary production. We must compete with that country. When travelling through Europe one can see Argentine beef everywhere, but one cannot see Australian beef. I do not say the sole reason for that is wrapped up with wharfage charges or that we are well behind Argentina in some respects in the tonnages we ship from our wharves.

We must become more efficient. If all Australians want to pay for wharfies to be less efficient than their counterparts of our major trading partners - and the partners we do not trade with but ship the same commodities as ours in our mineral and primary productions - the situation can remain as it is. We cannot compete efficiently with those countries when we ship only 17 containers an hour in Western Australia and the Argentine ships more than 40 containers an hour. That situation must be addressed. While we are the best in the Commonwealth considering the containers we ship and our live sheep exports, as well as other production including iron ore tonnages - the biggest in the world - there is still a lot of room for improvement. We must not become complacent because we are the best in the nation. Sooner or later we must address those international competitors which are so vital to our trade, and which we must emulate if we are to become the best internationally.

HON J.A. SCOTT (South Metropolitan) [11.48 am]: I feel I am caught in a cleft stick as to whether I support or reject the motion. On the one hand, I have been to the wharves at Fremantle and seen people work with very outdated equipment compared with other wharves. On the other hand, I am very concerned about the proposition posed by Hon Kim Chance that the Prime Minister not meet with the Dalai Lama in case it damages our trade prospects. I am concerned about this movement towards trade "prostitution" where countries can say that if we do not accept a certain proposition they will not trade with us - especially when such a proposition can impinge on human rights. This House is supposed to be representative of our democratic system. Because Australia is a democratic country it is quite right for it to support people who wish to have the same democratic principles apply in their country. The Chinese Government has suppressed the people of Tibet. It is causing ethnic cleansing in the sense that it has brought millions of new people into Tibet to take over from the current population and it is trying to manipulate their religious beliefs by installing pseudo leaders of those religions. I find it appalling, not that the Prime Minister is meeting with the Dalai Lama, but that China would tell Australia that he cannot do so otherwise we will lose out on trade with it.

Hon George Cash: Did you agree with the sanctions on South Africa?

Hon J.A. SCOTT: I did, because that was in aid of human rights.

Hon George Cash: So you distinguish when it suits you?

Hon J.A. SCOTT: I distinguish clearly when a trade embargo is put in place to help bring about the freedom of people.

Hon George Cash: I am not debating the rights or wrongs of it. It just seems that you have a conflict in what you say.

Hon J.A. SCOTT: There would be a conflict, except that I am saying that that embargo was threatened to stop that country from continuing to inflict unfair and inhumane treatment on people. When the situation is the reverse, it is an appropriate way to do things. It was proven so in South Africa where in the end those sanctions worked. Rather than condemn a meeting with the Dalai Lama, we should question why Australia has not been more outspoken about the East Timorese and other such people. We are rushing off to take advantage of their disadvantage. Human rights and human dignity come before a handful of dollars. Although we may have to pay something to uphold those freedoms, it is right for us to do so. It may be easy for me to say that we should suffer economically. There may be some who suffer personally more than I do. However, I would not mind taking a cut in my pay for working in this place if freedom was installed in Tibet.

Hon P.R. Lightfoot: Nothing is stopping you from donating to that noble cause.

Hon J.A. SCOTT: I have supported the East Timorese in the past. I do not mind saying so. On the one hand, I support the proposition that we should not attack waterside workers as the sole reason for the problem on Australian wharves, because they certainly are not the only reason. On the other hand, there is no way I can support a proposition that the Prime Minister is doing the wrong thing with the Dalai Lama. I wish he had made up his mind straight away and had said that Australia would not be browbeaten in this way. I cannot support this motion.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [11.53 am]: I am pleased Hon Ross Lightfoot got to his feet. It makes my day. It means there is always something to say, because he never quite gets it right. The Australian economy, particularly in respect of its export potential, can do without sending overseas a bunch of hayseeds - vis-a-vis Fischer and Downer - to represent the best interests of this nation. What a disgrace it is when a Minister starts playing down Australia's potential ability to export to a major importer, particularly when that export potential is enormous. A Minister of the Crown is talking us down. I am glad we are paying him for that! That is exactly the same as the recent Fisheries Department argument that it is better to get less than more for one's product. It is being said that it is much better to sabotage our own export potential and we will pay a Minister to do it.

Hon N.F. Moore: Do you think you achieve more by knocking your own, as Mr Keating did?

Hon JOHN HALDEN: If the Leader of the House wants to talk about knocking our own, he should have a discussion with his colleague on that side about his letter to the secretary of agriculture to try to destroy the Australian wheat industry in a vain effort to get at the then socialist Labor Government. When the Leader of the House wants to talk about betrayal, he should talk about Fischer and Downer - incompetent - and Lightfoot, who is equally incompetent.

I turn to the comments of Hon Ross Lightfoot. He could not help himself. He had to say that the wharves had improved but, to use his words, the wharfies had to change; they had to become more efficient. It is the old line of the old right wing reactionary on the other side - the wharfies must change. I suggest the member read *The Australian Financial Review* dated Wednesday, 18 September. It states that a productivity deal was done in Botany Bay. What were the results of that deal? Productivity is based on workers' pay. That has increased by 37 per cent - a good arrangement for them. However, it failed to deliver expected improvements in crane productivity. Why? Is it because of those lazy wharfies? Is it because they do not work hard enough like the member opposite did when he was on the wharf at 14 years of age? No; the report is clear. It identifies a range of problems that hindered improvements to the performance of terminals. They are poor management practices and a lack of training of supervisors in crucial yard planning skills; the member did not mention them; I wonder why. It mentions also inadequate staff numbers. Hon Ross Lightfoot would want to reduce worker numbers and contract out to the point of non-existence. That approach reduces productivity.

There is a need for improved productivity on the wharves. We must stop the nonsense of Hon Ross Lightfoot and others, such as Tim Fischer who went overseas to run an internal domestic industrial relations argument so it could be reported back in Australia to the detriment of every exporter or potential exporter in this nation.

Hon P.R. Lightfoot: And you're amplifying it.

Hon JOHN HALDEN: Absolutely. It must be amplified because of people like Hon Ross Lightfoot, who peddle the same mistruths for their own political advantage. As long as he does that, productivity on the wharves will not be improved. Productivity on the wharves is a cross-sectoral issue.

Hon Kim Chance: It depends on some capital and management.

Hon JOHN HALDEN: Absolutely. Hon Jim Scott was correct when he talked about Fremantle wharf. The Fremantle wharf will not get to 35 20-foot or equivalent units an hour while that sort of infrastructure exists on the port. It probably will not get significantly higher until the port is enormously bigger and turns over more tonnage. There are a range of problems with a port like Fremantle.

Hon Kim Chance: Quote the reference in that article to the management problem.

Hon N.F. Moore: You say that when there is a strike by railway workers stopping all the freight into Western Australia.

Hon JOHN HALDEN: There were many reasons for that strike. However, let us deal with this matter. It is a disgrace for a federal Minister to run internal domestic lines overseas. It is a disgrace for him to talk down Australia's export potential. It is a disgrace to focus only on workers to address productivity on the wharves. Members must wise up and realise that this is a cross-sectoral problem. This matter should not have been allowed to occur. I welcome the initiative in China for Australia's wheat exports. However, they should not be placed in jeopardy by hayseeds running around internationally, talking us down. It was an affront.

Hon N.F. Moore: Almost recalcitrant.

Hon JOHN HALDEN: The Minister could have complained, but when he was in Opposition he was so incompetent he could not organise his thoughts to do that.

Hon N.F. Moore: I did not hear you complain about your Prime Minister when he said that. It was direct denigration of the head of state of another country. It was disgraceful.

[Debate adjourned, pursuant to Standing Order No 195.]

CRIMINAL INJURIES COMPENSATION AMENDMENT BILL

Third Reading

Bill read a third time on motion by Hon N.F. Moore (Leader of the House) and transmitted to the Assembly.

VOCATIONAL EDUCATION AND TRAINING BILL

Committee

Resumed from 25 September 1996. The Chairman of Committees (Hon Barry House) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Postponed clause 28: Delegation by the Council -

Consideration resumed from 25 September.

Hon N.F. MOORE: Hon John Halden raised the point about the training accreditation council being able to delegate its functions to other persons under this clause. Included in the delegation is the ability to register or deregister a training provider. When I examined that issue it seemed that it was worth taking further advice. It essentially means that in future, assuming that the modern Australian apprenticeship training system will be implemented in Australia - that seems to be the direction it will take because there is significant support across the nation for it - that will allow for the creation of regional bodies to be involved in setting up training programs between employers, employees and training providers. The name for these organisations is CELTAs, a new acronym that Mr Halden will need to learn as time goes on. It stands for contracted entry level training agencies. They are similar to the agencies that were set up by the previous Labor Government to facilitate the relationship between those seeking training and those providing it. Contracted entry level training agencies will be all about contracted agencies. They may be right across the State, but they will be most active in regional areas. They will act as brokers between people seeking training and those who can provide training. They will make arrangements to set up training programs at the local level.

One of the biggest problems in providing training where it is needed is the red tape surrounding the system. The Opposition promised that it would spend more money on subsidising apprentices. The view put to me is that, although that may have some effect, the most significant impediment is the convoluted process involved in implementing a training program or apprenticeship. The idea of CELTAs is to have agencies specifically bring together training providers and enterprises to deliver training programs. They will broker deals and make arrangements with training providers to ensure that things happen quickly on site or locally.

It is appropriate that if CELTAs have the power delegated to them by the training accreditation council, they be involved in the registration and deregistration of providers. It will mean that quick decisions can be made at local levels regarding registration of training providers. If something goes seriously wrong a provider will be rapidly deregistered, only on the basis of having those powers delegated by the training accreditation council. Sufficient safeguards are in the Bill to protect the relationship between the training accreditation council and the State Training Board and the relationship between the board and the Minister to ensure this power is not used in any way other than in a most appropriate manner. It is all about deregulation which is seen by many people as being vital to ensuring that better training is provided in Western Australia. That is a reasonably satisfactory explanation of why this power should be contained in the Bill and I hope the Chamber will agree with that.

Hon JOHN HALDEN: I will not oppose it. It was appropriate for the matter to be examined and I thank the Minister.

Postponed clause put and passed.

Postponed clause 48: Funds of a college -

Consideration resumed from 25 September.

Hon N.F. MOORE: Hon Kim Chance raised an important issue last night regarding the capacity of the Minister to transfer funds from one college to another if included in those funds were moneys donated to a college by way of gifts, bequests or other voluntary contributions. I have taken some advice on this. If somebody makes available funds to a college by way of a gift, bequest or voluntary contribution and stipulates what the money is to be used for, it must be used for that purpose. It cannot be transferred under the Minister's powers of transfer under clause 53 of this Bill. For example, if someone donates \$20 000 to the C.Y. O'Connor College for the purchase of computer

equipment or requests that it be put into a trust account and that the interest must be used for a certain purpose, it must be used for that purpose. Common law requires that should happen. The Minister would not be able to override that by virtue of his powers under clause 53.

If money is provided where no strings are attached and funds are donated by way of a gift, bequest or voluntary contribution, rather than having several bank accounts and several sets of rules to cover every potentiality, a guideline will be issued by the Minister to colleges that those moneys not to be transferred by virtue of section 53. Bearing in mind that clause 53 provides for the Minister to make a decision to do that, it is important that the money is identified by the college and the Minister knows, when transferring it, that it is not to be included. The Minister needs these powers to transfer all or some of the moneys in the event that a college closes down. If there are bequests and gifts in a college account and the college closes, the money can be transferred to another college. It is necessary to have that power for that purpose. I hope that clarifies the position. I give an assurance, assuming the Act is proclaimed while I am the Minister, that the necessary guidelines will be prepared to indicate that is how it will work.

Hon KIM CHANCE: I thank the Minister for his consideration of the matter I raised. Although it did not occur to me at the time, I now appreciate that difficulty with bequest funds could arise on the quota of a college. Obviously the Minister must have the capacity to assign those funds. It will be better in the longer term, perhaps when the Act comes up for review, to deal with the question of the closure of a college and disbursement of the funds as a separate matter. That may be a good time to remove bequest funds from the heading "in a commercial account". I am satisfied with the Minister's explanation.

Postponed clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Minister for Employment and Training), and passed.

TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

ACTS AMENDMENT (ASSEMBLIES AND NOISE) 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) [12.14 pm]: I move -

That the Bill be now read a second time.

In recent years the emergence of so-called "rave parties" has highlighted the need for more effective legislation to control after-hours noise and the use of unsafe premises for public assemblies. In December 1993 a working party was set up to look at the problems and recommend solutions. To quote from its terms of reference, it was "to report on the role of the various authorities and the legislation available, its effectiveness to control after-hours noise complaints and the activities of the patrons and the management of . . . 'Rave Parties'".

The working party included representatives from the Departments of Police, Health and Environmental Protection, the WA Municipal Association and several environmental health officers from metropolitan local authorities. The working party reported in June 1994 to the Attorney General and the Ministers for Health, the Environment, Local Government and Police recommending, among other things, amendments to the Health Act 1911 and the Environmental Protection Act 1986. The working party also recommended the establishment of a standing committee to coordinate large functions proposed to be held in public buildings. The committee was established in October 1994 and comprises members drawn from the same agencies which were represented on the working party.

As one of its first priorities the committee developed a set of operational guidelines for rave parties, concerts and large public events. Those guidelines, which I intend to table, have been widely accepted as an industry standard and cover aspects such as safety of public buildings, noise control, prior notification and approval by local governments,

provision of first aid and crowd control. The control of a number of rave parties has been successfully coordinated by the committee under the standards set by those largely self-regulatory guidelines. Nevertheless, in view of the social, health and community issues associated with these events it is essential that any deficiencies in the legislation governing such assemblies be corrected to give effective statutory support to those arrangements.

As I have already mentioned, the necessary statutory changes have been identified by the working party and were to be incorporated as part of a range of amendments proposed to be made to both the Health Act and the Environmental Protection Act. However, the complex nature of some of the other amendments to those Acts has delayed that process. Therefore, in the interest of public safety the rave party amendments have been withdrawn from the process and incorporated into the single, special purpose Acts amendment Bill now before the House.

The Bill is in three parts: The first part contains preliminary matters. Part 2 of the Bill provides for a number of amendments to be made to the public buildings provisions of the Health Act 1911 to give local government officers, police officers and other persons authorised for the purposes of those provisions more effective control mechanisms to manage events such as rave parties. Rave parties have been held in car parks and other similar open spaces. Such venues are not caught by the existing definition of "public building" in section 173 of the Act.

Clause 4 of the Bill amends section 173 to extend the definition of "public building" to cover places other than buildings, structures, tents, galleries, enclosures or platforms. This amendment will provide for the regulation of events that are intended to be held at venues other than buildings. The control mechanisms available to authorised persons under the existing provisions of section 179(3) of the Act provide only for an authorised person to give a direction, among other things, to close a public building while the building is in use and is found to be overcrowded. Authorised persons are reluctant to use that power as such an action may place the safety of those present at further risk, particularly where large numbers of people are assembled and the consumption of alcohol is evident or suspected.

The amendments provided for by clause 5(1)(a) of the Bill will enable an authorised person, among other things, to close a public building or place if the authorised person has reason to believe that the building or place would be overcrowded if used, or is of the opinion that the building or place is unsafe or unsuitable for the use to which it is intended to be put. These provisions will allow an authorised person, in the interests of public safety and with sufficient grounds, to close a public building or place before a proposed assembly occurs at the venue. Further, in order to deter promoters of assemblies from continuing to promote an event at a venue which has been closed, section 179(5) of the Act is amended by clause 5(3)(c) of the Bill to provide for such action to constitute an offence.

Finally, clause 6 of part 2 of the Bill amends the penalty provisions, schedule 5 of the Act as read with section 360(1)(h), to increase the maximum penalty for an offence under section 179(5) of the Act from \$10 000 to \$15 000.

Part 3 of the Bill contains amendments to the Environmental Protection Act. Clause 9 clarifies the definition of "unreasonable noise" in section 3 of the Act by specifying that to be unreasonable noise it must unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person. This clarification will assist officers attending a complaint to make a judgment on whether the noise is "unreasonable".

Clause 10 of the amendments inserts a specific provision to enable equipment emitting or involved in the generation of unreasonable noise to be seized and held for a period of up to seven days. The current wording of the Act may imply the possibility of seizure, but the amendments remove any doubt.

Clauses 11, 12 and 13 of the amendments give police the same status as "authorised persons" under the noise provisions of the Act, from which they were previously excluded by an oversight. This gives police officers powers of entry, powers to require information and powers to initiate prosecutions. This amendment is needed because the current working of the Act excludes police, when they are actually far better able to handle rowdy gatherings than are officers of the Health Department, the Department of Environmental Protection and the Department of Local Government.

The working party also noted the need to update the noise regulations and the relevant penalties. The noise regulations are being updated under a separate process, involving extensive consultation. The relevant penalties are being updated in the context of a review of all penalties as part of wider amendments to the Environmental Protection Act which are currently being drafted. The present Bill addresses all the recommended amendments. The Departments of Health and Environmental Protection have cooperated in the preparation of this draft Bill and it meets the requirements of both agencies. I commend the Bill to the House. I seek leave to table the document entitled "Operational guidelines for rave parties, concerts and large public events".

Leave granted. [See paper No 655.]

Debate adjourned, on motion by Hon Bob Thomas.

ELECTORAL LEGISLATION AMENDMENT BILL*Returned*

Bill returned from the Assembly without amendments.

PARLIAMENTARY COMMISSIONER 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) [12.23 pm]: I move -

That the Bill be now read a second time.

When this Government came to office a commitment was made to address issues related to the legislation administered by the Parliamentary Commissioner for Administrative Investigations, the Ombudsman. In November 1994 the Premier advised that we were prepared to introduce amending legislation once we had gone through a proper process to bring about change. The process is now complete and I am pleased to present the Parliamentary Commissioner Amendment Bill. The Bill gives effect to the previous commitment and also brings about changes which have been sought by the Parliamentary Commissioner for many years - to correct deficiencies which had emerged with the passage of time since the Act came into operation.

The Government also felt it important to introduce changes that would bring the Act into line with accountability requirements. To assist in determining what changes were appropriate the Government requested the Commission on Government to make recommendations covering appropriate jurisdiction for the Parliamentary Commissioner. In this process interested groups and individuals, government agencies and the Parliamentary Commissioner made submissions for change they saw as necessary to make the legislation more relevant.

The principal area of concern was the scope of the Parliamentary Commissioner's jurisdiction. When the present legislation was enacted in 1971, the jurisdiction of the Parliamentary Commissioner was defined as government departments and other authorities specified in the schedule to the Act, plus additional bodies which from time to time may be declared to fall within that jurisdiction.

The legislation did not provide for automatic inclusion but relied upon appropriate bodies being nominated. With the passage of time a number of government bodies have not been nominated and, as a result, do not fall within the jurisdiction of the Parliamentary Commissioner. The reasons for such omissions fall into two categories. The first is intentional exclusions for commercial reasons; to preserve independence; for advisory committees; for professional, commercial, departmental and regulatory bodies; and for quasi-judicial bodies. Secondly there have been inadvertent exclusions: At the time of enacting legislation for new bodies; when a body was replaced with another; and when a subsidiary body has been created under broader statutory powers. This situation has been reviewed in the light of the Government's desire that all public sector bodies be accountable and wherever practicable subject to investigation by the Parliamentary Commissioner.

The amending legislation changes the previous approach. The Bill provides for all departments and authorities to be subject to scrutiny of their administrative actions by the Parliamentary Commissioner, unless specifically excluded. This approach is consistent with the Commission on Government's recommendations concerning the Parliamentary Commissioner's jurisdiction. The Bill will achieve the purpose of clarifying the jurisdiction of the Parliamentary Commission by amendments to section 13 of the principal Act. The three arms of government - the Parliament, the judiciary and the Executive - are each addressed specifically. The first part of section 13 makes the administrative actions of all departments and agencies subject to the jurisdiction of the Parliamentary Commissioner. The second part provides appropriate exemptions such as for Parliament and the officers of Parliament, the Governor and his establishment, the courts and the judiciary.

Provision is also made for a schedule to the Act to contain a short list of other entities where it is not appropriate for the Parliamentary Commissioner to have jurisdiction. It will be noted that the way in which these entities have been specified, for example the Auditor General, makes it clear that while the Auditor General retains his independence when exercising his powers as Auditor General, the normal administration of his agency is subject to the Parliamentary Commissioner's jurisdiction. To accommodate changes in this area, which will arise over time as government structures change, provision has been made for the schedule to be amended by regulation. Section 4 of the principal Act has been amended to accommodate definitions intended to be as inclusive as possible to account for the many forms of employment and organisational structures currently in use.

In addition to its primary focus on the jurisdiction of the Parliamentary Commissioner, the Bill also deals with a small number of other issues which emerged from discussions with the Parliamentary Commissioner and recommendations of the Commission on Government. The most important of these are -

New sections 30A and 30B to provide protection against reprisals or harassment for complainants and persons providing information to an investigation. This accords with the Commission on Government's recommendation No 157.

Providing under section 27 for the Parliamentary Commissioner's reports to be lodged with the Clerks of Parliament in the event that Parliament is not sitting. This will enable reports to be available to the public without delay.

Allowing for faster informal complaints handling in circumstances where the Parliamentary Commissioner considers this appropriate - section 19.

The structure of the legislation provides a simple yet comprehensive framework for overcoming previous difficulties about the scope of the Parliamentary Commissioner's jurisdiction. It also provides a sound rationale for considering the status of bodies and authorities in the future. The Bill reflects the outcome of a proper consultative process and I am confident will lead to more effective administration. I commend the Parliamentary Commissioner Amendment Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT BILL

Second Reading

Resumed from 3 September.

HON A.J.G. MacTIERNAN (East Metropolitan) [12.28 pm]: This Bill amends the Building and Construction Industry Training Fund and Levy Collection Act and repeals the Building and Construction Industry Training Levy Act. Those Acts were introduced into this Parliament by the former Labor Government. That legislation provided for a training levy of 0.2 per cent of the value of all building approvals. I understand the fund became operational sometime in 1991-92. It began disbursing its funds in 1992.

Sitting suspended from 12.30 to 2.00 pm

Hon A.J.G. MacTIERNAN: The structure of the building industry in Western Australia creates special challenges for the delivery of training in the subcontracting system which dominates the commercial and housing sectors of the building construction industry. Commentators have said that the subcontracting system has significant commercial advantages because it maintains competition and keeps costs relatively low. However, members will probably be aware from the comments that I have made in this place from time to time that I have grave concerns about whether keeping costs low has been an unmitigated positive for consumers of construction products. I have sought to demonstrate that the downside has been that while there may be short term cost advantages, in the long term problems with quality have meant that the savings have been illusory. While an argument could be mounted that subcontracting does provide for effective competition, the BDO Consulting WA Building and Construction Industry Skilled Labour Demand Survey states that subcontracting has a distinct weakness for organising training and acquiring and disseminating information on up to date technologies.

That is not surprising. We know that small enterprises dominate the construction industry and are generally unable, because of their size and capital formation, to provide research and development, or training to any significant extent. The fragmentation of the industry into small subcontracting units has minimised the enterprises' ability to fund the worker release programs, which are an important part of much of the trade training within the industry, and this in turn has prevented those enterprises from benefiting from skills development and other training investments.

Special challenges are generated because the subcontracting industry in this State is basically fragmented, and although it may deliver some economic positives in the form of competition, there is no doubt it is not an efficient way of providing training. The problem of small enterprises providing training is exacerbated by what I believe are the low rates paid to subcontractors in the housing sector. That is less of an issue in the commercial sector, but in the bulk of the housing sector, the project home end, the rates paid to subcontractors are dictated by the large building companies; so they cannot afford to make the investment in training that is required, particularly in the first couple of years of an apprenticeship, when apprentices represent a net cost. In those early years, it is very difficult for subcontractors who are operating on extraordinarily low margins to provide the training that is required. That often

applies also to builders in the housing sector, which is so competitive that the margins are very low, and builders who are not also manufacturers and suppliers find it very difficult to make a profit.

Hon N.F. Moore: Why is it so competitive?

Hon A.J.G. MacTIERNAN: It is an industry that many people want to get into.

Hon N.F. Moore: Why?

Hon A.J.G. MacTIERNAN: The general view is that money can be made, but at the end of the day it is a lot of hard work. These are not comments that just I have made.

Hon N.F. Moore: I am not suggesting that. I want to know the explanation. You are saying they do not make any money, yet there is competition.

Hon A.J.G. MacTIERNAN: The same thing applies to owner-drivers of trucks.

Hon N.F. Moore: Should we limit the number of people who can enter the industry?

Hon A.J.G. MacTIERNAN: No. I have never suggested that we have a command economy. My suggestions have always been geared towards ensuring that the standard of housing is adequate, whoever provides it. We must ensure decent rates of return for subcontractors so that in this industry a few large companies do not have a monopoly.

We are moving off training per se, but liquidators of building companies have often said that the problem in this State is that there are large building companies that are vertically integrated and supply products to other builders, and they are able, by virtue of that massive advantage, to become price setters. The prices they set are unrealistic for many other operators within the industry.

Added to the problem of persuading people to take on trainees, particularly apprentices, in the construction industry is the problem with the workers' compensation scheme. The Minister may be interested in making some comments on this major problem. The present operation of the workers' compensation scheme is a major deterrent to employers and contractors taking on apprentices. This became an issue some time in the late 1980s. Until then builders traditionally paid for the workers' compensation of all persons, whether they were subcontractors or employees of the builder or the subcontractors on a site. As a result of a number of cases that emerged in the late 1980s it became apparent that insurance problems could result from this arrangement. Now, under a strict interpretation of the law, a subcontractor with no employees is covered by the extended definition under the Workers' Compensation and Rehabilitation Act, but if he takes on an apprentice, not only does the contractor have to pay workers' compensation for the apprentice, which would be fair enough, but the subcontractor himself is no longer covered for workers' compensation. Therefore, he must take out his own accident liability insurance. That has an enormous impact on a subcontractor's costs. It is another quite inappropriate and illogical provision that dissuades contractors in the building industry from taking on trainees and apprentices. It is certainly a problem that we must resolve.

We know that, particularly in the trades area, because of a continuing decline in the number of apprenticeships "quicky courses" have been introduced. Many experienced builders and professionals in the industry are very concerned about the unsound practices that are endemic in the industry. In my years of being involved with home buyers' complaints, the quality of plastering is one of the areas most frequently complained of by home buyers. While investigating the problem two years ago I spoke to a manager of a leading plaster glass manufacturer in Western Australia. He estimated that less than 10 per cent of plasterers operating in the industry had any formal training. Consequently the majority of operators had no real understanding of the products they were dealing with and frequently made basic mistakes in mixing and applying plaster. Of even more concern was that those people who developed bad habits were in the industry training people coming on-stream. Those bad habits were being entrenched in the industry. That was a point picked up in the 1993 BDO report.

The high mobility of labour in the industry both across and within the sectors also contributes to employers' reluctance to train employees. That is understandable. Employers often believe that their investment in an individual's training will benefit their competition. Rather than spending the money training someone, some employers offer higher wages and poach those who have been trained at the expense of another employer. That is not confined simply to the building industry. However, it is seen more in the building industry because of the large number of employers in that industry. It is an industry in which a great deal of mobility occurs both within and across the sectors of the construction industry.

Another problem in the building industry in skills formation - people were somewhat surprised when this report came out in 1993 - is that it is a significantly older than average work force. The demographic profile of those in the industry indicates that it is substantially older than the demographic profile of the Western Australian work force at large. This is particularly surprising given that the work is largely of a physical nature. One generally expects it to

be a younger than average work force. I think that in 1994 or 1995 the Australian Bureau of Statistics estimated in, I think, a research paper that at the current rate of skill formation it would take about 60 years to provide the level of skills then in the industry. We are certainly not in any way training persons rapidly enough to take the place of the existing skilled trades people.

I have commented in this place before that some of the options we have traditionally used in Australia and in Western Australia to cater for these gaps in training will not remain. We have traditionally brought out migrants from the Organisation of Economic Cooperation and Development countries. However, the reality is that most of those OECD countries now offer wages and conditions substantially superior to those in Australia. Therefore the attraction for those people to migrate to Australia is rapidly diminishing. We could look to other regions in the world, but with the emergence of the Pauline Hanson's of this world it is unlikely there will be general approval within the community to import labour from the Philippines etc to take on this work. Anyhow, it is proper for us to determine that it is time we started training our own young people rather than importing labour from overseas.

It is within that context of the particular problems facing the building industry in skills formation that the building and construction industry training fund was established in the 1990s. As I think I said earlier, it was collected from a levy of about 0.2 per cent of the value of all construction work. In his second reading address the Minister makes the point that the federal Labor Government introduced a general training levy across all industry and at a later stage repealed it. The point we are making is that the building industry is a special case.

The success of the established fund is evidence that there is much more support for an industry based fund than there was for a very generalised approach which the general training levy took. That training levy did not distinguish between the areas which were not succeeding in formation. The building industry, because of its nature, has an inherent problem in providing proper training.

The levy was imposed and the pool of money generated has enabled industry-wide training to be developed to ensure that - and this is the basic principle - everyone who uses skilled labour contributes to the training of that labour. Given that the levy is determined on the volume of work, it is a very equitable way of collecting training moneys. Certainly, without that fund the fragmentation of the industry will see a continuation in the decline of the quality of skills in the industry. Over the past couple of years there have been real improvements and it will be a great tragedy if this fund is abolished.

The following passage in the report by BDO Consulting WA summarises the position -

... the BCITF enjoys a unique funding situation which affords it excellent opportunities to adopt a stronger, industry-wide leadership role in establishing training investment priorities.

The fragmented structure and cyclical nature of the building and construction industry is not generally conducive to skills development and demonstrates the need for an industry-wide training body such as the BCITF.

That case has been clearly established. I will refer to some of the training which has been provided by the building construction industry training fund, but before I do members should note that since the fund was established training has decreased in a few areas. It has been said before in this House that the Building Management Authority, Homeswest and the engineering departments of major hospitals were important sources for training construction industry apprentices. So far as the Opposition can ascertain these organisations are no longer in that line of business and are not in a position to provide that particular training. It will be to the detriment of the industry, but it is important for members to understand that this is yet another reason why we should hang on to the fund and the training opportunities.

The Government's construction contracts preference for tenderers who employ apprentices plays an important role. This policy was introduced in 1975 and, basically, it gives Brownie points to those tenderers for Government business who indicate a preparedness to take on apprentices. The Opposition knows that this requirement was watered down quite considerably by Mr Kierath in his capacity as Minister for Works and Services. I refer to a letter which was signed by Mr Wiese on his behalf and which sets out the way in which this policy has been altered. I know from talking to people in the industry that there are already concerns that there has been a less than diligent enforcement of the policy. Contractors who made undertakings to take on a certain number of apprentices within the industry have either not taken on, or inordinately delayed the taking on, of those apprentices. Obviously, that is not acceptable and I hope the Minister will take note of that and consider whether strategies can be put in place to tighten up the compliance of those tender undertakings. Two aspects should be considered: Firstly, the provision of training as contracted and, secondly, the unfairness to the other parties who tendered on the basis of also providing apprentice labour. The policy was watered down to a large extent so that the threshold of contract values below which apprentices were not required was raised. The ratio of group training scheme apprentices to indentured apprentices

was increased and the apprenticeship requirement for contracts requiring only one apprentice can now be satisfied after the contract has been awarded. The Government's construction contracts preference which has been, not only in my opinion but also the opinion of industry, an important tool for keeping apprenticeship levels up, has unfortunately been watered down by the Government on, I gather from the letter signed by Mr Wiese, representations from business. Given the number of people tendering for Government contracts I do not think that would have been necessary.

In any event, all these things - the demise of the BMA and Homeswest and the watering down of government contracts - magnified the need for other methods of skills formation. The primary method is through the building and construction industry training fund. This Bill fundamentally fails to grasp the centrality of the BCITF in providing for skills formation. This Bill, while it takes a somewhat political approach and allows the BCITF to remain in operation for the next three years, actually does provide for the automatic extinguishment of the BCITF.

Hon N.F. Moore: It is a regular sunset clause. It does not mean it has to finish. It can be re-established.

Hon A.J.G. MacTIERNAN: Without it coming back to the Parliament or any intervention, the BCITF will fold. Given that that is the case, it is very important for the Opposition to argue the basic case for the BCITF in debating this Bill. It can see there is absolutely no justification for having the BCITF automatically wind up at the end of three years. The onus should be entirely the other way. If the Minister wants to wind it up in three years' time it should come back to the Parliament to be argued.

Hon N.F. Moore: It is the other way around. If the Minister wants to continue it in three years' time it will come back to Parliament.

Hon A.J.G. MacTIERNAN: The Minister does not have to bring it back to the Parliament. I know you do some interesting things with proclamations these days -

Hon N.F. Moore: I do?

Hon A.J.G. MacTIERNAN: I am taking a whole of Government approach, as Mr Foss urges us to.

The Bill does not require the Minister to do that. I would not complain if it did, but it allows the Minister to fix the date by proclamation any time before or after 31 December 1999.

The DEPUTY PRESIDENT: The member can carry on. The Minister is listening.

Hon A.J.G. MacTIERNAN: I was noting that the Clerk was providing some assistance to the Minister interpreting the Bill. For us the issue is not whether it has to come back. Hopefully the Minister now understands how the Bill operates; that is, without any intervention at all, the BCITF will be wound up as of 31 December 1999, but the Minister may by way of -

Hon N.F. Moore: He may by proclamation fix another date.

Hon A.J.G. MacTIERNAN: That is right. Unless the Minister is prepared to pass the legislation which the member for Victoria Park is introducing in another place, there will not be any requirement for a proclamation to come back to this place. We do not have a difficulty in this instance with the Minister having the power to continue on with the fund. The difficulty we have is that this piece of legislation allows the BCITF to fold without any further debate. I think that the approach the Minister has adopted here is very cowardly.

Hon N.F. Moore: Why?

Hon A.J.G. MacTIERNAN: The Minister is effectively abolishing the BCITF, but deferring the effect of that for three years.

Hon N.F. Moore: Read the Hitchen report. He said do one of two things; abolish it or fix it.

Hon A.J.G. MacTIERNAN: He said abolish it or fix it! We realise the difficulty the Minister would have with abolishing it. So he has decided not to abolish it but to put in place a piece of legislation that will keep the situation going for three years and it will be automatically snaffled! It will not be subject to debate in Parliament. It will be wound up.

Hon N.F. Moore: That is a cynical approach. I want to see this thing work. If it does not work it should be got rid of.

Hon A.J.G. MacTIERNAN: I think it is working. There is very clear evidence, which I will give to the Minister shortly, that it is working well, which is not to say that some areas cannot be finetuned. However, the fundamental guts of the scheme are working extremely well. I would have no difficulty with the Minister putting in place these

changes to see what effects they have and then reviewing the matter in three years. What I think is cowardly, unfair and improper about this legislation is that it abolishes the fund, but defers the abolition for three years.

Hon N.F. Moore: That is assuming that in three years the Minister wants to get rid of it.

Hon A.J.G. MacTIERNAN: If the Minister does nothing about it, it is abolished.

Hon N.F. Moore: That is what sunset clauses do.

Hon A.J.G. MacTIERNAN: This is not the appropriate legislation for a sunset clause. To snaffle out a fund which is central and crucial to proper skills formation in this industry is grossly negligent, particularly when, in Western Australia, we do not have a substantial manufacturing base. The housing industry is a very important part of our economy; perhaps a more important part of the economy than it is in a number of other States. It is reckless and culpable to introduce legislation that will automatically do away with this fund, which is absolutely central to providing training. I hope that in three years the Minister will see the error of his ways.

One of my concerns is that this legislation will cast a pall of uncertainty over the schemes that operate through funding, particularly when one considers that many of the trade training programs are of four years' duration. Therefore, people planning apprenticeship training schemes have to bear in mind that, after three years, it may be all over red rover unless the Minister is struck down on the road to Damascus by a bit of enlightenment. In light of his fine comments this morning, perhaps he could have a session with the Dalai Lama and obtain enlightenment.

Hon Bob Thomas: At least it would free him of the temporal pressures he is under at the moment.

Hon A.J.G. MacTIERNAN: It could well do.

Hon N.F. Moore: The only pressure I have is sitting here all day, and night after night.

Hon A.J.G. MacTIERNAN: There is an easy solution to that. He should not put forward junky legislation and we would not have to have these debates.

Hon N.F. Moore: If I had taken the advice of the report, it would have been abolished.

Hon A.J.G. MacTIERNAN: I am interested to continue with that debate because the report is highly flawed. It argues for positions without offering any premise to support its arguments. It is an extraordinary report. I suspect that Mr Hitchen had a cup of tea with John Dastlik, asked him what he wanted and then wrote it up.

Hon N.F. Moore: Didn't he ring you and ask you to have a cup of tea?

Hon A.J.G. MacTIERNAN: Yes.

The report does not argue for the conclusion or offer any evidence in support of the fundamental conclusions that it makes.

Hon N.F. Moore interjected.

Hon A.J.G. MacTIERNAN: Surely the Minister does not expect us to take the view that just because something is contained in a report, it is therefore right. It does not mean it is therefore wrong either. The Minister would have studied a bit of logic at the teachers' college! He has to look at the premises of the argument. While the Minister has taken the very politically expedient view of allowing the BCITF to operate for another three years - it is a more sensible position than that recommended by Mr Hitchen - it is inappropriate and unfair that this legislation provides for its disappearance from the landscape without the matter coming back to Parliament. It is really repeal by stealth.

I shall talk about some of the training programs that are funded by the BCITF so that members have an idea of the importance of that scheme. Approximately 12 separate apprenticeship schemes are funded by the BCITF. I do not have the figures because of the difficulties we have had obtaining copies of the annual reports of the fund.

Hon N.F. Moore: You will find there has been some misunderstanding in respect of the request.

Hon A.J.G. MacTIERNAN: I understand from the librarian today that when he spoke to one person in the department, the phone was taken off the person to whom he was speaking and a more senior person took over the call.

Hon N.F. Moore: He assumed he meant something else.

Hon A.J.G. MacTIERNAN: It was a pretty confusing concept!

Hon N.F. Moore: The person who took the call thought you were talking about the annual business plan. They misunderstood the request.

Hon A.J.G. MacTIERNAN: It is an interesting theory, because that person then provided what was the latest document, and that happened to be an annual report. Anyhow there is a question on notice to the Minister.

Hon N.F. Moore: If you have a problem, why not telephone my office, instead of going through the Parliamentary Library?

Hon A.J.G. MacTIERNAN: I presume we employ professionals to do this job. I rang the librarian. I thought it was a straightforward task: "Could you get hold of the building and construction industry training fund annual report?" The librarian said that the latest report the library could obtain was for 1992.

Hon N.F. Moore: Instead of running to the Parliament with a question, why not telephone my office?

Hon A.J.G. MacTIERNAN: It is quite reasonable for the Parliamentary Librarian, who is a professional, to telephone the Minister's department. The department said that it wrote a report but the Minister did not approve it and sent it back. I did not assume that was true, so I asked the Minister a question about it. Now the Minister says that I should not ask a parliamentary question; I should telephone his office!

Hon N.F. Moore: If you wanted the facts, instead of trying to score points, that is what you would do.

Hon A.J.G. MacTIERNAN: I do want the facts. We are diverting here. I am trying to make a point and the Minister, who obviously does not have the problems that I have obtaining copies of annual reports, can clarify some of these numbers. As I understand from the papers that I have seen, approximately 12 group schemes operate. The Master Builders Association has one scheme with about 200 participants; the Housing Industry Association has around 90 participants; Group Training Australia (WA) Inc has around 95 participants; and a number of smaller schemes are directed towards special trades such as painting, plastering and electrical. I do not know if the Minister knows offhand, but somewhere in the order of 400 to 500 apprentices operate under those group schemes. They operate in various ways. Under the HIA scheme the scheme manager indentures the apprentices, and each of the apprentices is farmed out to an employer who is responsible for that apprentice for the whole of his indenture. The HIA provides, by way of the BCITF, a subsidy for what is called the nonproductive time; that is, the time that apprentices are not on the job.

The other group schemes operate somewhat differently. Basically, they fill another niche in the market. They allow employers to take people on an hourly rate, so that a builder or subcontractor who might have a job that will last for two or three months will take on an apprentice for that time. The apprentices under such a scheme do not experience the same continuity of employment as they do under the other scheme. However, that is perhaps compensated for by the variety of training that they receive under a multiplicity of employers. I was concerned as to how that would operate, and I spoke with a number of apprentices in those group training schemes. They told me that, in the majority of instances, they are treated well by those temporary employers, who take the time to teach them and further develop their skills. That system is working well. It is a positive arrangement that we have two different types of schemes operating: The HIA scheme, which offers continuity of employment; and the other schemes which allow for, perhaps, smaller builders and subcontractors who cannot offer that sort of continuity of work. The industry has expressed concern from time to time that the HIA might be getting a better deal than the other group schemes. I cannot comment on that; however, it is positive that we have diversity in the styles of training that are provided, and in the niche market of each of those schemes.

It is interesting to look at some impacts of this legislation. The HIA scheme was in operation through a voluntary levy on some of its members prior to the commencement of group training schemes - although not with anywhere near the numbers it has now. However, the majority of group training schemes did not start until 1992 when the BCITF came on stream. When one looks at the figures of apprenticeships commenced, provided by Industrial Training Quarterly, one sees that the number was still in decline in 1992. They had been steadily declining for a number of years. These are very important statistics. Since the implementation of that assistance package to those group schemes, those schemes have been able to aggressively market their services and, importantly, subsidise the cost of apprentices to employers. In reality they are able to provide a subsidy to employers who are prepared to take on apprentices. That applies both to the HIA scheme and all the others. Those schemes have brought into apprenticeship training, employers that had never previously participated in training. An incredibly important statistic is that over 60 per cent of group training scheme hosts had never previously participated in apprenticeship training. If the Minister looks at the breakdown of those figures, he will see this is even more marked in country areas.

Hon N.F. Moore: I think they are a good idea.

Hon A.J.G. MacTIERNAN: They are a good idea, but at the end of the day they are funded through the BCITF.

Hon N.F. Moore: Not totally. If the member looks at the report she will see how they have managed to accumulate funds since the BCITF was established. It indicates where the funds are coming from and where they are going to.

Hon A.J.G. MacTIERNAN: That might be an argument for perhaps modifying the rate of funding that they receive. It is certainly not an argument for abolishing the funding.

Hon N.F. Moore: Nobody is abolishing the funding.

Hon A.J.G. MacTIERNAN: Not now.

Hon N.F. Moore: If it works well in the future it will not be abolished.

Hon A.J.G. MacTIERNAN: It is essential that we argue the case for the funding, because if this legislation goes through unamended it will be out the door; it will not come back to this Parliament. Therefore, we must debate here and now what probably should be debated in three years' time.

Hon N.F. Moore: You will not know what it will be like in three years' time.

Hon A.J.G. MacTIERNAN: Is the Minister saying that we should surrender any right to comment and participate in debate?

Hon N.F. Moore: I suspect if the member at the time decided that clause should apply, she would have something to say about it, just as every day she has a chance to say something.

Hon A.J.G. MacTIERNAN: The legislation is structured so it does not need to come back to this place. This Bill asks us to agree to that fund being abolished in three years' time. It would be a separate argument if the Minister decided to do something else. This legislation provides for the abolition of the fund. I want to show how essential that fund is, because it has been responsible for the formation of such things as group training schemes. I ask country members to note that, of all employers who receive subsidies under group training schemes, 51 per cent of those in the metropolitan area had previously not been involved in apprenticeship training. That is a pretty significant figure. It is even more significant in the country regions. We find that 72.1 per cent of employers that are involved in apprenticeship training now because of these group training schemes were not involved before the schemes came into operation. They are very significant figures and show the importance of these group training schemes. The vast majority of these group training schemes would not work unless the BCITF funding operated to cover the administrative costs and to provide a subsidy to employers.

The proof of the success of the scheme is the change in apprenticeship figures. I will walk the Minister through them. There is a bit of a gap because of the missing annual reports, but from what we have been able to construct, between 1991 and 1992 there were 458 apprenticeships in the building industry, a pathetically low number. In 1992-93, the first year of operation of the fund, that number grew to 603 apprenticeships. Between 1993 and 1994, 1 089 persons were in apprenticeships. For 1996 the figure is 1 757 apprentices in training in Western Australia. That is a tremendous achievement - an almost fourfold increase in the number of apprenticeships since 1992. That is an extraordinary achievement on the part of the BCITF.

The Hitchen report, on which the Minister has relied, stated that even without the BCITF funding support, apprenticeship numbers in the building industry would have risen in any case, related to the upturn in the economy. That is absolute and complete nonsense. He gives no argument in support of that statement; it is simply an assertion. Let us look at what is happening in industry in general; that is, the number of apprentices being trained in industry at large. I will refer to the reduction in the number of apprentices from 1993 to 1994, although, unfortunately, I do not have the full array of statistics. Across industry generally there has been a massive decline in the number of apprenticeships. In 1993-94 there were 5 003 apprentices in training across all industries. Two years later that figure went down to 4 317. In the space of two years there was an almost 15 per cent drop in apprenticeship training across all industries, notwithstanding annual growth figures of about 4 per cent, if not more, in this State.

The figures show a massive decline in areas where there has been enormous stimulation in the economy; for example, in the metal trades areas and the resources sector. Industry is supposedly booming in those areas. Notwithstanding the stimulation within the economy generally, people are not taking on apprentices. What basis does Mr Hitchen have for thinking it would be any different in the building industry? We must also call into question some of his facts. We know that, notwithstanding the upturn in the general economy - a conundrum for some, but not for others - the housing industry has experienced a downturn in the past two years. The fact that there might be a general upturn in the industry is not a guarantee that there will be a boom in the building industry.

As we have said before, a number of complex factors are at play, one of which is the great uncertainty people have in the current economic climate due to the practices of cost-cutting and downsizing in both the private and public sectors, and the uncertainty being generated by the casualisation of employment, aided and abetted by the Government's industrial relations policies. All of those things affect demand in the housing industry.

The basic premise is this: The massive increase in the number of apprentices being trained in the building industry was steadily declining and continued to decline. The BCITF was put in place. It started to fund these group training programs and suddenly we saw an incredible upturn. In the space of four years there was an increase of 400 per cent in the number of apprenticeships in that industry. Mr Hitchen says that is only because the economy was getting better. We must then look at the other areas of the economy that have improved. Let us look at apprenticeships over industry as a whole. We see that the number of those apprenticeships continued to decline.

On any logical analysis, the introduction and the intervention of the BCITF and its pot of money enabled a difference to be made in the building industry. I know there is an argument; the Housing Industry Association says that it had a voluntary scheme that was doing well that would do the job. That is a small part of the training now in place.

Hon Kim Chance: On the empirical facts it was not.

Hon A.J.G. MacTIERNAN: It was able to provide some training. It was able to get a certain number of employers to contribute to a voluntary scheme. That scheme was put in place in 1986. There continued to be a steady decline in apprenticeship intakes. Although it was doing good and positive work, it was not enough to arrest the decline in training in the apprenticeship area.

Hon N.F. Moore: It was good enough to convince the Minister to have a special arrangement with that group.

Hon A.J.G. MacTIERNAN: It was a good scheme. No-one is saying that what it did was not good. We will always have a group of employers that has a broader view, and those employers tend to join and be active in an industry association. The amount of support it could attract to its voluntary scheme was not enough to arrest the decline in training. It certainly was not doing the job in the regional areas. When the BCITF came into being there was a desire by the previous Labor Minister to make an accommodation, to include the HIA program in the overall scheme. It was a worthwhile scheme. However, of itself, it was not sufficient. It could never grow because it depended upon a voluntary levy.

We would like to be so optimistic about the community as to think the schemes could operate entirely on voluntary levies, that the Income Tax Assessment Act could be done away with and that we could introduce something like that which is in place in Islamic law, where people just turn up and make their own assessment of what is 10 per cent of their income and dump it at the palace gates each morning. The world does not work like that.

Hon N.F. Moore: It obviously does in some parts.

Hon A.J.G. MacTIERNAN: If most of those places did not have the benefit of massive oil production, notwithstanding the excellent principles laid down by Mohammed, they would have to resort to income tax Acts. I digress in this discussion of Islam.

Hon Kim Chance: We have talked about Buddhism today as well.

Hon A.J.G. MacTIERNAN: Perhaps we could skate over most of the world's religions. We have very catholic tastes.

Although the apprenticeship area is particularly important in the trade related areas of the building construction industry, that is not the only area of activity for the BCITF. That industry has been a major user of BCITF funds, but certainly not the sole user. In the commercial sector of the building industry, which deals with multistorey constructions, a different range of skills is required, and thousands of men - it is largely men, although there are some women - are trained in those areas each year. Some of the courses that have been developed under the BCITF are crane driving, dogging, basic rigging, intermediate rigging, advanced rigging, basic scaffolding, intermediate scaffolding, advanced scaffolding, elevated work platforms, scissor lifts, forklift driver, basic welder, senior first aid, hoist operator, and introduction to asbestos removal. The way in which these programs have developed is interesting, and they are supported by industry through its involvement in the Building and Construction Industry Employment Training Council and its participation on the board of the BCITF. One of the major providers of those courses is the Construction Skills Centre, which might not be an organisation to the Minister's liking, because it was formed by the trade union movement as an independent enterprise -

Hon N.F. Moore: Any organisation which provides training with its own money gets my support.

Hon A.J.G. MacTIERNAN: That is interesting, because it came to my attention today - perhaps the Minister can tell me whether it is correct - that some correspondence or documentation is circulating around the industry whereby commitments are being made by the Minister to industry training boards that do not have union representation.

Hon N.F. Moore: Industry training councils or boards?

Hon A.J.G. MacTIERNAN: It was reported to me as industry training boards, but in this world of acronyms, whether it is board or council, I am not sure. Perhaps the Minister can clarify whether any documentation is currently circulating within the training industry that suggests that organisations that do not have union representatives on their management body will be able to participate in additional funding.

Hon N.F. Moore: It is news to me. I would like to have a copy of that to find out who is the author. I have never heard of that in my life.

Hon A.J.G. MacTIERNAN: The Minister has never seen such a proposal?

Hon N.F. Moore: That is why I said I would like to have a copy - so that I could see who wrote it.

Hon A.J.G. MacTIERNAN: I have not seen it either. It was a fairly senior person within the training arena.

Hon N.F. Moore: Lots of senior people say things that are not true.

Hon A.J.G. MacTIERNAN: I will make sure that the Minister's comments are widely circulated so that people -

Hon N.F. Moore: I would love you to give me a copy.

Hon A.J.G. MacTIERNAN: I do not have a copy. I am not trying to pull the wool over the Minister's eyes.

Hon N.F. Moore: If you can give me the name of the person who said it, I can have it thoroughly investigated -

Hon A.J.G. MacTIERNAN: I will clarify from my source whether it is appropriate to give the Minister that name; if it is, I will pass it on to the Minister and seek clarification.

The Construction Skills Centre takes people who are engaged in full time employment in the areas of dogging, rigging and scaffolding and trains them part time to operate as trainers and deliver the skills that we are talking about. In its experience, there has been wide industry acceptance of that training, because rather than being just professional trainers, the trainers are still actively engaged in the industry. Therefore, they know the language of the industry and can communicate with the people whom they are instructing, and that experience makes their training more effective. Much of that on the job training has been made possible by the active engagement of industry in both the industry training council and the building industry training fund. I am concerned that the Minister may want to sever that active engagement, but we will get onto that when we talk about that aspect of the industry.

I note that in both the trade and non-trade areas, important work has been done on the recognition of prior learning. The BCITF has been used to assess and formally recognise the large number of people in the industry who have no formal qualifications or trade papers, and to encourage those people to upgrade their skills and obtain formal recognition of that training. I have heard of some courses that I think are rather suspect. It has been alleged that companies such as BGC (Australia) Pty Ltd have been able to fund their sales representatives to do abseiling courses.

Hon N.F. Moore: Do not be so selective in your anecdotal evidence! Why not talk about some of the other sides?

Hon A.J.G. MacTIERNAN: I would be interested to hear some of the other sides.

Hon N.F. Moore: I do not peddle in anecdotal stuff.

Hon A.J.G. MacTIERNAN: At the fringes, some courses have caused eyebrows to be raised. I would not say that every course that has been funded by the BCITF is a course that should have been funded, and we make a grave error if we throw out the baby with the bath water, but -

Hon N.F. Moore: You assume that the only person who is on the fringes of this is Len Buckeridge.

Hon A.J.G. MacTIERNAN: I am not assuming that at all.

Hon N.F. Moore: You do not mention the BLF, which is also alleged to occasionally -

Hon A.J.G. MacTIERNAN: It is a question of getting information. I did seek from some of those industry organisations some examples of courses that were promoted by the other side that they thought were shonky. Unfortunately, they were not forthcoming with the details. If I had been able to get that detail -

Hon N.F. Moore: You know what the industry is like; nobody tells anybody those sorts of things.

Hon A.J.G. MacTIERNAN: If I had been able to garner that information, I would have added those in. The essential point is that some courses have been of somewhat dubious benefit to the industry as a whole. However, that should not detract from the enormously positive work that is being done in these other areas. One of the courses the Minister might look at is the live works project. I thought the live works project was positive. It was established to provide opportunities for out of work apprentices; that is, apprentices who had undertaken some training but whose employers

had usually gone into liquidation or for another reason were unable to continue with the indentures. Under supervision the apprentices were engaged in full-scale construction projects. There were two of those; one in Belmont and one in Glendalough. They were multi-unit, two story Homeswest constructions. I understand that the quality of the work was particularly high. It provided substantial training opportunities for 65 apprentices at Belmont and 42 apprentices at Glendalough to proceed with, and in some cases complete, their apprenticeship training. I am not sure whether that is the sort of course the Minister had in mind. Although it might have been a somewhat expensive project, it provided first class training, and some first class Homeswest units were constructed. In the long run those jobs will probably be found to be more economic than some of the cut price jobs Homeswest is having done around the place.

The skills that have been provided have by and large been of great use and benefit to the industry. The odd somewhat questionable course should not be used as the justification for getting rid of this program. The figures are substantial; in the order of 400 to 500 apprentices at any one time under the apprenticeship scheme. I do not have firm figures on it, but this legislation will affect thousands of men and women who come within the labouring class to engage in short term programs in the commercial construction industry.

There is some fear by people providing this training that there is an agenda to get rid of some of those training providers and have the course provided by TAFE. It is the view of some people that this sort of training, particularly in the labouring area, is more amenable to short term industry based courses. It is a style of training that suits far more the interests and needs of both the employees and the employers in the industry. There has been a marked preference for frequent short term courses rather than longer term TAFE style courses. That is something members should bear in mind. The case for the retention of the BCITF beyond 1999 is strong. This legislation should ensure that the BCITF remains functional indefinitely and should put the onus on those who want to abolish the fund to come back to this place to move for its abolition.

I will refer to some other aspects of the Bill because it does more than propose the abolition of the program in three years' time. An issue of some controversy relates to the restructuring of the board. The board comprises 12 members - a presiding officer and 11 others - who are elected from a variety of organisations that are specified in the legislation. When the board was formed the idea was that it was important to have a tripartite body. It includes appointees from a variety of organisations including the Master Builders Association, the Housing Industry Association Ltd, the Western Australian Chamber of Commerce and Industry, the Trades and Labor Council, the Builders' Labourers, Painters and Plasterers Union, the Australian Workers Union, and the Australian Manufacturing Workers Union. The Western Australian Municipal Association has the right to nominate persons on the board. The chair of the board is appointed by the Minister from persons who have been nominated by their constituent organisations. The problem the Minister has is that he believes that because people are operating in a representative capacity, they have not been making the sorts of collegiate decisions that must be made.

I am not totally unsympathetic to the Minister's arguments. I can see that there could be a problem when people are appointed in a directly representative capacity. Their first interest may not be to the organisation they are supposed to administer. However, I have real concerns about the alternative that is proposed in the legislation. The Minister argues that the board should be decreased to seven members. That might be a more manageable number. He lists the organisations that he will consult before he appoints this board of seven. He says specifically that at least two of those should be people who in his opinion are independent of the specified bodies. It will be interesting to see how that operates.

Of primary concern is whether a strong industry representation on the board will be maintained, or whether the board will comprise people who are training experts, but not necessarily actively engaged in the industry; and whether the board will be able to respond properly to the grassroots training needs of the industry. It is all very well to have a board of people who are au fait with the rhetoric of the training profession and who know how to write nice submissions and will cross the "t's" and dot the "i's" and have the processes working nicely. However, the board needs people who have a gut feeling about and deep knowledge of the building industry in all its manifestations.

The Opposition's concerns are twofold. This legislation leaves the way open for an administration that may become either bureaucratic or run by people whose orientation is primarily towards training and not towards building and construction. I have to say because of the general performance of the Government that there is a very real concern that influence or involvement by employee representatives will be lost. It is important to have both the employers and employees actively engaged on the board, because that is the way we get vital feedback through the industry and an understanding of what the industry really wants. We are concerned, because of the general move of this Government to exclude employees' representatives from all manner of organisations and bodies, that the structure which is proposed here will be used to exclude any participation by employees. That would be to the detriment of the functioning of the fund. It will certainly impact negatively on the quality of the decisions made by the board.

I am not unsympathetic with the Minister's concern that in the current composition of the board people attend as representatives of their constituent organisations rather than operate as board members of the fund. It may well be that there is a halfway house solution - some way in which we can ensure a greater degree of independence of deliberation by the board and yet provide some guarantee that we will have that active engagement of industry through the employer and the employee. We will be looking to move in that way during the Committee stage. As it is now proposed, the position is extremely open ended and does not provide any guarantees that we will have a board which will have the understanding of the industry or that will be concerned about the employees in the industry. That is one area where we have substantial concern.

I have not been able to work out quite where this happens in the Bill, but according to the second reading speech the board will now separate out the Building and Construction Industry Training Fund from the Building Construction Industry Training Council. Unfortunately we have not been given the benefit of the clause notes. I would be interested to see how that happens in the legislation. Likewise, perhaps the Minister might answer another specific question on the clarification of the ambit of levy coverage. That is another area mentioned in the second reading speech which I have not been able to track down in the Bill. The issue of the separation of the BCITF from the training council I do not think has been argued for -

Hon N.F. Moore: Not much, it has not.

Hon A.J.G. MacTIERNAN: Looking through the second reading speech I cannot really see the explanation given for why that has been done. I certainly look forward to some sort of explanation by the Minister for the reasons for that separation. There may perhaps have been the odd course which might have been over and above what should have been funded, but by and large the BCITF has really been able to deliver because it has had such active engagement with the industry. The industry has felt it has been represented because it has people on the training council and on the administration of the fund. Its representatives have become advocates of the scheme and of training throughout industry. It has been a fruitful and fertile structure. Will the Minister tell us why he is splitting these up? This goes back to what we said earlier: The board is to include members with expertise in finance and administration. It is okay to have some involvement from persons of that type, but if we are to see the complexion of the fund totally change, that would be to the fund's detriment. It must have active industry representatives because the board must make sensible decisions in the interests of the industry. It is not enough to have a group of persons who can dot the i's and cross the t's.

Another area of concern is the proposal to allow organisations which establish their own training arrangements to apply to the Minister for exemption, as was pointed out in the second reading speech. On the face of it that does not seem to be entirely unreasonable, but there are a number of problems with it. The provision in the Bill is a lot broader than that because it does not provide any limitation on the grounds for which exemption can be given. Notwithstanding the words in the second reading speech, therefore, the Minister might set up conditions and criteria totally unrelated to training. They may be conditions and criteria relating to the value of the building project and that exemption would then operate. We think that is wrong, and we will introduce an amendment to tighten up that exemption and to bring it into line with the objects as outlined in the Minister's second reading speech.

One of the concerns is that, particularly in country areas, if a large provider were to pull out of group training, we might find the collective training arrangements cease to become viable and, therefore, a whole range of smaller operators will simply be unable to continue to fund and obtain the training that had previously been made viable by the participation of one large operator. The Minister must pay close attention to that. To that end we have introduced a further amendment which will seek to give the Minister more flexibility and to make it clear that the Minister may at least distinguish between who would be eligible for the exemption on the basis of geographical area. If a large provider is needed in a particular area in order to keep the training scheme viable, he will have the capacity to do so. It is important that we are prepared to think collectively in this regard. There is enormous mobility in this industry and we must be prepared to ensure that the responsibility is taken on collectively. The mere desire by a large operator to provide its own training should not necessarily be the end of the story.

The structure proposed for the exemptions is very curious. The Minister has introduced a structure to make it look as though he will be very much at arm's length. He has given himself power to gazette certain criteria and conditions which, if met, may lead to an exemption. He is quite properly taking one step back from granting the exemptions. The schema of the legislation is that the Minister sets up the criteria and gazettes it. It is then beholden upon the board to consider individual applications from those persons who believe they fall within the criteria. The idea is that it is not the Minister making decisions about particular individuals. That is quite reasonable.

However, we then note that the Minister has introduced an appeal process. In fact, if one does not like the decision made by the board one can go to the Minister for an appeal to overturn the board's decision. The appeal process is extremely broad; there is no fetter on the Minister in making his determination on the appeal; there is no suggestion that the Minister must be satisfied that the person fell within the specified criteria and that they should have been

allowed in on that ground. It enables the Minister to make a decision at large. For that reason, we will oppose the whole provision. It makes a nonsense of the two-step process the Minister has set up to distance himself from the specific application. It is important to understand that, for example, if, in the view of the applicant, the board had been unreasonable in its dismissal - if it had wrongly excluded the person - it is possible without this appeal mechanism for the applicant to take the case to the courts for a judicial review. If the Government had acted upon the royal commission's recommendations, the applicant would have been able to take it to an administrative appeals tribunal to have it reviewed. In the absence of the tribunal there is power to take the matter to court to have a determination made as to whether the board operated within the powers laid down in the Act and in the gazetted notice in rejecting the application. It is not as though there were no avenue for having an unreasonable decision reviewed: It exists in the general court processes.

The Minister has gone well beyond that and given the applicants the right of appeal. The grounds of the appeal are not in any way limited; the only thing the applicant must establish to achieve a threshold is that he did not like the decision that had been made by the board. The Minister is not constrained in the way in which he makes a determination, and he might make it on ground quite unrelated to the compliance by the applicant with the specified conditions. In addition, there is no transparency in the process. There is no provision in the legislation for the Minister to give the reasons for his decision. Of course, that is quite unacceptable, particularly when the appeal powers are so extraordinarily broad.

The important remaining provision is that relating to sectorial funding. At the moment, the fund is divided into various sectors: The housing sector; the commercial sector; the engineering sector; and the civil operations and services sector. The funds collected by each sector can be spent only in the sector in which they have been collected. There are arguments for and against that. One of my concerns is that, in some industries, funds are much more readily collected. In the housing and commercial construction industries funds are relatively easy to collect because a building licence is generally required. That provides a clear reference point and method of determining that moneys have been expended and the levy is payable. In some other areas, particularly civil operations where one does not have that same formal process of approval before work is undertaken, there is a much lower rate of compliance. I would be very concerned that we might see a flow of funds out of the housing sector into some of these other sectors that are not paying their way. I would like the Minister's comments on that. As it is at the moment, I am not disposed towards this provision. I understand that the Housing Industry Association has concerns about that approach.

The Opposition has previously pointed out that there is a lot of inter-sectorial mobility in the housing and construction industries. In fact, my experience and the survey results in the BDO report and other less formal surveys show that there is a great deal of mobility. I would have less difficulty in providing some transfer of funds between those two industries. As I said, they each tend to pay their way because the requirement on them to apply for and obtain building licences means that the value of their work is readily ascertainable. I would be concerned if money were going out of the housing sector to the civil operations sector because that sector is not being adequately policed.

The counter argument has often been put that, when an industry is going through a downturn - for example, commercial construction might be slow and many people might be out of work - it is important to keep people trained to keep their skills current. It would be good to be able to provide some cross subsidisation. I would prefer to retain a component of sectorial funding but to make those sectors larger so that they capture within one sector those areas in which there is a substantial flow-through of labour. A classic example is the training of a bricklayer or plumber. Bricklayers and plumbers move between the commercial and housing sectors; how then is the training of an apprentice in those areas paid for under a group training scheme? It would apply also to some of the scaffolding jobs. In the western suburbs there are multistorey housing constructions and there are demands for some of the skills traditionally associated with commercial construction. I know less of the other two sectors, but I imagine there is possibly some flow-through between engineering and civil operations. We need more debate on this matter. I hoped for more argument for some of the positions in the second reading speech, which could have been more informative about the reasons for the proposals.

The Opposition's primary concern is the abolition of the building industry training fund. It has been a major success and has managed to reverse the decline in apprenticeships. That the building industry is the only industry in which that reversal has taken place is clear evidence that the intervention of the fund, and not broader economic considerations, has led to that upturn. It is entirely inappropriate for the Bill to provide for the abolition of this fund in three years' time.

My second point relates to the change in the size and structure of the board. A board of seven members is probably more manageable than a board of 11 members. I am not totally unsympathetic to that proposal or to the Minister's concerns about the representative composition of the board. It is important in any administration that the allegiance be primarily to the organisation it is administering. However, the Opposition has real concerns that there are no guarantees of active engagement of industry people on the board, whether from the employer or employee side. The

Opposition thinks that is absolutely crucial to the continuing success of the fund, and it should not become a board of bean counters and bureaucrats. The Opposition is also concerned, because of the general stance of the Government, that employee representation in particular will be wound down.

The Opposition would like further information on the process for the separation of the BCITF from the fund and the justification for that separation. It does not think the case has been argued for and, for the same reasons, it could create problems if the fund were administered by people who do not understand the nature of the industry and who are perhaps unable to respond by the provision of relevant and timely training courses. The Opposition is concerned about the sectorial distribution issue, and thinks there are arguments against abolishing it. We shall be interested to know whether two sectors can be provided rather than four would provide a better alternative to abolition.

[Continued below.]

Sitting suspended from 3.45 to 4.00 pm

VISITORS AND GUESTS - FLETCHER, TONY; TASMANIAN LEGISLATIVE COUNCIL MEMBER

THE PRESIDENT (Hon Clive Griffiths): Members, I interrupt proceedings to advise that we have in the President's Gallery Hon Tony Fletcher, the Leader of the Government in the Legislative Council of Tasmania, and chairman of a group of members of that House who are here on a select committee inquiry into the role and functions of that Legislative Council. I welcome them to this Legislative Council in Perth, and I trust that at the end of our question time they will go away with a good report of the functions of this Legislative Council.

[Applause.]

[Questions without notice taken.]

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION - FIFTEENTH REPORT ON OVERVIEW OF PETITIONS, TABLING

Hon Murray Nixon, by leave, tabled the fifteenth report of the Standing Committee on Constitutional Affairs and Statutes Revision providing an overview of petitions tabled between March 1995 and March 1996, and on his motion it was resolved -

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

[See paper No 658.]

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.33 pm]: I do not think there is a need for me to go through my concerns about this Bill again. All the points we want addressed but are not properly addressed in the legislation have been raised. I therefore look forward to the Minister's response.

HON N.F. MOORE (Mining and Pastoral - Minister for Employment and Training) [4.34 pm]: I thank Hon Alannah MacTiernan for her lengthy but worthwhile contribution to this debate. She covered the issues very well. At the end of day, I largely agree with most of what she said. There are a few areas of disagreement. Generally speaking, what she wants to achieve and what I want to achieve are the same thing; that is, more targeted and more appropriate training in the building and construction industry and a better commitment from employers to the provision of training. I am aware of the reason for the building and construction industry training fund being set up in the first place. I was in the House when the Bill went through. I think I was its handler for the Opposition. It was put into place because of the nature of the industry, particularly the housing industry. Most of the people involved are subcontractors and, for reasons explained by Hon Alannah MacTiernan, they are not often able to provide training even if they want to, not for all the reasons she talked about, but because of the cyclical nature of the industry. In good times labour is needed very quickly and when there are downturns in the housing industry, which are brought about by interest rate changes, people are put off and there is no money for training.

The strategy behind the setting up of the BCITF and the associated levy made sense in principle. The legislation provided that those people involved in the industry should make a contribution to the training of people in that industry. A levy was placed on construction work. The problem is that the people who pay the levy are the consumers rather than the employers, because the levy is invariably added to the cost of the job.

Hon A.J.G. MacTiernan: So it is in any training.

Hon N.F. MOORE: I understand that. However, the employers do not make a contribution out of their pockets. They add the levy to the price of the product and the consumer ultimately pays. That is beside the point. It created a situation where additional funds were generated within the industry to enable training to be funded. However, that did not come out of a desire by the industry to put extra money of its own into training. I have been happy to make the point on a regular basis that I am disappointed with industry across the board, not just in the building and construction industry, for its lack of commitment to training. There seems to be a view, brought about by the recession that we had to have in 1980s -

Hon A.J.G. MacTiernan: As opposed to the one we are having now.

Hon N.F. MOORE: We are not having one now. If the member thinks this is a recession, I suspect that she has an interesting definition of a recession. During the 1980s, when he had a serious recession, which some people called a depression but which I prefer to call a recession, the pressure went onto industry so heavily that many participants were forced to cut costs across the board, and one area that suffered was training. That was most regrettable because the training of employees is a very important part of the basic infrastructure of a company. Skilled, capable and motivated workers are an important part of the competitive edge that a company might have over its competitors within the industry. It is disappointing that that happened during the 1980s. However, it is also a feature of the building and construction industry because of its cyclical nature.

Hon A.J.G. MacTiernan: It is also because of the fragmented nature of the industry.

Hon N.F. MOORE: That is probably right and the fact that most of the people involved in it are small companies or subcontractors. Interestingly, in the early 1990s or the late 1980s I was a member of a tripartite mission which visited some European countries to look at training processes. I was in the company of such luminaries as Bill Ethel, Wally Palmer and a few others from the union movement as well as a couple of Labor Party members of Parliament. The trip was sponsored by the then Minister for Training, Mr Peter Dowding. Something I found of interest was the fact that the building and construction industry, particularly the housing and the smaller construction industry, had set up its own training establishment in West Germany. It was very much like a TAFE college run and financed by the industry and subsidised by the Government through the funds it provided to training.

Essentially it was a college run by the small construction industry to provide training for its needs. That was a sensible model. When I became the Minister for Training I asked the building and construction industry if it wanted to buy a technical and further education college. I saw some similar comparisons with what that industry wanted to achieve and what was being delivered in Germany. However, nobody was prepared to pay for that, and I thought about giving it to them for nothing. The housing and construction industry should not rely on other people to provide its training, but give some thought to getting its act together as an industry and setting up its own training institution.

Hon A.J.G. MacTiernan: Is that not similar to a construction skills centre?

Hon N.F. MOORE: They tend to be trade specific. It would be possible to have a couple of institutions across Western Australia that would deal with the whole industry and all the skills necessary. It is an idea that I think is worth considering.

The previous Government felt it was necessary to do something about the training problems of that industry. It brought in the BCITF levy. The Act that was passed in 1990 required that a review be conducted. I appointed Len Hitchen, and his report came down in July 1994. His report was reasonably scathing of the way in which the BCITF had carried out its affairs. That was in line with anecdotal evidence that was available to me as Minister, which had been around for some time. Not being one who takes notice of all anecdotal evidence, I instigated the review and I read the report with care. I discussed its findings with Mr Hitchen. He made two suggestions, either abolish the BCITF and use its funds to promote training or legislate to seek to improve the way in which the fund operated. I gave a lot of thought to those two options and came down on the side of trying to fix up the existing BCITF to make it work better.

The fundamental reason for making that decision was the issue of apprenticeships raised by Hon Alannah MacTiernan. The figures she quoted are in line with the figures I have. There has been an increase in apprenticeships since the BCITF was put in place. I do not know if one can necessarily draw the conclusion that one is a response to the other. Mr Hitchen drew a different conclusion.

Hon A.J.G. MacTiernan: I think you can, Minister.

Hon N.F. MOORE: It is problematical that one is responsible for the other. It may be a range of factors like upturns in particular parts of the industry or the enthusiastic attitude of employers these days that did not exist before.

Hon A.J.G. MacTiernan: You have only to look at the participation rate.

Hon N.F. MOORE: It may be the growth of group training schemes which were in place before the BCITF was established. The member cannot say that group training schemes are a product of the BCITF. They existed before that fund was put in place.

Hon A.J.G. MacTiernan: But limited.

Hon N.F. MOORE: One of interesting points about the Hitchen review was the way in which group training companies have managed to increase their assets significantly over that time. Page 27 of the Hitchen report shows the growth in the group schemes' net assets. For example, Group Training Australia (WA) Inc had assets of \$40 599 in 1991-92, increasing to \$171 000 in 1992-93 and to \$270 000 in 1993-94. Assets in a scheme in the south west increased from \$116 000 in 1991-92, to \$312 000 in 1992-93, and to \$812 000 in 1993-94. The group training companies receive funds from the State and Federal Governments through the BCITF. The suggestion Mr Hitchen made was that some of these companies had been increasing their bank balances at the expense of the BCITF.

Hon A.J.G. MacTiernan: For what purpose would they be doing that?

Hon N.F. MOORE: I have no idea. I do not intend to draw any conclusions. The point is that money is going into those group training companies and their assets are getting bigger and bigger. One wonders whether that is the most efficient or effective way of allocating funds from the BCTIF.

I am very much aware of the increase in the number of apprentices that the group training schemes have brought into the market. I have a great admiration for group training schemes. They do a great job. I was in Geraldton recently looking at some houses being built by a group of Aboriginal young men under a group training scheme. They are learning very worthwhile skills in a realistic environment. The reason for fixing up the BCTIF, rather than abolishing it, is the apprenticeship issue. I acknowledge that the BCITF has been instrumental in assisting industry take on more apprentices than it would otherwise have done. That is important, because the industry must have skilled qualified labour. Hon Alannah MacTiernan made some suggestion that the Government was trying to advantage TAFE.

Hon A.J.G. MacTiernan: There has been some concern that you might try to move some of the training into TAFE, when it is better done on the job.

Hon N.F. MOORE: One of interesting points about my tenure as Minister for Training is that I am anxious for people to compete with TAFE. The only way to ensure TAFE becomes competitive is to subject it to competitive forces. I have been active in developing a competitive training market in Western Australia. That means putting the heat on TAFE to be competitive. I am not interested in giving TAFE work when it should not have it.

Hon A.J.G. MacTiernan: It is the style of training. You mentioned that you tried to give the building industry a TAFE college. That is the not the appropriate style of training.

Hon N.F. MOORE: It was the building rather than the institution.

The PRESIDENT: Order! Hon Alannah MacTiernan has made her speech, even though it was brief.

Hon N.F. MOORE: Hon Alannah MacTiernan talked about the poaching of trained people. Regrettably that happens in all industries. Frequently, after some company has done all the hard work of training - provided the funds and trained the people - some other company offers them a bigger salary and they take it. That is common across industry. That is of concern to me. That is a good reason for all companies to make a contribution to training.

The argument that this Bill is really a cop out and that we are taking a cowardly approach by delaying the inevitable for three years is not correct. I have spent a lot of time in my parliamentary career looking at things like review and sunset clauses. I believe strongly that we do not use sunset clauses enough. A sunset clause provides that a particular institution, body or legislation will cease to exist at a certain date unless we make a proactive decision to keep it going. Too often we go the other way and say that those things will continue to operate unless someone makes a decision to stop them. We find, particularly in the work of the Government Agencies Committee, countless hundreds of quangos that keep operating because nobody thought to look at whether they were achieving what they should achieve. If we had a few more sunset clauses we would have fewer quangos, because people must make a proactive decision on whether to keep them.

This is a genuine sunset clause to put the heat on this organisation. We are saying that we will amend its legislation, improve the way in which it operates, and overcome the problems that have been brought to us by the industry and the board. We will give it a fair go for three years to see if it can be made to work. I suspect it will work. When one looks at the way in which the board will be composed, the changes in voting patterns and the way funds are allocated, and the requirement to focus on the job, I suspect that in three years we will be clamouring to keep it going, because it will be doing a good job.

We are also giving companies, industries or industry groups the opportunity to opt out of the levy, provided they can convince the board initially, and the Minister ultimately if there is an appeal, that they should be granted an exemption. They must put in place a training program that is as good as, if not better than, what can be provided under the BCITF process. The whole idea of the exemption clause is to say to some industry groups, such as the Housing Industry Association, that if they can convince the Minister they can put in place a program better than the one the BCITF is putting in place, they can have an exemption from this legislation. That is what is intended; it is not intended to allow those groups to opt out of their responsibilities. I keep saying, and I will continue to do so until I am blue in the face, that industry does not do enough for training. If I were the Minister, there would be no exemptions unless groups were to do something better for training than was already provided under the levy system. Those groups know that; it has been made very clear to them. They must put up a very good case to be exempted, and the case would have to prove that they could deliver a better service.

The concern I have with the current membership of the board is that the beneficiaries of the fund are those who sit on the board making the decisions about who benefits from it. It is a nice little number. The people who are spending the money raised by the levy are the same people who are making the decisions about who gets it. Anecdotal evidence suggests that deals are done under the table, where one group says, "If you vote for this, I will vote for that." It is not a very healthy arrangement from an accountability perspective.

We will have a board of seven made up of people who can provide the right sort of input and advice about the way in which the money should be spent. We should bear in mind the purpose of this fund is to provide training. That is why some changes have been made to section 8 of the existing Act about how the money can be spent. Instead of having a sectional allocation - section 8 says that the money shall go into the sectors of the industry, based roughly on where it came from - we are now saying that it will go into specific program areas. The Bill lists the sorts of areas into which the money should go. The skills are cross-sectoral; they are generic in the industry. The skills required in the construction industry are often the same as those required in the home building industry.

Hon A.J.G. MacTiernan: Not when you get to home building.

Hon N.F. MOORE: Yes, there are some variations, but some skills are generic and it is silly to say that the funds will be allocated to particular parts of the industry when consideration should be about the overall training needs. The board will comprise people who can make decisions, without any preconceived view or vested interest.

Hon A.J.G. MacTiernan: Will people from the industry be on it?

Hon N.F. MOORE: I have not given any thought to who might be on it. However, I will say this: Right across Western Australia bank managers lend huge amounts of money to various people, including to those who build houses. Bank managers are not home builders; they do not have to be to make decisions about lending money. It is not necessary to be in the building and construction industry to know what is a good training program. We will select people who can make judgments in the same way that bankers make judgments about the way in which the funds should be used. Bankers and company board members often make decisions about how funds will be spent not just on the basis of their personal experience by virtue of their occupation, but also because of their understanding of how an industry operates. This money is for training, not for keeping a group of Builders' Labourers, Painters and Plasterers Union people employed or for making sure the HIA has an interest in these things. It is all about using money for training. I envisage a situation where people will make submissions to the board about training programs, and the board will make an assessment of the merits of the application.

Hon A.J.G. MacTiernan: Will they have an industry background?

Hon N.F. MOORE: These people may well have an industry background; they may not. The board may comprise a mixture of both. People do not need to be builders to lend money to build a house.

Hon A.J.G. MacTiernan: You will find more irrelevant courses springing up.

Hon N.F. MOORE: I do not think so, because there are other constraints on what will be done in training. They come about through the state training profile, the way in which the courses are funded through that system, and the requirements of apprenticeships that are set down by other mechanisms that simply cannot be changed; for example, money cannot be given to Joe Blow the builder to train a brickie in 10 minutes who can then say he has a qualification. That simply will not happen under the other rules that apply to the training system.

Hon A.J.G. MacTiernan: You could start to see a move away from the on the job, industry paid training in areas such as dogging and rigging.

Hon N.F. MOORE: It will be up to the board to make decisions on how the money will be spent. One of the problems is that some people thought the board was very good at rigging, not at spending money on rigging.

Hon Alannah MacTiernan does not like the appeal process. I think it is an appropriate way of doing this. It is important that it is at arm's length from the initial process. The Minister will set the criteria for exemption. That is important because the Minister is in charge of the Act and is obliged to ensure that training is provided. The criteria for exemption will be onerous. It is important that the Minister makes sure that is the case. If people want to be exempted, they will go to the board and it will make its decision based on the criteria. The only involvement of the Minister after that is if people want to appeal against that decision. The Minister will take independent advice and if the Minister decided to uphold an appeal, it would be on the basis of the criteria that were being applied.

Hon A.J.G. MacTiernan: Where does it say that?

Hon N.F. MOORE: If people do not agree with the processes, there is a vehicle for judicial review, as we talked about last night.

Hon A.J.G. MacTiernan: That is why you don't need the appeal.

Hon N.F. MOORE: People can appeal against the processes, but not against the facts of the issue.

Hon A.J.G. MacTiernan: In some cases you can.

Hon N.F. MOORE: It is appropriate to have an appeals mechanism. It is pretty common in many areas of decision making where people have the right to appeal. If people think they should appeal decisions to the Supreme Court or to the High Court of Australia, they can say so. It seems that the Minister, who is required to make sure the objects of the Act are implemented - the Minister's obligation is to insist on the provision of training - should be the person by whom the final appeal is heard. The Minister is the most appropriate person because the Minister has an obligation to make sure training is provided. The Minister is the most accountable person I can think of if he or she makes the wrong decision on an appeal. The Minister can be asked in the Parliament why he or she made a certain decision or did not agree with an issue because that decision is detrimental to training. The Minister is a very accountable person in that context.

I thank Hon Alannah MacTiernan for her part in considering the Bill. I give her an absolute assurance that, as I said at the beginning of my speech, she and I are not far apart in terms of our support of what we are seeking to do through this legislation. I give her an absolute assurance that this is all about making sure there is more training, not less. The sunset clause is in the legislation as part of a stick and carrot approach. The stick is that if providers do not perform, they go down the chute; the carrot is that we are setting up a new board and we want people to perform and we are providing better ways of doing a job. I am greatly encouraged by what could come out of this proposal; that is, a levy and a board that will work very well.

Finally, the separation of the BCITF and the industry training councils is necessary because their functions keep getting mixed up. That is cause for great unhappiness in the working environment that has been created by those organisations from getting in each other's hair. They are being separated both by legislation and physically. The BCITF will be like a bank, and the ITC will carry out its function which is to provide advice to the State Training Board about training matters in this industry. I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (13)

Hon George Cash
Hon E.J. Charlton
Hon B.K. Donaldson
Hon Max Evans
Hon Barry House

Hon P.R. Lightfoot
Hon P.H. Lockyer
Hon I.D. MacLean
Hon N.F. Moore

Hon M.D. Nixon
Hon B.M. Scott
Hon W.N. Stretch
Hon Muriel Patterson (*Teller*)

Noes (9)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden

Hon Tom Helm
Hon A.J.G. MacTiernan
Hon Tom Stephens

Hon Bob Thomas
Hon Doug Wenn
(*Teller*)

Pairs

Hon Derrick Tomlinson
Hon Peter Foss
Hon M.J. Criddle

Hon Graham Edwards
Hon Val Ferguson
Hon Cheryl Davenport

Question thus passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon N.F. Moore (Minister for Employment and Training) in charge of the Bill.

Clause 1: Short title -

Hon A.J.G. MacTIERNAN: The Minister said during the second reading debate that there is no evidence that the building and construction industry training fund has led to an increase in the number of apprenticeships. We have pointed out to the Minister that the evidence comprises three different sets of data. The performance across all industries outside the construction industry is the reverse of that in the building industry, so it certainly cannot be attributed to an increase in economic activity generally, because that is not the effect that has been seen in other training areas. Secondly, the Minister said that group training schemes were in existence before the BCITF; therefore, they were not reliant on the BCITF.

The CHAIRMAN: Order! The short title debate cannot be a re-run or continuation of the second reading debate. It must relate to specific clauses of the Bill. The member can make some general points, but must then relate them to the clauses of the Bill.

Hon A.J.G. MacTIERNAN: The clause that causes us the greatest concern is the sunset clause, which will see the demise of the BCITF without this Parliament's having an opportunity to re-examine the circumstances. The basis of the Minister's argument is that there is no evidence that the BCITF is performing these functions. It is clear that it is. Group training schemes were in operation before the introduction of the BCITF, but at a much lower level, and it is clear that before the injection of moneys from the BCITF they were not able to stem the tide of the decline in apprenticeship numbers. However, since that injection of funds and the availability of substantial and additional financial subsidies, those schemes have become more successful. This is supported by the evidence of the number of persons in the schemes now who had previously not employed apprentices - over 60 per cent. An interesting statistic that the Minister should note is that less than 19 per cent of employers currently in group training schemes say they would continue if the schemes were wound up. That will have grave consequences.

Hon N.F. MOORE: I neglected to say during the second reading debate that the State Training Board is conducting a review of the apprenticeship system in Western Australia. That has only just commenced, and it was one of the recommendations of the Hitchen review. I hope that will provide some evidence on which we can all rely in respect of the matters that the member raised. The figures may show a significant increase in the number of apprentices since the fund began, particularly through the group training schemes, but also, thankfully, through private employers. If this review demonstrates that this fund is a significant reason for that increase, and that can be substantiated, that will be an important component in deciding whether the Minister will continue the BCITF in its new form beyond 1999.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 8 amended -

Hon A.J.G. MacTIERNAN: Precisely which of the objectives set down in the second reading speech will be achieved under this amendment to section 8 of the Act?

Hon N.F. MOORE: Section 8 of the Act on operational plans refers to the provision of funds to sectors in the building construction industry and the allocation of funds based roughly on the contribution each sector makes to the fund. It basically states that whatever money comes out of a sector should go back into it. That is outlined in section 8(3), which states -

In formulating an operational plan the Board shall not provide for the allocation of the resources of the Fund unless the allocation is made or proposed to be made -

- (a) to each of the particular sectors of the building and construction industry in approximately the same proportions as the resources of the Fund . . .

That provision will be repealed. Subsection (9), which will also be repealed, refers to the housing sector, the commercial sector, the engineering construction sector and the government construction sector. Those provisions are to be replaced by a proposal that the operational plans are to be determined by the board, but that the board is

to look at what clause 6(1) of the Bill outlines. Subclause (1)(a) refers to apprenticeships and other forms of entry level training for employment in the industry.

The Government wants to get away from the idea of putting money back where it came from and putting money into particular projects that relate to the issues in subclause (1). The strategy is to try to change the thinking that says that if the money is raised in the housing sector, for example, it is given back to that sector to work on programs to meet its requirements, because there may be generic programs that can be run. It may be that one sector of the industry raises more money than it needs and another sector raises less than it needs. It is important that the money is spent on training across the industry. Legislation on this matter has been too prescriptive in the past.

Hon A.J.G. MacTIERNAN: I understand the argument, which in some instances has merit, that training is generic, as the Minister calls it, or cross-sectorial. For example, following the training of a bricklayer, that bricklayer will almost inevitably work in housing construction and commercial construction. That makes sense. It is far less likely that he would work in the engineering sector. I recognise that there is a role there. However, my concern is that there is a high level of collection of funds from the housing and commercial construction sectors. It seems that is because of the requirement in those industries that before work can be undertaken, the operators require a building licence. There is an easy way of tracing the work being undertaken and the value of that work which has led to a high degree of compliance.

The engineering sector is notorious for having a low level of compliance because it relies on the companies engaging in the reporting. I received a number of complaints last year about the lack of training in the engineering and civil area. Training was not being delivered because there was no money in the kitty for it. The reason there was no money was that the funds were not being collected. My concern is that the housing industry, for example, will effectively subsidise the non-payers in civil construction. If it were a case of each according to his need and each according to his ability, as the Minister suggested, I might be persuaded.

Hon N.F. Moore: That is not my normal philosophy.

Hon A.J.G. MacTIERNAN: I had noticed that. In this instance there is a structural imbalance in the way the money is collected which could see those two sectors, housing and commercial construction, being unfairly required to subsidise the civil engineering area because that area was not pulling its weight. I tend to think the intersectorial flows lie mainly between the housing and commercial construction sectors. It is for that reason that rather than doing away with the sectors altogether I advocate their reduction to two sectors by amalgamating the housing sector and the commercial sector but leaving the others separate. A very real problem exists here. How does the Minister propose to get the engineering sector to pull its weight in this regard?

Hon N.F. MOORE: For some time the BCITF has had difficulty collecting funds. Some people have sought not to pay. Confusion was created by tendering documents that were issued in the last year or so that indicated there was no need to comply with this provision when in fact there was. The BCITF has a new compliance officer. That officer will work hard to ensure that every cent the fund is entitled to is collected. I give the member an assurance that there will be a significant tightening up of the compliance requirements to pay into this fund.

One of the greatest difficulties for this board has been the ongoing fighting between the sectors. Half the board's time is taken up by members arguing about whether they have their fair share. The member would not believe the number of representations I get from different sections of the industry telling me how they are being screwed by the rest. Some sectors of the industry would not agree with the member's assumption about who is putting in more than others. The civil construction group, which I think includes the road construction people, is very angry that it did not get its fair share. While we continue to run a system in which money is returned to its origin, we will continue to have those disputes between different sectors rather than their looking at the overall picture. If we were to choose to go down the member's path, the best way would be to set up two separate, independent funds. Then we would not have the problems that we have now. However, that would take away the capacity of the organisation to look at the mobility of the labour across sectors, which the member has acknowledged takes place, and at the generic nature of a lot of skills and trades within the industry. The new requirements for the way in which funds are allocated will give us a far more focused allocation of funds by the board, which will be focused on the needs of training in the industry right across the board instead of its members arguing about who is getting their fair share. That is one of the most significant problems with the current system. This Bill attempts to get over that problem. It is worth a try. If down the track some sectors are not pulling their weight, we can look at it again. At the moment this is the way to go, because it will overcome some of the fundamental problems the board has been facing for a number of years.

Hon A.J.G. MacTIERNAN: I thank the Minister for his explanation of his view. We will be interested to see whether it works.

Hon N.F. Moore: So will I.

Hon A.J.G. MacTIERNAN: The Bill goes into the detail of the nature of the courses that can be run. It itemises the objectives of the courses, whereas the existing legislation simply refers to courses to increase the number of skilled persons in the building and construction industry. I am curious to know why that was done. I do not have a particular problem with it. Are there certain sorts of programs that are currently provided or that have been provided in the past that the Minister is seeking to filter out? If there are, what sorts of programs are they? I understand that the construction skill centre is conducting a lot of on the job courses for rigging and scaffolding which have a literacy component because a lot of the people involved with that work do not have a high degree of literacy and that obviously affects skills formation. I hope the sort of specification we are seeing here will not remove the capacity of the construction skill centre to maintain that literacy component in its broader training.

Hon N.F. MOORE: It is not intended to be prescribed in the sense that it would stop literacy being part of a program. Clause 6(1)(b) refers to supplementary training for those already qualified to work in the industry. I see that as including similar innovations in training and industry as are now being covered. It is not intended to stop people doing worthwhile courses but to ensure that we do not have Mickey Mouse courses or courses which do not meet the needs of the industry and its training requirement.

Hon A.J.G. MacTiernan: What sorts of courses have been funded?

Hon N.F. MOORE: I do not want to go into that at this time other than to say that a lot of stories go around about some of the things that have been done with the money which have not resulted in any significant improvement in the training levels of the industry. There is a lot of anecdotal evidence of it. We are responding to the Hitchen review, which said that we must be more specific in allocating funds and evaluate the effectiveness of the courses. Clause 6(1)(a) to (f) covers the concerns which most people are likely to have.

Clause put and passed.

Clause 7: Section 10 repealed and a section substituted -

Hon A.J.G. MacTIERNAN: We have already had some of the debate on this issue but it is important we raise it on this specific clause. As I have said, I suppose the desire of the Minister is to control the size of the board. Eleven members would be a fairly difficult number to organise. I also understand that the clause is the result of concerns the Minister has about people acting for a sectional interest rather than the interest of the fund and the overall industry. What he is saying has a certain logic. Although I have no difficulty with the Minister's putting onto the board some persons he believes have financial skills, I do not think the position is really analogous with a bank manager deciding what business to fund. People in the industry must not be the only people on the board, and that may be a problem with the existing structure, but a very real advantage is having people on the board who are actively engaged in the industry. It would mean that the board would make more informed decisions about the real needs of the industry. To some extent it has an important role as a conduit between the fund and the industry. The success in many of those building labouring semi-skilled training areas, which have been occurring on the job with the active participation of members of the industry, have been made possible because the industry feels that the fund is responsive to its concerns and interests. If we alter the nature of the fund and place it almost entirely in the hands of bean counters and bureaucrats, it will change substantially and less creative training projects will be adopted. The Minister is right when he says that over-arching requirements need to be met and so we cannot mess around with it. That is true of the apprenticeship area. However, it is important to understand that a great deal of training goes on outside the apprenticeship area. During my speech on the second reading I read out a whole list of courses that just one of the training providers delivers through the BCITF. These are not areas where an external agency prescribes how the training must be provided. There are many ways in which the training can be provided.

There are two issues involved here: First, the BCITF is putting its money into areas where training is needed; second, to ensure that employers and employees work cooperatively with the BCITF, they need to know that their views are taken into account. Both those things have been ensured by the existing structure. I am not arguing for the existing structure, but the Minister has gone too far in altering this. We should be looking at legislative recognition of the need to have people from both the employer and employee sides on the board. I agree that the Minister needs more flexibility in appointing members. Perhaps a panel of names could be submitted and the Minister could have a choice. It could be made very clear to those people that they are not representing just their agency - they have a much larger role.

I am very concerned that we will see developing with this structure an organisation that might not be so easily swayed by self-interest but one that might be far less responsive and able to identify the training needs in the industry and the most appropriate methods of delivering that training, and that we will be unable to get the same level of employee-employer involvement that we have had.

Hon N.F. MOORE: There is one fundamental difference between the member and me, and that is that I have consistently argued that we should not have representative boards.

Hon A.J.G. MacTiernan interjected.

Hon N.F. MOORE: The member has suggested that we have at least one representative of the employers and one of the employees.

Hon A.J.G. MacTiernan interjected.

Hon N.F. MOORE: That is the problem. When they are told they represent the employers or the employees, that is the line they tend to take. Often they feel the need to represent the views of their parent organisation. Half the problem has been working out who will get the money and the other half is that we have people who are beneficiaries of the decisions making the decisions. Talk about vested interests! That is what it is all about. There is evidence to suggest that deals are done between the various participants and the board. Certainly, the legislation allows for that to happen.

It is the intention that, first, we consult with all the bodies listed in clause 7. Those bodies will put forward names for the Minister to consider. I have no doubt that there will be people on the board who have a capacity to represent, in the broadest possible sense, the interests of employees and, similarly, employers. I have no intention of including the Builders' Labourers, Painters and Plasterers Union or the Housing Industry Association, because that simply defeats the purpose of the exercise.

I do not think I will convince the member, but it is intended to have a board that can make the best decisions for training in this industry. Its members will be judged on their performance. I have a particular interest to ensure that the board does perform, because I have chosen this path. I could have decided to wind it up, put the money into a kitty and have a group of people decide how to spend it, or I could have decided to keep it going. I have decided to keep it going. I want it to succeed. If it does not, the decision I am making now will look a bit stupid. It is in my interests to ensure that the people making the decisions make the right decisions. They must be the right people. Of course, that will involve a whole range of expertise from across industry and the community. In reference to the bank manager analogy: There will be bean counters looking at the dollars, but not all members of the board will be bean counters and they will not all be bureaucrats.

Hon A.J.G. MacTIERNAN: As it stands, each of the named organisations has the capacity to put a person on the board. They could submit a name and each organisation would have a direct representative. It would be possible to have something somewhat more diffuse and have a board that was not representative in the same way but still broadly based. One of the ways that that could be done would be to put all the employee organisations together and require each organisation to nominate two people. Out of that group of eight, the Minister would then choose two or three. The same would apply to employer groups. There would still be a choice for the Minister and there would not be that direct correlation between an appointee and a particular organisation. It is some way between the highly representative structure we have now and what could be an entirely unrepresentative, narrowly based and not broadly supported board. It is worth trying something a bit broader than we have here.

The Heritage Council does exactly this. A range of professional organisations submits names and the Minister chooses from those names not one from each organisation but one from the conglomerate of organisations. There is not the notion that there would be with the current structure - that that person is directly representative of the organisation; it is more diffuse. I understand the need for some change, but we could have accommodated that tripartite concept a bit more. We now face the prospect that we may have a board that does not read and does not sit well with the industry.

Clause put and passed.

Clause 8: Section 11 amended -

Hon A.J.G. MacTIERNAN: This clause relates to deputies. Does it mean that there will be deputies at large rather than each person having a deputy?

Hon N.F. MOORE: Yes.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 21 amended, and consequential amendments -

Hon A.J.G. MacTIERNAN: The second reading speech contains paragraphs (c), (e) and (g). What provisions of the legislation address those issues?

Hon N.F. MOORE: The objective in paragraph (c) is essentially an administrative arrangement and is not part of the Bill. Paragraph (e) relates to clause 10 with which we are now dealing. Paragraph (g) is another administrative matter.

Hon A.J.G. MacTIERNAN: It is stated in the second reading speech that this clause will provide clarification of the ambit of levy coverage. I cannot work out how this provides clarification and I ask the Minister to explain.

Hon N.F. MOORE: This clause will ensure that the section relating to levy payments is consistent with new section 25, which pertains to exemptions and appeal. This is part of the process of arriving at that. It refers to applying to the board for exemption for the levy, and the provisions in this process for the Minister to make a decision about an appeal. By doing that, it is clarifying the ambit of levy coverage. The levy now applies across the board if a person is involved in a particular project. We are talking about changes to that if someone is exempted from the levy. It is necessary to make these amendments to allow for that exemption.

Hon A.J.G. MacTIERNAN: It seems that it applies the principle that people pay the levy and then argue about exemptions later. A person's obligation to pay is not affected by the fact that he may be applying for exemption or appealing to the Minister. If the application for exemption is successful, the money will be refunded.

Hon N.F. Moore: I understand that is how it works. People pay the levy and get the exemption afterwards.

Hon A.J.G. MacTIERNAN: That is probably the aim of the clause. I still want to know where the clarification of the ambit of levy coverage is. This is a big issue and I want to know whether it is addressed in the legislation. I understand areas of the engineering and mining sectors are very concerned about the degree to which they will be roped into this legislation. I thought the Bill might provide some definition in that area, rather than what is included in this clause. It does not clarify the ambit of levy coverage, but merely provides for administrative arrangements. I want to know where the objective listed in paragraph (e) is contained in the Bill.

Hon N.F. MOORE: I am unable to find a clause dealing with the change to the way in which the levy is paid. The second reading speech indicates it is a clarification of the ambit of levy coverage, but it relates to exemptions. The exemptions will be available on the basis of criteria that will be published and agreed to by the board. If I can find any specific mention of the point raised by the member, I will be happy to talk to her at a later date.

Hon A.J.G. MacTIERNAN: It is unfortunate that it was expressed that way in the second reading speech because it gives the impression that a particular issue has been taken care of.

Clause put and passed.

Clause 11: Sections 25A, 25B, and 25C inserted -

Hon A.J.G. MacTIERNAN: I have a couple of amendments to this clause and I was forced to express them in a way that makes it very difficult to understand them. Obviously, this place runs with the standing orders and not vice versa. I am attempting to match the provision in the legislation with the language and the stated intent in the Minister's second reading speech. The Minister said that he wants to make provision for organisations which establish their own training arrangements to apply to the Minister for exemption. It is not an entirely repugnant concept. The legislation does not confine the exemptions in that way. The legislation provides a carte blanche in the range of exemptions the Minister may provide for. The Opposition thinks that is inappropriate. It also points out that there are often broad considerations, particularly in rural areas, where the existence of one large organisation may be very important in a group training program - I am not just talking about apprenticeships - and if that large employer withdraws from the equation, a number of the smaller operators, who are not of sufficient size to run a training program, miss out.

That is always an important area. Bearing in mind these important principles, and that people move between employers and industries, on occasions approval should not be given when an employer seeks to provide his own training when the adverse consequences of that for other smaller organisations are great. Therefore, I move -

Page 8, line 28 - To insert after the word "criteria" the following words -

relating to the provision of internal training arrangements by a project owner.

Page 8, line 28 - To delete the word "a" and substitute "that".

Page 9, line 1 - To delete the word "specified".

Page 9, after line 3 - To insert the following new subclause (2) -

(2) The value of the reduction or exemption referred to in subsection (1) may not be greater than the value of training provided by the project owner.

Page 9, after line 3 - To insert the following new subclause (3) -

(3) The Minister may, in publishing a notice pursuant to subsection (1), limit the geographical area to which the notice will apply.

Page 10, after line 30 - To insert the following new subclause (6) -

(6) Where a determination is varied or cancelled and substituted by the minister, the Minister shall table in both Houses of Parliament reasons for the Minister's decision within 14 days of making that decision.

The amendments look more complex than they are because we serve the standing orders rather than vice versa. I fundamentally seek to insert words so the provision reads that a Minister may publish a notice in the *Government Gazette*, provided that specified conditions and criteria relating to the provision of internal training arrangements by a project owner are met, indicating that the exemption from or reduction in levy occurred. It requires that any of the conditions and criteria which the Minister may seek to gazette must be those which relate to the internal training arrangements of the project owner. The next two amendments are consequential to that first amendment.

The fourth amendment will ensure that the extent of the discretion is confined to circumstances where the project owner has his own internal arrangement. Also, the value of the exemption given must directly relate to the value of the training provided. Therefore, a project owner cannot apply for a \$50 000 exemption when the value of the training course is only \$20 000. The amendment adopts the principle stated by the Minister, but it ensures that the principle is enshrined in legislation.

The fifth amendment will ensure that the Minister has the power to limit the geographical areas to which these exemptions apply. The amendment may not be strictly necessary as the Minister may already have that inherent power - I am not sure about that. However, the amendment was designed to ensure that the Minister had the power to limit the operations of the criteria to include or exclude certain geographical areas. A problem in regional areas is that when a large company backs out of a group arrangement, the remaining operators are not big enough to sustain a viable training program. That is a concern to a number of people providing training in rural areas.

Progress reported.

EAST PERTH REDEVELOPMENT AMENDMENT 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) [5.54 pm]: I move -

That the Bill be now read a second time.

The Minister for Planning gave notice on 14 May 1996 to introduce a Bill to enable the East Perth Redevelopment Authority to project manage the Northbridge urban renewal project for the Western Australian Planning Commission. These amendments will allow the East Perth Redevelopment Authority to provide contract services for projects in areas that are contiguous to its redevelopment boundary. However, the authority's extensive planning and land resumption powers will need to be extended for the project. I am sure members will agree that the East Perth redevelopment project has been an outstanding success in converting an area of underutilised industrial land in East Perth into one of the most desirable places to live.

The city northern bypass project provides a similar opportunity for us to redevelop areas of Northbridge that have been underutilised as a result of reservation for road purposes, with most of the land being owned by the WA Planning Commission and Main Roads WA. The Government believes that the East Perth Redevelopment Authority is best placed with its extensive experience, expertise and credibility to project manage the Northbridge urban renewal project for the Planning Commission.

As the East Perth Redevelopment Act does not allow the authority to operate outside its boundaries, the Minister for Planning has proposed that the Act be amended to enable the authority to provide contract services for such projects as the city northern bypass. The additional function will be subject to the approval of the Governor on a project-by-project basis.

The provision of specific services as they relate to the Northbridge renewal project will also be the subject of an agreement between the East Perth Redevelopment Authority, the Planning Commission and Main Roads to be approved by the Minister for Planning. I am satisfied that the East Perth Redevelopment Authority is the most appropriate agency to undertake the renewal of Northbridge for the Planning Commission. The legislative amendments I outline are necessary in order for the authority to proceed.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 15 October.

House adjourned at 6.00 pm

QUESTIONS ON NOTICE**ENVIRONMENTAL PROTECTION, DEPARTMENT OF - KCGMPTY LTD PREMISES, WORKS APPROVAL 1191**

738. Hon J.A. SCOTT to the Minister for the Environment:

I refer to question on notice 569 of 3 July 1996, where the Minister has stated "With the KCGM Pty Ltd premises, a similar letter was sent on 27 January 1995, in relation to Works Approval 1191", and ask -

- (1) What was the "Works Approval 1191" specifically for?
- (2) Will the Minister or the Department of Environmental Protection supply me with a copy of all the documentation submitted by the applicant for Works Approval 1191?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1) The Works Approval was issued for the starter embankment for the extension of the Fimiston II tailings dam to include paddocks C and D.
- (2) No.
- (3) There are no spare copies of the Works Approval application and documentation. However, the information is available for viewing by arrangement at the Department of Environmental Protection, 8th Floor, Westralia Square, 141 St George's Terrace, Perth.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - FIMISTON I TAILINGS STORAGE

740. Hon J.A. SCOTT to the Minister for the Environment:

With reference to question on notice 560 of 2 July 1996, where the Minister has stated "The calculation is based on annual average pan evaporation rate in Kalgoorlie of 7.3 millimetres per day and estimated area of the Fimiston I tailings storage of 990 000 square metres", will, or can the Minister, state how and where a figure of 7.3 millimetres per day was obtained and calculated?

Hon PETER FOSS replied:

The pan evaporation rate of 7.3mm per day for Kalgoorlie was provided by the Bureau of Meteorology.

ABORIGINAL COMMUNITIES ACT - AMENDMENT

758. Hon TOM STEPHENS to the Leader of the House representing the Minister for Aboriginal Affairs:

- (1) Will the State Government respond positively to the call of Aboriginal communities in the Halls Creek Shire to amend the Aboriginal Communities Act in such a way that gives their community wardens more power to enforce community by-laws?
- (2) If not, why not?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) The Aboriginal Affairs Department has recently completed an internal review of the Aboriginal Communities Act, including amendments to specifically recognise the appointment of community wardens to enforce by-laws proclaimed under the Act. An outline of proposed amendments to the Act will be presented to me for consideration and approval by 4 October 1996.

It is also noted that Balgo is one of eight Kimberley communities receiving ongoing financial support from government through the Aboriginal Affairs Department for the operations of its by-laws scheme.

- (2) Not applicable.

QUESTIONS WITHOUT NOTICE

MAIN ROADS WESTERN AUSTRALIA - CONTRACTING OUT ROAD MAINTENANCE AND CONSTRUCTION

873. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it the Minister's intention to contract out 100 per cent of road construction and maintenance work in the metropolitan area, and 70 per cent of rural road construction and maintenance work by the year 2000?
- (2) What are the anticipated job losses in Main Roads Western Australia if that occurs?
- (3) What portion of Main Roads' road construction and maintenance work is under contract with private enterprise?

Hon E.J. CHARLTON replied:

I have had no notice of the question. Some questions with some notice have this minute been handed to me. I can answer part of the question. Half of road maintenance in the metropolitan area is being contracted out.

Hon John Halden: Is that by the year 2000?

Hon E.J. CHARLTON: Yes. Half of the work is being contracted out and the other half is to be retained by Main Roads. The basis of the process is to ensure two things: First, to compare the competitiveness and pricing of the two operators; and, second, to ensure we retain skills at Main Roads for future operations of maintenance not only in the metropolitan area but around the State. In country areas of Western Australia contracting out is being undertaken for maintenance, with three contracts being let. Also, we will retain part of the maintenance in country areas with Main Roads so that we have continuity and can retain skills for the future as well as achieve a comparison in prices and the manner in which the work is done.

TRANSPORT, DEPARTMENT OF - EXMOUTH MARINA PROJECT, CONTRACT

874. Hon TOM STEPHENS to the Minister for Transport:

- (1) In regard to the stalled marina project in Exmouth, has Italia Limestone contacted the Department of Transport and offered to complete the contract at the original tender price using staff and equipment of Civcon, thus providing Civcon with the means to pay all outstanding creditors including its retrenched work force and small business in Exmouth?
- (2) If yes, why has the department refused this offer and opted instead to engage Thiess Contractors at what is expected to be a much higher price?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) This afternoon the Department of Transport received offers from Thiess Contractors and Italia Limestone for completion of the breakwater construction and harbour basin and channel excavation. Neither of these offers mentions using Civcon's staff or equipment.
- (2) The department has not yet had an opportunity to discuss the offers with the respective contractors.

If the member wants an update on any aspect to obtain the facts on the issue, I will be happy to provide that.

MINING INDUSTRY - MINING LEASES OVER NATIONAL PARKS; CONSERVATION RESERVES

875. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines:

- (1) Do any mining companies hold mining leases over national parks in Western Australia?
- (2) If so -
 - (i) which companies; and
 - (ii) in which national parks?
- (3) Which mining companies hold mining leases, exploration leases, or temporary reserves over conservation reserves in Western Australia, and over which reserves?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I am advised that as at 20 September 1996 -

- (1)-(2) Yes. Details of national parks the subject of granted mining leases and holder details are set out in the attached list "A".
- (3) Details of conservation reserves which have granted mining leases, exploration leases or temporary reserves and holder details are set out in the attached list "B".

I seek leave to table the attachments.

Leave granted. [See paper No 656.]

MAIN ROADS WESTERN AUSTRALIA - CONTRACTING OUT ROAD MAINTENANCE AND CONSTRUCTION

876. Hon JOHN HALDEN to the Minister for Transport:

I have already asked the Minister whether it is his intention to contract out 100 per cent of road construction and maintenance work in the metropolitan area, and 70 per cent of rural road construction and maintenance by the year 2000. He responded that it would be 50 per cent by the year 2000. I direct his attention to page 11 of the eighteenth report of the Standing Committee on Estimates and Financial Operations which states -

It was interesting to note that the Main Roads Department currently has 64% of road construction and just over 40% of road maintenance works completed under contracts let to private enterprises. The Department is planning to move towards 100% of road construction and maintenance works in the metropolitan region and 70% of rural road construction and maintenance works competitively tendered by the year 2000.

- (1) Which statement is correct - the Minister's or the committee's?
- (2) If the statement by the committee is incorrect, what will be the anticipated job losses from that decision?

Hon E.J. CHARLTON replied:

- (1)-(2) Both answers are correct.

Hon John Halden: That is outrageous.

Hon P.R. Lightfoot: You asked the question; let him answer.

Hon E.J. CHARLTON: If Hon John Halden had enough intelligence he would be able to work it out.

Hon John Halden: Tell us how to work it out.

Hon E.J. CHARLTON: I am looking forward to it; but if Hon John Halden has a coronary in the mean time, I may not get the chance to tell him what it is about.

Hon John Halden interjected.

The PRESIDENT: Order! The Leader of the Opposition should come to order. If he does not I will do something about it. I am getting fed up with his asking the question and going crook when the Minister tries to answer. He does not have to like the answer, but he must listen to it.

Hon E.J. CHARLTON: The member did not take into account the words, to which he correctly referred, "up to 100 per cent". The half to which I am referring is not in percentage terms. We have split the metropolitan area into two areas; that is, north of the river and south of the river. I cannot answer in dollar terms because Main Roads' costings have not been finalised. They are ongoing. One section of the work will be done under contract and the other will be done by Main Roads until the year 2000.

METROBUS - FARES REVENUE

877. Hon JOHN HALDEN to the Minister for Transport:

It is revealed at page 14 of the 1995-96 annual report of MetroBus that revenue from fares declined from \$69m in 1995 to \$54m in 1996.

- (1) What is the number of passenger trips taken in each year?
- (2) Are there any other reasons for this decline in fare revenue?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) In 1994 there were 47.9 million boardings and in 1995-96 there were 45.2 million boardings. As detailed at page 5 of the 1995-96 annual report, the lower patronage is mainly attributable to two factors: The impact of industrial action by drivers during the year and the loss of the Midland area contract to the private operator.
- (2) It should also be noted that the 1995 fare revenue figure included an amount of concession recoups of \$20 722 000. In 1996 concession recoup funding is no longer applicable because it is being subsumed into contract revenue or subsidy.

WESTRAIL - NOXIOUS WEEDS ON RAILWAY RESERVES CONTROL

878. Hon M.D. NIXON to the Minister for Transport:

- (1) Is Westrail responsible for the control of noxious weeds on railway reserves?
- (2) If yes, is Westrail responsible for carrying out the task by utilising Westrail staff and/or the employment of contractors?
- (3) If a private landowner suffers damage as a result of the lack of control of weeds, can that landowner take action against Westrail to recover the damage and to ensure that the weeds are properly controlled?
- (4) If no, what is the statutory prohibition?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Yes, weed spraying is carried out to control noxious weeds as required by the Agriculture and Related Resources Protection Act and to clear the railway track structure and ballast of weed growth for operational purposes.
- (2) Weed spraying of the railway reserve has been contracted to the private sector for many years. The task of arranging weed spraying will now transfer to the contractors responsible for Westrail's total civil maintenance requirements and it is expected that they will contract out the work in a similar manner to that which Westrail has done in the past.
- (3)-(4) If a private landowner is considering taking legal action against Westrail to recover damages allegedly caused by the manner in which Westrail controls the weeds, that person should seek the advice of a legal practitioner or, in the first instance, it would be appropriate to discuss the matter directly with Westrail.

"PRODUCTIVITY 2000 A VISION" - PRODUCTIVITY TABLE, FORMULA USED BY TREASURY

879. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) What was the formula used by the Western Australian Treasury to produce the productivity table appearing in the document "Productivity 2000 A Vision"?

Hon Kim Chance: Chicken entrails.

Hon A.J.G. MacTIERNAN: And -

- (2) What was the source of the data used by the WA Treasury to produce those figures?
- (3) Will the Minister table all documents containing the source data and calculations used by the WA Treasury to produce those figures?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) This matter falls within the jurisdiction of the Treasurer and the question should therefore be redirected.

"PRODUCTIVITY 2000 A VISION" - PRODUCTIVITY TABLE, FORMULA USED BY TREASURY

880. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Treasurer:

- (1) What was the formula used by the WA Treasury to produce the productivity table which appears in the document "Productivity 2000 A Vision"?
- (2) What was the source of the data used by the WA Treasury to produce those figures?

- (3) Will the Minister table all documents containing the source data and calculations used by the WA Treasury to produce those figures?

The PRESIDENT: Order! That is not a supplementary question. The member asked it of an entirely different individual.

Hon A.J.G. MacTIERNAN: I am sorry, Mr President, what is the word to describe the same question asked of a different Minister?

The PRESIDENT: Another question.

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I can only speculate why Hon Alannah MacTiernan would ask the same question of two Ministers.

Hon John Halden: She wanted an answer.

Hon N.F. MOORE: Members will not get an answer today either, because the Treasurer is not in the State. He is at a Premiers' Conference.

Hon Kim Chance: Tell us the truth; it was chicken entrails.

Hon N.F. MOORE: Normally the sense of humour of Hon Kim Chance is at a higher level than that. The Treasurer is out of the State and I therefore ask that the question be placed on notice.

CRUISING YACHT CLUB - CAPE PERON, INLAND MARINA PROPOSAL

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

- (1) Is the Cruising Yacht Club proposing to develop an inland marina at Cape Peron?
- (2) If yes, what is the proposal and will the Minister table a copy of it?
- (3) Has the Government made any plans to develop an inland marina and associated facilities at Cape Peron?

Hon MAX EVANS replied:

I have the file belonging to the Minister for the Environment, but I have neither the question nor the answer.

ROADS - KALUMBURU, NEW BARGE RAMP, EXPENDITURE

882. Hon MARK NEVILL to the Minister for Transport:

I refer to the new road between Kalumburu and the new barge ramp.

- (1) Will the full \$350 000 promised be spent on that road?
- (2) What part of that are mobilisation and demobilisation costs of Main Roads' equipment?
- (3) Does the Minister expect that the road will last through the next wet season after spending that rather paltry amount of money on that road?

Hon E.J. CHARLTON replied:

- (1)-(3) Whatever is spent on that road will be every dollar more than the previous Government spent on it.

Hon Doug Wenn interjected.

Hon E.J. CHARLTON: It hurts, does it not?

Hon Mark Nevill interjected.

The PRESIDENT: Order! I do not know if members are putting on a show tonight because they know we are getting marked.

Hon E.J. CHARLTON: The question implies that this Government has neglected that road. The \$300 000 to be spent on that road will include building a barge facility. There is no road there at the moment.

Hon Mark Nevill: Yes, there is.

Hon E.J. CHARLTON: I have been on it; it is a track.

Hon A.J.G. MacTiernan: On the road to nowhere!

Hon E.J. CHARLTON: I thought when members asked questions they were interested in the answers. The amount of \$300 000 has been allocated to provide the road.

Hon Mark Nevill: Last week it was \$350 000.

Hon E.J. CHARLTON: I received this information as I came in the door today. I was advised that Hon Mark Nevill had phoned my office to ascertain what the situation was. If it is not what the member thinks it should be I will check and let him know as soon as I can. There is no road there; it is only an access track.

Hon Mark Nevill interjected.

Hon E.J. CHARLTON: It reaches only to the waterfront, where nothing exists. Main Roads Western Australia is constructing a barge loading ramp, which the community requested. On the completion of that ramp Main Roads will attend to this section of the road. An amount of \$12m has been allocated to the Gibb River Road and a further \$20m will be spent on improving it. In other words, \$32m will be spent on the road, but the member opposite indicated that the department was not doing anything to upgrade Gibb River Road.

MANGLES BAY MARINA - APPEALS, DELAYS

883. Hon J.A. SCOTT to the Minister for Transport:

I refer to question without notice 740 of September 1996.

- (1) Why has the Minister taken so long to finalise the appeals on the proposed Mangles Bay marina?
- (2) How many other appeals within the Minister's portfolio have been held up for three or more years?
- (3) Is this an example of what the coalition Government means by "better management"?

Hon E.J. CHARLTON replied:

Better management will have to come from the member if he wants an answer to his question. He should have submitted it in time.

HUGHES, CASSANDRA MARY - MEDICAL RECORDS LOST

884. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Health:

I refer to the answer to question without notice 848. When the medical records of the late Cassandra Mary Hughes were collected from the State Mortuary by the daily hospital courier -

- (1) Did that courier sign for those records?
- (2) Has the courier been questioned about his dealing with the records of Ms Hughes?
- (3) Who engaged the courier?
- (4) What protocols are in place at Royal Perth Hospital and the State Mortuary to minimise the risk of loss of such important records?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The courier does not sign for collection.
- (2) The courier has been questioned but has no particular memory of the day in question.
- (3) The courier is a Royal Perth Hospital employee. The orderly and transport service operates a daily courier service between other hospitals and health services.
- (4) Royal Perth Hospital has a number of protocols in place to minimise record loss, including a record tracing service and bar code recording. All medical records not being transferred by a member of the medical records staff are placed in envelopes for confidentiality purposes. They cannot be identified as medical records. Approximately 300 000 Royal Perth Hospital records are active in one 12 month period and can be used anywhere within the health industry.

HUGHES, CASSANDRA MARY - CORONER'S INQUIRY

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

The coroner's inquiry into the death of Cassandra Mary Hughes on 6 May 1995 reports that Ms Hughes was transferred on 5 May 1995 to Royal Perth Hospital from Swan District Hospital, having been provisionally diagnosed as suffering from septicaemia and requiring intensive care treatment.

- (1) Why was Ms Hughes not taken to intensive care until approximately 5.50 pm, although she was admitted to the hospital more than four hours earlier?
- (2) When was Ms Hughes first treated on that day by Royal Perth Hospital staff for suspected septicaemia?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Ms Hughes was admitted to the resuscitation area of the emergency department at Royal Perth Hospital on transfer from Swan District Hospital at 1355 hours. Active investigation and treatment for presumed septicaemia commenced immediately. She received intravenous fluids and antibiotics. Blood samples were taken for further investigation and an ultrasound examination arranged. The resuscitation area is the intensive care area in the emergency department. Patients are monitored intensively in this area and critically ill patients stabilised before transfer to other areas in the hospital. She was transferred to intensive care after active management had been commenced.
- (2) Ms Hughes was first treated for suspected septicaemia immediately on admission to the resuscitation area of Royal Perth Hospital on 5 May 1995.

TRANSPORT, DEPARTMENT OF - METROBUS, BUDGET FUNDS REALLOCATED TO PRIVATE OPERATORS

*Contracting Out Metropolitan Bus Services***886. Hon JOHN HALDEN to the Minister for Transport:**

The 1995-96 annual report of MetroBus states at page 29 that some portion of the 1996-97 budget will be transferred to the Department of Transport, which will be assuming responsibility for the operation of the five tender areas in which MetroBus was unsuccessful.

- (1) What amount will be transferred to the Department of Transport from MetroBus?
- (2) Were all tenders operational on 1 July 1996; if not, when will they be?
- (3) In percentage form, how much of the original MetroBus transport system has been contracted out?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) With the exception of the Midland contract area, MetroBus will operate all metropolitan bus services from 1 July 1996 to 29 September 1996. With effect from 29 September 1996, the Department of Transport will be reallocating its program funds to the private bus operators - Australian Transit Enterprises, Swan Transit Operations Pty Ltd and the Transport Management Group - to operate bus services in the Rockingham, Canning, Southern River, Wanneroo and Marmion contract areas. The amount of funds to be reallocated relates directly to the tendered contract prices. Tender prices will be released upon completion of contract negotiations. The MetroBus budget was developed on the assumption that it would be successful in winning the five tender areas.

I will explain that so members do not get it wrong. Obviously, in the assessment of the cost of operating the public transport system as it relates to buses, it was intended at the beginning of the budget period that MetroBus would be the sole operator until the tender process. In that process three operators were successful. That is the reason for allocating the funds to MetroBus. The MetroBus budget was developed on the assumption that it would be successful in five tender areas. It is now known that the other three operators will take over the services I mentioned this weekend.

Hon John Halden: Will I be able to ask that question when Parliament resumes after the break?

Hon E.J. CHARLTON: Yes, with respect to the contract prices.

- (3) Fifty per cent of the Perth metropolitan bus service has been put out to tender.

TAFE - FEE-FOR-SERVICE COURSES, COST

887. Hon JOHN HALDEN to the Minister for Employment and Training:

In response to question without notice 852 the Minister said in answer to the second part of the question that the cost of providing fee-for-service courses in 1995-96 was \$10 191 888. How is this broken down into its component cost parts?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I will table a paper which provides a breakdown into component cost parts of the \$10 191 888 cited as the cost of providing fee-for-service courses in 1995-96.

[See paper No 657.]

URBAN BUSHLAND - 32 000 HA RESERVATION

888. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Planning:

I refer to an article in *The West Australian* of 2 September 1996 in which the Minister for Planning is quoted as saying that the current Government has reserved 32 000 hectares of urban bushland.

- (1) Can the Minister name those areas of urban bushland greater than 500 ha which are included in this reservation?
- (2) Are all those areas virgin bush areas?
- (3) Does the 32 000 ha include areas such as Walyunga National Park and John Forrest National Park?
- (4) If so, why is the Government claiming credit for reserving them?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Minister for Planning has provided the following reply - The information sought will take some time to collate and I request that the member place the question on notice.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING BOARD - FUND; COUNCIL, ANNUAL REPORTS TABLING DELAY

889. Hon A.J.G. MacTIERNAN to the Minister for Employment and Training:

- (1) When were the 1992-93, 1993-94 and 1994-95 annual reports of the Building and Construction Industry Training Board, building and construction industry training fund and the Building and Construction Industry Training Council approved by the Minister?
- (2) When were they tabled in the Parliament?
- (3) If any of these reports have not been approved and/or tabled, what is the reason for the delay?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. It is similar to a question she asked yesterday. As a result of yesterday's question, I sought advice from the chief executive officer of the building and construction industry training fund to see what the situation is. The 1992-93 annual report was tabled in the Legislative Council via tabled paper No 190. Getting the date of that, as I will explain in a moment, has not been possible in the time available. Similarly, in the time available I have not been able to find out whether the 1993-94 and 1994-95 annual reports have been tabled in the House. However, it has demonstrated to me that the monitoring functions in my office should be upgraded to ensure that I have a record of these things happening. I am in the process of finding out whether they were tabled. I have photocopies of the 1993-94 and 1994-95 annual reports. However, I am not aware of the status of those - whether they have been approved. When I have ascertained that I will let the member know. The 1993-94 report was delayed as a result of queries from the Auditor General. However, I am seeking a fuller explanation of that. If these reports have not been tabled, some serious investigations will be undertaken to find out why. As the member is aware, that fund has gone through a significant period of restructuring in the last few years. I was interested in the member's comments today that it is going well. It has a number of management problems and they are in the process of being sorted out.

The 1992-93 report has been tabled. I do not have the date but it is tabled paper No 190. I have photocopied reports of the other two and I am seeking advice on their status. Once that has been determined I will table them or let the member know why there has been a delay. In the meantime, I will monitor the situation better and seek further advice on why this has occurred.
