

# Legislative Council

Thursday, 28 September 1995

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## PETITION - JANE STATE FOREST, PROTECTION

Hon Peter Foss (Minister for the Environment) presented a petition bearing the signatures of 1 033 residents of Western Australia requesting the Legislative Council to protect Jane State Forest from any further road and logging activities.

[See paper No 650.]

## PETITION - POLICE, HIGH SPEED CHASES

Hon J.A. Scott presented the following petition bearing the signatures of 390 persons -

We the undersigned residents of Western Australia oppose the continued use of high speed police car chases, which

- . have resulted in the loss of at least 10 lives since January 1991;
- . have resulted in numerous serious injuries to police officers and other citizens;
- . cause unnecessary damage to public and private property.

Your petitioners, therefore, respectfully request that the Legislative Council

- . urge the State Government to alter police standing orders and practices to end high speed pursuits by police officers.

And your petitioners, as in duty bound, will ever pray.

[See paper No 651.]

## MOTION - STANDING COMMITTEE ON LEGISLATION

### *Report Tabling - Extension of Time*

Hon Derrick Tomlinson, without notice, reported that he had been directed to report that the Standing Committee on Legislation sought an extension of time from 12 October to 26 October in which to report on the Sentencing Bill, and on his motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 652.]

## MOTION - JOINT SELECT COMMITTEE ON WOMEN IN PARLIAMENT, APPOINTMENT

Resumed from 27 September.

**HON CHERYL DAVENPORT** (South Metropolitan) [2.40 pm]: It is very rare that one has the opportunity to have two goes at debating a motion -

Hon George Cash: Three goes!

**HON CHERYL DAVENPORT**: - one day after another. This is my third attempt, and I will try not to be too much longer. At the conclusion of my remarks yesterday I was saying that politicians often talk about the equality of men and women as a long-held belief. As politicians we also know that our leaders have stated that women make up half the talent in this country. However, knowing and saying all that, we must ask why women are still virtually invisible in major decision-making forums in this country - indeed in most parts of the world. It is because of an overwhelming unwillingness to power share.

I wish to address the effects of the way the Parliament is currently structured, and how that impacts on family life. Being told at the beginning of a day's sitting, and sometimes

not even then - at least since I have been in this place - that the day's sitting will be extended past 11.00 pm, has a major impact. Without doubt the situation is a major problem not only for members but also for staff of Parliament - the clerks, the Chamber staff, the dining room and kitchen staff, and Hansard. This process needs to be rethought.

What about the members of Parliament and the staff who are single parents? From my experience during the six years I have been in this place, I can relate many anecdotes about juggling child care arrangements. It will not do any harm to talk about that aspect in detail: When I was elected to Parliament in 1989 my son was 11 years of age. In those early days I needed two types of child care. He went firstly from primary school to out of school care. Following that, I had to find a carer who was prepared to pick him up from child care, take him home, prepare a meal for him, and work beyond 11.00 pm at short notice. I had two goes at that arrangement. The first was a failure. The woman who cared for my son after school was a granny figure, and I thought that would be a very good arrangement. The problem was that she could not cope with not knowing when my sitting day would conclude. Therefore, that arrangement did not work.

I was very fortunate with the other two young women who came to stay with my son. They were students, and the arrangement worked well for them because, after preparing the evening meal, they could concentrate on their studies. Until the last 12 months that worked well. My son has turned 17 and now stays alone. He is doing his tertiary entrance examination this year. I feel very guilty because I cannot be at home when he is studying, and I cannot give him that extra support.

Hon Derrick Tomlinson: I feel the same about my son.

Hon CHERYL DAVENPORT: I am talking about single parents, not necessarily women.

Hon E.J. Charlton: Don't take any notice of him.

Hon CHERYL DAVENPORT: I am trying to explain that the hours we sit are very difficult. In 1993 when we had many all night sittings in this place, Ross was only 15. Because we never knew what hours we would sit in this place from day to day, during the last three weeks of that parliamentary sitting Ross had to stay with his father, because the stress was too much for both of us. I felt very guilty because I did not know when I would be home. It cost a lot of money when it was necessary for someone to care for my son all night. I was not able to tell the carer whether I would be home before 5.00 am or 6.00 am; so I organised for Ross to stay with his father. On some occasions that led to Ross needing to catch three buses to go to school, because his father lives in the northern suburbs.

That is some indication of how the sitting times in this place can impact on single parents. The main point is that they impact on family life. I talk to many women about the possibility of their entering political life. These are very good women, who would make an excellent contribution to public life. They say, "Look at the life you live, Cheryl. I do not know that I am prepared to devote that sort of time to the job."

Hon Peter Foss: Men say that to me.

Hon CHERYL DAVENPORT: That may be. Many more men than women sit in Parliament, and many of those men have supportive partners who are prepared to take on the load that a single person, generally a woman, takes on alone. That is not meant to be a sexist remark. I am trying to point out that it is difficult to persuade women to enter public life because they know very well that many men would not be prepared to take on the burdens that many women - the wives of parliamentarians - carry.

Hon Derrick Tomlinson: It is a rare husband who would take on that load.

Hon CHERYL DAVENPORT: That is the reason we need to consider the structure of the Parliament and the way it operates.

Hon E.J. Charlton: If you could convince some of the men on your side of the House not to talk so much we could all go home earlier.

Hon Kim Chance: That is unkind.

Hon CHERYL DAVENPORT: That is not the way to determine good legislation. We need to debate legislation thoroughly. I sat on the government side of the Parliament for four years. I heard the lengthy debate emanating from this side -

Hon E.J. Charlton: I hoped that you would not mention that.

Several members interjected.

Hon CHERYL DAVENPORT: I was a good sitter! On occasions it was beyond the pale. Serving in opposition has at least taught me how to speak in this place, if nothing else.

Hon N.D. Griffiths: Is that a benefit?

Hon CHERYL DAVENPORT: It probably is.

Hon N.D. Griffiths: I would prefer the right to remain silent from time to time.

Hon CHERYL DAVENPORT: An attempt has been made to address these issues. Worldwide women do not serve in equal numbers in Parliaments. As a result, a number of reports over the last few years are beginning to support change but the change is very slow. The first report mentioned briefly yesterday is entitled "Task Force Interim Report on Barriers to Women's Participation in Parliament" prepared by the Commonwealth Parliamentary Association. That report deals with many countries that are underdeveloped, and obviously the barriers to those women participating in the Parliament differ from the barriers that are faced by women in the more developed countries. Some of those barriers are the basic hierarchy of health needs and the need to upgrade health systems; legal factors, being firstly that the rights of women are not defined, and it lists a range of international treaties and declarations; language barriers; religious and cultural traditions that need to be overcome; and education. Illiteracy is a major factor in third world nations, and there is a quite horrifying statistic that says some 70 per cent of women in developing countries are illiterate. It refers also to systemic barriers such as access, finance, political parties and their structures, role models, elections, no guarantee of power, and so on. That quite extensive report was not adopted but it was tabled at the Commonwealth Parliamentary Association conference in Canada and is being worked on.

A paper that was prepared by the New Zealand House of Representatives for the centenary of suffrage in 1993, entitled "Women and Parliament 1893-1993", addresses some of the systemic barriers that women face in their participation in Parliament and states in its concluding paragraph -

This paper has shown that the institution of Parliament has been faced with making a range of adjustments over the past one hundred years in respect of women. Readers will be surprised at how recent some of these changes were. Many conclusions can be reached, depending on the reader's perspective. Some will see an enlightened institution ready and willing to change whenever necessary in which women are now on a completely equal footing to men. Others will see a representative institution that has not led change but has reflected it as social change in the wider community demanded. Yet others will see an institution sometimes pathologically resistant to change. Perhaps the most important lesson to be learnt is that, in hindsight, we can see how unfair some prevailing attitudes were and how hard women had to work to change them. Those who are faced with decisions today in respect of women might reflect on how they will be judged tomorrow.

That is a telling summary. In May of last year, the Commonwealth Parliament Joint Standing Committee on Electoral Matters produced a report entitled "Women, Elections and Parliament", which concludes -

On many issues Australia can claim to be amongst the leading countries in the world in terms of its commitment and action to promote the status of women. The policies and programs co-ordinated and described through the National

Agenda for Women reflect the significant social and attitudinal changes which have accompanied the large-scale movement of women into the labour market and, despite the continuing existence of a 'glass ceiling', into professional, managerial and leadership positions in this country. That the status of women in Australian society is closely linked to their access to resources, opportunities and decision-making processes is widely realised.

Another inquiry, which is still continuing, was set up last year by a joint select committee of the South Australian Parliament to celebrate its centenary of suffrage. That inquiry is examining the lack of access by women to the South Australian Parliament. In March of this year, it produced an interim report which recommended an examination of how 24 hour child care facilities might be implemented, found a need for the Joint House Committee to provide a family suite of rooms in Parliament House, and requested the managers of House business to conduct a thorough review of parliamentary sitting days and hours.

As legislators, we need to set an example to the wider community. The way in which we conduct our working lives is an appalling record for us to exhibit to the community. It is up to us to show the State how we balance positively the world of work and family life. That is summed up well in a commonwealth government publication from the Office of the Status of Women, Department of the Prime Minister and Cabinet, entitled "Sharing the Load", which was produced in 1990, and states at page 7 -

Near the end of the 1980s, Kamerman and Kahn (1987) observed that '... society has changed, work has changed, families have changed, and the workforce has changed; therefore, the workplace should change too'. As we enter the new decade, will we be able to answer in the affirmative that work and family environments have become more compatible to the optimum functioning of both?

As I said earlier, I do not think most women enjoy the adversarial behaviour and conflict that we find in most legislatures of the world, and it is rare that men and women MPs work together in the true sense. An interesting article in the American publication *Inside Congress* states -

Much has been made of how the character of Congress has changed since more women elbowed their way into the world's most powerful men's club. Women have brought new voices to a conversation long monopolised by men, adding the passion of personal experience to debate about such issues as abortion, women's health and child care.

But when it comes to calling the shots on legislation, women still have a hard time being heard. The problem, in part, is elementary political mathematics: Women still constitute only 11 percent of the House and 7 percent of the Senate, and most of them are junior members in an institution where seniority is power.

"They came to Washington with an urgency that reflected a mood in the country that's impatient for change," said Harriett Woods, president of the National Women's Political Caucus. "But the reality is they still are the bottom of the heap and a decided minority."

That says it all. We have made a start, but we still have a long way to go. As one of the few women in this Parliament, I believe that it is incumbent upon us, with next year being the anniversary of the election of the first woman to any Australian Parliament, to look at how we as women, and I hope our male colleagues will also feel moved to participate in the process, can change the structure of this place to make it better for all of us.

Paragraph (2) of the motion states that the committee should consist of eight members, of whom four shall be members of the Legislative Assembly and four shall be members of the Legislative Council. It is appropriate that this committee be a joint House committee because the Parliament of this State comprises two Houses and a contribution should be made by both Houses. I am sure that if the Government believes that four members is too many, we will be prepared to look at reducing the number of members to three.

I have taken quite a long time to deal with this issue, but it is an issue that is very dear to my heart. I hope that when I retire from this Parliament, and I hope to serve another term, more than five women will be participating in this forum. I believe more women will bring a different perspective and way of operating to this place which will benefit our democracy. I have no doubt that decision making would not then be undertaken at 2.00 am, 3.00 am, 4.00 am, 5.00 am or 6.00 am. It is time Parliament moved into the twentieth century. We are only seven years away from the twenty-first century, and it is time 52 per cent of the Australian population - women - were reflected in the Houses of Parliament around the nation. I commend the motion to the House.

**HON J.A. SCOTT** (South Metropolitan) [3.02 pm]: I support the motion by Hon Cheryl Davenport and congratulate her for bringing before this House a motion which, although there has been a certain amount of humour to this point, is a serious motion and one that must be tackled. One need only look around to see how correct the statements made by Hon Cheryl Davenport are. It is obvious that not enough women represent our electorates in this Parliament or in any other Parliament in Australia. To some degree that extends to local government as well. The days have gone when women were not allowed to vote or be educated. There is a mood among many people to change the imbalance that exists, although there is some resistance in certain quarters. It is our duty as leaders in the community to change that ethos at the parliamentary level.

I can point to experiences I have had within the Greens (WA). From the party's beginning it has tried to tackle the problem of too few women holding offices in the party.

**Hon P.R. Lightfoot**: Wasn't a woman No 2 on your ticket in the last election?

**Hon J.A. SCOTT**: Yes.

**Hon P.R. Lightfoot**: If you retired, she would automatically come into your place?

**Hon J.A. SCOTT**: That is true.

**Hon P.R. Lightfoot**: If you were sincere, you would consider that.

**Hon J.A. SCOTT**: I will retire at some stage. Even though the party encouraged women to go for those official positions, it found a general feeling of their not being confident enough, even though they were competent people, to take over those positions. In fact, they were often more competent than the men who took on the positions. To overcome that situation the Greens have provided combined positions that are shared between a man and a woman when problems have occurred for women who have wanted to come into that area. Therefore, that difficulty has been overcome. It was just one of the areas in which there were problems.

**Hon Cheryl Davenport** mentioned many other problems; for example, the times at which meetings are held so it is possible for women to attend, because for the most part women still take the major role in caring for children.

**Hon Derrick Tomlinson**: You could have the meetings during school hours.

**Hon J.A. SCOTT**: That is a good idea. Another problem we encountered was in overcoming the adversarial approach that is often found in politics. Women felt unable to join the combat because it was not in their nature. We found there needed to be more consensual rules of debate so that every person was able to be heard. That ensured that many more viewpoints were heard, and not only those of women. Encouraging people on its own is not enough. Changes must be made to the way people work within political parties and the way meetings are run. One of the things the Greens have always provided is child minding when that is needed. Of course, not all children go to school, as **Hon Derrick Tomlinson** realises.

Women can bring a great change to this Parliament and every other Parliament. In general women tend to have a far more holistic view in the way they approach problems. Men tend to have more specific areas of interest. That sometimes brings about a failure to be able to integrate areas of policy; a failure to bring together the diverse elements of different areas of policy; and even a failure to reach agreement in Houses such as this,

when there could be grounds for reaching agreement, purely because of the competitive nature of the Parliament. In allowing women to come up through the party structures so they can be elected to this place - if they are put into winnable seats they will make their way to this Parliament comfortably - we need to go one step further and look at the way debates are run in this House. There tends to be a paternalistic method of debate here. Leaders have much greater time than others to expound their views, even though they do not represent any more people than any other member in this House. No attempt is made to ensure that any member who has a viewpoint is heard; once the time is up, it is up.

Members should look at the standing committees of this House for an example. From my short experience on the standing committee of which I am now a member I have been pleasantly surprised that there is no acrimony or competition between members, but only the feeling that people want to do the job the best they can and make the best decisions as a group.

The House is supposed to act in that way, but it does not. If the House regarded the behaviour in such committees as a way of behaving here, many more women would be interested in coming here. I must agree with the time issue which Hon Cheryl Davenport mentioned. Also, we should provide child care services to cater for women members with children.

Hon Cheryl Davenport: And men.

Hon J.A. SCOTT: And men with children; quite so. We need to consider local government. One success of the postal voting system is that it will encourage more women to enter local government. Many people in this place have backgrounds in local government. We regard local government as a grounding for women, too, and we look to the rules of local government to give women experience and the confidence to come to the House. I will not prattle on much longer.

Hon N.D. Griffiths: You are not prattling on at all. It is a very eloquent speech.

Hon J.A. SCOTT: I thank Hon Nick Griffiths. We must consider the paternalistic structures within this place and within our own parties and make sure that the conditions are comfortable and welcoming to women who wish to offer something to their communities through their representation. Again, I congratulate Hon Cheryl Davenport on bringing a timely and serious issue to the Parliament.

HON KIM CHANCE (Agricultural) [3.12 pm]: Two of my colleagues have indicated that they also wish to speak to the motion. I am very keen to get on with it so that they have that opportunity. I felt that I needed to support the motion, even though it is with some trepidation, largely because of an interjection that I made yesterday while my colleague Hon Cheryl Davenport was speaking. It was an interjection which I thought was helpful, but I was told later in the day that it probably was not all that helpful and that it might have been better if I had not said it at all. The word "preselection" was not mentioned in the conversation, but I took the implication very clearly. I am not sure whether I will be able to redeem myself or whether I will simply assure my fate.

Although I am a strong supporter of the advancement of women in the whole of society and, by extension, in Parliament, sometimes my sisters and comrades do not appreciate my views. It is probably true that I am more of a humanist than a feminist, but I am touched by the difficulties that are experienced by single parents of both genders in society generally. If we are not in their position, we can only begin to imagine the difficulties that are posed for a single parent, particularly for a woman, who seeks to participate in Parliament.

Whether or not my personal commitment to the advancement of women is understood, I have a genuinely held feeling that our society wastes half of its opportunities because it has constructed itself around a male-dominated set of social conditions. Any society that is unable to harness the contributions of half its members is a society that has lost half its talent. I do not care whether or not one is a feminist; it is not difficult to see that the waste of half of our talent is just stupid.

A government member interjected.

Hon KIM CHANCE: Yes, if men became pregnant, we could probably double that talent. This matter has nothing to do with a person's gender. If we excluded left-handed people or blue-eyed people from participating in Parliament on the basis of their genetic uniqueness, that would be similarly stupid. We must consider gender in responsible positions, including in Parliament, with a perhaps less contested view.

There is very little difference in terms of the outcome for society generally between excluding women from a certain place and excluding left-handed people from a certain place. If men are ever able to have any understanding at all of what gender bias means, perhaps the only way that they can understand it is to pick on one of their own genetic peculiarities such as being left-handed, blue-eyed or even overweight and then put themselves in the position that, because of that peculiarity, they shall be excluded - not barred, but excluded - by the construction of circumstances from participating in a position of responsibility. Perhaps men might then begin to understand how women feel about being excluded by circumstances which discriminate against their gender.

Hon Cheryl Davenport has pointed to a number of matters which cause women to be deterred from entering Parliament. Although she did not pre-empt the way to which the proposed joint select committee might point, her experience of the sometimes contradictory demands of home and Parliament certainly give us ample reason to support the motion.

Other factors have been mentioned with which I am probably less inclined to agree. It seems that they require a certain degree of generalisation about women as a group. Frankly, I am not all that prepared to generalise about women. I do not like generalisations. One generalisation that I find a little hard to accept is that of women being deterred by the adversarial nature of Parliament. It is probably not unfair to women but it is a bit silly to say that the adversarial nature of Parliament is necessarily gender specific in that it puts people off.

Hon Cheryl Davenport: I did not put that as an argument. I said that women do not necessarily feel comfortable in that adversarial role and that some men do.

Hon KIM CHANCE: That is precisely the generalisation about which I was concerned.

Hon Cheryl Davenport: There is no need for us to act in an adversarial way. As Hon Jim Scott said, the committee system does not act in an adversarial manner. Certainly, the one on which I served did not act in that way.

Hon KIM CHANCE: I thank Hon Cheryl Davenport. I knew that I would get myself into trouble. I was going reasonably well until that point; now I have done it. Even Hon Cheryl Davenport, in other circumstances, would agree with me that the adversarial nature of Parliament may suit some women just as it may deter some men. I am not all that happy saying that men are necessarily adversarial creatures. Most of the men I know are happier in a situation in which they can negotiate on amicable terms.

Hon N.D. Griffiths: You are talking about your colleagues!

Hon KIM CHANCE: I am talking about my male colleagues, particularly Hon Sam Piantadosi and Hon Nick Griffiths. Nonetheless, I support wholeheartedly and absolutely the points made by my friend and colleague Hon Cheryl Davenport. Within my own party's structure I have been a solid supporter of the affirmative action proposals which the party has put in place. I would prefer that they were stronger than they are. I say that from a position of a person who, at least ideologically, opposed the early stages of affirmative action rules which were introduced into the Australia Labor Party. It was not until I saw the outcome of those rules and the way in which the party had benefited from them that I finally accepted that there is a pay-off in promoting women. That illustrates exactly what I have been saying; if the ALP is a microcosm of society as a whole we are wasting opportunities and talent by not overcoming those strictures and limitations which prevent almost half of the talent of society or of the party from filling senior positions. I strongly commend the motion.

HON DERRICK TOMLINSON (East Metropolitan) [3.22 pm]: When I was an undergraduate there were no female students in the faculty of engineering.

Hon Sam Piantadosi interjected.

Hon DERRICK TOMLINSON: I was not in the faculty of engineering. Eighty per cent of the students in that faculty of arts were female. That was the nature of the gender imbalance. I was on a teacher bursary at the time and something like 70 per cent of the student teachers were female. Female teachers make up at least 60 per cent of the work force of the teaching profession today. When one moves into the upper echelons - administrative positions, school principals, district superintendents and regional directors - there is a dearth of females and the gender balance reverses from 70 per cent female to 30 per cent male to 30 per cent female and 70 per cent male.

Again, when I was an undergraduate the faculty of engineering at the University of Western Australia had no female students. Over the next two decades affirmative action and the self-realisation of women changed that situation. Agitation grew for women to enter the faculty of engineering. It was strongly opposed and the last argument used against women entering that faculty at UWA was that there were no female toilets in the engineering building. The argument of the faculty of engineering was how could it have female students when it did not have ablution facilities for them.

Hon Cheryl Davenport: It is a bit like this place used to be.

Hon DERRICK TOMLINSON: Exactly. When I was listening to Hon Cheryl Davenport's speech I asked my colleague on my left, Hon Barbara Scott, where the female toilets were in this building. It is not as though I was looking for them.

Hon N.D. Griffiths: You just did.

Hon Kim Chance: It is not what we have heard!

Hon DERRICK TOMLINSON: When I look at this wing of Parliament House I find a male toilet on the first floor, the second floor and the third floor. To go to the bathroom which Hon Barbara Scott tells me she shares with the Clerk -

Hon N.D. Griffiths: You said the Clerk, not Black Rod.

Hon DERRICK TOMLINSON: I did not suggest that she shares it with Black Rod. However, that bathroom has in it a urinal with a steel barrier and a note which says "Not in here". Just as in the faculty of engineering those many years ago, which was an institution for males characterised by facilities appropriate to males and no accommodation whatsoever for females, in this place we have an institution which accommodates males but does not accommodate females. We can get no more graphic illustration of the argument Hon Cheryl Davenport has presented than that.

Hon Sam Piantadosi: The Clerk has arrived.

Hon N.D. Griffiths: He wants to know what you have been saying.

Hon DERRICK TOMLINSON: I think the Clerk would be much more understanding than perhaps some of my colleagues on the other side of the House.

I commend Hon Cheryl Davenport on the argument she made in favour of her motion. However, when I looked at the terms of reference of the proposed joint select committee I became concerned that the argument she presented answered the terms of reference. Paragraph (a) states -

examine the extent of, and reasons for, existing impediments to women standing for Parliament.

Hon Cheryl Davenport cogently summarised most of the reasons. Why do we need a standing committee for that purpose when the answers are almost self-apparent? Paragraph (b) states -

examine whether and how Parliamentary procedures and practice can hinder women's aspirations to enter Parliament and their participation in its functions;

Again, the hours that this House sits are hours designed for the convenience of male managers of the business houses of Perth. The fact that this House meets at 2.30 pm and rises at 11.00 pm is a hangover from the days when the businessmen of St George's



Terrace wandered up the Terrace, met in this place, discussed legislation, had dinner, played a game of billiards in the billiard room, which is still in the building, and perhaps went down to the bar for a port before they wandered home to their little women and children. That was the standard of the day, but we still have those sitting hours. I will agree with Hon Cheryl Davenport: The very reason that I can accommodate those hours is that I have a wife to whom I am very grateful and who is home when my son comes home from school. If she is not at home then, she is home shortly afterwards. She feeds my son, helps him with his homework and puts him to bed. Sometimes she works until I get home, but most often she is well and truly asleep. I am able to meet the sitting hours of this House simply because I have an accommodating wife. That is of no credit to this House; it is entirely of credit to the woman to whom I am married, and the same applies for every man in this House.

Every woman in this House knows that before she comes to this place every day she must ensure that the needs of her family are provided for. Although Hon Cheryl Davenport instanced her experience as a single supporting mother, a cogent example, what applies to her applies equally to married women and mothers in this place. We could go through the whole gamut of social institutions which inhibit women moving outside the confines of their domestic environs and taking up public office, and could find examples to support the proposition put forward by Hon Cheryl Davenport.

Debate adjourned, pursuant to Standing Order No 195.

### **HIRE-PURCHASE AMENDMENT BILL**

#### *Assembly's Message*

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

### **SALARIES AND ALLOWANCES AMENDMENT BILL**

#### *Second Reading*

Resumed from 27 September.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [3.31 pm]: A number of very good points were raised by Hon Kim Chance in the short debate on this Bill yesterday. He was concerned about some sections of the Criminal Code and the Royal Commissions Act which were included in this Bill. He picked up on the offences under the Criminal Code set out in schedule 1. In particular, he referred to section 81 of the Criminal Code, which relates to the disclosure of official secrets. It states -

Any person who, being employed in the Public Service, publishes or communicates any fact which comes to his knowledge by virtue of his office and which it is his duty to keep secret, or any document which comes to his possession by virtue of his office and which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

I take his point. Usually reference is made to a person or a public officer. I have had to seek clarification of what is meant by the term "public officer". Two different sources have advised me that a former member can be classified as a public officer.

**Hon Kim Chance:** I was concerned about section 81 of the Criminal Code.

**Hon MAX EVANS:** That does not refer to a public officer. It refers to a person who is being employed in the Public Service as a public servant.

**Hon Kim Chance:** No. A public servant.

**Hon MAX EVANS:** My advice is that this relates to former members of Parliament who have gone onto boards and thereby have become public officers. Tommy Bateman, one of my good friends, is on the Lotteries Commission board. The point is that the clause in

schedule 1 relates to former members of Parliament only. I thought the member raised a good point. I looked at section 81 when Hon Kim Chance was commenting on it, and I had some doubts about the definition of public officer, but the definition has now been clarified for me.

Hon Kim Chance: I was not uncomfortable with it, but I was uncomfortable with the reference to a public servant.

Hon MAX EVANS: I know, but I was uncomfortable with it. Hon Kim Chance also raised points about sections 24, 25, 26 and 27 of the Royal Commissions Act which are referred to in schedule 1. Those points could be covered by an amendment, but we do not think that is necessary. Section 28 refers to a person who wilfully prevents or wilfully endeavours to prevent a person who has been summoned to attend as a witness before any commission from attending as a witness or from producing anything in evidence pursuant to a summons, being guilty of a misdemeanour. The offence carries a penalty of imprisonment for one year. We do not believe it is necessary to insert anything else. If the royal commission decides to take action, so be it. Section 29 refers to the injury to a witness who is a former member of Parliament. It states -

If a person who uses, causes, inflicts or procures, any violence, punishment, damage, loss, or disadvantage to any other person for or on account of his having appeared as a witness before any Commission, or for or on account of any evidence given by him before any Commission, is guilty of a misdemeanour.

The penalty for an offence under this section is a fine of \$1 000 or imprisonment for one year. We could include an amendment, but it is not thought to be necessary, although I take the point made by the member about why all penalties are not set out in the Bill.

I think I have covered all the points raised by the member. We appreciate the support for this Bill by the Opposition both in this House and in the other place. The Treasurer has been alerted to some amendments which might be raised. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chairman of Committees (Hon Barry House) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

#### **Clause 1: Short title -**

Hon KIM CHANCE: The Minister did not address this point; maybe he felt he did not have to because I simply expressed an opinion in the second reading stage. I refer to the appropriateness of including any offences under the Royal Commissions Act. By the very nature of a royal commission being a means of inquiry, rather than having judicial functions, although it might be entirely appropriate to include clauses from the Criminal Code on which judgment is made in a court of law, it seems to be inappropriate to transpose sections of the Royal Commissions Act, an Act enabling a process of inquiry, into this legislation. The more appropriate mechanism would perhaps be to apply those four sections of the Royal Commissions Act, and any others that might be considered necessary, within this piece of legislation, contingent upon a decision of the court.

That concerns me for a couple of reasons. I went through them during the second reading debate and I will not do so again at any length. In particular, some of the confidentiality provisions of a royal commission are such that the principles of natural justice are not always guaranteed. I refer to the capacity to take evidence in camera, evidence about a person who was not accused of anything, but about whom a finding has been made, and who has never had access to or had a right of defence. I ask the Minister to comment on whether the Government feels it is just that it is done in this way, without reference to a judicial decision on the matter.

Hon MAX EVANS: It came back to some other points raised on the royal commission -

that is, knowingly misleading, loss of memory, etc - and most of those things can be clearly classified.

Hon Kim Chance: It is a very good reason to have a loss of memory.

Hon MAX EVANS: It is like the fifth amendment in the United States where one cannot be obliged to give evidence that will incriminate oneself. Maybe we could have put all that straight into the legislation. However, any finding by the royal commission still requires the due process of law before a penalty is imposed. In other words, a royal commissioner does not impose a penalty. A charge may be laid as a result of a royal commission, and is tried later.

Hon Kim Chance: It is not a summary offence under the royal commission legislation?

Hon MAX EVANS: The royal commissioner makes a recommendation and the Director of Public Prosecutions must lay the charges. When the court finds on the charge, the penalty will be applied.

**Clause put and passed.**

**Clauses 2 to 5 put and passed.**

**Clause 6: Transitional provision -**

Hon N.D. GRIFFITHS: Clause 6 offends the stance this Chamber has adopted on a number of occasions against the principle of retrospective legislation. This is retrospective legislation being applied to those who may be perceived as being once mighty. If this Chamber permits that to occur to people who were once mighty, how will it behave to those who never were in that position? The fact that we are adopting this clause discloses weakness on the part all decision makers in this Chamber and in another place. When I say decision makers, I am not referring to those on the back bench, but those who effectively have the eloquence to persuade us as to what we should support or oppose.

Frankly, the fact that I, along with the rest of this Chamber and the members of the Legislative Assembly, will support this measure shows a lack of guts, a lack of courage. It is a disgraceful performance and it reflects poorly on me and the rest of us that we are going along with this measure.

Hon MAX EVANS: It takes effect from the date of the effect for those who have been convicted before the Act comes into effect.

**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 Max Evans (Minister for Finance), and passed.

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

## **MISUSE OF DRUGS AMENDMENT BILL**

### *Second Reading*

Resumed from 20 September.

HON N.D. GRIFFITHS (East Metropolitan) [4.35 pm]: The Australian Labor Party agrees with the proposition that the Bill be read a second time. There are four matters of policy in the Bill on which I will comment, although I do not propose to do so at any great length, together with another aspect concerning matters surrounding the Bill.

The first area of policy worthy of note relates to a change in the definition of "botanist",

and a change in the method of appointment of analysts and botanists for the purposes of certification. That change in substance is a change from statutory definitions of relative precision, which were at least notionally at arm's length from the police, to those designated as taking part in the certification process of persons who will be of that status by virtue of actions by the Commissioner of Police. The reasons for that change were not addressed in the second reading speech. The second area of policy -

Hon Peter Foss: Which clause is it in?

Hon N.D. GRIFFITHS: I ask Hon Peter Foss to please read the Bill and the second reading speech. I will take him through this in Committee, but I do not want the President to call me to order for dealing with specific clauses.

This area is worthy of comment by the Minister responsible for the Bill. I raise the aspect of the storage of drugs; namely, that which will permit their destruction before trial, albeit with some proposed safeguards. I am not at this stage satisfied that the proposed safeguards are sufficient. It is not as safe to retain samples as it is to retain the whole. This area of policy again enhances the power of the Commissioner of Police. The reasons given in the second reading speech were to the effect that there would be considerable financial, logistical and resource savings, because substantial costs are being incurred storing large quantities of drugs for up to 18 months while awaiting trial. It has been reported that in some instances storage has been necessary for a number of years, due to the accused person absconding while on bail.

For the most part those are assertions. I am not doubting them. However, I suggest that the truth of those assertions should be better demonstrated before the House can give full and proper consideration to this measure.

The third area of policy that I wish to refer to is a change to the sentencing options for persons convicted of conspiring with another to commit an indictable offence first under section 6(1) and second under section 7(1) of the principal Act. Section 6(1) deals, in the first instance, with a person who with intent to supply or sell to another, has in his possession, manufactures or prepares, or sells or supplies or offers to sell or supply to another a prohibited drug. Section 7(1) deals with a person who with intent to sell or supply a prohibited plant or any prohibited drug obtainable therefrom to another, has in his possession or cultivates the prohibited plant or sells or supplies or offers to sell or supply a prohibited plant to another. I query whether the proposed policy change is appropriate. Does it represent a softening of a sentencing approach for those persons who engage in what I consider to be a disgusting trade? Again, I suggest that the reasons for this policy change have not been properly addressed in the second reading speech that has been presented by the Minister.

The fourth area of policy is, in part, consequential upon those matters that I raised about policies 1 and 2, but is in any event an updating of the evidentiary provisions pertaining to the certification process by analysts and botanists and is overall a welcome improvement.

The fifth matter is the role of the Minister for Police in this matter, or should I say the lack of a role of the Police Minister. I am very concerned with the content of a report in this morning's *The West Australian*. The front page of this morning's *The West Australian* refers to a report that was provided to government members recently - not to the Opposition, and although the Press got it the Parliament did not. The article states -

It said it was essential that police had power to destroy drugs after seizure rather than storing contraband while waiting for trial. Police now have to produce the entire haul but in other States only a sample is kept for evidence.

"There is more scope for corruption when it has to be saved. If police have to hold it in large quantities who knows what will happen," Mr Daube said.

I am concerned about what the Commissioner for Police is reported as saying. The article continues -

Police Commissioner Bob Falconer agreed that destroying drugs removed potential corruption within the force.

He welcomed the increased powers and said safeguards would ensure they were not used inappropriately.

I am concerned that if this report is accurate, the Commissioner of Police may be in the invidious position of being seen to advocate a course of action on a question that is currently before this House. That would be unfortunate because the commissioner is no doubt aware of the proposition that he is not a cipher of the Government. He is a public servant and as such he should not be publicly advocating policy; that is the role of the Minister for Police, not the Commissioner of Police. The commissioner should stick to operational matters and should stay out of publicly advocating policy one way or the other.

It is my hope that the article in *The West Australian* does not embarrass the commissioner because the community, and no doubt the commissioner, would not like the commissioner to be painted as a spokesperson for the Government. It is the role of the Minister for Police to be the spokesperson for the Government. Perhaps these reported comments say more about the Minister than they do about the commissioner. I can well understand how a public servant, and that is all he is, such as the commissioner can be put in a difficult position because of an incompetent Minister, if he exists. Does he exist? I do not know.

**HON A.J.G. MacTIERNAN** (East Metropolitan) [4.46 pm]: I understand the objectives of this legislation. However, due to pressure of parliamentary business I have not analysed the Bill in great detail, and I am operating primarily off the second reading speech. That is a somewhat perilous course, because on occasion we have seen second reading speeches often being not necessarily closely reflective of the content of the Bills that we are debating. I take some comfort in the fact that Hon Nick Griffiths has obviously looked through the legislation and would have discovered any great disparity between the second reading speech and what is contained in the Bill.

The first matter that is dealt with is the issue of the early destruction of seized illicit drugs. The argument is that problems of storage, allocation, personnel and other resources are created in order to secure these stored drugs between the time that the drugs are seized and the time that the person who is alleged to have had possession, or be involved with those drugs in some way, is brought to trial. As was pointed out in debates in the Legislative Assembly one of the reasons that is a problem is that we have lengthy delays in our court system. I am not blaming the Government for that; that problem has been around for some time. I understand the motives for wanting the early destruction of the product. I am concerned that there may be some unfortunate consequences of this. The Bill sets out the capacity for the defendant or his representatives to take samples. Hon Nick Griffiths has pointed out that a sample is not as satisfactory as having access to the entire stock. One of my concerns relates to questions of the proof of the quantity that is involved. In some instances the question of quantity is key to the charge that has been laid, because the possession of certain quantities sets up a rebuttable presumption that there has been an intent to supply. That is one issue. Quantity is relevant to the question of sentencing, and I wonder what mechanism will be put in place to ensure that there is some agreement about what was the actual quantity of drugs. This is not a hypothetical issue, because one hears frequently from people who have been charged with drug offences, particularly in relation to cannabis, that they were charged with having less than 50 grams of cannabis in their possession when they were in possession of a lot more. Obviously at that point, the police officers have to produce only 50 grams of cannabis to prove their case and the other 100 grams or so do not form part of any official record, and it can be left to one's imagination why police officers might want to do that. I do not have any sworn statements that that occurs, but it is pretty much considered by much of the cannabis using world to be orthodox. There is a real concern in the community and among those people who are close to the business that much of the material that goes onto the market is drugs that have been seized. I guess the argument behind this legislation is that if we destroy those drugs early in the piece, there will be fewer opportunities for corrupt police to put that material back onto the market and profit from it. I am sure that is a genuinely put argument, but I am not convinced that it may not have the opposite consequence. We will have to monitor that situation carefully.

I have raised two distinct issues: The establishment of the quantity of drugs, which will be relevant, in some instances, to the nature of the charge, and, in other instances, to the question of penalty, and how we can establish the quantity if the product has been destroyed; and whether to permit the early destruction of drugs will ease up rather than tighten the capacity of corrupt police officers to move that product back onto the market. I do not want to make any allegations of systemic corruption, but from time to time in Western Australia there has been a real perception that a percentage of the drugs which enter the market enter through the aegis of the drug squad.

The second issue is the possibility of a fine rather than imprisonment. I part company somewhat here with my colleague Hon Nick Griffiths because I think that is an eminently sensible proposition. I do not think it amounts to our going soft on drugs, but simply will give the court a realistic alternative to which it can match the severity of the crime.

I use this opportunity to raise a number of matters which arise from the release yesterday of the report by the Chairman of the Government's Drug Task Force, Mike Daube, and in particular some comments that were attributed to me in *The West Australian*. The Daube report, which is the Government's response to what is undeniably a drug problem in the community, makes some positive recommendations, and obviously any enhancement of education in regard to drugs is useful. However, the report generally is uninspiring and will do nothing to deal with the fundamental problems that we face in the community. It will do nothing to combat organised crime. Really, it is just more of what we have had for the last 70 years. It will not work. I am particularly concerned about the idea that we will somehow solve the drug problem by upping the ante, by increasing police powers and resources, when we know that even the United Nations Drug Enforcement Agency has acknowledged that notwithstanding the hundreds of billions of dollars - I do not exaggerate - that is spent on drug law enforcement, at the very most we are intercepting 10 per cent of the illicit drug trade, and that in the last couple of years, the trade in illicit drugs has overtaken the oil and petroleum industry and is now the second largest industry in the world, following behind only arms dealing.

Unfortunately, I would describe the response in the Daube report as unimaginative and unenlightened. We have to do something about the problems that we are seeing in our community, not only drug abuse and the associated crimes of violence against people and crimes against property, but also the increasing problem of the power of organised crime within our community. This approach will play into the hands of organised crime because it will create an environment where the black market prices will increase even further and the profits will increase commensurately. The Australian Parliamentary Group for Drug Law Reform, of which I am a member, as are a number of people in this place, and as are members of the Liberal Party in New South Wales and the Australian Capital Territory, so it is a group that crosses political parties and jurisdictions, has recognised that in regard to a drug such as heroin, we should give serious consideration to putting in place the system that is found in Sweden, Switzerland and parts of the United Kingdom, where heroin is provided on prescription under medical supervision to persons who are registered as addicts. The reason for doing that is to take those people out of the drug supply system and out of the retail pyramid of drug supply, because the reality under the current system is that the only way in which the majority of people who are drug dependent can afford to service their habit is by recruiting other persons as users and then supplying them with drugs in order to give them a profit basis by which to feed their own habit.

Therefore, in trying to address this problem of heroin use, we have ironically set up a system whereby we are actively encouraging the recruitment of new heroin users. The only way we will change that situation is to remove the profit motive from that network by taking the dependent users out of the system. That is perhaps said more simply in the case of heroin, which is not a particularly dangerous drug, but is more difficult when we are dealing with drugs such as speed and cocaine. I am not saying there are easy solutions to the problem of the use of all drugs. The prohibitionist approach has not worked anywhere in the world, and this approach embraced by Mr Daube will not achieve anything at all by way of addressing drug use or abuse or the associated

problems of crimes against property and violent crimes and, more importantly, the problem of organised crime.

The decriminalising of cannabis is a separate issue which has to be dealt with quite separately from the issue of hard drugs. In a newspaper today I was inaccurately reported as saying that the Australian parliamentary group on drug law reform was in favour of legalisation. We are arguing for decriminalisation. Unfortunately, Mr Daube's argument really misses the mark. He said that he would not support decriminalisation because cannabis was harmful. No-one is arguing that cannabis is a health substance. No-one denies that used heavily and regularly it can have harmful physiological and possibly psychological effects. Exactly the same is true of alcohol. The Daube report made no suggestion that we should as a consequence outlaw alcohol. One of the most unfortunate consequences of the very different ways in which we treat alcohol and cannabis is that our whole drug program is discredited among young people. We have a high rate of cannabis use among young people. They perceive themselves as being discriminated against because their drug of choice is illegal, whereas what they know to be an equally harmful drug is not illegal. That creates a climate in which they are not inclined to listen seriously to all those important messages given about drug use and abuse, particularly about those drugs with a potential to do great harm, such as crack and speed.

A very relevant consideration is that the law as it stands is simply not having any great impact on stopping young people from using cannabis. The fact that one says it is illegal does not appear to be stopping people from using cannabis, because it is so readily available, and anyone who wants to use it can do so. Our argument is not that cannabis is without harm, but that when one looks at all things considered, such as the degree of harm attained upon use of cannabis, the way we are treating other drugs, the cost of having people brought into court, the police costs, and the cost to people and their having a criminal record, that is not a balanced response to the perceived problem of cannabis use.

Mr Daube has said that he does not believe the South Australian experiment has worked. I do not think that is quite accurate. Certainly problems in that legislation have been identified by the South Australian Parliament, which I understand it is now remedying. They were basically quite technical problems which could be remedied quite easily and that would ensure a much higher take-up of the infringement notices rather than the approximately 50 per cent of people on whom they operate at present. This is largely because there is a no time to pay capacity built into the infringement notices, whereas there are with fines. For people at the lower end of the socioeconomic group it is an important consideration.

To recap briefly, the Daube report is unfortunately very much a missed opportunity. It sees us going back in time and adopting an approach - it was described today as one of almost zero tolerance - modelled on one which has not been successful in the United States. Our civil liberties will be further eroded and organised crime will be allowed to flourish, for no effective advantage to the community. It is an unfortunate approach. We have to be careful that the changes brought to our attention today by the Government do not enhance the opportunities for the diversion of seized goods onto the market rather than restricting them, which is the intention of the legislation. Other aspects of the Bill are certainly improvements on the current situation.

**HON KIM CHANCE (Agricultural) [5.05 pm]:** I also support the Bill with the reservations that have been so clearly expressed by Hon Alannah MacTiernan. I have to admit that I was not aware of some of the matters about which Hon Alannah MacTiernan advised us. I am somewhat stunned by the scale of international commerce in the illicit drug market. I am concerned about the fundamental nature of the Bill and that it may provide yet more opportunities for illicit drugs to find their way back into the system after they have been taken into custody as a result of drug charges. I am sure nobody wants to imply that this is in any way a common occurrence, but it is reasonable to expect that at any time when illicit drugs may be reintroduced into the system, some people will be tempted to do that.

Hon Peter Foss: I think Hon Nick Griffiths, who is in the Chamber, is probably agreeing with you.

Hon KIM CHANCE: I know he is back. I wanted to draw one more thing to the attention of members. It is somehow coincidental that the Poisons Amendment Bill appears on the Notice Paper just after the Misuse of Drugs Amendment Bill. Although it is probably improper for me to refer to the other legislation, I want briefly to draw the attention of the House in the context of this Bill to the Poisons Amendment Bill. One of its provisions is that there shall be a new nine part schedule for poisons, replacing the old scheduling system. It is a sensible arrangement, but the interesting thing is that the ninth schedule, which refers to the highest grade level of poisons, reads -

Poisons that are drugs of abuse, the manufacture, possession, sale or use of which should be prohibited by law except for amounts which may be necessary for educational, experimental or research purposes conducted with the approval of the Governor.

I have a lot of confidence in the way the national authority has structured the recommendations of these nine schedules. However, on the face of it schedule 9 suggests that marijuana and heroin would be lumped together as schedule 9 substances on the basis that they are both drugs of abuse, the manufacture, possession, sale and use of which is prohibited by law. On our understanding of poisons it is highly inappropriate to lump them together in that group. If the law is to treat prohibited drugs as schedule 9 substances regardless of what they are, we may have defeated some of the objectives of the amendment we will be dealing with in due course when we debate the Poisons Amendment Bill.

I thought it was worth noting that, given the content of the Misuse of Drugs Amendment Bill, it is in the very classification of some of these substances that confusion has occurred in people's minds. Because a particular drug may be illegal or, indeed, legal, it tends to lead people to believe that its use should not be contemplated or, alternatively, that it is quite acceptable to use it simply because it is legal. By any stretch of the imagination in terms of human health, that is simply untrue. That is where I believe some of the confusion has arisen.

This was underlined as recently as this morning when I heard a report on the 9.00 am radio news about the State Government's task force into drugs, which I believe has just reported.

Hon N.D. Griffiths: The Press have copies of it but Parliament does not. The Press is always the first to get these things.

Hon KIM CHANCE: I heard about it on an FM radio station and yet the task force has not presented its report to Parliament. Not having read the report but having heard the report of the report, I believe that it points to an alarming abuse of legal drugs by young people, and, in particular abuse of alcohol. That concerns me somewhat. While there is nothing wrong with our considering and supporting this Bill, I sincerely hope that the task force report, when it is ultimately available to us, will be followed through with vigour by the Government, and I am sure that the Opposition will be pleased to support it.

**HON PETER FOSS** (East Metropolitan - Minister for the Environment) [5.13 pm]: Interestingly enough, I think two of the points raised by Hon Nick Griffiths have been answered by Hon Alannah MacTiernan and, to some extent, some of the points raised by Hon Alannah MacTiernan have been answered by Hon Kim Chance.

Several members interjected.

Hon PETER FOSS: They are good points and they illustrate the difficulties involved. First, I will address the question of why the Commissioner of Police should be saying that he believes one should be able to destroy drugs before trial. This answers the point that Hon Alannah MacTiernan raised. It really is an operational matter and it needs to be carried into legislation. However, it is the belief among police - and this belief is not confined to this State - that there is less temptation and certainly less exposure if the



drugs are destroyed. There are two elements to this: First, the temptation to remove the drugs and, secondly, the opportunity to remove them. The longer the period between confiscation and destruction, the greater the window of opportunity.

The answer to both issues is that this is an operational matter. It has been demonstrated operationally around the world that it is better to destroy the drugs and not to open the window of opportunity for any longer than necessary. All we can really do is take the advice of those knowledgeable in the area. I find it a credible statement and I accept it. It also explains why the Commissioner of Police made a statement on the matter.

Hon N.D. Griffiths: Does the Minister think he should be making a statement rather than the commissioner?

Hon PETER FOSS: It is perfectly proper for the commissioner to comment on what he sees as an operational solution to an operational problem. It is not a matter of policy whether we destroy them; it is a matter of practicality. It is a matter of saying that we have a problem and we believe it is appropriate for it to be dealt with in this way because operationally we believe that it will work. Members may not agree with that, and I think that Hon Alannah MacTiernan has queried it - and quite rightly so. However, I think that that is the better view of the operational solution.

I now wish to address the point raised by Hon Alannah MacTiernan about whether we are going soft on drugs by offering an alternative sentencing option.

Hon A.J.G. MacTiernan: I agree with you.

Hon PETER FOSS: I said that you had answered Hon Nick Griffiths. I think Hon Alannah MacTiernan is right. It does not reduce the maximum penalty and it does not indicate any softening of approach to penalties. It recognises that there is always a wide spectrum of possibility in relation to any offence. This gives discretion to the court to take that into account.

Hon N.D. Griffiths: It widens the spectrum, does it not?

Hon PETER FOSS: I think that it is appropriate.

Hon N.D. Griffiths: It is a softening.

Hon PETER FOSS: No, it is not. It is a recognition that there should be greater sentencing options. Generally speaking, I know that there are times when we as legislators are tempted to include minimum penalties in legislation and to reduce the options. However, this Government's intention has been to try to widen the range of options. Having no alternative to imprisonment is not a good idea. In fact, I find it offensive to have no alternative.

As Hon Nick Griffiths appropriately points out, there is a change in the certification of the analysts, where the responsibility goes from the Commissioner of Health to the Commissioner of Police. He points out that at one level it certainly can be seen that the person is at least at arm's length from the police - and that was not previously the case. I accept that criticism -

Hon N.D. Griffiths interjected.

Hon PETER FOSS: I accept that, and I believe that operationally it would be more satisfactory.

Hon N.D. Griffiths: "Operational" is an awful word.

Hon PETER FOSS: I know, I do not ever say it. I accept that this remains a government responsibility and the honourable member and I have agreed previously that "operational" does not mean that it is not the Government's responsibility. It may govern the way in which the Government interferes, but it does not remove all responsibility. I accept that that change is there. It is believed to be more convenient and that is the reason it has been done.

Hon N.D. Griffiths: So the reason is convenience?

Hon PETER FOSS: The honourable member knows perfectly well that when one sets up

a Statute it should be set up in such a way that it will operate in the most efficient manner. I believe that that is what this will do.

Hon N.D. Griffiths: Have there been any difficulties?

Hon PETER FOSS: I do not know.

Hon N.D. Griffiths: Do you think we should be informed of any difficulties?

Hon PETER FOSS: I do not have any knowledge of any difficulties, so I do not think there is anything of which to inform the honourable member. It may be purely perceived.

The point that has been raised that really should be looked at is that raised by Hon Alannah MacTiernan about how one proves the quantity of drugs, particularly in those cases where the quantity of drugs is material. In other words, where it is not just material in terms of how offensive it is, but what offence it is. This relates to particular areas of law, such as our evidence laws, which have been a little more peculiar than laws of evidence in other places. I can understand the basis for it and the purity of it, but the best evidence law has been chipped away and to a large extent removed. This probably goes back to a time when we did not have quite the same sort of society as we have now, where the ability to detect that things have been fiddled with, and the processes of keeping proper records and recording evidence were not as strict as they are now.

Obviously, it is within capacity for evidence to be given by the analysts, botanists and all those other people as to what was seen, what the quantities were and so forth. The question is then whether one needs to preserve some evidence to enable that point to be challenged at a later stage - merely the weight of it - or whether it is one of those areas where it is sufficiently of a mechanical and scientific nature to be capable of being recorded at the time and carried forward. We know of many things of that nature where the process of ascertaining the measurement is accepted as being sufficient if the person gives that point of view, without the need for some independent checking. This legislation provides for independent checking of certain things, particularly the nature of the plant or drug, in that samples are maintained and available. I have a funny feeling that I had something to do with that provision's being included in the Bill.

Having a lawyer's concern similar to that of the honourable member, I felt that, where possible, an opportunity should be made. Certainly, on a balance of all matters involved, it is appropriate that that should happen. One can still achieve the policy of the Bill, which is to put that drug out of the way of temptation and prevent the diversion of resources to guard it. One can still achieve such aims and maintain some portion of what would otherwise have been available to the defendant. The only answer otherwise would be to keep it, which would completely defeat what we intend to do. In those circumstances, one would use the normal rules of evidence. That is, if it is a material fact that it be more than 5 grams, the court has to be satisfied beyond reasonable doubt that there were more than 500 grams. What has been lost is the opportunity for a check measure to take place.

Hon A.J.G. MacTiernan: You and I recall that the police, before they destroyed a drug, had an independent analyst make a statement or issue a certificate on quantity.

Hon PETER FOSS: As well as the nature of it?

Hon A.J.G. MacTiernan: Yes. We certainly do not have another opportunity to reconsider that evidence, but at least we would know that there was a nominally independent person making an assessment.

Hon PETER FOSS: As opposed to the police?

Hon A.J.G. MacTiernan: That is right.

Hon PETER FOSS: That is stated at section 38(2)(c). What is lost is the opportunity to verify it. The public notary function is still there, but we lose the opportunity to remeasure or to reanalyse. That is all that is lost.

Hon N.D. Griffiths: That is different because of the removal from the Commissioner of Health to the Commissioner of Police.

Hon PETER FOSS: I suppose so. As lawyers, we can be overcautious on occasion.

Hon N.D. Griffiths: This is not such an occasion.

Hon PETER FOSS: It possibly is. The essential point is that the sample is preserved. There is then the question of mass or quantity. That is as far as one can go without actually saying, "Let's not do it at all." The relative balance is in favour of doing it rather than not doing it.

Some philosophical questions were raised. In particular, Hon Kim Chance asked how we could put heroin and marijuana in the same category. In a couple of places in my notes I have written that people should refer to a very good speech by Hon Nick Griffiths about six or eight weeks ago on some of the perceived consequences of the use of marijuana. One should not make assumptions on the basis that everybody is using it. Perhaps the evidence is still to come in. Since Sir Walter Raleigh's time it has taken until halfway through this century for people to admit the consequences of tobacco.

Hon N.D. Griffiths: James I had a very strong view about it.

Hon PETER FOSS: James I was ahead of his time in some ways. The evidence on marijuana is not finally in. As time passes and more people use it and we start to get epidemiological evidence, some people might argue that heroin is a relatively safe drug. We know that the greatest danger to health comes from licit drugs as opposed to illicit drugs, partly because of the quantities in which they are absorbed. In other words, one may argue that the difference between the quantities that are being absorbed is the fact that they are illicit and that therefore it is an encouragement to participate. Hon Kim Chance said, "It's okay if it's licit, but it's not okay if it's illicit." There are some people who will take a drug only because it is illicit.

Hon Kim Chance: True, but they must be a minority.

Hon PETER FOSS: If we made it legal, they would find something else. We should not ignore the fact that, although we have a significant and alarming increase in the use of drugs, the licit consumption of drugs and the harm that is caused far outweighs in health terms the consequences of illicit drugs. Hon Alannah MacTiernan put her finger on the problem; the problem with illicit drugs is their link to organised crime. As the honourable member conceded, nobody has come up with a simple solution to that.

Hon A.J.G. MacTiernan: One can certainly make moves in relation to heroin. I do not have the figures, but it seems to be the biggest -

Hon PETER FOSS: I do not want to debate the specifics. There is no simple solution. There is certainly much discussion. I do not have a solution, and I doubt whether anybody else has one.

I thank members for an informative and helpful debate. Anybody who wishes to read the record will be greatly informed. I also thank members for their support. I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages and passed.

#### **MOTION - SECURITY AND RELATED ACTIVITIES (CONTROL) BILL, SEVEN CLAUSES REFERRED TO LEGISLATION COMMITTEE**

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [5.29 pm] - without notice: I move -

That the Security and Related Activities (Control) Bill 1994 be referred to the Legislation Committee for consideration of clauses 7, 27, 59, 60, 64, 84 and 90 and report, but consideration of the second reading debate of the Bill by the House continue notwithstanding such referral.

As members will be aware, during the second reading stage various concerns were raised about a number of clauses, some of which have been included in this referral motion.

Clause 7 of part 2 of the Bill relates to administration and deals with licensing officers. Clause 27 under part 4 - that is, the licensing of inquiry activities - is part of division 1 and deals with the definition of an inquiry agent. Clause 59 is within part 7, licensing procedures, and is part of division 3 and deals with the duration of licences. Clause 60 again is within part 7 of the Bill, division 3, involving the issue and renewal of licences, and deals with identity cards. Clause 64 again deals with part 7, division 3, issue and renewal of licences. That clause concerns a licence not being transferable. Clause 84 is part of part 10, the miscellaneous area of the Bill and deals with the entry and inspection of records. Clause 90 is also under part 10 and deals with the liability for damages of an employer of a crowd controller.

I am asking the House to refer the Bill because in his contribution to the debate Hon Nick Griffiths recommended there be certain amendments to various clauses. They are matters which Hon Nick Griffiths invited the Standing Committee on Legislation to consider. Clause 90 deals with liabilities of an employer of crowd controllers for damages. The question has arisen whether the clause in its present form extends vicarious liability too far. I understand that members of the public would like to make a submission to the Standing Committee on Legislation concerning that clause and possibly other clauses that have been referred. I invite the contribution of the House on this motion. I have not included in the motion any time limit. However, the House is beginning a two week recess. If it suits the Standing Committee on Legislation, it would be clearly helpful to the House if any submissions could be heard in that period. That is a matter for the Standing Committee on Legislation and I will leave it to the chairman and his members.

**HON JOHN HALDEN** (South Metropolitan - Leader of the Opposition) [5.32 pm]: I thank the Government for its support of this referral. The expressions of concern that have already been raised in this debate justify the referral. It is appropriate that the Leader of the Government should make the referral now because, as he suggested informally, without wanting to put too fine a point on it, it is appropriate time-wise that it should be referred to the Legislation Committee and with its assistance cause the Bill very little delay. It is appropriate that the committee, which I think has shown some expertise in the past in adequately and comprehensively handling these matters, consider the matters referred to it as quickly as possible and bring its response back to the House. The Opposition supports the motion.

Question put and passed.

## APPROPRIATION BILLS 1995-96

### *Assembly's Message*

Message from the Assembly now considered.

### *Committee*

Chairman of Committees (Hon Barry House) in the Chair.

The message from the Assembly was as follows -

That this House -

- (1) requests the Legislative Council to not apply the effect of the President's ruling of 6 December 1994 in respect of "the ordinary annual services of the Government" and be requested to pass any Bill of Appropriation giving effect to the 1995-96 Budget; and
- (2) agrees with the proposal to establish an informal committee of three Members from each House to consider "the ordinary annual services of the Government" under section 46 of the Constitution Acts Amendment Act 1899 and its operation".

Hon MAX EVANS: I move -

That the Legislative Council concurs with the resolution contained in Legislative Assembly message No 27.

This message continues from December last year a discussion of what is ordinary annual services of the Government in Appropriation Bill (No 1) versus Appropriation Bill (No 2). The President made a ruling on 6 December 1994. However, some uncertainties exist for this year's Budget in what are ordinary annual services. It is still not clear for future Budgets exactly what should be done and how it should be done. It is therefore recommended that an informal committee work on this problem.

Hon JOHN HALDEN: Obviously by seconding the motion the Opposition supports the Assembly's resolution. The Minister for Finance outlined very briefly the circumstances regarding this matter. I do not want to make the cheap point about last year's Budget, but the problem had been around for some time. One issue was the difficulty of how we define ordinary annual services of the Government. Then came the difficulty of new projects. I think the problem emanated because new projects were being placed in Appropriation Bill (No 1) when under the Constitution Amendment Act they should be in Bill (No 2). I do not think any effort was necessarily made by either Government to hide anything.

As I pointed out to members, I think the implication was that the first Appropriation Bill could not or should not be defeated in this place.

Hon Max Evans: You may defeat it but accept the consequences.

Hon JOHN HALDEN: Yes. We have greater powers regarding Appropriation Bill (No 2). The point about that is that considered in a realistic sense and in terms of what are defined as the powers and responsibilities of the Legislative Council, at present - it may change in the future - projects should be placed where they belong; that is, in Appropriation Bill (No 2).

If that is not the case, our powers and responsibilities are severely curtailed. I do not know that that has caused a great deal of difficulty in this place, although I may be wrong. In other jurisdictions where controversial matters have been initiated by Governments - I imagine by those with a hostile upper House - the upper House has wanted to remove that appropriation from the new Budget. If an item is put in an Appropriation Bill (No 1) - which has been tried - it cannot then be put into the next Appropriation Bill. There have been efforts in other jurisdictions to ensure that this precedent and law has been abided by so that the upper House can exercise its due responsibilities.

The Government has always had the opportunity to provide a mechanism to get around this problem of new programs by attaching an appropriation to a new Bill. I am not suggesting that this was done; however, there was a clear case of tacking in last year's Budget which I think was to do with the Fisheries Department. The Government made an announcement in the Budget speech that it would provide some new fisheries project, although I cannot remember specifically what it was. Very shortly after, it introduced legislation which tacked on those changes, although I do not think for one second that it in any way abrogated its responsibility. I tried to establish in the Budget which items were tacked and which were not. I had to cross that item off my list because the new legislation made it the case that that item was not tacked. Governments have opportunities to bring about new policy when putting items into an Appropriation Bill (No 2).

This motion sets out an appropriate way for the Government to act. The Government was a little tardy in getting this motion onto the Notice Paper, although I acknowledge it has been sitting there for some time. We are being asked, as a House, not to enforce our powers with this Budget but to establish this committee. The Minister for Finance described it very well when he said that we should start to define concepts clearly, and not just for our benefit. It was evident last year that some concepts needed to be defined for the public servants who constructed the Budget. I raised this matter at the time. I did not think the matter to which I referred was tacking, but rather related to the CALM budget for Operation Foxglove. I remember going through a long explanation. The poor bureaucrats thought I was either mad or did not speak English, and had no understanding of the concept about which I was talking. I can see how that is possible because they

were probably experts in the field of conservation and land management and not in some of the vagaries of constitutional law.

Hon Kim Chance: Not Syd, surely!

Hon Max Evans: Actually Syd is all right, even though you appointed him.

Hon JOHN HALDEN: It is understandable that even people with a finance background will not know the peculiarities of how the two Houses work.

The committee will have a number of options open to it. It may want to look at some amendments to the Constitution Acts Amendment Act. I do not know how provocative this would be, but it may look at the respective powers of the Houses under that Act. In doing that, we may be able to resolve the problem. We may want to take up the point the Minister for Finance has raised - that is, to look at this issue as a definition problem - and ensure that we know what is meant by each phrase.

The concept of ordinary annual services of the Government is not understood by many people either outside or within this place. I refer to the initial meeting of the Estimates Committee. The bureaucrats involved had great difficulty in accepting that a new project was not an ordinary annual service. They were not being difficult or trying to hide.

Hon Max Evans: They thought that was what had always been done.

Hon JOHN HALDEN: The Minister is right, particularly in our lifetime, although it may have been different before.

Hon Max Evans: We have bricks and mortar and machinery; everything else is recurrent expenditure.

Hon JOHN HALDEN: Exactly. The lay definition is to do with bricks and mortar and paying salaries. There is a need for a definition of ordinary annual services and also new projects. There is a great misunderstanding about what is a new project, not just as I explained it in the context of the Budget but those that are attached to amended legislation. We must define what constitutes a new program. For example, just off the top of my head, if the Education Department creates a new program for reading, is that a new program? My understanding is that it is not because there have been reading programs before.

Hon Max Evans: This whole new factor frightens me; we could get down to having a new program every time a new coloured pen is taken up.

Hon JOHN HALDEN: The Minister and I are getting on too well.

Hon Max Evans: I am worried.

Hon JOHN HALDEN: Although it may be a new program, the service may have been in place for many years before; therefore, it will be seen as a change to an existing program. At the moment, a new program is one that delivers a service that has not been delivered before. Any program covering primary, secondary, post-secondary or tertiary education would fit into this difficult area, and would have to be put into an Appropriation Bill (No 2).

I do not think this committee must meet for protracted amounts of time. This is not a political issue.

Hon Max Evans: I agree.

Hon JOHN HALDEN: However, it needs resolution, whatever that may be. It may only take longer if the committee were to consider any reform of the Constitution Acts Amendment Act. The issue is more about a technicality. If we agree upon the problem and how to fix it, it is then just a technical one where we agree to a set of words to advance and clarify this issue once and for all. I accept that we will need to take advice from a variety of competent, qualified people. I hope this matter can be resolved once and for all relatively quickly. As the Opposition nominee on this matter, I look forward to what will be a worthwhile exercise because - I do not want to be too bold because I have not checked this - most Budgets in this country are tacked. That is the reason I do not

think that one should put too much political emphasis on this matter. Ultimately, we need to resolve a technical problem.

The conduct of the President throughout this matter was very reasonable. He clearly understood the issue and the difficulty. The President could have taken a partisan view and very quickly dispensed with my point of order. He did not do that. He did not endeavour to do anything but the appropriate thing. He made his feelings clear on the matter before he delivered his ruling. He addressed the history of the issue. His ruling was consistent. I have the press reports of the time and was looking through them before I entered the Chamber. It is clear that there was some political angst about the matter. I am sure the President was not coerced. I do not mean to say that he was, but there was some indecisiveness and uncertainty about the future of the Budget. The Government must have had concerns; that is obvious. However, the President's ruling was most appropriate. It was never my intention - I am sure the Leader of the House will agree - to knock over the Budget. It was a matter to resolve so that that potentiality could not happen. At the time, the President, the Leader of the Government, and I acted with considerable propriety about the integrity of the Budget. We attempted to resolve this matter once and for all. On the basis that I have seconded the motion, the Opposition will support it.

Hon MAX EVANS: I thank the Leader of the Opposition for his support. At the time, I was not very concerned about this matter. I thought we could go through every line of the Appropriation Bills. We could extend the Supply Bill into April. We could have gone through January considering every line in the Appropriation Bills to decide whether they reflected the ordinary annual services of the Government.

Hon A.J.G. MacTiernan: Do you reckon your mob would have done that?

Hon MAX EVANS: If we had to do that to get the Budget through, I have no doubt we would have done that.

Hon A.J.G. MacTiernan: You would have had a riot on the back bench.

Hon MAX EVANS: We would have done what we had to do if we could not get it through any other way. During consideration of the last Budget I was asked why we could not work out what are the ordinary annual services. I said that we might have 1 000 items. However, if someone had another item up his sleeve - not one of the 1 000 - which was put into recurrent expenditure when it should have been pulled out, it would not be an ordinary annual service.

I am a typical chartered accountant. To me there are no shades of grey. It is either black or white. It is very difficult to decide what are ordinary annual services, or to define the black or white, or what is to be done. Hon John Halden has referred to many cases where the position is uncertain. That was referred to in the President's statement, and other matters were raised. I am not sure who will be the competent experts referred to by Hon John Halden. I thank the Opposition for its support.

Question put and passed.

#### *Report*

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

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

On motion without notice by Hon Max Evans (Minister for Finance), resolved -

That the House at its rising adjourn until Tuesday, 17 October.

### **ADJOURNMENT OF THE HOUSE - ORDINARY**

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.55 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Homeswest, Contracting out Architectural Services*

**HON A.J.G. MacTIERNAN** (East Metropolitan) [5.56 pm]: I would like to use this opportunity to refer to a matter that has been revealed to us as a result of questions we have been asking in Parliament this week. The answers to questions we have put have revealed a very appalling state of affairs in Homeswest's contracting out of architectural services.

**Hon Kim Chance:** To the extent that we have received answers.

**Hon A.J.G. MacTIERNAN:** This is one area where we have received reasonable answers.

Homeswest has moved to outsource its architectural services. On a typical project, Homeswest will appoint an architect who will be responsible for designing the dwelling, producing the specifications, approving any variations to those specifications, and acting as the contract superintendent. That is the person who fundamentally supervises the construction. The Australian standards set out clearly the obligations of contract superintendents: To supervise construction and notify the principals of defects and deviations from the contract. At all times the supervisor has an obligation to act impartially and independently.

We have found that on at least two occasions in less than 12 months a certain architect has been appointed, Mr John McKenzie, who was a director of a Buckeridge Group company, Homestyle Pty Ltd. Mr McKenzie, supposedly acting as an impartial contract superintendent, specified the use of BGC products on the jobs. On two projects, one of the tendering parties was a company of which he was a director; that is, Homestyle Pty Ltd. We discovered today that in one of those projects not only was Homestyle a tenderer but that company was awarded the job. We have a situation where Mr McKenzie was responsible, on behalf of Homeswest, for supervising a construction performed by a company of which he was a director. How could he have discharged his obligations? We know of another job, the tenders for which have been recently completed, where not surprisingly BGC products were specified; and that company has come in as the lowest tenderer.

The Minister for Housing told us today that he is not prepared to take Homestyle from the list of tenderers for the job, despite the conflict. Rather, he is proposing to move Mr McKenzie from his position as supervising architect. That is a partial solution given that half the damage has already been done. In relation to that first dwelling, the one that has already been completed, there is an urgent need for Homeswest to send in an independent architect or engineer to examine that construction thoroughly because there can be no confidence that that project has conformed to specification and is of a proper standard. That must be tested. The Minister has given an undertaking that from now on steps will be put in place to ensure that Mr McKenzie is not involved with any contract involving a company from the Buckeridge Group of Companies.

This McKenzie-Buckeridge arrangement is only the tip of the problem that is perceived to be occurring with these Homeswest tenders. It is no exaggeration to say that the Opposition has been contacted by a considerable number of builders, all of whom are extremely concerned at the relationship between Mr Buckeridge and Homeswest. That concern is not confined to the McKenzie arrangements. They believe Homeswest may be improperly favouring Mr Buckeridge and Homestyle Pty Ltd, and that Mr Buckeridge and Homestyle are unfairly using their market position in an anticompetitive way and in a way that may contravene the provisions of the Trade Practices Act.

I will detail some of the instances of favouritism. Although the Minister says that he was not aware of Mr McKenzie's connection with Homestyle, it appears from the answers the Opposition received to questions asked this week that there is no doubt that Homeswest's administration was aware of Mr McKenzie's involvement as a director of Homestyle when it allowed him to take on these positions. It is a cause of great anger to many of these builders that they repeatedly tender for jobs which specify non-BGC products; for example, clay tiles or clay bricks. They submit prices based on the products that are



specified only to find that the BGC comes in for much less because it has not used those products; it has permission to use far cheaper BGC products, which are of a substantially different quality. For example, instead of clay tiles and bricks it will have approval to tender on concrete tiles, blocks and pavers. Effectively the BGC is tendering on one basis and all the other builders competing in the market place are taking the specifications at face value and being severely penalised for that.

There is concern also about Mr Buckeridge's improper use of the market position. Considerable evidence exists that Homestyle is tendering for these jobs well below market price and below the prices that have come in on Homeswest's estimates. The only way Homestyle can achieve this is by virtue of its connection with BGC. Not only is it involved in construction, but because it has such a degree of ownership over the supply companies it is also able to subsidise its building operation. The Opposition has been told that Mr Buckeridge made it clear at a conference in Queensland last Christmas that he would control all Homeswest's work by the end of the year. Many of these builders are concerned that he is well on his way to doing that.

The answers to questions the Opposition has asked show that Homestyle, which is not the biggest of these companies by any means, has a share of the market that is well in excess of any other builder. Homestyle in the past two years has had 494 contracts from Homeswest. The next biggest operator has had 196 projects with Homeswest. Homestyle is well in front of all those other companies. That is not simply because of the size of Homestyle. Although the figures the Opposition was provided with were statewide figures, it is assured by builders that within the space of some two to three years Homestyle has come from being a company that was not involved in Homeswest work to now having control of about 35 per cent of Homeswest's metropolitan work. Other companies feel that they are at great risk of being put out of business by this favouritism and improper practice on the part of Homeswest, and by these anticompetitive practices of Homestyle Pty Ltd. This is something the Government must look into urgently.

*Adjournment Debate - Mosman Park Site*

**HON J.A. SCOTT** (South Metropolitan) [6.05 pm]: Over the past few days I have been out to a site at Mosman Park at the request of local residents in that area. The site is being developed by Octennial Holdings Pty Ltd on land that is owned by the University of Western Australia upon which these people have the option to purchase. After listening to those people and reading some of the reports they showed me I have become concerned about the project. The reason for my concern is that this site contains a large amount of toxic waste. Previously a number of industrial businesses were located there, including CSBP & Farmers Ltd, gold smelters and all sorts of engineering works. It has been recognised that a great many poisonous and noxious chemicals and heavy metals can be found in that site, such as arsenic, cadmium, mercury and cyanide.

**Hon P.R. Lightfoot:** And gold.

**Hon J.A. SCOTT:** Yes.

**Hon Max Evans:** Have you read the report Hon Peter Foss tabled today?

**Hon J.A. SCOTT:** I will get to that report. That site was first looked at by Maunsell and Partners Pty Ltd, and another group of consultants looked at it after that. When the Environmental Protection Authority put out its report a number of submissions were made. One of those was from Professor Rotham of the University of Western Australia, a geologist, and David Kaeshagen, a biologist. They were scathing of the findings from that examination by the Environmental Protection Authority. They said that it was a whitewash because many items in that report were doubtful. I think "negligent" was used in some parts of that report. They pointed to the large amount of mercury, in particular, that was getting into the river. They said that there should have been warning signs for people not to eat molluscs from that area. Dr Harrie Hofstede from Murdoch University also made a submission. He was very concerned and said that the measures taken to bury that toxic waste on another site would not work.

Hon I.D. MacLean: Do you want to leave the site as it is?

Hon J.A. SCOTT: The Maunsell report said that that would be the best thing to do other than to cover up the most toxic area with more topsoil and turn it into parkland. The regional plan for the area stated that that would happen. When housing was proposed for the area, as a result of the Maunsell report, that was knocked back.

The site is now being developed. The topsoil is being ripped off at the moment and that toxic topsoil is being dumped beside the Buckland Hill Primary School and the Rocky Bay Village directly between the site and the river where winds will blow up the river and blow that toxic material onto the school. Dr Hofstede is very concerned that, under certain conditions, the cyanide would produce hydrogen cyanide gas which was used by the Nazis to eliminate their enemies during World War II. It is a very dangerous gas. He also said that there was a very good chance that those conditions could persist after the material was buried on the new site.

It is very strange that toxic waste is being taken from the site being developed by Octennial and it is going to be put in a trench on another site which is owned by LandCorp. I understood that LandCorp was a Western Australian government body. It is strange that we are going to devalue a taxpayer owned organisation by putting toxic waste from a private source onto a LandCorp site. It is particularly strange given that the Environmental Protection Authority's guidelines on toxic sites is that toxic waste should not be removed from a contaminated site and placed on an uncontaminated site unless there are extenuating circumstances. As the new site is next door to the old one, I cannot see any extenuating circumstances.

The people in the area are very concerned about the operation. Some very high level people believe this is a test case. We cannot be sure that heavy metals will not be present. For example, arsenic may enter the river. Instead of retarding the progress of arsenic, limestone enables it to escape very quickly. Arsenic will pass very quickly through limestone and enter the watertable and the river. Having crushed limestone at the bottom of the pit may be all right for some heavy metals, but Dr Hofstede believes the amount of limestone needed for the area would have to be about six million tonnes. At the moment, that limestone is being taken from the last remaining limestone hill in the area. That is the last of what were locally known as the seven sisters. The others have been removed. That is another concern of the local people: That landmark right on the edge of the river is being mined. I am not sure whether any mining licences or permissions have been granted in that regard, but it is being carried out.

While I do not know whether this is true, and I will be checking this, the people who buy the properties will be liable for the toxic waste on those properties after sale. That is extraordinary.

Hon Max Evans: Liable to get rid of it or what?

Hon J.A. SCOTT: They will be liable for any effects that occur afterwards. I have not established whether that is correct, but if it is, I will be very concerned. Some very strange things are happening down there. Toxic waste is being removed to government land and the people who buy those properties will be liable for what happens afterwards in relation to the toxic waste.

I understand that the people are concerned about the public open space. Some 20 per cent was laid down as public open space. However, the present plan involves the river foreshore which was never supposed to be part of that 20 per cent. A driveway into the site has also been included as part of the public open space. That runs contrary to the regional plan for the area. I am concerned at many levels, particularly about the flow of heavy metals and poisons into the Swan River. I am also concerned about the possibility of hydrogen cyanide gas. The EPA has not done its homework properly. It has not carried out enough testing.

Question put and passed.

*House adjourned at 6.15 pm*

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# QUESTIONS ON NOTICE

## EDUCATION DEPARTMENT - SCHOLARSHIPS FOR COUNTRY GIFTED AND TALENTED STUDENTS SELECTED FOR SPECIALIST SCHOOLS

272. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Education Department provided any scholarships for gifted and talented students in the country who must live away from home to attend specialist secondary schools in the Minister's term of office?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1)-(2) A number of scholarships are currently available for students selected for specialist secondary programs. Swanleigh Residential College provides some scholarships for country students who must live away from home to attend specialist secondary schools. All students who are selected to participate in the SSPP academic talent are eligible to apply for the Olive A. Lewis scholarship. Furthermore, some schools such as Perth Modern Senior High School also offer scholarships for students selected for specialist programs. The department is also in the process of developing a telematics service to transmit lessons to country and isolated gifted and talented students.

## GOVERNMENT DEPARTMENTS - PRIVATISATION OF FUNCTIONS

1052. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

With respect to the Minister for Police's department and each of the bodies administered within that department -

- (1) What functions are being considered for privatisation either partly or wholly?
- (2) What functions have been decided to be privatised either partly or wholly?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

- (1)-(2) I refer the member to my reply to question on notice 613 of 1995.

## GOVERNMENT DEPARTMENTS - PRIVATISATION OF FUNCTIONS

1053. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Emergency Services:

With respect to the Minister for Emergency Services' department and each of the bodies administered within that department -

- (1) What functions are being considered for privatisation either partly or wholly?
- (2) What functions have been decided to be privatised either partly or wholly?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

- (1)-(2) I refer the member to my reply to question on notice 614 of 1995.

## EDUCATION DEPARTMENT - TEACHERS IN RURAL SCHOOLS *Pre-Service Teacher Education Addressing Specific Needs*

3465. Hon JOHN HALDEN to the Minister for Education:

- (1) Has pre-service teacher education addressed the specific professional and nonprofessional needs of rural teachers, in the Minister's term of office?

- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) how were the specific needs of rural teachers addressed; and
  - (b) has support of interest groups been sought and utilised in the development of appropriate programs for rural teachers?

Hon N.F. MOORE replied:

- (1) Yes, all faculties of education in Western Australian universities address the specific professional and nonprofessional needs of rural teachers.
- (2) Not applicable.
- (3) (a) Specific needs of rural teachers have been addressed in a number of ways, including -
  - for pre-service teachers, including those who may teach in a rural area, needs are addressed from a generalist perspective, often using rural examples to illustrate the principles which are being developed;
  - teaching practice for pre-service teachers, including the long practice in third year, can be undertaken in remote and rural schools;
  - pre-service programs contain specific courses on rural education and Aboriginal education;
  - field experience staff visit remote and rural schools to supervise students and to talk to teachers about current programs;
  - external study units are available at pre-service level so that country students can obtain a teaching qualification;
  - external study units are available for country teachers upgrading qualifications;
  - external study units are available for country teachers upgrading qualifications to the BEd or higher degree levels;
  - courses are offered in summer school each year and these are particularly attractive to country people.
- (b) The support of interest groups has been sought and utilised by -
  - liaison with district offices and PCAP committees, school principals and through meeting parents and interested community leaders at gatherings such as parents' nights;
  - through the society for the provision of education in rural Australia (SPERA) conferences;
  - faculty staff travelling to the rural and remote areas to meet with communities and to talk about practice teaching;
  - faculties having consultative committees which in turn represent community interests.

#### EDUCATION DEPARTMENT - TEACHERS, TRAINING IN USE OF COMMUNICATIONS TECHNOLOGIES

3510. Hon JOHN HALDEN to the Minister for Education:

- (1) Has extensive provision been made for teacher training in the use of communications technologies, in the Minister's term of office?

- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) is the presentation of such courses in the form that uses technology and models for teachers with the techniques they are?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) (a) This is ongoing.
- (b) Yes. For example -
  - teacher educators use technology in education and make a policy of presenting both lecture material and workshop activities in ways that demonstrate the capacities of these resources in the educational process;
  - communication technology has been included in a number of core units within the preserve program;
  - additional studies in this area are available for those who have a special interest in the area;
  - in regular courses material is available electronically and students can borrow these resources to study and critique and to use on practice. Students are expected to have basic keyboard skills and are encouraged to use Internet and E-mail;
  - negotiations are taking place for use of WestLink for contacting students in rural areas.

#### EDUCATION DEPARTMENT - RURAL SCHOOL GRANTS, TECHNOLOGY ALLOCATION

3529. Hon JOHN HALDEN to the Minister for Education:

- (1) Has a substantial provision for technology been included in rural school grants, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) does it include allowances for staff development, administrative computing and curriculum implementation?

Hon N.F. MOORE replied:

- (1)-(3) The following provision has been made through the priority country areas program -

(a)-(b)	1995	1 FTE central office and \$200 000 to train and support staff in rural schools re telematics, computers, electronic mail; and to upgrade some telematics equipment in some PCAP schools.
	1992-94	\$1.5m through the national element of PCAP for

utilising technology to expand curriculum opportunities for rural secondary students.

**EDUCATION DEPARTMENT - TRI-STATE STRATEGIC PLAN**

3530. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the strategic plan of change for education service delivery in the tri-state area been adopted and negotiations commenced for its joint implementation by the respective Ministers for Education in Western Australia, South Australia, the Northern Territory and the Commonwealth, in the Minister's term of office?
- (2) If not -
  - (a) why not;
  - (b) when will this occur; and
  - (c) has the Western Australia acted independently to implement within Ngaanatjarra lands the strategic plan proposed in the tri-state report 1990?
- (3) If yes -
  - (a) when did this occur;
  - (b) has consideration been given to adapting the principles of tri-state strategic plan to remote community schools in the Kimberley; and
  - (c) will the Minister provide details?

Hon N.F. MOORE replied:

- (1) The strategic plan has not been adopted.
- (2)
  - (a) Discussions between departmental officers in Western Australia, South Australia and the Northern Territory are continuing.
  - (b) A joint proposal will be developed for the respective Ministers to consider in 1996.
  - (c) No. However, the strategies of "best practice in education" encompassed within the tri-state report 1990 are being implemented as part of the comprehensive education program offered in Ngaanatjarra Lands schools.
- (3) Not applicable.

**EDUCATION DEPARTMENT - BILINGUAL EDUCATION**  
*Guidelines for Teaching Aboriginal Languages in Schools*

3531. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Education Department established clear guidelines for bilingual education -
  - (a) by teaching Aboriginal languages in schools;
  - (b) by using Aboriginal languages, in conjunction with English, as languages of instruction; and
  - (c) by teaching English as a second language to students whose first language is Aboriginal or Kriol in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -

- (a) when did this occur;
- (b) will the Minister provide details of the guidelines established?

Hon N.F. MOORE replied:

- (1) (a) Although Aboriginal languages are taught in schools in the Kimberley, Hedland, Karratha, Goldfields and the Geraldton districts, policy and guidelines are to be developed.
- (b) The Education Department in conjunction with Edith Cowan University is to study the impact of bidialectal processes upon Aboriginal students and the significance of Aboriginal English as a dialect, use of standard Australian English and their first language as a language of instruction. Policy and guidelines are to be developed.
- (c) Guidelines were prepared prior to the Minister's term of office.
- (2) (a) The establishment of policy and guidelines in relation to (1)(a) and (1)(b) are to be developed under the auspices of the Aboriginal Education and Training Council in partnership with the Aboriginal community.
- (b) It is proposed to present the policy and guidelines to the Aboriginal Education and Training Council at the November-December meeting.
- (3) (a) The social justice in education policy, published in 1991, provides guidelines for the delivery of education to Aboriginal students who speak English as a second language.
- (b) The social justice in education policy is a public document which is widely available throughout the school system. I would be happy to make a copy available to the member.

**EDUCATION DEPARTMENT - BILINGUAL EDUCATION**  
*School Communities Involvement*

3532. Hon JOHN HALDEN to the Minister for Education:

- (1) Do school communities decide how bilingual education shall operate within their schools, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this start occurring?
- (3) If yes -
  - (a) when did this start occurring; and
  - (b) will the Minister provide details as to how this occurs?

Hon N.F. MOORE replied:

- (1)-(2) The Education Department has recently surveyed schools to determine the need for bilingual programs. During 1996 a policy will be developed to cater for student needs at a system level.
- (3) Not applicable.

**EDUCATION DEPARTMENT - TEACHERS IN REMOTE COMMUNITY SCHOOLS**  
*Aboriginal Culture Education*

3534. Hon JOHN HALDEN to the Minister for Education:

- (1) Are teachers given knowledge and appreciation of Aboriginal culture

through pre-service education and induction before they take up appointments at remote community schools?

- (2) If not -
  - (a) why not; and
  - (b) when will this start occurring?
- (3) If yes -
  - (a) when did this start occurring; and
  - (b) how is this achieved?

Hon N.F. MOORE replied:

- (1)-(2) From 1996 all students enrolled in teaching training courses in Western Australia will be required to undertake a minimum of one unit in Aboriginal education.

**EDUCATION DEPARTMENT - ABORIGINAL EDUCATION WORKERS**  
*Training, Principals to Provide Tutorial Supervision*

3537. Hon JOHN HALDEN to the Minister for Education:

- (1) Has a provision been made in the staffing formula for principals to have time to provide tutorial supervision of training for Aboriginal education workers, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) will the Minister provide details of how this occurs?

Hon N.F. MOORE replied:

- (1)-(2) (a) When there is an Aboriginal specialist teacher and/or an English language and numeracy teacher on staff, this task forms part of their duties. Identified staff provide tutorial supervision on requests.
- (b) Not applicable.
- (3) Not applicable.

**EDUCATION DEPARTMENT - REMOTE TEACHING SERVICE**  
**ESTABLISHMENT; AGREEMENT**

3538. Hon JOHN HALDEN to the Minister for Education:

- (1) Has a remote teaching service been established and an agreement been negotiated to provide for -
  - (a) positions of responsibility to attract skilled and experienced teachers;
  - (b) a retention salary package of an accelerated progression through existing salary increments, beginning in the second year of teaching at a remote teaching school;
  - (c) a more equitable locality allowance to meet additional costs of living in remote communities;
  - (d) a rental rebate scheme in which teachers are refunded their housing rent after two years service at a remote area school and up to a maximum of five years, and for those who remain more than five years, accommodation be provided rent free; and



- (c) up to one year's paid study leave for teachers who have served four years in a remote area school, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how (1)(a) to (e) are achieved?

Hon N.F. MOORE replied:

- (1) (a) Yes.
- (2)(a)(1)(b) A retention salary package in the form of a "school specific" differential remuneration package will be paid to the employee in addition to the basic salary prescribed in the Teachers (Public Sector Primary and Secondary) Award 1993. Due to the varying degree of isolation across remote school locations, it was considered more equitable to categorise schools according to set criteria and establish a "school specific" differential remuneration package. For most permanent and temporary teachers currently in remote school locations the salary package will be paid in their second year of teaching. New and beginning teachers will receive the salary package from the date of their appointment.
- (1)(c) The locality allowance is a "whole of Government" allowance and applies to all government agency employees. Decisions regarding amendments to the locality allowance are initiated by the Department of Productivity and Labour Relations. A significant school specific differential remuneration package was considered to be a sound alternative for compensating teachers for remote teaching.
- (1)(d) Teachers in remote school locations currently receive subsidised rental for Government Employees Housing Authority accommodation. The decision to provide housing free to teachers for the duration of the agreement was considered economically preferable to a rental rebate scheme where associated handling costs would still be substantial. The provision of free housing results in almost nil handling costs.
- (1)(e) A period of 22 weeks (one semester) additional paid leave at the base salary level of the employee will be paid on the completion of four years of good service at the school. The practicality of providing access to a shorter leave period with a "no strings attached" concept was considered to be a generous entitlement and one which employees in remote schools have overwhelmingly accepted. Employees may defer the additional leave for three years to be combined with long service leave entitlements or on fractional pay for the full year.
- (2)(b)(1)(b) Commencement of the 1996 school year.
- (1)(c) Not applicable.
- (1)(d) Commencement of the 1996 school year.
- (1)(e) Following completion of the employee's fourth year of service at the school.
- (3)(b)(1)(a) Will occur at the commencement of the 1996 school year.

- (3)(b)(1)(a) All teaching positions are positions of responsibility. The remote teaching service workplace agreement provides the catalyst for attracting teachers who are both skilled and experienced.

**EDUCATION DEPARTMENT - TEACHERS, PERFORMANCE MANAGEMENT**

3551. Hon JOHN HALDEN to the Minister for Education:

- (1) Has a valid and responsive system of performance management of teachers in promotional and non-promotional positions been developed, by the director general, in consultation with practising early childhood, primary and secondary teachers, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) do the functions of performance management for teachers include -
    - (i) accountability to the principal for reporting children's performance in relation to expected outcomes, and the action they intend to take, where necessary to improve that performance;
    - (ii) the performance improvement of teachers; and
    - (iii) the assessment and authentication of their performance;
  - (c) is the principal accountable to the director general for the implementation of the practice management system in each school;
  - (d) have the current regulatory framework governing the efficiency and conduct of teachers been reviewed by the Education Act review project in light of these changes; and
  - (e) will the Minister provide details of the system of performance management of teachers?

Hon N.F. MOORE replied:

- (1)-(2) A draft policy framework for performance management has been developed by the Education Department. This draft is currently in the consultation phase with all key stakeholder groups and all teaching and general staff. Practising early childhood, primary and secondary teachers currently have extensive opportunity to be involved in the consultation.
- (3) The issues raised here are being addressed through the consultation process on the draft policy framework. It is not appropriate to pre-empt the outcomes of the consultation process.

**EDUCATION DEPARTMENT - PRINCIPALS, PERFORMANCE MANAGEMENT**

3553. Hon JOHN HALDEN to the Minister for Education:

- (1) Has a system of performance management of principals been introduced, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;

- (b) was the system developed by the director general, in consultation with practising principals and superintendents;
- (c) do the functions of performance management for principals include their accountability to the district superintendent for the quality of internal school review, the performance improvement of principals, and the assessment and authentication of their performance;
- (d) are district superintendents accountable to the director general for the implementation of the performance management system for each school principal;
- (e) has the current regulatory framework governing the efficiency and conduct of principals been reviewed by the Education Act review project to accommodate these changes;
- (f) will the Minister provide details?

Hon N.F. MOORE replied:

- (1)-(2) A draft policy framework for performance management for all staff has been developed by the Education Department. This draft is currently in the consultation phase with all key stakeholder groups, district superintendents, practising principals and deputies and all teaching and general staff. After the consultation process, the draft policy framework will be reviewed in response to the issues that emerge from the feedback data received. The final policy framework will be developed from that review. It is anticipated that the final policy should be available during the latter part of 1995.
- (3) The issues raised here are being addressed through the consultation process on the draft policy framework. It is not appropriate to pre-empt the outcomes of the consultation process.

**EDUCATION DEPARTMENT - DEVOLUTION**  
*Schools Review Unit*

3554. Hon JOHN HALDEN to the Minister for Education:

- (1) With regard to the devolution process -
  - (a) has a schools review unit been established, independent of the line-management structure which links schools to the Director General of Education, in the Minister's term of office; and
  - (b) is the model used for external reviews been designed so as to foster amongst the staff of the school responsibility for identifying performance gaps and taking action to improve?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) is the purpose of the unit to undertake reviews of the effectiveness of individual schools; and
  - (c) will the Minister provide details of how this achieved?

Hon N.F. MOORE replied:

- (1)-(2) (a) This was a recommendation of the independent assessment group on devolution chaired by Dr Norm Hoffman. At this stage no decisions have been made about the implementation of this recommendation.

- (b) At this stage no decision has been made as to if or when this will occur.
- (3) Not applicable.

**EDUCATION DEPARTMENT - MONITORING STANDARDS IN EDUCATION PROGRAM**

**3556. Hon JOHN HALDEN to the Minister for Education:**

- (1) Has the monitoring standards in education program been extended to enable public reporting against all of the performance indicators of the Education Department's statement of ethos and purpose, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details of how this was achieved?

**Hon N.F. MOORE replied:**

- (1)-(2) (a) Monitoring standards in education (MSE) is an internationally acclaimed method for testing student performance against a range of measures. The Education Department uses MSE in public reporting against some of the performance indicators in the department's statement of ethos and purpose. However, MSE is not the only tool utilised in the public reporting of performance indicators.
- (b) Not applicable.
- (3) Not applicable.

**EDUCATION DEPARTMENT - PRINCIPALS, SELECTION PROCESS**  
*School Council or School Board Involvement*

**3557. Hon JOHN HALDEN to the Minister for Education:**

- (1) In relation to the selection of a school principal -
  - (a) can a school council or school board now choose to have the school principal selected in accord with current procedures, that is, the Director General of Education determines the job description and selects the principal;
  - (b) can a school council or school board now further participate by contributing additional selection criteria, drawn from the school's statement of ethos and purpose;
  - (c) can a school board now choose to participate in the selection of the school principal at two further levels, with the approval of the director general -
    - (i) the school board contributes selection criteria and participates in the selection process; or
    - (ii) the board selects the principal in accord with guidelines established by the Director General of Education; and
  - (d) are all appointments now made for an initial maximum period of five years, and at the end of that time, is the position readvertised?

- (2) If not -
  - (a) why not; and
  - (b) when will these start occurring?
- (3) If yes -
  - (a) when did these start occurring; and
  - (b) will the Minister provide details of how these are achieved?

Hon N.F. MOORE replied:

- (1) (a)-(c) At present school councils or school boards have no part in deciding the method of selection of a school principal. The possibility of this happening was raised in the Hoffman report, which is under consideration.
- (d) At present only appointments of principals to newly opened secondary schools are made for a period of five years.
- (2) These matters have been raised in the Hoffman report, which is under consideration.
- (3) Not applicable.

**EDUCATION DEPARTMENT - SCHOOL STAFF SELECTION PROCESS**  
*Principals Participation; Five Year Appointments*

3558. Hon JOHN HALDEN to the Minister for Education:

- (1) In relation to the selection of staff to fill promotional vacancies in a school -
  - (a) can a school principal now choose to have the selections done by the Education Department;
  - (b) can a school principal now choose to participate in these selections at three further levels, namely -
    - (i) the principal contributes selection criteria, drawn from the school development plans, and the Education Department then selecting the staff;
    - (ii) the principals contributing selection criteria, drawn from the school development plan, and participating in the selection of the staff; or
    - (iii) the principal selects the staff in accord with guidelines established by the director general; and
  - (c) are appointments now made for an initial period of five years, and at the end of that time, is the position readvertised?
- (2) If not -
  - (a) why not; and
  - (b) when will these occur?
- (3) If yes -
  - (a) when did these occur; and
  - (b) will the Minister provide details of how these are achieved?

Hon N.F. MOORE replied:

- (1) (a) All selection of school staff is currently done by the Education Department.
- (b) No decision has been made on alternative methods of staff selection. The possibility was raised in the Hoffman report which is under consideration.

- (c) No.
- (2) These matters have been raised in the Hoffman report which is under consideration.
- (3) Not applicable.

**EDUCATION DEPARTMENT - SCHOOL STAFF SELECTION PROCESS**  
*Staff and Locations Alignment*

3561. Hon JOHN HALDEN to the Minister for Education:

- (1) In order to align staff and locations more appropriately -
  - (a) has the Education Department been required to publish each school's distinctive statement of ethos and special needs;
  - (b) has the Education Department established a working party to review and improve central and local procedures for deciding and communicating with greater precision, schools staff-profile requirements; and
  - (c) have profiles provided by the school to identify staffing requirements now been sufficiently detailed to included level of teaching and expertise required?
- (2) If not -
  - (a) why not; and
  - (b) when will these start occurring?
- (3) If yes to (1) -
  - (a) when did these start occurring; and
  - (b) will the Minister provide details of how these are achieved?

Hon N.F. MOORE replied:

- (1) (a) This is under consideration as part of the 1995-97 strategic plan. This is a recommendation of the Hoffman report (23) and no decisions have been made about the implementation of this recommendation.
  - (b) No, but ongoing discussions occur between school principals and personnel managers to meet specific schools' needs.
  - (c) Yes. Sufficient level of detail is provided by schools.
- (2)-(3) As above.

**COLLEGES - AUTONOMOUS**  
*New Vocational Education and Training Legislation*

3564. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the department moved to a system of independent colleges in his term of government?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) does this give TAFE staff increased salary opportunities commensurate with any increase in days worked per year?
- (4) If yes to (3)(b), how has this occurred?

Hon N.F. MOORE replied:

- (1)-(4) New vocational education and training legislation establishing colleges as autonomous bodies is currently being drafted and should be introduced into Parliament later in 1995.

#### TAFE - COLLEGES

##### *Incentives and Rewards for Staff who Excel*

3565. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Have all TAFE colleges offered incentives and rewards for staff who excel, in the Minister's term of government?
- (2) If not, why not?
- (3) If yes -
  - (a) how is this achieved; and
  - (b) will the Minister provide details of the incentives and rewards offered?

Hon N.F. MOORE replied:

- (1),(3) In 1995, \$275 000 has been made available for research and development grants. Applications were received from lecturers for project funding ranging from \$2 000 up to \$30 000. The funding is for innovative applied research and development to improve the quality of vocational education and training. Partnerships with industry, other providers, community groups and small business are encouraged.
- (2) Not applicable.

#### TAFE - COUNTRY COLLEGES

##### *Telematics; Distance Education Technology*

3570. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the department enabled greater use of telematics and other forms of distance education technology by country colleges, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this start occurring?
- (3) If yes -
  - (a) when did this start occurring; and
  - (b) will the Minister provide details of what has been done to achieve this, since February 1993?

Hon N.F. MOORE replied:

- (1),(3) Strategies to expand the range of learning modes for TAFE students have been in place for a number of years; however, beginning in 1993, the implementation of a videoconferencing and telecentre network commenced. In 1995 electronic learning programs are available statewide in 40 to 50 different telecentres and associated telecentres. These centres are distributed as follows -

Kimberley	5
Pilbara	4
Gascoyne	7
Central wheatbelt	21
Great southern	8
South west	5

- (2) Not applicable.

**TAFE - COLLEGES**

*Industry Experts Involvement in Courses and Training*

3573. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the department enabled TAFE colleges to use industry experts on short-term secondment to become directly involved in the delivery of TAFE courses and the in-service training of full-time TAFE lecturers, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

- (1),(3) The TAFE system has historically relied upon lecturing staff recruited directly from industry. Many such staff are retained on a contractual basis, either temporary or casual.
- (2) Not applicable.

**TAFE - AND INDUSTRY, SHARING OF FACILITIES**

3574. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the department encouraged further sharing of facilities by TAFE and industry, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this start occurring?
- (3) If yes -
  - (a) when did this start occurring;
  - (b) has it achieved cost savings for TAFE colleges and enabled TAFE colleges to access the latest high technology or specialised equipment; and
  - (c) will the Minister provide details of what has been done since February 1993 to achieve this?
- (4) If yes to (3)(b), will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

(1),(3) and (4)

There are presently some legislative impediments to full joint venturing with industry, and joint use of equipment and capital facilities on a contractual basis. However, where possible, such as at the materials and manufacturing applications centre at Wembley and at the advanced manufacturing technology centre, these arrangements are being implemented. With the introduction of new legislation, such arrangements are expected to become more widespread.

- (2) Not applicable.



**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*Industry Representation*

3575. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the Government increased the level of industry representation on the State Training Board and on the IETCs, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) what is the increase; and
  - (b) when did this occur?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) An interim State Training Board has been established with peak level representation from industry. There is no government representation on the board. The State Training Board has overseen the restructuring of the industry training council network, which now includes membership from TAFE as "associate" (non voting) capacity only.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*Voting Method*

3576. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the voting method of the State Training Board been reformed, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) does it allow for a decision to be made by a significant majority vote rather than a unanimous vote; and
  - (c) will the Minister provide details of the reforms?

Hon N.F. MOORE replied:

- (1),(3) Voting arrangements on the interim State Training Board, which was established in 1994, are based on a simple majority.
- (2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - FUNDING MANAGEMENT TRANSFERRED TO STATE TRAINING BOARD**

3577. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1),(3) Has the responsibility for funding management been transferred to the State Training Board, in the Minister's term of office?
- (2) If not -
  - (a) why not; and

- (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details?

Hon N.F. MOORE replied:

(1),(3) Responsibility for funding management for the state training system has been assigned to the Department of Training, which is the nominated state training agency for Western Australia under the provisions of the ANTA Act. As the state training agency, the department purchases training places through resource and performance agreements with public and private training providers.

(2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*Purchaser of Training Places Responsibility*

3578. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the State Training Board been given the responsibility of being the purchaser of training places, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details?

Hon N.F. MOORE replied:

(1),(3) See answer to question 3577.

(2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*Purchaser of Training Places Role*

3579. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Does the State Training Board have the role of being the purchaser of training places?
- (2) If not -
  - (a) why not; and
  - (b) will it acquire this role?
- (3) If yes, when did it acquire this role?

Hon N.F. MOORE replied:

(1),(3) See answer to question 3577.

(2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*TAFE-schools Articulation; Pathways Programs for School Students Role*

3580. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Does the State Training Board have the role of developing links between

secondary schools and accredited training agencies to further develop relevant pathways programs for upper schools students?

- (2) If not -
  - (a) why not; and
  - (b) will it acquire this role?
- (3) If yes, when did it acquire this role?

Hon N.F. MOORE replied:

- (1),(3) Articulation between TAFE and schools will be achieved by cross-membership of the Secondary Education Authority and the proposed training accreditation council to be established under the new Vocational Education and Training legislation. Amendments have already been made to the SEA Act to provide for increased membership representing the training sector. Joint arrangements at department level are also progressing in respect of developing appropriate programs for school students.

- (2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*Regional Skills Register, Resources*

3581. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the State Training Board ensured that regional enterprise facilitators are resourced to compile a local register of skills available (ie. unemployed and underemployed) in the region they serve, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this start occurring?
- (3) If yes -
  - (a) when did this start occurring; and
  - (b) will the Minister provide details as to how this is achieved?

Hon N.F. MOORE replied:

- (1),(3) The Commonwealth Government maintains a register of job seekers through the Commonwealth Employment Service. Community based projects funded through the Department of Training are able to utilise the CES data base to link job seekers with identified vacancies. The department is also involved in the rebuild program, which is a software program that collates and analyses regional trade and employment survey data. The program was successfully run in the Bunbury-Wellington region, and is currently being evaluated to assess its usefulness and suitability to be replicated across the State.

- (2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD**

*Specialist Division to Research Sunrise Industries Needs*

3582. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has a specialist division of the State Training Board been established to research the needs of sunrise industries that may be under-represented on IETCs, in the Minister's term of office?

- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details of its role?

Hon N.F. MOORE replied:

- (1),(3) A proposal has been developed where a strategic initiatives fund is overseen by the State Training Board, which targets research into the skills needs of emerging industries. This initiative has been developed in the context of the board's responsibility for the state training profile. Management of the fund and research projects is being undertaken for the board by the department. An assessment panel chaired by a member of the State Training Board has considered 65 strategic research projects into industry needs and has approved 22 projects which address priority directions established by the board in 1994.
- (2) Not applicable.

**TAFE - COLLEGES**  
*Service Delivery Agreements*

3583. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the development of service delivery agreements between TAFE colleges, industry and students, with agreements that commit TAFE colleges to providing an agreed standard of service to industry and to students, been achieved in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) how was this achieved, and
  - (c) which body within the Department of Employment and Training was this achieved/implemented through?

Hon N.F. MOORE replied:

- (1),(3) In accordance with the Government's commitment to a public sector side customer-focus agenda, the Department of Training is coordinating the development of standards based on a customer focus charter across the TAFE system. An overarching quality assurance framework is also under development.
- (2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - DEVOLUTION  
PROGRAM RESULTING IN NETWORK OF AUTONOMOUS COLLEGES**  
*College Administration, No Unnecessary Growth Assurance*

3584. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has an assurance that college administrative bureaucracies do not grow unnecessarily in the process of the colleges becoming autonomous, been achieved in the Minister's term of office?
- (2) If not -

- (a) why not; and
- (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) how was this achieved, and
  - (c) which body within the Department of Employment and Training was this achieved/implemented through?

Hon N.F. MOORE replied:

(1),(3) TAFE colleges have been advised that no net additional resources are to be made available to the training system to implement the devolved college administration arrangements and that there is to be no shift in resources away from lecturing to administration.

(2) Not applicable.

#### EDUCATION DEPARTMENT - PATHWAYS PROGRAMS IN SECONDARY SCHOOLS

3587. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to vocational education in secondary schools, has the Government developed the Pathways programs for years 11 and 12 to maximise student potential, and prevent a status division between academic and non-academic streams, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this was achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) (a) A decision was made by leaders in all of the school sectors on 5 October 1994 to focus on Pathways as a student counselling tool.
- (b) It was agreed at the Secondary Education Authority on 5 April 1995 that the three school sectors would collaborate to develop a comprehensive counselling tool based on the Pathways concept. There currently exists a cross-sectoral working group which is developing a range of counselling strategies designed to assist students in making appropriate decisions regarding their future education and training programs.

#### EDUCATION DEPARTMENT - VOCATIONAL EDUCATION IN SECONDARY SCHOOLS

3590. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to vocational education in secondary schools, has vocational training been promoted as an equally valid option when post-compulsory education decisions are being made by students, in the Minister's term of office?
- (2) If not -

- (a) why not; and
- (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this was achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) A comprehensive marketing campaign was undertaken by the Department of Training during the year including the sending of promotional and course information on an ongoing basis to high school students and staff, and media advertising. For example, all year 12 students received a free copy of the 1995 TAFE handbook. This will be the case again for 1996.

**TAFE - VOCATIONAL EDUCATION**  
*Raising of Status of Qualifications*

3592. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) To assist in the status of vocation training, has the raising of the status of vocational training qualifications been achieved in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) how was this achieved; and
  - (c) which body within the Department of Employment and Training was this achieved/implemented through?

Hon N.F. MOORE replied:

- (1),(3) The Skills Standards and Accreditation Board administers accreditation arrangements for the vocational education and training (VET) sector in Western Australia. VET qualifications are a part of the Australian qualifications framework (AQF) agreed to by state, territory and commonwealth Ministers in November 1994 and introduced on 1 January 1995. The AQF brings together school, VET and university qualifications into the one qualifications framework and promotes student movement between sectors through improved articulation/credit transfer arrangements. It also provides for national recognition of all VET credentials within the AQF.
- (2) Not applicable.

**TAFE - VOCATIONAL EDUCATION**  
*Working with Industry Encouraging Competitions*

3593. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) To assist in the status of vocation training, has the Government worked with industry to take forms of competition, (i.e. 'skills olympics') to the grass roots by encouraging and assisting competitions at the district and regional levels, in the Minister's term of office?
- (2) If not -

- (a) why not; and
- (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) how was this achieved; and
  - (c) which body within the Department of Employment and Training was this achieved/implemented through?

Hon N.F. MOORE replied:

- (1),(3) A review of the workskills competition and funding is being undertaken. The workskills competition currently has a regional component with regional committees organising competitions in their respective areas. Assistance and support, if required, is provided through the Department of Training. Regional competitions will continue to be organised with expansion into Albany, Esperance and Geraldton subject to funding availability and local interest and support. The next regional competitions will commence in April 1996.
- (2) Not applicable.

#### TAFE - VOCATIONAL EDUCATION

##### *Industry Involvement in Joint Funding of Exchange Programs*

3594. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) To assist in the status of vocation training, has the Government sought industry involvement in the joint funding of overseas and interstate exchange programs for the State's high achievers in trade skills, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) how was this achieved; and
  - (c) which body within the Department of Employment and Training was this achieved/implemented through?

Hon N.F. MOORE replied:

- (1),(3) Scholarship arrangements with overseas companies have previously been investigated by the executive officer of the workskills committee, who is an officer of the Department of Training. Although no scholarships have been arranged, this matter will continue to be investigated. In addition, the Government provides a yearly scholarship to the top apprentice in Western Australia to undertake overseas study.
- (2) Not applicable.

#### TAFE - C.Y. O'CONNOR COLLEGE

3595. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to the establishment of the C.Y. O'Connor College, were existing buildings and facilities used to establish a network of campuses throughout the wheatbelt, in the Minister's term of office?
- (2) If not -
  - (a) why not; and

- (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) New facilities for the C.Y. O'Connor campus have been completed and were officially opened in March 1995.

**TAFE - C.Y. O'CONNOR COLLEGE**

3596. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to the establishment of the C.Y. O'Connor College, does the college have access to the latest distance education technology, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) In 1995, learning programs are available statewide in 40 to 50 different telecentres and associated telecentres throughout the State, distributed as follows -

LOCATION	NO OF CENTRES
Kimberley	5
Pilbara	4
Gascoyne	7
Central wheatbelt	21
Great southern	8
South west	5

Telecentres make use of a variety of distance learning technologies.

**TAFE - C.Y. O'CONNOR COLLEGE**

3597. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to the establishment of the C.Y. O'Connor College, has the department advanced the development of a telecottage network throughout the wheatbelt, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this has been achieved?



Hon N.F. MOORE replied:

- (1),(3) Yes, the network currently numbers 22 telecentres located throughout the region.
- (2) Not applicable.

#### TAFE - C.Y. O'CONNOR COLLEGE

3598. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to the establishment of the C.Y. O'Connor College, has the college been established as a specialist provider of farm trade courses, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

- (1),(3) The C.Y. O'Connor College now provides a wide range of courses which reflect the needs of the region in which it operates. It has established a flexible learning centre which now provides access to training via various modes to those members of the regional community who cannot attend traditional classes. Courses currently offered include -

Agriculture	6
Business	6
Child care	3
Hospitality tourism	3
Trades	2
Art	1
Link course	1

- (2) Not applicable.

#### TAFE - APPRENTICESHIPS AND TRAINEESHIPS

3599. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to apprenticeships and traineeships in TAFE, have apprenticeships moved from the traditional fixed period of employment to a more flexible and affordable system of competency based training, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details of how this has been achieved?

Hon N.F. MOORE replied:

- (1),(3) Training arrangements for apprenticeships and traineeships are based on national standards or programs, and are implemented as they are accredited. These programs are in a competency based training (CBT) format. In addition, the merging of apprenticeships and traineeships to the new Australian vocational training system format will further enhance CBT practices.

- (2) Not applicable.

**TAFE - APPRENTICESHIPS AND TRAINEESHIPS**

3600. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to apprenticeships and traineeships in TAFE, have apprentices been enabled to progress through staged competency achievements at their own rate without being held back by a rigid curriculum and timetable, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details of how this has been achieved?

Hon N.F. MOORE replied:

See answer to question 3599.

**TAFE - APPRENTICESHIPS AND TRAINEESHIPS**

3601. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to apprenticeships and traineeships in TAFE, have traineeships been introduced that provide a high level of basic skilling prior to employment as a trainee, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details of how this has been achieved?

Hon N.F. MOORE replied:

- (1),(3) Funding for traineeships is provided by the Commonwealth Government, with the State responsible for administering an allocated number of traineeships. No training is currently provided to trainees prior to their taking up a traineeship position with an employer. Trainees undertake off the job training as part of the traineeship arrangement which can be recognised towards an appropriate TAFE award qualification.
- (2) Not applicable.

**TAFE - APPRENTICESHIPS AND TRAINEESHIPS**

3602. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to apprenticeships and traineeships in TAFE, has curriculum been developed for trainees in TAFE colleges following consultation with industry and training bodies, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and

(b) will the Minister provide details of how this has been achieved?

Hon N.F. MOORE replied:

(1),(3) Liaison with industry is an integral facet of the traineeship program, and curriculum development continues to be undertaken in conjunction with industry. State and commonwealth Ministers have agreed to the implementation of the Australian vocational training systems from 1 January 1995 to replace existing training formats for traineeships and apprenticeships. The AVTS will require training providers to -

work with industry to arrange suitable vocational placements as part of award courses offered and to facilitate and coordinate such placements;

be involved where appropriate in facilitating curriculum development and review;

expand links with industry and develop flexible industry and enterprise training and assessment methods in ways which integrate on and off the job training;

continue to develop strategic links and alliances with industry and the schools sector to support the extension of the flexible pathways inherent in the AVTS;

address access and equity concerns in AVTS pathways that are developed;

develop and utilise flexible delivery methods which meet the entry level training needs of industry;

involve key staff in suitable professional development; and

provide input to department work on developing administrative and policy frameworks which are supportive of AVTS implementation.

(2) Not applicable.

#### TAFE - APPRENTICESHIPS AND TRAINEESHIPS

3603. Hon JOHN HALDEN to the Minister for Employment and Training:

(1) With regard to apprenticeships and traineeships in TAFE, have group training schemes in country schemes been encouraged and funded, where insufficient employers exist to conduct a conventional scheme, in the Minister's term of office?

(2) If not -

(a) why not; and

(b) when will this occur?

(3) If yes -

(a) when did this occur; and

(b) will the Minister provide details of how this has been achieved?

Hon N.F. MOORE replied:

(1) Interim performance agreements have been introduced for 1995-96, with more comprehensive arrangements to be developed in conjunction with the group training association for the following year. Seven regional group training schemes provide the potential for adequate coverage throughout the State. The premise for successful group scheme operations is the existence of sufficient numbers of employers who, in combination, can provide competent training.

- (2) Not applicable.

**AUSTRALIAN NATIONAL TRAINING AUTHORITY - STATE CONTROL OF TRAINING AGENDA**

3604. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to the Australian National Training Authority, has the Government sought better safeguards for WA to control its own training agenda within the national framework, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

- (1) Arrangements have recently been finalised for the statutory review of the ANTA agreement between the offices of state Premiers and the Prime Minister. Western Australia has sought to ensure that its fundamental concerns with the ANTA arrangement are sufficiently addressed under the terms of reference and subsequent review.
- (2) Not applicable.

**AUSTRALIAN NATIONAL TRAINING AUTHORITY - COMMONWEALTH-STATE FUNDING AGREEMENT, RENEGOTIATIONS**

3605. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) With regard to the Australian National Training Authority, has the Government sought to renegotiate the commonwealth/state funding agreement, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur; and
  - (b) will the Minister provide details as to how this was achieved and the details of the negotiations?

Hon N.F. MOORE replied:

See answer to question 3604.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - SKILLS STANDARDS AND ACCREDITATION BOARD, SEPARATED FROM STATE TRAINING BOARD**

3606. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the Skills Standards and Accreditation Board been separated from the State Training Board?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -

- (a) when did this occur;
- (b) is SSAB comprised of members with the necessary technical skills for the task of accrediting courses;
- (c) does the SSAB have independence from the State Training Board; and
- (d) is the SSAB directly accountable to the Minister?

Hon N.F. MOORE replied:

- (1) The statutory responsibilities of the State Employment and Skills Development Authority have been delegated to the State Training Board. SSAB continues to operate under the provisions of the SESDA Act pending its repeal. The new legislation for the vocational education and training sector will assign to the State Training Board and a training accreditation council, statutory responsibilities for accreditation and registration. The training accreditation council, which will comprise members with the requisite technical skills, will be directly accountable to the Minister for accreditation and registration in accordance with policies established by the State Training Board and approved by the Minister.
- (2) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD; INDUSTRY EMPLOYMENT TRAINING COUNCILS**  
*Tripartite Representation*

3607. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the Government retained the approach of tripartite representation on the State Training Board and the IETCs since coming into government?
- (2) If not, why not?
- (3) If yes, are employer organisations and trade unions still involved in this approach?

Hon N.F. MOORE replied:

- (1)-(2) The members of the State Training Board are not representative of sectional interests. They are appointed on the basis of their individual capacity to contribute to setting the strategic directions and priorities for training in the State. It is not a requirement for industry training councils to have tripartite representation. They are recognised by the State Training Board on the basis that they are representative of the employers' and employees' interests of the relevant industry group as a whole.
- (3) Not applicable.

**WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - STATE TRAINING BOARD; INDUSTRY EMPLOYMENT TRAINING COUNCILS**  
*Government Representation Reduction*

3608. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the representation of government on the State Training Board and the IETCs been progressively reduced, and a corresponding increase in industry representation, so that the role of providing stringent accountability for the expenditure of public money can be achieved, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes, will the Minister provide details of how this was achieved and the

extent of decrease of representation of the Government and the extent of increase of representation of industry?

Hon N.F. MOORE replied:

See answer to question 3575.

**UNIVERSITIES - PAYROLL TAX PLACED IN SPECIAL FUND, MANAGED BY STATE TRAINING BOARD, FOR EXTRA PLACES IN TAFE AND UNIVERSITY**

3610. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Has the Government placed any payroll tax paid by the State's public universities into a special fund, to be managed by the State Training Board, to accommodate additional places in TAFE and university, in the Minister's term of office?
- (2) If not -
  - (a) why not; and
  - (b) when will this occur?
- (3) If yes -
  - (a) when did this occur;
  - (b) how much has been placed into the fund;
  - (c) how many additional places has this created in TAFE; and
  - (d) is the State Training Board empowered to use this fund for additional places at the state universities and TAFE colleges?

Hon N.F. MOORE replied:

- (1)-(2) The Government is considering possible mechanisms for assisting the State's public universities but has not finalised its position.
- (3) Not applicable.

**SCHOOLS - FIRES, ARSON ATTACKS; SECURITY OPERATIONS**

3642. Hon P.R. LIGHTFOOT to the Minister for Education:

- (1) How many school fires, the result of arsonists, have there been in Western Australia during period June 1985 to June 1995 inclusive?
- (2) At what suburbs/schools were these fires?
- (3) What is the aggregated damage over that period?
- (4) How many of the fires were -
  - (a) during week days/nights; and
  - (b) during weekend days/nights (including Friday nights)?
- (5) What is the total cost, not including departmental costs, to administer security at the schools?
- (6) Is the security 24 hours, seven days a week?
- (7) If no to (6), what days and times does security operate?
- (8) What companies are involved in security at the schools?
- (9) Are individuals involved in security at the schools?
- (10) Do any schools have 'live-in' security?
- (11) How many arsonist attacks have there been during the period June 1985 to June 1995 inclusive at private schools?

(1) 123 major acts of arson. Other small fires are not reported.

Station	Distance (miles)
Canning Vale	8.1.85
Gitrawheen	21.4.85
Belmont	20.1.93
Belmont SHS	1.7.85
Belmont SHS	22.11.87
Belmont SHS	22.9.92
Lake Monger PS	20.7.85
Lake Monger PS	20.7.85
Medina	17.12.85
Perth Tech	4.1.86
Bullcreek	24.1.86
Gosnells SHS	25.1.86
Gosnells SHS	30.11.89
Gosnells SHS	3.12.89
Seaforth PS	19.9.93
Seaforth PS	7.9.94
Gosnells SHS	6.6.92
Morley SHS	5.4.86
Weld Square PS	25.6.89
Hampton SHS	16.3.94
Morley SHS	23.1.93
Duncraig SHS	1.2.86
Duncraig SHS	13.5.89
Duncraig SHS	5.11.94
Duncraig SHS	13.3.95
Duncraig SHS	16.3.95
Challis PS	5.4.86
Armadale PS	3.11.86
Neerigen Brook PS	18.11.87
Challis PS	19.2.95
Cammarvon SHS	2.5.86
East Maylands PS	22.6.86
Balcatta SHS	28.7.86
Tuart Hill PS	7.9.86
Tuart Hill PS	23.6.89
Perth Modern SHS	3.11.86
White Gum Valley PS	25.12.86
Applecross SHS	29.11.86
Applecross SHS	28.2.87
Heathridge PS	21.3.87
Heathridge PS	6.6.93
South Newnan PS	24.5.87
Newnan SHS	9.5.88
Kwinana SHS	14.8.87
Kwinana SHS	27.4.91
Kwinana SHS	29.4.93
Kwinana SHS	20.6.93
Hamilton Hill PS	11.1.88
Southwell PS	25.4.93
Bluff Point PS	26.1.88
Parkwood PS	31.1.88
Warwick SHS	6.3.88
Woodlupine PS	1.4.88

Langford	Brookman PS 25.5.88
Rossmoyne	Langford PS 24.1.91
	Rossmoyne SHS 12.6.88
Balga	Rossmoyne SHS 28.12.92
	Balga JPS 18.6.88
	Balga SHS 24.6.90
	Balga SHS 15.10.92
Shelley	Shelley PS 14.9.88
Craigie	Camberwarra PS 17.9.88
	Camberwarra PS 17.4.95
Kambalda	Kambalda SHS 17.11.88
Beaconsfield	Winterfold PS 17.12.88
Rivervale	Tranby PS 14.5.89
Fremantle	John Curtin SHS 26.6.89
	John Curtin SHS 19.2.90
	Fremantle Tech 15.11.92
Cottesloe	North Cottesloe PS 27.6.89
Maddington	Maddington SHS 30.7.89
Eden Hill	Eden Hill PS 21.12.89
Ballajura	Illawarra PS 25.3.90
Kelmscott	Westfield PS 23.1.92
	Kelmscott SHS 21.2.92
	Clifton Hills PS 2.2.92
	Westfield PS 25.12.93
	Kelmscott PS 21.1.92
Roleystone	Roleystone DHS 22.8.92
Embleton	Embleton PS 1.4.95
Dianella	West Morley PS 7.11.91
	West Morley PS 11.2.92
Margaret River	Margaret River PS 19.12.94
Busselton	Busselton SHS 19.5.93
Bunbury	Newton Moore SHS 11.10.91
Parmelia	North Parmelia PS 30.10.93
Calista	Calista PS 29.7.93
Wattle Grove	Wattle Grove PS 10.5.92
	Wattle Grove PS 22.6.92
Kalgoorlie	Eastern Goldfields SHS 16.3.90
	Eastern Goldfields SHS 2.4.90
	Eastern Goldfields SHS 17.7.94
Hedland	South Hedland PS 10.4.92
Wanneroo	Wanneroo SHS 5.6.95
Wickham	Wickham DHS 3.12.94
Derby	Derby DHS 14.7.93
Melville	Melville SHS 3.10.92
Toodyay	Toodyay DHS 23.5.93
Safety Bay	Safety Bay SHS 24.4.95
Mandurah	Mandurah SHS 31.10.93
	Mandurah SHS 12.6.91
Cooloongup	Cooloongup PS 25.3.93
Rockingham	Bungaree PS 23.9.90
	Bungaree PS 20.12.92
	Rockingham SHS 20.9.90
Victoria Park	Millen PS 23.10.94
Cloverdale	Whiteside PS 8.10.94
Manning	Koonawarra PS 20.5.92
Nollamara	Cleaning/Training Centre 4.6.95
Karrinyup	Karrinyup PS 25.4.95
Carine	Carine SHS 12.8.92



Leederville	West Leederville PS 23.6.95
Doubleview	Doubleview PS 13.1.93
Mt Lawley	Mt Lawley TAFE 15.5.95
Kenwick	Kenwick School 5.3.94
Thornlie	Thornlie SHS 12.5.91
Queens Park	Queens Park PS 26.5.90
Padbury	Padbury SHS 28.3.95
Greenwood	Greenwood SHS 5.9.94
Kingsley	Creaney PS 20.11.93
Willetton	Willetton SHS 29.10.94
	Rostrata PS 28.8.94
Albany	Albany SHS 19.9.93

- (3) Approximate cost of damage for this period - \$11 596 252.
- (4) (a) 14 acts of arson committed during daytime. Balance at night.  
 (b) Weekdays 51  
 Weekends (including Friday) 72
- (5) Cost to administer security in schools 1994-95 financial year - \$1 705 729.
- (6) Security is a 24 hour, 7 day per week operation.
- (7) Not applicable.
- (8) Metropolitan area Brambles Security Services  
 Country and outer Liwil Security  
 metropolitan North Western Protective Security  
 Hapkido Security  
 Trill Security  
 Albany Guard and Patrol  
 MSS  
 Nightguard Security Services  
 Pindan Security  
 Midwestern Security  
 Capricorn Security  
 Port Hedland Security  
 West Kimberley Security  
 Kununurra Security Services  
 Storm Security Services
- (9) The Education Department has since 1988 been operating a successful school watch program. The school watch program involves the community by calling upon their assistance in reporting suspicious behaviour around schools to either the police or education security.
- (10) There are presently four caretakers living on school or camp school sites.
- (11) This information is not held centrally. It would be necessary to conduct a survey of non-government schools to obtain this information.

#### EDUCATION DEPARTMENT - GOOD START PROGRAM

3659. Hon JOHN HALDEN to the to the Minister for Education:

What has been the cost of advertising the Good Start program in community and statewide newspapers since its original unveiling some eight to 10 weeks ago?

Hon N.F. MOORE replied:

Since the inception of Good Start on 19 June 1995, \$35 633.89 has been spent on newspaper advertising.

# SCHOOLS - COMPOSITE CLASSROOMS

3671. Hon JOHN HALDEN to the Minister for Education:

- (1) What was the number of composite classrooms in Western Australia in 1990, 1991 and 1994?
- (2) How many composite classrooms were outside the metropolitan area in 1990, 1992 and 1994?

Hon N.F. MOORE replied:

- (1) Composite classrooms in Western Australia -

1990	1 537
1991	1 567
1994	1 594
- (2) Composite classrooms outside the metropolitan area -

1990	742
1992	720
1994	753

# SCHOOLS - VIOLENCE LEVELS

3672. Hon JOHN HALDEN to the Minister for Education:

- (1) Does the Education Department keep statistics on violence in schools?
- (2) If yes, what was the level of violence in 1990, 1992 and 1994?

Hon N.F. MOORE replied:

- (1)-(2) Various statistics are collected by schools and district offices but they are not collated into a comprehensive central database to allow comparisons.

# EDUCATION DEPARTMENT - CURTIN UNIVERSITY OF TECHNOLOGY

*Catering at QVI Building; Higher Education Contribution Scheme Fees*

3691. Hon JOHN HALDEN to the Minister for Education:

- (1) Will the Minister advise what academic research and/or liaison the State Government has with Curtin University of Technology?
- (2) Will the Minister also advise what food and beverage catering the Government had done with Curtin University of Technology at the QVI building in the city?
- (3) Is the Minister aware of any higher education contribution scheme fees which are being paid for by the Government for any government employees?

Hon N.F. MOORE replied:

- (1) In 1994 Curtin University of Technology staff were involved in about 90 research projects with state government departments or state agencies amounting to \$1.98m.
- (2) I am not aware of any food and beverage catering the Government has done with Curtin University of Technology at the QVI building in the city. However, I have accepted invitations to attend planning seminars with senior officers in the vocational education and training sector for which the Western Australian Department of Training rented part of the facility for up to a day and arranged its own catering.
- (3) 283 teachers currently have HECS exemptions under the former commonwealth provision which has now been cancelled. Some Aboriginal teachers may have exemptions paid for through funding associated with Aboriginal cadetships.

**EDUCATION DEPARTMENT - FULL TIME EQUIVALENTS ALLOCATED TO  
MINISTER'S OFFICE**

3703. Hon JOHN HALDEN to the Minister for Education:

How many full time equivalents were allocated to the Minister's Office as of 30 June 1995?

Hon N.F. MOORE replied:

The Minister's office had an approved staffing level of 17.4 FTEs as at 30 June 1995.

**EDUCATION DEPARTMENT - OFFICE OF NON-GOVERNMENT EDUCATION  
*Full Time Equivalents***

3759. Hon JOHN HALDEN to the Minister for Education:

How many full time equivalent were there in the Western Australian Office of Non-Government Education as at July 1, 1995?

Hon N.F. MOORE replied:

Six.

**SCHOOLS - WEST BUSSELTON PRIMARY  
*Second Drinking Fountain***

3762. Hon JOHN HALDEN to the Minister for Education:

(1) When is it intended that the West Busselton Primary School will receive a funding allocation to provide a second drinking fountain for the junior primary students, as the only drinking fountain is situated in the senior student area of the school?

(2) Is the Minister aware that children are going without, leading to health and safety risks for the children, rather than having to compete with older children?

Hon N.F. MOORE replied:

(1) The Bunbury District Management Group has recently decided to devolve the 1995-96 district minor works funding direct to schools. The allocation to West Busselton Primary School was \$5 999. The school has also received an amount of \$4 289 for minor works in its 1995 school grant. Accordingly, the school should utilise these funds for the provision of a second drinking fountain.

(2) No.

**EDUCATION DEPARTMENT - CLEANING AND GARDENING BUDGET;  
REDUNDANCY PAYMENTS**

3763. Hon JOHN HALDEN to the Minister for Education:

What was the cleaning and gardening budget within the Education Department in 1994-95 and what was the level of redundancy payments from those two areas in that year?

Hon N.F. MOORE replied:

See the response provided to question without notice 667 on 19 September 1995.

**TAFE - NORTH METROPOLITAN COLLEGE  
*Standard of Mortar and Render used in Homes Reports***

3764. Hon A.J.G. MacTIERNAN to the Minister for Employment and Training:

(1) Can the Minister confirm the North Metropolitan College of TAFE has commissioned reports in 1993 and 1995 on the standard of mortar and render used in Perth metropolitan homes?

- (2) Will the Minister table those reports?
- (3) If not, why not?

Hon N.F. MOORE replied:

- (1)-(3) The reports were commissioned by the TAFE building trades department at Hutton Street, which is now under management of the north metropolitan college. The studies were undertaken by the Chemistry Centre of WA for the purpose of assisting with the design of training for apprentices in the building industry. I understand that industry seminars were conducted at which findings of the reports were made available to the industry. However, as the reports themselves contain references to specific companies which volunteered to take part in the survey, on the assumption that the report would be assisting TAFE training primarily, it would be inappropriate to table the findings.

#### CEMETERY BOARD - APPOINTMENTS

3766. Hon I.D. MacLEAN to the Minister for Transport representing the Minister for Local Government:

- (1) What is the duration of each appointment of Cemetery Board members?
- (2) When is the next appointment due?
- (3) Is it a paid position?
- (4) Do appointees have to state whether they consider they may have a conflict of interest?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply -

- (1) Three years for the Metropolitan and Fremantle Cemetery Boards, and five years for all other cemetery boards.
- (2) The next appointments to cemetery boards are due as follows -

Metropolitan Cemetery Board	8 February 1997
Fremantle Cemetery Board	30 March 1997
All other cemetery boards	30 June 1998.
- (3) Members of the Metropolitan and Fremantle Cemetery Boards receive sitting fees for their membership of the boards.
- (4) Current government policy is that all appointees to government boards and committees are required to provide a full resume which includes their current and past work experience and business interests. Persons that are involved in the funeral/crematorium industry, however, are not precluded from membership as their experience and knowledge enables them to make an important contribution to the policies and decisions made by the boards. In the case of chairpersons, however, it is considered important to ensure that the appointees do not have any possible conflict of interest.

#### QUESTIONS WITHOUT NOTICE

##### MEMBERS OF PARLIAMENT - TELEPHONE ACCOUNTS, ELECTORAL ACCOUNTS PROVIDED FOR DPP OR POLICE

756. Hon MARK NEVILL to the Leader of the House representing the Premier:

- (1) Has the Office of State Administration Services or the Ministry of the Premier and Cabinet provided telephone accounts or details of telephone accounts of any member of Parliament to the Office of the Director of Public Prosecutions, or to police associated with, or working in association with, the DPP's office?

- (2) If yes, which members' telephone accounts have been provided to the DPP or the police?
- (3) Have details of the spending of electoral allowances been provided by the Ministry of the Premier and Cabinet to the DPP or police officers associated with, or working in association with, the DPP's office?
- (4) If yes, which members' accounts were provided?
- (5) Who requested the information in (1) and (3) to be provided?

Hon GEORGE CASH replied:

- (1)-(5) I thank the member for some notice of this question to which the Premier has provided the following reply -

I refer the member to the answer to question without notice 740 of 1995.

#### POLICE - TELEPHONE RECORDS OF TRADE UNION OFFICIALS

757. Hon KIM CHANCE to the Leader of the House representing the Minister for Police:

- (1) Have telephone records of any trade union officials been obtained by the police during the past 12 months?
- (2) If so, were these records obtained lawfully?
- (3) What was the purpose of obtaining those records?
- (4) Which trade union officers, if any, have been investigated in this way?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) Inquiries are conducted in pursuit of criminal activities and as such are operational matters that cannot be confirmed or denied.
- (2) Records can be obtained lawfully under section 88(3)(g) of the Telecommunications Act, which states -

This section does not prohibit a disclosure by a person of information or a document:

- (g) if the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue;

(3)-(4) See (1).

#### CONTAMINATED SITES - McCABE STREET, MOSMAN PARK

758. Hon SAM PLANTADOSI to the Minister for the Environment:

- (1) Has the Minister given approval for the dumping and burying of 170 000 cubic metres of waste near the CSBP & Farmers Ltd site in Mosman Park?
- (2) If yes, will the Minister table the report from the Environmental Protection Authority giving clearance to the Minister for the above approval?
- (3) Will the Minister table also any reports available from the Health Department proposal giving its approval for this dumping?

Hon PETER FOSS replied:

- (1)-(3) At Mosman Park there is already a large quantity of material. No material is to be dumped there. What is being proposed is the remediation of the

problem the site already has. I would not like anybody to think that material was being taken from somewhere else and dumped there.

Hon Sam Piantadosi: It is being dumped from one part of that site to another. You should know that well, Minister.

The PRESIDENT: Order!

Hon PETER FOSS: I am glad the member understands that it is not being dumped there; that the site is being remediated. I have the advice of the Environmental Protection Authority relating to the clean up of the contaminated site at McCabe Street, Mosman Park. I seek leave to table the document.

Leave granted. [See paper No 653.]

**FAMILY AND CHILDREN'S SERVICES, DEPARTMENT FOR - KWINANA  
KIDLINK PROGRAM**

759. Hon B.M. SCOTT to the Minister representing the Minister for Family and Children's Services:

The Kwinana Kidlink program, which was established as an early intervention program working with families and their young children, was established as a pilot program and as a model of a preventive service. That service was funded for a three year period at a level of \$150 000 per annum.

- (1) What will be the level of funding for the Kidlink program after 31 December 1995 when the funding runs out?
- (2) What processes were put in place to pilot this program?
- (3) Who, if anyone, is evaluating the program?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The Minister for Family and Children's Services has provided the following reply -

- (1) An amount of \$150 000.
- (2) The Kidlink program was initially proposed as a three year pilot program under the previous Labor Government. Following the election the Minister for Community Development - now Family and Children's Services - in his reorganisation of funded agencies indicated that government would fund services rather than agencies. He further indicated following the community services industry study that each service funded by government would be regarded as part of the community services industry sector and would be subject to the scrutiny of a district mapping exercise. This exercise took place in 1994, with the Rockingham district office reviewing the performance of Kidlink in quantitative and qualitative terms in a district-wide context.
- (3) All services funded by the Government are provided under specific service agreements with the Minister and are required to be reviewed annually by the relevant district office.

**HOMESWEST - MCKENZIE, JOHN & ASSOCIATES, ARCHITECTS  
*Homestyle Pty Ltd, Projects; Conflict of Interest***

760. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Housing:

Further to the answer to question without notice 746 -

- (1) Which Homeswest project under the responsibility of John McKenzie and Associates was awarded to Homestyle Pty Ltd or J-Corp Pty Ltd?
- (2) Which of those companies was awarded the project, and when was it awarded?

- (3) What action does the Minister for Housing propose to take to ensure that John McKenzie and Associates, or any other architect engaged by Homeswest, does not have a financial interest in any company or business supplying material which it specifies, or in tendering for construction of projects it is supervising?
- (4) Will the Minister consider disqualifying Homestyle Pty Ltd from the tender for 103 Wanneroo Road, Nollamara, in view of the existing conflict of interest?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Minister for Housing has provided the following reply -

- (1) Homestyle Pty Ltd - lot 88 Shadycroft Retreat, Dianella.
- (2) Homestyle Pty Ltd on 6 December 1994.
- (3) In future all architects and consultants will be required to supply to Homeswest a statement of disclosure of interest.
- (4) No. Any potential for a conflict of interest will be resolved by the superintendent for the project being replaced by an independent architect. John McKenzie and Associates will not administer this contract or other contracts involving the Buckeridge Group of Companies.

**DOUGLAS, IAN - GOVERNMENT ENGAGEMENT, ADVICE ON INDUSTRIAL RELATIONS LEGISLATION**

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

- (1) Was Ian Douglas QC engaged at any time in 1995 by the Government, or any government department, to provide advice on industrial relations legislation?
- (2) If yes, what fees have been charged, or agreed to, in respect of such advice?
- (3) Has any lawyer, or law firm, been engaged to provide advice on that same legislation?
- (4) If so, who were the lawyers, or law firms, and what fees have been charged, or agreed to, with respect to such advice?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The member's question is unclear, but would appear to refer to advice regarding the preparation of the Industrial Legislation Amendment and Repeal Bill 1995. Mr Douglas has not been engaged to provide advice in respect of that Bill. Mr Douglas has been engaged by both the Department of Productivity and Labour Relations and the Health Department to provide advice and representations on various industrial claims. With regard to other government departments the member should direct any questions to the relevant Minister.
- (2) It is not possible to provide details requested in the time available. If the honourable member wishes to pursue this matter, I request that she put the question on notice.
- (3)-(4) Only lawyers of the Crown Solicitor's Office and Parliamentary Counsel's Office have been engaged to provide advice on the Industrial Legislation Amendment and Repeal Bill. The honourable member should direct specific questions about legal advice to government departments on all industrial claims to relevant Ministers.

**BUCKERIDGE, LEN - STEVEDORING SERVICES, DISCUSSIONS WITH  
MINISTER FOR TRANSPORT OR STAFF**

762. Hon A.J.G. MacTIERNAN to the Minister for Transport:

In the hope of getting an answer, we have given the Minister some notice of this question.

- (1) Has the Minister, or any other member of his staff or officer of the Fremantle Port Authority, had discussions with Mr Len Buckeridge or any company associated with him, concerning the delivery of stevedoring services through the old BHP jetty in Kwinana?
- (2) If yes, when did these discussions take place and have any agreements or arrangements been set in place?
- (3) If an agreement or arrangements have been put in place, what are the details of these?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No. However, the member should be aware that I commissioned a review of the live sheep trade entitled, "Alternative Ports for Live Sheep Exports" in conjunction with the Minister for Primary Industry, and that comments were sought from a wide range of persons, associations, government agencies and companies.
- (2)-(3) Not applicable.

**EDUCATION DEPARTMENT - SCHOOL ATHLETIC CARNIVALS  
DIRECTIVE**

763. Hon JOHN HALDEN to the Minister for Education:

- (1) Can the Minister confirm that the Education Department has issued directives to schools to hold their sports carnivals?
- (2) Is the Minister aware that, with regard to Morley Senior High School, it is against the school's ethos to hold sports carnivals?
- (3) Can the Minister inform the House why Morley Senior High School was told that it must hold a sports carnival in accordance with the directive, despite the school's tradition?

Hon N.F. MOORE replied:

- (1)-(4) The Education Department has directed schools which are not conducting intraschool athletic carnivals to have them. I am not aware of the situation at Morley.

Hon John Halden: They have written to you.

Hon N.F. MOORE: Maybe they have, but I receive a lot of letters. I do not recall that one. It may be in the mail, as they say.

With regard to this school never having had an intraschool athletics carnival, I am a bit surprised about that being part of the school's ethos. However, I am happy to have a look at that and seek to understand why a school might take that course of action. I believe, as does the Education Department, that intraschool athletics carnivals are part of the school program and it is appropriate for them to be held. I am pleased to advise the House that, in every case where this request was made, the carnivals went ahead.

**EDUCATION DEPARTMENT - TEACHERS ON WORKPLACE  
AGREEMENTS**

764. Hon JOHN HALDEN to the Minister for Education:

Will the Minister please inform the House how many teachers are presently on



workplace agreements, excluding those teachers involved in the remote teaching service package?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

As I advised in my response to question without notice 722 of 26 September 1995, there have been a large number of expressions of interest by teachers and these are currently being processed. I am not prepared to disclose the number at this time.

#### LAND - YALLINGUP, SUSSEX LOCATION 4422

765. Hon N.D. GRIFFITHS to the Minister for Lands:

With respect to the ministerial statement of 26 September 1995 to do with Sussex location 4422, is the Minister now in a position to provide substantive answers to questions without notice 741, 742 and 743 which I asked yesterday?

Hon GEORGE CASH replied:

The House will recall that I indicated yesterday that I would attempt to obtain information in respect of those questions. Question without notice 741 was -

With respect to the ministerial statement of 26 September 1995 to do with Sussex location 4422 -

- (1) Did Cape Hotels Pty Ltd purport to make application to the Minister pursuant to section 117AA of the Land Act 1933 to purchase the fee simple of the land and, if so, on what date?
- (2) Did the Minister purport to approve the application pursuant to section 117AA(2) and, if so, on what date?
- (3) Did the Minister purport pursuant to section 117AA(2) to fix the price for the sale of the fee simple and, if so, when and for what amount?
- (4) Were prescribed conditions pursuant to section 117AA(2) purported to be set and, if so, what are they?
- (5) Did Cape Hotels Pty Ltd pay the purchase money and the required fee, if any, for the Crown grant and did it meet the prescribed conditions, if any?
- (6) Has a certificate been prepared purporting to be pursuant to section 142(2) of the Land Act 1933 and, if so, when?
- (7) Has the Minister caused such a certificate to be received by Cape Hotels Pty Ltd and, if so, when?

The answers are as follows -

I wish to clarify for the honourable member that the sale was not proceeding under section 117AA. The land was to be disposed of under section 118CA which would have enabled consolidation of lease and freehold land into one title. Delegation of the Minister for Lands' powers under section 118CA of the Land Act were approved in 1990. Accordingly, the answers to the questions are as follows -

- (1) Cape Hotels Pty Ltd applied to the Department of Land Administration to purchase location 4422 on 5 August 1993.
- (2) The certificates under section 118CA, which are executed under delegated authority, had not yet been prepared.
- (3) The Department of Land Administration advised Cape Hotels Pty Ltd of the purchase price of \$550 000 on 25 November 1994.

- (4) As section 118CA was being used to require amalgamation into a single freehold title, no conditions were attached to the sale.
- (5) Yes.
- (6)-(7) No.

Question without notice 743 was -

With respect to the ministerial statement of 26 September 1995 to do with Sussex location 4422, will the Minister table any departmental instruments purporting to exercise ministerial power to do with the processes of section 117AA and section 142 of the Land Act 1933? If so, when, and if not, why not?

I provide the following answer -

The certificates under section 118CA for the inclusion of the adjoining parcels into the hotel site have not been prepared. However, the company has signed the application for a new title document for location 4422 and an application for lease under section 117 in respect of the caravan park site. These documents will be tabled at the conclusion of my comments.

[See paper No 654.]

Question without notice 742 was -

With respect to the ministerial statement of 26 September 1995 to do with Sussex location 4422 -

- (1) Has the Minister signed any instruments with respect to the processes of section 117AA and/or section 142 of the Land Act 1933?
- (2) Will the Minister table the instruments? If so, when, and if not, why not?

The answer is as follows -

- (1) Section 118CA was the section used for the land disposal. The certificates for inclusion of the land into the company's freehold title had not been prepared.
- (2) Not applicable.

Should Hon Nick Griffiths wish to have a full briefing on that particular transaction, I am more than happy to ask the Chief Executive Officer of the Department of Land Administration and such senior officers as are necessary to provide that briefing for him.

#### EDUCATION DEPARTMENT - TEACHERS ON WORKPLACE AGREEMENTS

766. Hon JOHN HALDEN to the Minister for Education:

Earlier I asked the Minister how many workplace agreements had been signed by teachers. Following his refusal to answer that question I telephoned the Education Department and was advised that no teachers had signed a workplace agreement and there were some 500 expressions of interest. Will the Minister confirm those figures?

Hon N.F. MOORE replied:

If the member knew the answer, he did not need to ask me the question. I have no idea who the member rang at the Education Department. The people who are being offered, firstly, the five plus five plus five per cent deal that was put forward and now the seven and a half plus seven and a half per cent deal are not signing workplace agreements. They are entering into common law agreements and other agreements they so choose. I could have said none. As the department

negotiates with individual people as to what sort of a contract they want, it will be determined at that time.

Hon Tom Helm: None is very confusing.

The PRESIDENT: Order! Every time Hon Kim Chance gets up to ask a question his own colleagues interject and prevent him from doing so.

Hon A.J.G. MacTiernan: It is payback time.

Several members interjected.

The PRESIDENT: Opposition members do not have to apologise to me; they should apologise to Hon Kim Chance.

#### AQUACULTURE - DOCTORS CREEK, DERBY PROPOSAL

767. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

Does the Minister now have the answers to the question I asked on Tuesday about the proposed aquaculture development at Doctors Creek, Derby and if yes, will the Minister now provide those answers to me? The question related to an application by the principals for financial assistance and matters concerning the environmental protection agency.

Hon E.J. CHARLTON replied:

I thank the member for some notice of the original question. The Minister for Fisheries has provided the following reply -

(1)-(8) I am advised by the Fisheries Department that the proposal is being considered by the interdepartmental committee on aquaculture, which includes representation from the Department of Environmental Protection. The project is proposed to take place on Crown land and a pastoral lease, and will be subject to formal environmental consideration by the DEP.

#### PUBLIC SECTOR MANAGEMENT OFFICE - FRUIT INDUSTRY INQUIRY REPORTS

768. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

Does the Minister now have the answer to the question I asked on Tuesday about the interim report by the Public Sector Management Office and if yes, will the Minister now provide those answers to me? The question related to the interim report of November 1994 by the Public Sector Management Office and a later report or reports which resulted from the continuing investigation by the PSMO into allegations made by a fruit industry delegation in June and July 1994.

Hon E.J. CHARLTON replied:

I thank the member for some notice of the original question. The Minister for Primary Industry has provided the following reply -

(1)-(2) The member has recently received a full and detailed briefing on the fruit industry inquiry. Investigations were broad and wide-ranging in response to issues of concern raised by an industry delegation. Information gathered by the investigating officer related to the conduct of Department of Agriculture employees. It is inappropriate to divulge the details of matters subject to investigation.

#### AGRICULTURE, DEPARTMENT OF - OVERSEAS TRIPS RELATED TO APPLE VARIETIES PINK LADY AND SUNDOWNER

769. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

(1) How many overseas trips were made by Department of Agriculture personnel or by industry representatives with government assistance

during which the promotion of, or other matters relating to, the apple varieties Pink Lady and/or Sundowner formed an important component of the trip?

- (2) What were the dates of the trips?
- (3) Which departmental personnel took part?
- (4) Which industry representatives took part?
- (5) Which country or countries were visited on each trip?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The Minister for Fisheries has provided the following reply -

The information sought by the member will take some time to provide. If the member would put the question on notice, I would be happy to provide the necessary details.

**KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD -  
ENVIRONMENTAL DAMAGE TO TENEMENTS P26-1848, P26-1858**

770. Hon J.A. SCOTT to the Minister for Mines:

I refer to a letter dated 10 January 1994 and signed by Hon George Cash - his reference 3491 - which states -

I also understand that KCGM has written to you undertaking to rectify environmental damage on your tenements P26/1848 and P26/1858 caused by their operations.

- (1) Has Kalgoorlie Consolidated Gold Mines Pty Ltd rectified and rehabilitated the environmental damage caused by the holders of P26/1848 and P26/1858?
- (2) If not, will the Minister instruct KCGM to rectify and rehabilitate the environmental damage caused by its operations on the aforementioned tenements?
- (3) If not, why not?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The department has begun to assemble an answer for my consideration. However, it was not completed by question time today. If the member cares to put the question on notice I will ensure that he gets an answer when the House resumes after the two week break. If that is not satisfactory I will endeavour to get the answer earlier for him, but I would have to post it to him.

**LIVE SHEEP TRADE - REVIEW; BUCKERIDGE, LEN, INVOLVEMENT**

771. Hon A.J.G. MacTIERNAN to the Minister for Transport:

In respect of the review of the live sheep trade commissioned by the Minister -

- (1) Have comments been sought from Mr Len Buckeridge or any company associated with him?
- (2) Has the review been completed?
- (3) If so, will the Minister table it?
- (4) If not, when is it due to be completed?

Hon E.J. CHARLTON replied:

- (1)-(4) In answer to a previous question I said there was a review. I am not aware of who was involved in that review process. Certainly, the live sheep exporters and a whole range of industry representatives were interviewed,

but I am not aware of who was interviewed or who provided input. To be more specific, I do not know whether Mr Buckeridge or anyone associated with his company was involved. The report has been completed and I have a copy of it. I thought it had been made public and had been tabled in this place. If it has not been, I will certainly ensure that it is and provide the member with a copy of it.

**PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF -  
PERFORMANCE EVALUATION OF INDUSTRIAL INSPECTORATE**

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

- (1) Is the Minister for Labour Relations prepared to table the report on the evaluation of the performance of the Department of Productivity and Labour Relations industrial inspectorate in dealing with complaints of award breaches?
- (2) If not, why not?
- (3) When was that evaluation completed?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) I am unaware of the report referred to. If the honourable member can be more specific, I will endeavour to provide her with an answer.
- (2)-(3) Not applicable.

**DE FACTO RELATIONSHIPS LEGISLATION - INTRODUCTION DATE**

773. Hon N.D. GRIFFITHS to the Minister representing the Attorney General:

- (1) When is it intended to introduce legislation relating to de facto relationships and disputes arising from such relationships?
- (2) If such legislation will not be introduced in 1995, why is that so?
- (3) What is the reason for the non-introduction of such legislation to date?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) It is intended to introduce the De Facto Relationships (Property) Bill into the Parliament in the current session, subject to any amendments to that Bill which may need to be incorporated as a result of reforms to family law presently under consideration by the Federal Parliament.
- (2) Not applicable.
- (3) The matter of de facto relationships has been under consideration by the Standing Committee of Attorneys General for some time, and a number of issues, including referral of power and same gender de facto relationships, have only recently been resolved.

**WHITBY FALLS HOSTEL - ARMADALE CLINIC, PSYCHIATRIC SERVICE  
HOURS**

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

I refer to the answer to question without notice 683, and ask -

- (1) In respect of Whitby Falls Hostel and the Armadale Clinic, how many hours of psychiatric service are provided by qualified psychiatrists and how many hours by other personnel?
- (2) Why were none of the eight psychiatrists recently recruited overseas and interstate appointed to the Armadale region?

- (3) Is it true that one psychiatrist declined the offer to work in the Armadale region because of the workload involved?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Psychiatrists - Whitby Falls, 3.5 hours a week; and Armadale Clinic, 10.5 hours a week.  
Other senior psychiatric medical officers - Whitby Falls, 7.5 hours a week; and Armadale Clinic 67 hours a week.
- (2) They did not want to work as the sole practitioner due to the professional isolation and lack of inpatient/research opportunities.
- (3) No.

#### CONTAMINATED SITES - McCABE STREET, MOSMAN PARK

775. Hon SAM PIANTADOSI to the Minister for the Environment:

- (1) Is the Minister aware of the intention by developers Octennial Holdings and LandCorp to bury soil which contains lead, arsenic and/or cadmium in a big limestone lined containment cell at Mosman Park?
- (2) Has Environmental Protection Authority approval been granted?
- (3) Is the Minister aware that limestone will not prevent contaminated water leaching into the river?
- (4) Will the Minister table the advice he has been given by the Environmental Protection Authority to approve the above development?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes, approval has been granted following advice from the EPA that the above proposal, which includes the cleanup and on site containment of contaminated material at Mosman Park, was found acceptable by the EPA in August 1993. The Minister for the Environment issued approval on 1 February 1994. It goes back some time, prior to my term as Minister.
- (2) The EPA does not issue approvals for proposals, but gives its advice to government. This advice indicated that the developers' proposal was environmentally acceptable, subject to its being carried out in the manner approved.
- (3) The EPA has accepted limestone encapsulation on site for this proposal, on the basis that the environment has not been unacceptably impacted upon by the waste material which has been present at the site for more than 20 years. Additional testing of the waste material has also shown it has a low potential to leach contaminants. This low leaching potential, together with the alkaline environment at McCabe Street, has effectively contained the waste material and prevented unacceptable impacts from occurring to the surrounding environment, including the Swan River.
- (4) The EPA's advice to the Minister is publicly available, and is contained in the "Report and Recommendations of the Environmental Protection Authority", Bulletin 699.

#### EDUCATION DEPARTMENT - GOOD START PROGRAM

##### *Advertising Costs*

776. Hon JOHN HALDEN to the Minister for Education:

What has been the total cost, not excluding production and design costs, to this Government of advertising the Good Start program in -

- (a) community newspapers;

- (b) *The West Australian*; and
- (c) other newspapers?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The total cost, including production and design costs, to this Government of informing the community on the Good Start program is -

- (a) community newspapers, \$35 636.54;
- (b) *The West Australian*, \$21 680.09; and
- (c) other newspapers, \$8 317.26.

By leave, Hon N.F. Moore (Minister for Education) tabled a substitute answer to question on notice 79. [See paper No 656.]

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