



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Thursday, 13 November 1997

Legislative Council

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

PETITION - TERMINATION OF THE LIVE SHEEP TRADE

Hon J.A. Scott presented the following petition bearing the signatures of 3 046 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

The People Against Cruelty in Animal Transport [PACAT] and the other undersigned residents of Western Australia are deeply concerned at the continuation of the live sheep trade for the following reasons:

- (I) Annually more than 100,000 sheep exported from Fremantle die traumatically during transhipment to the Middle East.
- (ii) Regulations covering road transportation and loading are not being adequately policed.
- (iii) The live sheep trade is extremely cruel.

Your petitioners, therefore humbly pray that the Legislative Council will investigate and recommend a time frame in which this cruel, wasteful and uneconomic trade can be terminated.

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

[See paper No 1018.]

PETITION - ALBANY FORESHORE REDEVELOPMENT

Hon Murray Montgomery presented the following petition bearing the signatures of 1 106 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned petitioners oppose the current Foreshore Re-development Plans on the foreshore of Princess Royal Harbour, Albany that have been presented by LandCorp. We believe we have the right to express our concerns with regards to Tourist Accommodation and Residential zoning that has been allowed down on the foreshore because it is impractical to have this zoning in a working Port area and the Port is a very important part of this town. We are concerned about the danger and noise from the traffic that will be travelling along Princess Royal Drive. We are concerned about the lack of recreational space and the height and density of the proposal. We feel we haven't had a chance to comment on this current proposal due to the lack of information presented to us.

Your petitioners, therefore respectfully request that the Legislative Council will assist us in whatever way is appropriate to present our opposition to the current proposal and request a total overview of the proposal be constructed with the community having its say on how the Foreshore should be improved as was the initial idea in 1983. And your petitioners, as in duty bound, will ever pray.

[See paper No 1019.]

MOTION - GOVERNMENT INSTRUMENTALITIES

Privatisation

Resumed from 23 October.

HON KIM CHANCE (Agricultural) [11.09 am]: It was on Thursday, 23 October that I actually began my contribution to this debate. In that time I cannot say things have changed radically. I had only a five minute opportunity to speak on that occasion before the debate was adjourned; therefore, it is necessary for me to briefly refresh members' memories. In five minutes I had only made the point that whether members oppose or support the concept of privatisation, this motion should be supported.

Both sides of the House should embrace it with some enthusiasm.

The only other point I made in that speech related to the contribution by Hon Simon O'Brien, who indicated probably one of the better the arguments I have heard for the abolition of the Legislative Council, in that this House does not need to be here in order to provide scrutiny and oversight of executive action. He may have a slightly different view, but that is my impression of what he said.

Hon Simon O'Brien: That was not remotely the intent of what I said. Perhaps we can arrange for the annual health assessment to include a hearing check.

Hon KIM CHANCE: If that were the case, I would be a very poor performer. Like my colleague Hon Tom Helm I suffer from industrial deafness. That is one of the crosses we bring to this place from our occupations.

In opening my remarks I referred to the Auditor General's third report of 1997, entitled "Bus Reform - Competition Reform of Transperth Bus Services". I said at the time that the Minister for Transport is one of the few Ministers of this Government who has implemented the Government's policy in respect of privatisation. Sometimes, of course, we have not been very enthusiastic about the outcomes, but at least the Minister has been prepared, in this case, not only to implement government policy but also to have it subjected to the scrutiny of the Auditor General and others.

I refer members to one aspect of the Auditor General's report. A general point was made about cost reductions. I imagine the Minister felt this was very good news. On page 2, under the heading "Cost reductions", the Auditor General reports that -

Since the introduction of the reform program the cost of providing bus services has fallen by nearly \$31 million, in real terms, over the four financial years from 1992-93 to 1996-97. This represents a cost reduction of about 20 per cent on Transperth's 1992-93 bus operating costs of \$151 million.

The balance of the report then details how those results have been achieved. It is not for me at this stage to enter the debate that has ensued about how that has occurred, except to say that I note the comments of the shadow Minister for Transport -

Several members interjected.

The PRESIDENT: Order! There is too much audible conversation.

Hon KIM CHANCE: Alannah MacTiernan has advised that much of the wage related savings that have occurred in the reform process have been the result of drivers being picked up by private sector contractors and employed under a different arrangement. They were employed under an old Transport Workers Union award that provided substantially lower wages than those paid to the drivers involved in the enterprise bargaining arrangement. The point the member made was that that TWU award is being reviewed and, as a result of the inevitable wage rises that will be awarded to drivers employed by private contractors, much of those savings will evaporate. Her argument was, and I support it, that a large proportion of the cost savings identified by the Auditor General - certainly those in the wages and the salaries area - has been as a result of a historical disparity between an old award and a current EBA.

I am also concerned about the manner in which these figures are presented. As I said at the time, I am not here to pick a fight with the Auditor General, because he does an outstanding job in providing accurate and valid information to this Parliament and to the public about how state enterprises work. However, I refer members to page 19 of the report, which states in part -

The Department considers that the average fleet age should be between 8 and 12 years in order to meet good practice standards. When public transport reform began in September 1993 the average fleet age was around nine years. When competitive tenders were called in mid-1995 it had increased to nearly 11 years. As at June 1997, the average fleet age is nearly 13 years and will likely increase to around 14 years before new replacements are acquired.

In summary, we had an ideal situation - a nine year average age that fitted comfortably within the preferred age of eight to 12 years. Purchases had been deferred leading up to the introduction of the reforms and the average age had increased to nearly 11 years - the higher side of the preferred range. Since the reforms have been initiated, the average age has increased to two years beyond that - that is, outside the preferred range - and it is likely to increase to 14 years.

When I raised these issues previously, the Minister for Finance had been called away from Parliament on very urgent parliamentary business and I was not able to ask a question of him. I made the point then that as a former fleet manager, I know that anyone who has ever had anything to do with the management of a fleet has a clear understanding of the annual cost requirements of maintaining fleet age. It does not matter whether one is referring to bulldozers, tractors, trucks or buses. That is particularly so where the capital size of the rolling stock is of such importance to the capital structure of the enterprise. If members were to think about what MetroBus' capital stock would have been, they would acknowledge that a huge proportion would have been the buses themselves. There would have been very few other assets.

If there is a change in the operating age of the rolling stock to the extent that is outlined here - that is, from 11 to 13 years and, ultimately, to 14 years - one is talking about a very considerable increase. As a consequence, we will see

a very considerable reduction in the capital requirement of the enterprise. That is analysed in the report. As I said, I do not want to go into fine details, but on page 20 of the report the Auditor General states -

The Department provided the examination with a reasonable estimate of the extent that operating costs had been reduced as a result of the decisions to defer bus acquisition. This estimate was made by:

- examining the historical bus purchasing pattern from 1976 to 1993 and obtaining a yearly average (41 buses);

I cannot quote the cost of one of those buses, but I know it is very considerable. Historically, Transperth had been purchasing or otherwise acquiring 41 new buses each year. The report continues -

- estimating the cost of purchasing 41 buses per year for the past three financial years;

That is, 123 buses -

- estimating and discounting the offset cost savings arising from lower bus maintenance costs and the proceeds from sale of the older buses.

I am happy with the methodology of what the Auditor General has laid out so far.

Hon Max Evans: But do you agree with it?

Hon KIM CHANCE: I am happy with it. The Auditor General goes on to say -

Although the cost of interest and principal repayments on these purchases would have amounted to around \$7 million, the net cost would have been about \$1 million when offsetting factors are taken into account . . .

At that point I am uncomfortable with the Auditor General's methodology. I am guessing here because I have not looked at the cost, but if we assume for the purpose of simple arithmetic that a bus costs \$250 000, 41 buses in any one year would amount to \$10m. One way or another, \$10m worth of buses must be purchased each year in order to hold the fleet age. To put it another way, if we allow the fleet age to advance one year, we would have a saving of \$10m. The only legitimate off-setting to that \$10m annualised cost to the enterprise is the salvage value of the buses that the new buses replace. I am sure the Minister for Finance could tell me that there is an accounting term for that methodology. Any fleet manager would have to make that simple logical progression. If as a fleet manager I am to maintain the average age of my fleet, I have to replace three CAT buses each year. The annual cost to my enterprise of those three CAT buses would be the cost of the buses less the salvage value of the three CAT buses they replaced. Where there is an annualised cost of \$10m roundly in my example, it is difficult to project an accurate methodology that could come out with the result that the annualised cost is \$1m. That is basically the dispute I have with the methodology of the Auditor General.

Hon Max Evans: Which report are you referring to?

Hon KIM CHANCE: It is report No 3 of the Auditor General of June 1997 entitled "Bus Reform - Competition Reform of Transperth Bus Services". My comments relate to page 20.

That places an entirely different light on the figures I have outlined at the beginning of the report. I am pleased that the Minister for Transport is able to present a report that shows whether the Government's transport policy is working. That is why we have an Auditor General. Everyone should have a ideological position on the concept of privatisation. It is not something we should shy away from. Whether we agree or not with privatisation, we should support the tenor of this motion because every one of us should be able to demonstrate whether the ideology is supported in practice. If I were a supporter of privatisation, which I am definitely not -

Hon Derrick Tomlinson: You are an agrarian socialist.

Hon KIM CHANCE: I do not shy away from that, although I might have some debate with some expressions of agrarian socialism. Although I am not a supporter of privatisation, I believe that if I were, I would want to be able to demonstrate that what I was proposing - indeed what the Minister for Transport is implementing - was working. Everyone should know. All too often we have not had that opportunity which has been provided by the Auditor General's report. Although I may be in some dispute with the methodology he has used, it is open and transparent for every one of us to look at and debate, if we wish, in Parliament. As I said earlier, I have a very high regard for the Auditor General and his role. I am sorry that the Minister for Transport has had to attend an urgent and very important conference of Ministers for Transport in New Zealand. I am sure he will not mind my making these comments, particularly as some of them are complimentary. With the Midland railway workshops the Government has not delivered the kind of transparency and, might I add, integrity, which is displayed in this document. We were told that the Midland Workshops were losing around \$20m a year. I forget the precise figure.

Hon Derrick Tomlinson: You were told there was a notional loss, which is different from a loss.

Hon KIM CHANCE: Was the figure roughly accurate?

Hon Derrick Tomlinson: It was a calculated loss.

Hon KIM CHANCE: I thank Hon Derrick Tomlinson for his assistance in that interjection because it raises a very important point.

Hon Derrick Tomlinson: The notional losses were calculated by your Government.

Hon KIM CHANCE: That is interesting. Hon Derrick Tomlinson informs us that the notional or - I prefer the other term Hon Derrick Tomlinson used - calculated loss was calculated by the former Government. I do not know whether that is accurate. After giving what seemed to me to be an iron clad promise prior to the election that the Midland Workshops would not be closed, the Government decided within weeks of the election to shut them down on the basis of the loss which Hon Derrick Tomlinson said was calculated by the former Government and, therefore, a fact which must have been known when the promise was made.

Hon Derrick Tomlinson: The decision was made after the Government learnt of the actions of the previous Minister.

Hon KIM CHANCE: Are you saying that the notional loss was not known?

Hon Derrick Tomlinson: It was known to the previous Government and decisions were made by the previous Minister. When the incoming Government learnt of those decisions, it acted along the lines the previous Government was moving towards.

Hon Bob Thomas: That is not true.

Hon Derrick Tomlinson: It is true.

The PRESIDENT: If Hon Derrick Tomlinson and Hon Bob Thomas want to dispute whether something is fact or fiction, they can go outside because Hon Kim Chance has the floor.

Hon KIM CHANCE: Thank you, Mr President. In spite of the unruliness of the interjections from Hon Derrick Tomlinson, I am nonetheless grateful for his assistance, although his statement was strongly denied by my colleague, Hon Bob Thomas. Hon Derrick Tomlinson suggested that the former Labor Government had made a decision to close down the Midland Workshops. However, I believe Hon Bob Thomas is right because I have inquired into the matter. My recollection of that occasion is that the then Labor Minister for Transport had been presented with some facts certainly but had refused to act on the recommendations which arose from those facts and which were presented to her. For Hon Derrick Tomlinson to say that it is a decision which the Labor Government would have made in any case is at once presumptive and very likely inaccurate.

Hon Bob Thomas: It covers up the fact that they were taken in. They gave everything that the claim wanted, when really they were looking for a reduction in staff.

Hon KIM CHANCE: My point does not depend on a resolution to that dichotomy. My point is that there was a calculation which indicated a potential loss of \$20m. My concern, and every member of this place should share that concern, is that we were never able to see that calculation. If a calculation showing a notional loss was available to the former Labor Government and to the incoming coalition Government why did we never have the opportunity to see it? We asked repeatedly in this place to be able to see how that calculation was made. It must have been a clear calculation. It must have been overpowering in its nature to make the Government take a position, within weeks of being elected, which was diametrically opposed to what it had promised it would not do. If it was so clear and overpowering in its nature why could the rest of us not see it? To this day we have never seen it.

Hon Max Evans: If you have blinkers on you cannot see anything.

Hon KIM CHANCE: We cannot see something which is not before us. We asked the Government to put the calculation before us so we could all look at it.

Hon Ken Travers: Open and honest government!

Hon KIM CHANCE: I am sorry that the Attorney General has also been called away urgently, because there is a matter I would like him to hear given my differences with him on the meaning of the word accountability. The question of what happened at the Midland railway workshops is vital. It is an asset owned by the people of Western Australia. The Government made a decision to devolve the function of that asset - the asset has remained unused since it was closed - to the private sector, and principally to two private sector companies. We are the owners of that facility and function as well as the Government. The Government was handling and disposing of something that

belonged to every one of us inside and outside of this place. The very least we should know is why the decision was made. We need to know what the justification was. Even more important than that, we should be able to know the outcome of the decision that was taken. We have never been able to see that. Every Western Australian is entitled to know that.

Hon Max Evans: The outcome is that they are making a profit.

Hon KIM CHANCE: We do not know that.

Hon Max Evans: Read the annual report.

Hon KIM CHANCE: I put a question to the then CEO of Westrail, Mr Ross Drabble, in a private conversation; however, I am sure he would not mind my repeating the private conversation. About two years into the process of devolution of maintenance of locomotives and rolling stock I asked Ross Drabble what was the outcome of devolution to the private sector, whether he thought Westrail was better or worse off. He said, "We are better off, Kim." I asked him by what degree. He said, "We really do not know." It was a private conversation and I had asked him to answer what might have been a difficult question off the top of his head. He said, "We really do not know. We think it is of the order of \$10m to \$15m." I followed that through. I know my colleague Hon Bob Thomas has taken an even greater interest in this matter than I have.

I have tried to identify those areas in which Westrail and Western Australia are demonstrably better or worse off as a result of the devolution of those former functions of the Midland railway workshops. I cannot find the answer either. I have gone through Westrail's annual reports and the figures which are presented to the Parliament, and I cannot work it out, not when I look at the figures provided for services and contracts in those areas which are covered by Gemco and A. Goninan and Co Ltd.

Hon Simon O'Brien: If Drabble and others are saying they think we are better off and your question is whether they can quantify it, perhaps that means we are infinitely better off?

Hon KIM CHANCE: It could be, and it is in the member's interests to know how much if he is a supporter of privatisation. When I have looked at the apparent outcomes of the costs of the services and contracts for those functions I get the overwhelming impression that the costs are higher than they were. I do not know how Ross Drabble, in attempting to answer the question that I put to him informally, or any of us are expected to be able to make a quantified and qualified decision on the level of savings - if they exist - or give even a ballpark figure on whether we are better off. Mr Drabble said he felt we were better off but found it difficult to quantify. I now know why he found it so difficult, because whenever I gone into those figures I have been unable to find the answer. I did not want to get into the details of Midland railway workshop.

Hon Max Evans: I bet you do not.

Hon KIM CHANCE: It was a means to illustrate what I think we should be delivering if we intend to continue in the privatisation area. The hospital laundry and linen service is a much simpler and less sophisticated operation than the Midland railway workshops, yet I have never seen reliable and verifiable figures which show that Western Australia is better off as a result of the privatisation of the hospital laundry and linen service than it was when we maintained that service as a public sector function. It may be that it is. It is not in the Government's interests and not in the Opposition's interests not to be able to quantify whether it is or is not and, if it is, by what standard of judgment it is.

Hon Cheryl Davenport told me that the New South Wales Health Commission has repurchased the Hunter Valley linen service. After eight years' experience with privatisation of the hospital laundry and linen service in the Hunter Valley it has been repurchased by the State. There are two reasons it would have done that: Either the New South Wales Government, a Labor Government, is so ideologically hidebound that it wanted to return it to the public sector for its own ideological reasons; or privatisation did not work and the work was done better by the public sector. Those of us with any knowledge and experience of the New South Wales Government and the NSW right of the Australian Labor Party know that it is not ideologically hidebound. They comprise very practical and pragmatic men and women. It is unthinkable that the Carr Government would have made a decision based on ideology in an area such as that. The decision was made, and any level of logic will support this, because the privatisation of that laundry and linen service did not work.

Hon Simon O'Brien: Were they able to identify the additional costs in this case as opposed to the savings?

Hon KIM CHANCE: It is an interesting question. I do not know the answer because I have only just been informed that it has taken place. I imagine the Government would not have been able to sell a proposition such as that politically without being able to demonstrate that it would be advantageous to New South Wales taxpayers. That is only my opinion, but it would certainly be very difficult to sell a proposition to resocialise an industry that had been

privatised without being able to demonstrate clearly the reason for doing it and to show that returning it to the Public Service was a sustainable and viable proposition.

Hon Simon O'Brien: It goes back to the point of quantifying the extent of saving or additional cost, so it would be interesting to find out whether they could say it cost, for example, \$1m extra so it was a failure and they decided to buy it back.

Hon KIM CHANCE: That is exactly my point.

Hon Simon O'Brien: I suspect it might be more a case of somebody deciding that they did not like it and it was not working. If you asked how much it had cost, they would have the same problem that Ross Drabble had.

Hon KIM CHANCE: I cannot answer that question because I have only just become aware of the action taken. I will be interested to find out the facts and the reasons behind it. Working on the basis of reasonable probability and the history of the Carr Government, which is a very pragmatic Government that has had to make some very tough decisions -

Hon Max Evans: Those who privatised electricity do not agree with them.

Hon KIM CHANCE: That is an indication of the pragmatic nature of the Carr Government. It has had to make tough decisions on similar issues. It was put in a position at the beginning of its term of having to go back on a cast iron promise to abolish the toll fees on tollways, particularly on the Western Freeway. It was an extremely unpopular decision but the Government felt it was necessary once it became aware of the financial position of the State. The Carr Government had the courage to make that decision but it did not do it any good politically. However, it had the responsibility of running the finances of New South Wales as best it could.

I hope this issue of the Hunter Valley laundry and linen service can be brought to the House at a later time. It is an example of the outcome of a proper transparency process within the question of privatisation. If it is the outcome I have suggested, it is certainly one we need to look at and learn from.

I will now raise the question involving accountability and the Attorney General. From time to time the Attorney General and I have expressed different points of view on accountability and the meaning of the word. This motion has a great deal to do with what I call accountability, and my understanding of the word is somewhat different from that of the Attorney General's. I do not suggest that his is not a legitimate understanding and perhaps legally more accurate, but in their use of the English language, particularly where words encompass a wide range of meanings, people tend to ascribe their own values to individual words and sometimes those values are different. The Attorney's version is that at the end of the line the buck stops somewhere, it is clearly identified and responsibility falls at that level. That is an entirely legitimate meaning. The Attorney and I have had a difference of opinion because I ascribe another value to the word "accountability" which perhaps more accurately is described by the word "transparency".

This motion is about transparency. It is about those issues I have been through: The need to observe and monitor the function of a private service, the ability to observe and scrutinise the reasons used to justify the privatisation or other devolution of a public service to the private sector, and the ongoing oversight of the integrity of the process. That issue has been debated in this place before but in this debate Hon Ljiljanna Ravlich did not go into it in great detail. There are integrity issues involved in privatisation and they are best encapsulated by referring to section 9 of the Public Sector Management Act. That section deals with the requirement for members of the Public Service to behave with integrity and their interaction with both the public and other members of the Public Service. This highly desirable code of conduct is included in the Public Sector Management Act to cover persons carrying out a function on behalf of the public in the service of the public. However, when a particular public function is devolved to the private sector, none of the section 9 responsibilities are applied to any provider of the service once it is a privately provided service.

I have complained about this in the past and the Attorney General has said it is not necessary for these responsibilities to be transferred because these matters are specified in the contract. We all know from experience that these contracts do not contain any guarantee that it will be done. Repeatedly we hear complaints about the conduct of persons from the private sector providing services that were once public sector services. These complaints indicate that had those persons been members of the Public Service they would have been in breach of the Public Sector Management Act. This issue needs to be looked at closely. I have run out of time, but the question of integrity is incredibly important.

HON BOB THOMAS (South West) [11.49 am]: I am glad Hon Ljiljanna Ravlich has given members the opportunity to comment on some of the issues involved in contracting out and privatisation of government services in Western Australia. I represent a country electorate and the adverse effect of privatisation has been far worse in rural areas than in the metropolitan area.

Hon Ljiljanna Ravlich raised a number of important issues which need to be debated. However, I want firstly to clarify a matter that was raised by Hon Kim Chance about the Midland Workshops. Hon Derrick Tomlinson indicated by interjection that the decision to close the Midland Workshops was one that the Labor Party was moving towards when it was in government in 1992. I categorically deny that.

Hon Derrick Tomlinson: You cannot deny that because you were not privy to the information that the Minister had.

Hon N.D. Griffiths: Hon Derrick Tomlinson has a bad record on this issue.

Hon BOB THOMAS: I deny that for the simple reason that I was a member of the transport subcommittee of Caucus, and we dealt with that issue at length over a number of meetings. I will outline some of the history of the Midland Workshops. During our term of government, we made several major changes at the workshops to improve the efficiency of the operation, because we were cognisant of the fact that it was making a loss. One of the reasons that it was making a loss and was seen to be inefficient was that it had a number of specific shops - the metal shop, the canvas shop and the carpentry shop - and each job that came into the workshops had to go through each of those shops, which was autonomous. No person at the Midland Workshops had direct control over a job, and no time frame was applied to when a job had to be completed in one shop and be moved to the next shop. Therefore, a job that required multidiscipline work could take months to move through the workshops. The other problem was that an extraordinary amount of capital was tied up in spare parts, so the workshops had the opportunity cost of interest on inventory.

Therefore, in about 1990, the Labor Government moved to a line management system where one person was made responsible for a job throughout the whole process. That was one of the reforms that had been proposed by Mr Henshaw, who had come from Goninan Ltd, when he took over as manager of the Midland Workshops, and it improved productivity at the workshops immeasurably. The then Government also changed the inventory system at the workshops by moving to what is known as a just in time system, where it did not have large stocks of inventory.

Hon Max Evans: Eric Charlton was just in time to close it down. That is what he did.

Hon BOB THOMAS: That is not very funny.

Hon Max Evans: That is not supposed to be funny. It is a fact.

Hon BOB THOMAS: Another problem was that the nature of the rolling stock in Western Australia had changed because the nature of rail transport had changed. The majority of the freight that Westrail was carrying was bulk commodities, because its general cargo was in most cases more appropriately carried by road because people demanded those goods more quickly than could be delivered by rail. The large unit trains that were being used to transport those bulk commodities, which had bottom door loading and other efficient loading mechanisms, tended to be made of metal, whereas the rolling stock carriages that had been used in the past tended to be made of timber and canvas. The Midland Workshops still had carpentry and canvas workshops even though the majority of its rolling stock comprised metal carriages.

The transport subcommittee of Caucus was addressed by a number of people from the Midland Workshops, and I recall that some very well organised chaps from the fibreglass workshops explained to us that they were contracting for jobs outside Westrail and were generating all of this work. However, as Mr Henshaw pointed out, it was costing \$40 an hour to have those blokes work there but they were charging \$20 an hour. We went through those issues.

We also were made aware that Mr Henshaw had told the then Minister, Pam Beggs, that he wanted to significantly reduce the staff by another 500, and the Minister had told him that the Government had made all the reforms that it wanted to make and it was his job to make them work. At no stage did the Minister indicate to Mr Henshaw or anyone else who was suggesting that the Midland Workshops should be closed that she was considering closing the workshops. In fact, she said to Mr Henshaw, "We have made the reforms and we have made the process more efficient. Your job is to make it work." One of the reasons that we would never have closed the Midland Workshops is that we place great emphasis on training. We believe that the State Government has a responsibility for trade training in this State. The Midland Workshops has trained thousands of apprentices over the years.

Hon Derrick Tomlinson: And of a very high standard.

Hon BOB THOMAS: Yes. Members would be surprised at the number of people in public life who commenced their careers as apprentices at the Midland Workshops. I categorically deny that at any stage our Government was considering closing the Midland Workshops. We believed that we had a community service obligation to provide that training. Members must remember that Western Australia, like Australia, was only just coming out of the 1991 recession, which was experienced worldwide, and during that time one of the trends that we noticed in Western Australia was that because private enterprise did not have the ability to undertake apprenticeship training, the number of apprentices declined. Why on earth would our Government have adopted a policy which would have led to a

significant reduction in the number of apprentices being trained in this State, when private enterprise was finding it extremely difficult to train the number of apprentices that it had trained in the past? The Midland Workshops were closed because Mr Henshaw outlined his problems to the new Minister, Hon Eric Charlton, and said that the workshops should be closed. That was an ambit claim by Mr Henshaw, and because of the dogmatic ideology to which the Minister adheres he agreed. However, all Mr Henshaw wanted to do was to reduce the numbers by another 500.

Debate adjourned, pursuant to standing orders.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on Road Traffic (Amendment to Fees) Regulations 1997 - Consideration in Committee

Resumed from 23 October. The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon J.A. SCOTT: I am concerned about the failure of the Department of Transport to come to terms with its responsibility in regard to the making of regulations and its obvious contempt for a committee of this Parliament and rulings made by this House. The report states that the Delegated Legislation Committee is concerned that the department continues to render the increased fees - the licence fees which were disallowed by this House. If departments introduce regulations which result in a tax on the general public, without supporting legislation, and this House passes a disallowance motion, the regulations are then defeated. If a department continues to charge the tax, it is a sign of contempt by the department for this place. I am concerned about that, because if our committee system is to function properly, committees must receive respect and support from the Executive. If there is a real conflict between the Executive and the committees, that conflict should be debated widely in this place. If debate results in a decision by the House - as happened with the disallowance motion - the department should abide by that decision. Unfortunately in this case, as on other occasions, the Department of Transport has failed to fulfil its responsibility.

The report supports the introduction of legislative measures to address any problems. When the report was written, changes were supposed to be made to the principal Act controlling road traffic fees. However, I believe that matter has been addressed through the Interpretations Act. I cannot enter debate on that subject at this stage. However, I have some concern which I will express later. It is very important that our committees function properly, but if they do not receive respect from the Executive that will not happen. Members should read carefully these reports because they point to problems in the system. The reports contain information which members can use when considering measures to be undertaken to repair any existing problems. These reports are very valuable.

Question put and passed.

SELECT COMMITTEE OF PRIVILEGE

Report on Public Administration Committee - Consideration in Committee

On motion by Hon N.D. Griffiths, resolved -

That the report be noted.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on Occupational Safety and Health Amendment Regulations (No 2) 1977 - Consideration in Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon N.D. GRIFFITHS: I move -

That the report be noted.

I wish to make some observations with respect to the contents of the report and the circumstances which gave rise to the Delegated Legislation Committee considering the issue. The report deals with the Occupational Safety and Health Amendment Regulations (No 2) 1977, which received a lot of publicity. As a result of publicity given to comments made by members of the Executive, the people of Western Australia were given the impression that these regulations were part of some very effective anti-smoking crusade. They are nothing of the kind, as disclosed by any reasonable reading of the regulations.

The publicity was sought and obtained because the Minister for Labour Relations was trying to distract the people of Western Australia from the Premier's difficulties with his funding of the Global Dance Foundation. It was an exercise in smoke and mirrors. However, the regulations have an effect which should be examined. The regulations were considered by the Joint Standing Committee on Delegated Legislation because a petition presented in this House was referred to the body after consideration by the Standing Committee on Constitutional Affairs and Statute

Revision. Members will note the terms of reference of the Delegated Legislation Committee. The petition which initiated the process requested that the regulations be withdrawn on the basis that they attacked the right of citizens to smoke in public places. It was asserted that it was an attack on freedom and democratic rights. This is what happens when Ministers engage in public relation enterprises for inappropriate purposes, but I suppose that is part of politics.

Hon Tom Helm: With that Minister it is anyway.

Hon N.D. GRIFFITHS: It is typical of the Minister and his colleagues. We should not be too exclusive.

Hon Tom Helm: He is a one-off.

Hon N.D. GRIFFITHS: The Minister for Labour Relations is not a favourite among some parts of the community. The Delegated Legislation Committee has a role to consider and report on any regulations, as its terms of reference put it, which "unduly trespass on established rights, freedoms and liberties". The committee considered the regulations in that context. The committee considered what the regulation did, as distinct from what people said it might do. The second paragraph of the report reads -

. . . the Regulations only prohibit employers, employees and self-employed persons from smoking in enclosed workplaces. There is nothing prohibiting members of the public from smoking in an enclosed workplace.

Members of the committee further noted -

The other point of significance is that the regulations make provision for areas to be set aside for smoking though an employer cannot **require** an employee to work in such an area when someone is smoking. There is nothing preventing an employee from volunteering or accepting a request to work in a smoking area.

Hon Max Evans: Some employers smoke, as we know.

Hon N.D. GRIFFITHS: The petition was concerned about the "alleged right" to smoke. Members of the Delegated Legislation Committee - I do not venture into its deliberation, and I trust that members will accept my proposition - chose their language carefully in referring to the "alleged right" to smoke in a public place. If a balance is sought, it is the between an individual's right -

Hon Max Evans: How many smokers and non-smokers were on the committee to make a value judgment?

Hon N.D. GRIFFITHS: With respect to that very pertinent interjection from the Minister for Finance - perhaps the most pertinent he has given -

Hon Max Evans: I was referring to Hon Kim Chance.

Hon N.D. GRIFFITHS: I am grateful for the interjection. I just do not weigh up numbers in this or other situations. I have no idea whether there were more smokers than non-smokers, or any smokers at all, on the committee. I am the wrong person to ask as I do not go around counting numbers.

Hon Derrick Tomlinson: Tell that to the shop assistants' union!

Several members interjected.

The CHAIRMAN: Order! Member are becoming rowdy.

Hon N.D. GRIFFITHS: Hon Kim Chance briefly interjected that I am not a member of the New South Wales right. I happen to be in Western Australia; otherwise, I would be a member of that faction!

Hon Derrick Tomlinson: It is a dangerous part of the Labor Party.

Hon N.D. GRIFFITHS: The committee report points out that nothing prevents members of the public, who are not employees, employers or self-employed persons in that place, from smoking in that workplace; therefore, members of the public are generally unaffected by the regulation. It is noted that this question of balance arises regarding whether the objectives of the regulations to protect workers from exposure to environmental tobacco smoke are achieved. It is open to question. We are dealing only with the question of the alleged right to smoke in a public place. The committee resolved not to take the matter further.

Hon B.K. DONALDSON: I was intrigued by the report, page 1 of which reads -

It is noteworthy that the Regulations only prohibit employers, employees and self-employed persons from smoking in enclosed workplaces.

I draw an example to flesh out this issue. I am a farmer and, as a self-employed person, am I prohibited from having a cigarette on my own in my workshop?

Hon Simon O'Brien: The answer is yes.

Hon N.D. Griffiths: It is a good question, which the committee has answered for you.

Hon B.K. DONALDSON: I am pleased that Hon Nick Griffiths, as a lawyer, has considered the issue.

Hon N.D. Griffiths: It is a very proper question. I suppose that one, in such cases, is moving into the area of whether the regulations infringe on established rights, freedoms and liberties. It is an interesting question.

Hon Kim Chance: You're not allowed to injure yourself in your workplace either.

Hon B.K. DONALDSON: I know. Is it possible for me to be prosecuted?

Hon Kim Chance: Technically, you would be.

Hon B.K. DONALDSON: A member of the public, say, my next door neighbour, may come into my workshop, in which I may not smoke as I am self-employed. Can my neighbour say, "Hang on; I have read the regulations and nothing prevents members of the public from smoking in enclosed workplaces, so I will smoke"? It may sound like a ridiculous question, but it is an important issue.

Hon N.D. Griffiths: You have raised a good point. They are silly regulations brought in by a silly Administration.

Hon B.K. DONALDSON: I am pleased the Delegated Legislation Committee has put this in writing so we can understand it.

Hon N.D. Griffiths: It is not a lengthy document. It is meant for members to enable them to look at what is going on in our community.

Hon B.K. DONALDSON: I am pleased the committee has done this. Another point of significance is that regulations make provision for areas to be set aside for smoking. Although an employer cannot require an employee to work in an area where someone is smoking, there is nothing preventing an employee from volunteering or accepting a request to work in a smoking area, which has great relevance for the Burswood Casino. I could be a self-employed person operating as the sole trader. I would like clarification of that. Perhaps someone can explain to me the information that has been provided to the Delegated Legislation Committee.

Hon SIMON O'BRIEN: I am a member of the Joint Standing Committee on Delegated Legislation and as such I support this report. I will bring to the attention of the Chamber a couple of aspects of these regulations that the Chamber must mull over with the community. For all we know, there may be a requirement in the future for members to revisit these regulations and the impact they have on the community.

As a private member I considered moving to disallow these regulations for reasons I will come to in a moment. I refrained from moving to disallow the regulations on the following bases. First, there is a need, which has been pointed out by the Minister with reference to a number of court cases, to provide protection for employees in the workplace from the effects of passive smoke. These regulations attempt in part to do that. Second, when one moves to disallow regulations, one must disallow the whole set of regulations. A legal doubt hangs over the selective disallowance of regulations within regulations. That makes it difficult to disallow individual parts of a set of regulations without disallowing the lot; that is, throwing the baby out with the bath water. On a number of occasions - quite recently in one of its reports - the committee has reported on the nature of amending regulations when they come to this place as notice. It is easier to disallow a regulation, because either Chamber can disallow a regulation, whereas amending a regulation involves a process similar to the passage of a Bill: It must be debated and receive the assent of both Chambers for that to occur.

Hon N.D. Griffiths: It is a question of resources to get the wording right. The Government has almost infinite resources. Currently it takes forever to do things. It is able to tap into great resources and to obtain advice from a bevy of lawyers and use many public servants and consultants; whereas although our staff do a magnificent job, our resources are limited.

Hon SIMON O'BRIEN: That is true. The resources of the Delegated Legislation Committee are finite. The other factor that restricts that committee is its terms of reference. Obviously a private member has the opportunity to raise objections on any criterion - of personal bias or whatever - whereas the committee has its own areas it must look after. I will address as a private member some concern I have. I want members to remember this, because I think there will be trouble down the track over some of these regulations. Regulation 3.44B.(1) states -

A person who, at an enclosed workplace, is an employer, a self-employed person -

That is what I want to concentrate on -

- or an employee must not smoke in the enclosed workplace.

A penalty up to \$5 000 is prescribed for that. Hon Bruce Donaldson raised the situation of individuals working from a home office - that is, in a room set aside in their home for business purposes - without anyone else necessarily being there, or from a home workshop. That could apply to a range of occupations. Hon Bruce Donaldson mentioned a farmer, if the shed fitted the definition of an enclosed workplace, or a tradesperson working in a workshop at the back of his house. It might apply to a person doing contract work in the living room of his home.

Hon Kim Chance: Or an owner-driver in his truck.

Hon SIMON O'BRIEN: Yes. The question arises whether that person is committing an offence if he then smokes in that room. The answer is yes. After the date for disallowance passed I received written communication from the Minister's office saying that is the case, but that it should be easy for a person in that situation to simply move away from his enclosed work space to another part of the home to smoke. That is outrageous. The author of that letter was serious in saying that people must move from their office, workshop or shed to have a fag when having a breather - no pun intended - from work. I was angry when I received that letter because it is insulting to the intelligence to say glibly that this is the situation, without acknowledging the intent of my earlier communication that sought advice on the legal situation, because a ridiculous state of affairs could arise.

The answer in everyone's mind will be: "It is your house; have a smoke there if you want to." Of course that is what people will do: They will have a smoke in their farm shed or home workshop if they see fit. However, the point is that by doing that they will be breaking the law. This will cause trouble in the future.

Hon N.D. Griffiths: It is your Government. What will it do about it? It is the author.

Hon SIMON O'BRIEN: I have only two minutes left.

Hon Ken Travers: Tell us in the two minutes what the Government will do.

Hon SIMON O'BRIEN: I am trying to offer constructive advice to the Chamber. I would like the opportunity to do so. Normally I enjoy taking interjections, but with limited time available within which to speak, they are not helpful on this occasion.

Hon N.D. Griffiths: You can jump up again.

Hon SIMON O'BRIEN: I may have to do that. Regulation 3.44E(1) states -

A person who, at a workplace which is enclosed, -

That could include the front bar of a hotel -

- is an employer must ensure that no employee is required to work in a designated smoking area when a person is smoking in that area.

One can conceive a number of situations where the intent or otherwise of the people who drafted this legislation could differ greatly from reality. From the correspondence I have received from the Minister, I seriously suspect that nobody cares about these people who may be affected in the ways I have outlined. That is appalling and I will take some further constructive action with the Government to seek to finetune some of these regulations, because I feel they need it.

Hon M.J. CRIDDLE: I wish to touch on this matter from the point of view of a shearing shed. It contravenes the way the shearing industry operates. We must remember that these people are the raw and rough side of the agricultural area.

Hon Kim Chance: The aristocrats of the working class.

Hon M.J. CRIDDLE: Absolutely.

Hon Ken Travers: Greg Smith questions things like that all the time.

Hon M.J. CRIDDLE: This situation is self-explanatory. We should not impose this regulation on people who work in a shearing shed. It cannot work. We have a problem with many of these regulations because it is very difficult to enforce them on farms. In many cases, all that is needed is a code of practice or a set of guidelines setting out the direction in which they should be heading. When we start getting down to cast iron regulations, it makes the whole thing unworkable; it makes people uncomfortable and irritable. It just turns people off. I am just using the shearing shed as an example of a situation where this regulation would be unworkable.

Hon J.A. Scott interjected.

Hon M.J. CRIDDLE: I think Hon Jim Scott is drawing a very long bow when he talks about shearers and lung cancer. These people exercise regularly, as he well knows.

Hon Tom Helm: In the same way riggers exercise.

Hon M.J. CRIDDLE: Of course; they work very hard. We cannot take away the right of these people to live as they want to. We are impinging upon their rights to carry out their work in the way they are used to doing it.

Hon Ken Travers: Regulations on shearing sheds are a little like the silly regulations about speeding on country roads.

Hon M.J. CRIDDLE: Absolutely. This regulation will be difficult to police in shearing sheds and a whole raft of workplaces in the area I come from.

Hon Simon O'Brien: You can send an inspector into the shearing shed.

Hon M.J. CRIDDLE: I know some people from unions have gone into shearing sheds when they have not been wanted and have met with some very terse remarks. They have been told where they should go!

Hon Tom Helm: They are welcomed back now.

Hon M.J. CRIDDLE: To get back to the point, this regulation will impinge on the right of people to live in the way they are accustomed. I think we should come up with a code of practice in many of these situations.

Question put and passed.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report on Confidentiality and Accountability - Consideration in Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon DERRICK TOMLINSON: I move -

That the report be noted.

I will comment briefly on two matters. First, I draw the Committee's attention to the first phrase in the title of the report; that is, confidentiality and accountability. Under its terms of reference the joint standing committee is charged with monitoring and reviewing the performance and functions of the Anti-Corruption Commission. At the same time, the Act imposes strictures upon the divulging of information. The result is that there is a tension between the requirement of the joint standing committee to inquire into and report upon the actions of the Anti-Corruption Commission and the strictures upon the commission for divulging information. We saw that tension as a very real problem in our reporting to the Parliament on the work of the Anti-Corruption Commission, particularly since section 52(8) of the Act imposes upon anybody who receives information the same constraints as are placed on those who received information as employees or officers of the Anti-Corruption Commission; that is, to divulge that information entails a penalty of \$8 000 or imprisonment for two years. When the committee met with the Standing Committee on the Criminal Justice Commission in Queensland, the Joint Standing Committee on the Independent Commission Against Corruption in New South Wales and the Joint Standing Committee on the National Crime Authority in Canberra, we found that each of those committees had experienced in one way or another similar problems as this committee had. This report details the powers of each of those committees and indicates how they have found the conflict between accountability and confidentiality problematic, and the measures they have taken to overcome them. The committee presents its report to the Chamber for its information. We have made no recommendations for action, but it is a matter which we have under consideration.

Secondly, I will report on one of the public reasons for presenting this report in Parliament; that is, for the transparency - I love that word - of the actions of members of Parliament. Too often it is a criticism of members of Parliament when they travel on fact-finding missions that they are taking a junket - I think that is the term, and I use the word advisedly - at taxpayers' expense. Therefore, in my opinion and in the opinion of the committee, it is necessary to report fully on the work that is done, the information that is gleaned and the places visited in these fact-finding missions. People who read this report will understand that in the time the committee was travelling in Queensland, New South Wales, Victoria and the Australian Capital Territory, the members worked diligently and I compliment them on the work they did. The committee gathered information which will be very useful in directing the future work of this joint standing committee. I commend the report to the House.

Question put and passed.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION*Report on Supreme Court Amendment Rules (No 2) 1997 - Consideration in Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon N.D. GRIFFITHS: I move -

That the report be noted.

This report deals with the Supreme Court Amendment Rules (No 2) of 1997. It has been presented by the Delegated Legislation Committee because those rules are within the period that they can be disallowed. I do not propose to go into the detail of the report because it is a matter which, more likely than not, will be the subject of debate in the very near future.

I refer the Committee to the Notice Paper, where Order of the Day No 4 is a disallowance motion with respect to the Supreme Court Amendment Rules (No 2) 1997. The report seeks to set out the arguments in general terms. It seeks to be objective and it has, as part of it, the particular rules. I trust that when consideration is given to Order of the Day No 4, if it comes on for debate, the members of the Committee will make themselves conversant with what is set out in the report.

The purpose of the report is to facilitate debate and to enable members to be informed, and their respective party rooms to be informed, in reaching a view about how to proceed on Order of the Day No 4. I could go through it in some detail and that would not contravene standing orders in relation to Order of the Day No 4 because this matters comes before us.

The circumstances of how the rules were made are dealt with in the report and the competing arguments are set out under the general headings "User Pays" and "Access to Justice". There seems to be a pattern on the part of the current Executive; that is, it raises taxes from the general community but, in addition, if people want to use a government service of any kind, they must pay through the nose. People are paying twice for public education, to visit national parks and for all sorts of government activities. It is part and parcel of the way things are for those in our community who are provided for by this Government; that is, those who can afford to pay their fair share are getting out of paying their fair share in taxes and everything is being put on the ordinary person.

I will not go into the specifics of this set of rules because I trust it will be considered by all parties represented in this Chamber and when they have given it due consideration they will make a decision about whether, in all the circumstances, these rules should be disallowed.

However, I foreshadow that the Delegated Legislation Committee's report brings to this Committee matters of great concern. At page 1 it points out that the rules increase the fees payable for commencing proceedings from \$265 to \$500. This is great access to justice stuff! This is what makes the Supreme Court and the District Court very friendly towards the ordinary people! It is all right for the princes of commerce, whom members opposite wish to accommodate. It hardly makes life easy for ordinary people who want a bit of justice.

Hon Max Evans: Lawyers make more out of the Supreme Court than they do out of fees.

Several members interjected.

The CHAIRMAN: Order, the prince of commerce!

Hon N.D. GRIFFITHS: I want members of this Committee to read this report carefully and in doing so give consideration to how the imposition of fees affects ordinary people. Often the gaps in access to justice are filled by lawyers who take on cases - if they win, they get paid; if they do not, the clients cannot afford to pay so the fee note is written off. In carrying out that role on behalf of the clients, often lawyers pay disbursements out of their own pocket. This makes the hurdle higher and will mean that lawyers will be more reluctant to run cases on behalf of impecunious clients. This may have a healthy effect on the waiting lists of the Supreme and District Courts, because those who are not wealthy will have even less access to them.

One of the other examples of the fee increases that the Delegated Legislation Committee found particularly noteworthy - it is not a judgmental report by the committee; it puts forward the competing philosophies - is where the amount claimed in the bill of costs is \$2 000 or more; the fee has been increased from 2.5 per cent to 7.5 per cent of the amount at which the bill is drawn. That is a significant increase.

The committee dealt with a number of questions relevant to how these matters are weighed up. It noted that consultation occurred between the Auditor General's Office and the Supreme Court and how these matters were arrived at. Treasury's involvement is noted - we know who is the real guilty party, if there is one. The member for

Nedlands had an involvement here; perhaps also the Minister for Finance, but I will not have a go at him because he makes such lovely interjections from time to time. I suppose he does not need to be asked because everybody knows what he will say - "Make them pay more." I will not have a go at the Minister for Finance because he is a gentleman in these matters and very consistent.

The Delegated Legislation Committee points out to this Committee that a number of factors must be considered. They are raised in the by-play between the Supreme Court and the Auditor General. I draw the Committee's attention to that: First, the subcategorisation of criminal and civil matters in the District and Supreme Courts, whether matters can be profiled in particular ways and whether higher court fees encourage speedier and alternative methods of dispute resolution. Some might say this idea of alternative dispute resolution is part and parcel of taking mainstream matters away from the courts in a number of instances; there is also that aspect, although not in every case. Many methods of alternative dispute resolution are worthwhile. However, to sideline ordinary Australians from the court system, to which they contribute to enable commerce to function, is a very bad thing as a matter of policy.

The question of what is happening in other Australian jurisdictions is something to bear in mind. If the rest of Australia gets it wrong, does Western Australia have to follow suit? Members should take that into account. I know in that context the jurisdictions in other States are also making Australians pay through the nose. Western Australia may find it has a competitive advantage if its courts are more accessible. Of course, this is not about making courts accessible to ordinary people. Those people who file the writs on behalf of their company and pass the money across the counter at the central office of the Supreme Court are not using their money, but their shareholders' money. Companies pay a lower rate of tax and, in any event, it is tax deductible. The tax system is all right for them, but for the ordinary person in the community, as it is currently governed, it is not that considerate.

The question of the capacity to pay was put in these terms -

Should a person's ability to pay be a factor in the setting of fees? To what extent would say a 20% increase in fees detrimentally affect a person's capacity to access justice? Would such an increase be material in terms of a litigants total legal costs? Would it influence a litigants decision to bring a matter to trial?

Those questions go to the heart of the conduct of proceedings.

The question of commercial disputes with respect to other disputes and fees to be raised is also mentioned in the report. This is not a report that gives answers, but it sets out alternatives.

The report seeks to set out the issues and better inform members to assist them in a debate which might occur before the House rises for the forthcoming festive season. I note that Hon Simon O'Brien wishes to make some observations.

Hon SIMON O'BRIEN: I thank Hon Nick Griffiths for giving me the opportunity before the lunch adjournment to make a few brief comments. I support his presentation to the Committee to the extent that he drew the attention of members to this report which relates to an issue that is the subject of a disallowance motion. Therefore, this report should be of value to all members. The Delegated Legislation Committee is seeking to provide members with reports on matters which are likely to come before the Chamber so that they have the benefit of the committee's deliberations when they consider what might be fairly weighty and complex matters, as is this issue.

Hon Nick Griffiths touched on a few matters and came close to giving members a dress rehearsal of some of the matters of philosophy that may arise in the debate. I do not intend to go down that path. I draw the attention of members to part 4 of the report, which deals with whether the committee considers there was an undue trespass on established rights. It is an issue which must be examined by members. Hon Nick Griffiths led members through the rest of the report and pointed out that at face value there appeared to be some dramatic fee increases and they are the sorts of increases that are bound to catch a member's eye. We will debate that fully on another occasion.

Hon N.D. Griffiths: I sat down to let you do that.

Hon SIMON O'BRIEN: I shall not take up that opportunity.

The report reads -

In examining whether the Amendment Rules unduly trespass on established rights the Committee noted the judgment was determined by those associated with the process.

I ask members to give due consideration to that when they examine that matter. To continue -

The review of the level of fees was based on a review of the fees by the Supreme Court Fees Review Committee which comprises various administrative officers within the Court who report back to the Chief Justice.

The following is important -

It is noted that not all of the recommendations were accepted by the Judges. Further consideration was given to the issue of balancing the competing principles of "Access to Justice" and "User Pays".

Members can read about that in an earlier section of the report. To continue -

The Office of the Auditor General was consulted. For example a hearing fee which is used in some other jurisdictions was rejected as the Judges did not consider it appropriate that fees should be charged for the time spent by judicial officers in the hearing and determination of cases.

In the circumstances the Committee resolved to take no further action.

On balance there did not seem to be an undue trespass on established rights, so the committee could not move to disallow it on that criterion. It recognised that members may be concerned about aspects of these fee increases; therefore, it attempted to provide a balanced report that should illuminate rather than confuse, and succeeded in doing that. I look forward to the debate on the disallowance motion.

Hon N.D. GRIFFITHS: I thank Hon Simon O'Brien for his comments, which are consistent with my earlier observations. I want the Committee to be in no doubt that the wording of this report is neutral. It does not take sides with respect to the disallowance motion which is currently Order of the Day No 4. However, there is one aspect about the process that the Committee should note and that is contained at the top of page 2 of the report and it is to this effect -

. . . that the Amendment Rules are the result of a review of fees undertaken by the Supreme Court Fees Review Committee at the request of Treasury in 1996.

Debate adjourned, pursuant to sessional orders.

Report

Resolutions reported and the report adopted.

Sitting suspended from 1.00 to 2.00 pm

LOAN BILL

Second Reading

Resumed from 12 November.

HON TOM HELM (Mining and Pastoral) [2.00 pm]: The House will recall that last night during the adjournment debate the Leader of the House criticised my earlier contribution to this Bill in comments relating to Pundulmurra Aboriginal College in Hedland. He said something about his being fed up listening to Tom Helm talk on the subject; he referred to whingeing, carping, nitpicking and criticising.

Hon Max Evans: They were well chosen words.

Hon TOM HELM: They were well chosen words, but I did not know which Tom Helm he was talking about.

Hon N.D. Griffiths: He was talking about himself

Hon TOM HELM: I looked through the uncorrected *Hansard* and, lo and behold, I found that I mentioned his name in the debate in question as follows -

. . . has taken some praise because Pundulmurra college was set up so it could be controlled by an Aboriginal council and offer training that was not only culturally but also socially appropriate . . .

The only time I mentioned his name was to raise good points. I did not say that I thought he was a coward for not standing up in Cabinet for Pundulmurra College and the things he believes in. I did not say that he was running with his tail between his legs because he is the local member and Pundulmurra College means something to him. I did not whinge about the fact that he has been deathly quiet in the Press and this Chamber about what is happening with the college.

He rightly takes the praise for setting up Pundulmurra, but he went to Pundulmurra with a view that he was told by his department - that the college was dead and should be buried. He mentioned that the Labor Government had some questions to answer in regard to the college and that he had turned it around. However, he went there with some pre-conceived ideas. He listened to people in Port Hedland, the Pilbara and the Kimberley and through appropriate consultation put together a college. I did not give him a hard time about that aspect.

Nevertheless, he ran off at the mouth during the adjournment debate when members wanted to go home. Of course, I could have answered him then. I looked at *Hansard* to see whether I gave him a hard time in earlier debate that night. Even though I had the chance to do so, I did not attack him.

As the Leader of the House mentioned in his speech last night, he holds Pundulmurra dear. However, he does not have the guts to stand up and defend it and pursue the line he adopted; namely, that no matter one's views, one will be successful if negotiation occurs and the matter is followed through. I praised him for his earlier efforts on that matter last night. However, if he wants to get sensitive on these matters, we can do so also. He should be careful about what he says. His sensitivities were well displayed, as maybe was his shame for the fact that he has not defended the college he helped set up.

Hon Mark Nevill: When you look at the other side of the House, he is carrying an immense burden.

Hon TOM HELM: He is. As I said last night. I do not consider that I can make suggestions about how Pundulmurra College's future should unfold and how to address the problems with corporate services. However, I am obliged to mention the concern held by the acting director, Jean Agale, and her college council. They are concerned that a mainstreaming of Aboriginal organisational services will occur without consultation.

Members should understand that concern is held which could be alleviated through consultation between the parties. They are concerned about the disempowerment of Aboriginal people in the decision making process regarding the vocational education and training Pundulmurra can provide. These people are concerned about high risk decision making for and by Aboriginal people being marginalised. The impact of the amalgamation of the two colleges for reason of the reduction in duplication of staff and administration, is insecurity of tenure for staff of the colleges.

As I mentioned last night, the proposed Pundulmurra College Advisory Board, the director and staff will not be the decision makers on Aboriginal vocational education and training programs and services to the Aboriginal community. It will be the responsibility of the Hedland College and the new Hedland College Council. In no way will the amalgamation of Pundulmurra College with Hedland College denigrate the service provided. Hedland college has a proud record. However, the bottom line is that Pundulmurra was set up as an autonomous college. Pundulmurra's director, whoever it may be, and its council are responsible for delivering education and training programs which are appropriate for the Kimberley and Pilbara. Undoubtedly, when moving from a directorship to an advisory role, rights and responsibilities are seriously undermined. People involved are very concerned about that aspect and the House needs to note that concern.

No consultation took place on this matter, and nobody in Hedland talked to the people who were delivering the services. No criticism has been made of Pundulmurra College. A correct recognition was made by the Auditor General in 1994-95 and 1995-96 of its inability to properly abide by the law in terms of the accountability procedure. However, even the Auditor General was able to offer some advice in that regard, and it certainly was not amalgamation. This will not be a true amalgamation while the Hedland College Council is to be the determining body, and while the Director of Hedland College is also the Director of Pundulmurra College; in that case, it cannot be seen to have Aboriginal import, control or direction. That direction must come from the college itself.

The PRESIDENT: Order! It has been held as disorderly for a member to have his foot on a chair while speaking. I draw the member's attention to that point.

Hon TOM HELM: I thank you, Mr President, for that advice; never again will my foot touch the chair.

This change also flies in the face of the Aboriginal education and training policy 1997-1999, to which this Government has agreed. From 7 to 10 October I visited Tom Price, Paraburdoo, Dampier and Karratha with an organiser from the metal workers' union, John Mossenton, and an organiser from the Communications, Electrical and Plumbing Union, Gary McCulloch. We went there because I received a number of telephone calls, as did both of the organisers, about the fear and uncertainty in those towns. I wanted to check out what people were talking about. You will recall, Mr President, that I worked for a year in Paraburdoo when I first came to Australia in 1981. I enjoyed my time in that town and my time working for Hamersley Iron Pty Ltd. Members will be aware of the changes that have taken place at Hamersley Iron for good or for evil. We heard there had been intimidation and that there was a fear of danger. We heard also through the grapevine, which was subsequently contained in a press release from Hamersley, that all the deposits in the Pilbara would be treated as one mine and that all the work force would be seen to be working for Hamersley, whether they worked in Dampier or 500 kilometres away in Paraburdoo, or 400 kilometres from there in Yandicoogina.

For the most part people at Hamersley Iron work on individual contracts. A number of people still refuse to sign those contracts and are subject to the award. The contract workers signed a contract to go to wherever Hamersley Iron sends them. A few of those workers who settled in places such as Tom Price and Dampier were concerned that they would be asked to work in Yandicoogina, which is not a town, but just a mine. That would mean they would

have to leave home and perhaps relocate their family or travel home at the weekends. It did not make a lot of difference what the work patterns were because the contracts with Hamersley were to allow Hamersley to send them to wherever the work was. That is a reasonable contract, except that in the Pilbara there can be 1 000 km between the operations of most mining companies - huge distances.

Rather than employ single persons, mining companies tend to employ young people who are married. I agree with that practice completely. However, the problem arises that children may not be able to go to school in the town to which the working spouse is sent.

Visiting Paraburdoo reminded me of my visits to Pannawonica. Members have heard me say before that Pannawonica was probably the best mining town in the Pilbara. It reminded me a lot of a British village, with back lanes and neighbourliness -

Hon Simon O'Brien: The climate!

Hon TOM HELM: The climate was similar to Liverpool's climate. In Liverpool we used to pick oranges off the trees and have bananas for lunch! When Peko Wallsend Ltd took over, it was like Attila the Hun took over the place. I was only young when the war finished; however, it reminded me of Liverpool at that time. Before the men came home to Liverpool there was an air of desolation. A lot of damage had been done. People were being furtive and there was no neighbourliness or friendliness. There was a "them and us" situation in which the white hats would not mix with the blue collar workers.

Hamersley Iron has a group called the staff-staff - which are the white hats, the bosses - and the other staff, the blue collar staff. Although they are all together in one big happy family, Hamersley Iron seems to think that some are more family than others. The distinction was clear at Pannawonica at the time of Peko Wallsend. It was terrible to see a community like that be destroyed. People know my views about this matter and I will not go into the arguments on the rights or wrongs. From anyone's perspective, just to see that was an ugly sight.

I hope Paraburdoo does not go down the same track, but it seems to be doing so. The place was dead. There was no-one around. The people I saw were award workers in Paraburdoo. I think all workers in Paraburdoo would be award workers. They had an air of bravado about them. In 1992 when the disruption occurred at Hamersley people were told by letter to sign a contract or get out. Many of them said that if the company wanted to sack them, it would be unfair dismissal; therefore, they stayed on awards. They earn about \$10 000 a year less than those on contracts, but they cannot be told where they must go; they always have the union to support them. Only a handful of people in Paraburdoo explained to us some of the difficulties they face. More and more people see that the advantages of the extra money are sometimes outweighed by the effect the contracts have on family circumstances.

In Tom Price we also met with people. We were able to say to people, whether they were on contracts or not, that the politicians and the unions were still around. We gave them telephone numbers in case they needed assistance. Obviously it is in our interests to maintain confidentiality for people who do not want to say too much in case they or their wives or kids are victimised. As a result of those meetings we were asked to return. We will talk to those people again in the middle of December about what we can do to improve the award conditions of people and about Hamersley Iron doing the right thing and behaving in a more Australian way. Hamersley Iron has adopted the Thatcher and Reagan approach of thinking of workers as just a commodity. Companies must treat workers as people and not expect them to consider that with the unemployment rate as it is now, at least they have a job. That fear of losing their job detracts from all the other incentives of those conditions and wages that were fought for by the unions.

The employees issued a broadsheet headed "Hamersley Iron Workers Against Individual Contracts". It is only a piece of A4 paper, but it is well done. It aims to give those who feel they are under the thumb some encouragement to perhaps shake off some of the fear that is multiplied significantly in an isolated mining town. It is a pity to see that fear. John Mossenton, Gary McCulloch and I will do what we can to see that those people are given proper representation and that we get Hamersley back on the straight and narrow and as part of the award conditions.

When we analyse what is going on there, it is difficult to balance what we think is best for people and what they think is best for themselves, and what a company thinks is best for people. Although procedures are put in place to help the company understand the workers' aspirations and the workers to understand the company's aspirations and to be a part of them, if that structure is not in place to allow the open door policy to be pursued - a policy that will allow workers to express their view - they will express it somewhere else.

Hamersley Iron has put together a fair treatment process, the FTP, about which a number of questions have been asked. It is a formality that is hoped will take the place of the integrated workforce model that this is supposed to be promoting. It does away with comments being accepted positively from workers about their job and puts an industrial relations person into the position of asking the workers how they feel about where they work. Unfortunately, I do not have a copy of the questionnaire with me.

When the industrial relations legislation was introduced, the Minister for Labour Relations said that it did not matter that two people who were doing the same job were not paid at the same rate. He said that the way they work and any innovative methods they bring to the job should be rewarded. Hamersley Iron has taken up this concept. It allocates a total of 500 points, for example, to an integrated work unit, which can be in the plant or the load-up yard, or lots of other areas. Those points are distributed across the number of workers in that unit; that is, if there were 10 workers in the unit, each would receive 50 points. Workers are judged under this point system. The foreman assesses the workers every year and then determines how many points each worker gets. He tells the workers what he thinks, and the workers are able to tell him what they think. If a worker is given 80 points after his assessment, he may be entitled to a rise in pay, but if he gets only 40 points, he will not obtain an increase.

People may think that system is fair and it is one way of slicing up the cake. However, how is a new worker assessed and how does that person progress through the ranks and prove his ability to improve his input within the work unit if he arrives just after the assessments have been undertaken? New workers would probably start at a base rate of, say, 20 points. Of course, workers cannot get paid less than the award rate. If these new workers improve during the year, the following year they will be paid more. If they have not improved, they will probably get the sack. Because the total points allocation remains the same and there are more workers, each worker will therefore gain fewer points. The new workers will take points away from those who have been in the work unit for a length of time and whose contribution has already been established. Of course, any improvement in performance must be reflected, but unless the total allocation is increased, how can that be done, other than by reducing the number of points each of the workers receives? That is the dichotomy. I do not see how the system can work any other way.

The foreman may or may not be a friend of the worker who is before him for assessment. There is no appeal process. The company believes all the workers are part of a happy family and there will be no need for any appeal; it believes the foreman knows what is best, otherwise he would not be foreman. This just takes the pommy master and servant legislation one step further. We have asked Hamersley Iron how workers can appeal these decisions and what will happen if the members of the work unit are performing extremely well and should be granted so many points that they will exceed the total allocation? It would be fair for the employer to conclude that workers who are on contracts and wish to raise these issues or appeal the decisions made by the foreman are no longer team players. That, in itself, could be a contributing factor to reducing the number of points a worker is given, which in turn will reduce the amount he is paid. We must not forget that there is no overtime here. Under the contract, people are committed to work at least 12 hours when they are asked to. It could be when the train loader or the ship loader is working, or on the stackers or the reclaimers, whatever the case may be.

Hon Simon O'Brien: Is this Hamersley Iron?

Hon TOM HELM: Yes, at Paraburdoo, Tom Price and Dampier.

Hon Simon O'Brien: Are you saying they are all award workers?

Hon TOM HELM: No, very few are award workers. In 1992 there was a big scare campaign and workers were threatened, in a subtle way, to go onto contracts. On the face of it, the contracts allowed the workers to obtain a rise of \$10 000 a year. It was a carrot and stick process. It was an excellent carrot. Many workers took it, and who is to say that we would not have done the same had we been in their shoes? By the same token people know that if the company gave workers such a large carrot, it would want a pound of flesh in return. In some cases the requirement for workers to do a 12 hour shift may be limited, although it has become more prevalent these days because the machinery is getting old, breakdowns occur more frequently and more problems occur which require people to work longer hours. Although there is a requirement to work under the terms of the contract, there is no contractual obligation on Hamersley Iron to see that the workers are free to join the State Emergency Service, or the Army Reserve, or to play football or to participate in any of those things that make up a good community.

This matter was drawn to my attention when the soccer team from Tom Price came to play in Newman. A pretty good, all-weather road links those two towns now, which was not the case previously. It has meant regular interaction between those towns. People talk in pubs and from what I have heard, a number of people have rejoined the Communications, Electrical and Plumbing Union, the Amalgamated Manufacturing Workers Union and other appropriate unions. It started with their contact through sport. The ability for workers to play team sports is now being reduced because there is no requirement for Hamersley Iron to provide the social interchange that used to take place. That was one of the mainstays of the mining towns until just recently.

We should compare the situation in the Hamersley Iron towns compared with that in the BHP minesites where I understand the tonnages are equal. In 1988 when the BHP group went through major industrial relations turmoil, there was a strike which lasted between four and six weeks. Since then a concerted effort has been made by both the unions and the company to work together to address any problems that may arise in a more humane way across the board.

My electorate office is based in Newman, I am proud to say. There is a high morale in this town, although it was a little lower on Tuesday when I attended the funeral of Gerrard Ross, the young lad who was murdered. However, it was again a tribute to the town of Newman to see the recreation centre at the high school chock-a-block full of people. The 300 or 400 people included high school children. That is a lot of people in a town like Newman where Gerrard was laid to rest. It was a good demonstration of how a whole town bands together and how good are the people in that town.

Another matter on which this Government has been a bit tardy is its commitment to apprenticeships and training, although I think I am being kind by calling the Government tardy. It has been a troglodyte; it has taken us back to the dark ages, if that is when troglodytes were around. The Government will never shake off the odium of closing the Midland Workshops and the loss of the many tradesmen and tradeswomen for whom taxpayers paid to produce in this State. I am helping to distribute a petition throughout the mining towns in the north west to ask the Governor not to sign regulations under the Industrial Training Act to do away with the categorisation of tradesmen and tradeswomen and people who take on vocations.

On Monday a meeting is to be held with Labor Party Legislative Council members and John Sharp-Collett, the State Secretary of the Australian Manufacturing Workers Union. The meeting is to discuss a letter sent to John from Mr Harry Sorenson, the Chairman of the State Training Board which reads -

Dear John

NEW APPRENTICESHIPS AND TRAINEESHIPS

The uncertainty of what is to occur in respect to the "new apprenticeship and traineeship" provisions that are due to be implemented from 1st January 1998 are causing concern at the industry level and if the board or State Government do not issue a statement in respect to the above, I am certain that the intake of apprentices to commence in 1998 will suffer.

I am of the view that the new scheme has no chance of being implemented from 1st January 1998. The parliamentary schedule makes it impossible for the transitional provisions of the VET Act to be repealed until at the very earliest, mid 1998.

I am still uncertain as are most employees in the Metal & Engineering industry as to the reasons why the declaration of trades had to be abolished. The outcomes required under the new provisions of the new apprenticeship and training scheme could easily have been achieved under the existing legislation. The pathways and training will be no different in the future as it is now.

I would appreciate if the board at its next meeting could have the department produce an update on progress to date.

That letter reflects the concern my union has over the abolition of recognised trades. Members must admit that tradesmen have jealously defended their status in our society, and rightly so. It was the trades who brought about the union movement in the first place with masons and others.

Hon Derrick Tomlinson: The Journeymen's Guild.

Hon TOM HELM: Yes, and some of the unions of today created the backbone of the trade union movement. Not with a bang so far, but more of a whimper, we are facing the abolition of the status of tradesmen. I am one of the few original metal workers who is not a tradesman. Being a rigger, I did not serve an apprenticeship, although I like to think that serving 10 years in the Merchant Navy was something of an apprenticeship.

The only time one carries trade papers in Australia is after passing the Australian test. That requires 12 months attendance at a TAFE college learning how to swing from beams, making sure one does not fall and understanding formulas that determine the breaking strain of wire ropes, pulleys, etc. It also requires five years' experience in the building and construction industry. However, all of that is not sufficient to claim the title of tradesman. One is not a tradesman in that sense. Awards reflect that a rigger earns 97 per cent per of a tradesman's rate. The tradesman jealously guards that difference between the trades and the non-trades.

It used to get up my nose sometimes when riggers said that the difference between a good fitter or boilermaker and a bad fitter or boilermaker was a good rigger. We set up the machines for the fitter and put them in position and we worked at the highest level on a construction site. The boilermaker handed us the oxy-torch to cut holes or the welding rod to strike a spark to put in some temporary welds. We riggers were proud of the fact that we shared the tradesmen's skills. The bottom line was that that difference was maintained and it was recognition that those people had served a proper apprenticeship.

We are heading towards multiskilling, to which I was initially opposed but of which I can now see the sense, not just because it helps people's career opportunities improve, but because people can diversify on the job rather than be stuck to one task and therefore enjoy going to work because of the variety. That is a good thing.

I am also what is called a dilutee in the United Kingdom. When I left the sea in 1967 I was made redundant at the Liverpool docks in 1977. I was unemployed for 14 months; I could not get a job anywhere. I attended a government training school for three months and emerged with the title of diesel fitter. I went for a job as a diesel fitter, even though I could not have cleaned a diesel fitter's shoes. Nonetheless, I was employed as a diesel fitter on the wages of a labourer. That was an example of the times and I was very glad to get a job; in fact, I was probably close to killing to get a job. I came away not only a diesel fitter but also having reached the dizzy heights of a plant fitter.

Hon Mark Nevill interjected.

Hon TOM HELM: That is digging holes in the ground. A plant fitter fixes plant such as pumps and generators.

Tradespeople in the United Kingdom did not recognise me as a tradesman and I certainly did not consider myself to be a tradesman. However, whatever could get me a job is what I would do.

Hon Mark Nevill: I pruned a few plants, but never fitted any.

Hon TOM HELM: I know a few who nearly smoked a few plants! The point I am trying to make is that recognition of that trade will be diminished - not the training aspect, nor the educational part, but the trade name. Surely a title should be given to people who have developed and improved their skills. If that title is not acknowledged, employers throughout the State will not know whom they are employing. They might not even know how to describe the person they want to employ. One aspect is tradition.

Hon Simon O'Brien: What sorts of job titles are you talking about?

Hon TOM HELM: There are no fitters, boilermakers, bricklayers, plasterers, electricians or welders.

Hon Simon O'Brien: I fail to see how the titles have anything to do with it.

Hon TOM HELM: So do I, but it would probably be described as an apprenticeship. An apprenticeship to do what? To learn how to fit things? I guess he would be a fitter. However, what would be the position stated in an advertisement in the paper if someone was required to work on a construction site or an iron ore mine? I suppose it would state a mine worker, class 4.

Hon Simon O'Brien: I cannot see that happening.

Hon TOM HELM: I hope the member is right.

Hon Simon O'Brien: It would be a pity if it did.

Hon TOM HELM: I agree with the member. The union is putting together more relevant training programs and that is to be admired. The union has a problem with the prospect of there being more tradespeople or a lack of recognition of vocations. This State is in for a torrid time because the Amalgamated Metal Workers Union has a proud tradition of fighting for what it believes is right. It also has a proud tradition of being able to roll with the punches. It will be delivering a few punches next year when it opposes the amendments to the training legislation that will reflect those changes. I advise members that it is something they need to consider in the future. I support the Bill.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Power to borrow money for redemption of Financial Agreement debt -

Hon MARK NEVILL: I did get a surprise when the Minister moved to proceed forthwith to the third reading because I asked a question in the second reading debate which relates to clause 3(1) which reads -

The Governor may borrow sums of money, not exceeding in the aggregate the sum of \$20 000 000, from the Western Australian Treasury Corporation or elsewhere for the purpose of the redemption of loans raised by the Commonwealth on behalf of the State under the Financial Agreement with the authority of Loan Acts.

The use of the word "elsewhere" appeared to be something new because these funds typically are raised through the WA Treasury Corporation. I have already asked the Minister from where else the Government may be contemplating raising funds. It appears to be novel. Will it use brokers or go to the Middle East and find someone like Tirath Khemlani? It is a reasonable question. The Minister may not have an answer, but I expected him to show some courtesy by saying he could not provide the answer now. He could have given an assurance that he would provide the answer at a later date and asked whether, under these circumstances, the Opposition agreed to the Bill proceeding to the third reading stage. If the answer was of any significance a member would be able to raise the issue in the adjournment debate. My question deserves an explanation.

Hon MAX EVANS: I apologise to the Committee. I told Hon Mark Nevill last night that the Under Treasurer and the head of the Western Australian Treasury Corporation are overseas. I do not have the answer. Statutory corporations can borrow through the Western Australian Treasury Corporation or elsewhere with the consent of the Governor. No-one can tell me the answer. We think the words were inadvertently included and we cannot amend them. It is only \$20m. The word "elsewhere" appears to be used elsewhere.

Clause put and passed.

Clauses 4 and 5 put and passed.

Title put and passed.

Bill reported, without amendment, and the report adopted.

Bill proceeded through remaining stages without debate and passed.

RESERVES BILL

Second Reading

Resumed from 14 October.

HON MARK NEVILL (Mining and Pastoral) [2.50 pm]: The Australian Labor Party supports this Bill. I have consulted various shires, the National Parks and Nature Conservation Authority and the Conservation Council. All agree with the provisions in this Bill, except the Conservation Council, which has raised some reservations about clause 10, which deals with the Neerabup National Park.

Clause 5 relates to the erection of a Special Broadcasting Services satellite dish on a reserve in Albany, and there is no objection to that. Clause 6 relates to a 3.7 hectare reserve at Brookton for conservation of flora and fauna. It also has a watering point that will remain available for farmers to access during droughts. That has been agreed to by all parties. Clause 7 relates to the Porongurup National Park. A dam within that park is still in use and this Bill tidies up the boundaries of that dam, which needs to be repaired to some extent. It also makes some changes in respect of road reserves.

Clause 8 relates to the City of Subiaco. Mueller Reserve will be open for parking and recreation to ease the congestion around Subiaco Oval, and that has the agreement of all parties. Clause 9 relates to the Rugged Hills Nature Reserve in the Shire of Toodyay. A small lot is being added to that reserve. As a requirement under a subdivision, part of that lot will be ceded to the Crown and included in the reserve.

The contentious clause is clause 10, which relates to the Neerabup National Park near Joondalup and an 8 ha excision for a water treatment plant. The various parties would like to see land included in that park to compensate for that reserve. Other members might deal with that in more detail, but a proposal has been put forward that land be purchased to be included in that reserve. We were keen to see that other land added within a year; we do not want this too open-ended.

I have a letter from Tim Hillyard, the acting manager of the property and parks branch of the Ministry for Planning, to Simon Proud of the office of the Minister for Lands. That letter states -

As requested, I provide the following advice in respect of the Reserves Bill clause dealing with excision of the proposed treatment plant from the existing Neerabup National Park. The Water Corporation has given a commitment in accordance with a Cabinet determination on this matter to provide funds to acquire replacement land proposed to be excised from the Park.

Some of the lands suitable for purchase to replace the proposed National Park excision are privately owned and included in Major Amendment 987/33 to the Metropolitan Region Scheme which proposes to transfer the lands from the Rural Zone to the Parks and Recreation reservation for consolidation as part of the Neerabup National Park.

Amendment (987/33) is expected to become effective in 1998 provided the Parliament does not pass a motion of disallowance.

We have them neurotic already. The letter continues -

Upon reservation the Western Australian Planning Commission (WAPC) becomes responsible for the acquisition of the affected lands.

Lands to the north of Burns Beach Road also suitable to replace the proposed treatment plant excision have already been reserved for Parks and Recreation and the WAPC is expecting to purchase at least one of the private properties either in the current financial year or 1998/99. Upon purchase the Water Corporation will recoup the WAPC for its proportion of the purchase price. The WAPC would then transfer the land to the Crown for formal inclusion into the Neerabup National Park consistent with Cabinet's decision.

It would appear that once that land comes under the major amendment the owners can -

Several members interjected.

The PRESIDENT: Order! There are too many meetings or conversations going on. I recognise that members need to meet and talk, but they should do so in hushed tones.

Hon MARK NEVILL: I cannot remember what I was saying.

The PRESIDENT: Members can see what their conversations are causing.

Hon MARK NEVILL: I am unsure about what I was saying. Obviously it was not that important because no-one was listening.

Under that major amendment, as soon as that land is rezoned, the owners of the land can trigger the purchase. They do not necessarily need to wait until the Water Corporation purchases it; they can trigger that purchase. There is no problem with that as long as the Government carries through its intention to add to that national park.

I will make a couple of other general comments not directly related to the Bill but more to the terminology that we use in this area. We in this State have this concept of "national parks". I believe they are misnamed; they probably should be called "state parks". In a desire to impress the public - Sir Charles Court was one of the great offenders - we have called a number of parks or reserves "national parks" when they should more properly have been called "conservation parks". I refer to the Wallaroo National Park, the Boorabbin National Park, the Goongarrie National Park and the Rudall River National Park.

The jewels in the Crown in Western Australia are not necessarily the national parks but the conservation parks. They are set aside for the preservation of fauna and flora. National parks, or more appropriately, state parks, have a much wider use for conservation of flora and fauna. They also have scenic attractions, and elements of scientific research and tourism. Facilities for tourists, interpretive displays and so on have been developed. In my view those parks should be the state parks. Parks such as Wolf Creek Crater National Park, Geike Gorge National Park, Karijini National Park, the Bungle Bungle, the Fitzgerald River National Park, the D'Entrecasteaux National Park, which includes the Shannon River basin, and smaller parks such the John Forrest National Park and the Yanchep Nature Reserve are geared towards tourism and should be called state parks.

It is handy to have the Rudall River park called a national park if one is opposed to uranium mining. I am sure that makes people's blood boil more than if it were called a nature reserve. If the uranium mine were not there, it should not be called a national park.

People think that if something is a reserve there must be something magical about it. As someone pointed out to me earlier today, we have drain reserves and so on. I would like someone to consider the nomenclature we use. We use the word "reserves", which has an incredibly wide meaning, and that often draws an inappropriate response. The Australian Labor Party supports the Bill.

HON GIZ WATSON (North Metropolitan) [3.00 pm]: The Greens support all the additions in this Reserves Bill. I will refer specifically to clause 10, which deals with the excision from Neerabup National Park. It is important that we have some discussion about this area. I intend to express concern that we are seeing with Neerabup National Park a nibbling away at the edges and an erosion of the intention of the System 6 recommendation for that area. The System 6 report 13 of October 1993 describes Neerabup National Park and points out its vulnerability. It reads -

The vegetation in the National Park north of Quinns Road is low woodland and open-woodland of sheoak, banksia, Christmas tree and pricklybark. There are a few patches of jarrah and one of tuart and a very diverse understorey of hakea, scrub sheoak, one-sided bottlebrush and prickly moses.

Because we have had such enormous clearance in the Swan coastal plain, very few areas of any size of this vegetation type are left. Therefore, although the excision of 9 hectares might seem very reasonable, if we continue to allow small areas to be excised, we will have what I call the Swiss cheese effect in our national parks. The System 6 report also notes that the park is valuable in providing for recreational activities such as picnicking, walking and nature study. It notes that because of its high conservation and recreation value and its proximity to Perth residential areas, it is of particular significance. It also notes that the long, narrow shape of the park makes management difficult and in particular poses problems in the development of recreational facilities. Another important aspect that members should understand when considering excisions from national parks is that it is not just a question of the overall area of the park which is important but also its shape. Neerabup National Park is certainly in this category because it is long and thin. If we have a national park which has small boundaries relative to its overall size, it is much less vulnerable to degradation and provides a better reserve for flora and fauna. Neerabup National Park is very similar to Yalgorup National Park. Their shapes mean an increased risk of what is called the edge effect. We must be careful about taking any pieces out of such a shaped park.

I refer to comments given to me by various groups with an ongoing interest in the conservation of areas of bushland in the northern part of the metropolitan area. The Quinns Rocks Environmental Group asked the Minister for Lands, Hon Doug Shave, to reconsider this excision. It wrote -

The conservation and open space values of the area, and additions to it recommended in the System 6 report, are however threatened by the many proposals impinging on it. These include the existing water reservoir and concrete batching plant and the planned freeway extension and east-west roads. These would fragment the bushland and reduce its long term ecological viability.

This is a continuation of that fragmentation. It has been noted that the area to be excised has already been compromised by the fact that the freeway extension will exclude it from the bulk of the park. Our argument is that two wrongs do not make a right. We have some concern that the proposed exchange of land to substitute the bit that is excised will not go through and that the promise will not be kept.

This area of bushland was also part of the proposed corridor of bushland from the national park through to the coast, including part of lot 17 at Mindarie. The excision of the land west of the freeway alignment for a golf course will also compromise these longstanding proposals and facilitate the loss of more habitat from the area. With this area being lost to the national park, the planned corridor through to the coast has also been compromised. With the golf course also to go in there, that promise seems to be fading. A persistent concern is that, bit by bit, what was planned for the Neerabup National Park and the adjoining corridor to the coast is being eroded.

The position of the park was brought to my attention by an organisation called the W.A. National Parks & Reserves Association (Inc.) when it wrote -

The ground-water treatment plant proposal was discussed some time ago with the NPNCA. Several years previously, a service reservoir site was excised from the Park without compensation. Adjoining freehold land had been recommended for addition to the Park in the System 6 proposal. I persuaded the NPNCA to hold out on yet another "cheap" excision by agreeing only if the System 6 land was added to the National Park first. This drove the WA Planning Commission (at last) to rezone the promised land to "Parks and Recreation" - a pre requisite to enabling purchase. This formality was completed (but in part only) recently by a major "omnibus" amendment to the MRS.

For some reason the omnibus amendment did not rezone the whole of the EPA proposal - viz Lots 12 and 14 of Loc 998 (a corner of which is shown in DOLA Annexure 1 [to this document]). This land cannot be bought with planning funds until so "zoned" (termed 'reserved' in planning processes). Nor did the omnibus MRS amendment rezone the water treatment plant site to "special uses" intended for excision from the National Park. Surely plans are just that - showing the community up front and in a transparent way what is proposed (ie. planned!).

Regardless of Water Corporation contractual arrangements, Parliament should reject this excision until the WA Planning Commission goes through the proper process of rezoning, including the rest of the promised land (Loc 998).

The association then went on to write -

The EPA Red Book proposed more land be added to the Park. The recent omnibus rezoning did not include all of the EPA proposal.

Our preferred position on this clause would have been to reject it. However, we are aware of the limitations placed on it. Having noted those concerns with clause 10, overall we support the Bill.

HON MURRAY MONTGOMERY (South West) [3.09 pm]: I support the Bill. I will speak directly to clause 5, which refers to a reserve on the top of Mt Clarence to be used for transmission purposes. This has quite an interesting history because the Special Broadcasting Service was mooted to try to come to Albany. A community group sought and raised funds for the community of Albany to gain SBS transmission. In so doing it acquired a rather large satellite dish from sources which will remain nameless, although certainly they have a national flavour. The group decided that it would need to survey in order to gain some idea of where the survey lines were positioned. The group needed to identify where it could put the transmission equipment.

When they came to do that they found that 25 or 30 years ago, when the original transmission building was constructed to relay transmissions into Albany, it was built partly in the reserve. As you know, Mr President, from your former ministerial role, that creates some problems. That is the reason for this clause. The community supports this excision because it will enable it to receive SBS transmissions. I support the Bill.

HON NORM KELLY (East Metropolitan) [3.10 pm]: The Australian Democrats support the Reserves Bill. Like some other members we have some concerns, primarily with clause 10, which relates to the excision from Neerabup National Park of almost 9 hectares. I understand there are ongoing pressures on this national park but there is also a sense of urgency for the Water Corporation to be granted this excision so it can construct this water treatment plant. Although the Bill deals only with this small excision from the national park it is also important that we look at the viability of the national park in the context of the overall pressures that are impacting on it. They include a proposed east-west road across the park, the proposed freeway extension, the extension of the northern railway line and associated rail yards connected to that line, a golf course development on the western edge of the current park, and development of housing in an urban area on the western portion of the current park. We need to look at this excision not simply as 9 ha coming out of the park but in the context of the overall long term impact on the park.

Those few developments I have mentioned add up to over 200 ha of land earmarked for future excision. We believe strongly that this will further degrade the value of the Neerabup National Park and the standing of national parks in Western Australia as a whole. Hon Mark Nevill mentioned the regard in which we hold our national parks and whether some of those should be reserves or another grade. I feel strongly that Neerabup is one case where we should consider its value as a national park and whether it should be granted some other classification under the reserves system.

On the matter of valuing our national parks I will refer to the 1996-97 annual report of the Department of Conservation and Land Management which outlines its idea of national parks. The report states that national parks are for wildlife and landscape conservation, scientific study, preservation of features of archeological, historic or scientific interest and enjoyment by the public, and that they have national and in some cases international significance for scenic, cultural or biological values.

As this national park is located in an urban area it has been severely impacted upon. The shape of the park further heightens that impact. Western Australia currently has 63 national parks. Neerabup is at the lower end of the scale at just over 1 000 ha, and with future development it could be reduced to 800 ha. However, Western Australia has a number of small national parks such as Lesmurdie Falls, Tunnel Creek, Greenmount, Gooseberry Hill and Brockman, which are all under 100 ha. Their value as national parks cannot be directly related to their size because in some instances they are surrounded by state forest or other reserves which protect the integrity of the parks. Neerabup does not have those sorts of protections and is left open for further depletion of its resources. The Neerabup National Park is surrounded by roads, housing and urban development. This adds to the impact of weeds, vandalism, dumping of rubbish and cars, and the impact of domestic animals on the native flora and fauna. I refer to a map which has been provided by the Department of Land Administration and shows the narrowness and length of the national park.

Hon Derrick Tomlinson: What is the scale of the map?

Hon NORM KELLY: It is 1:40 000. The narrow points on the map are only 200 to 250 metres wide, so the integrity of this park is threatened on all sides. As I have said, we need to look at whether this area should be maintained as a national park or given some other classification. I am aware that through amendments to the metropolitan region scheme, which is at various stages for the future proposals, part of this excision process includes additions to the national park. However, we must look at the standing of those new areas, such as lots 12 and 14, which are proposed to be added to the eastern side of the national park. I have not visited these lots, although I understand they include strawberry farms and the like, which usually do not fall within the criteria for a national park. Even though we are excising only 8 or 9 ha and adding 270 ha, we must look at the value inherent in that 270 ha.

I refer to part M6 of "The Darling System - System 6" report No 13 from October 1983. Hon Giz Watson referred to this a moment ago. Even though we have heard about a land swap and excising some lands and adding others, that is not the way this matter should be considered. The report states -

The long narrow shape of the Park makes management difficult and in particular poses problems in the development of recreational facilities. These problems could be partially alleviated by the addition to the Park of the two areas to the south-east and south-west proposed by the MRPA for "reservation" in the North-West Corridor Planning Structure. The addition of the two areas would also give the Park improved representation of the local ecosystems.

Hon Max Evans: If they are areas No 12 and 14, that will be done.

Hon NORM KELLY: That is right. I am saying this was on the understanding that the integrity of the park needed to be enhanced and protected, irrespective of future excisions. The addition of lots 12 and 14 should be regarded as an attempt to maintain some form of protection for the park. It is wrong to state that the addition of lots 12 and 14 is to provide for future excisions for freeways, railways, golf courses and housing development.

Hon Max Evans: We always move not to have any of those things.

Hon NORM KELLY: This is not an argument about whether there should be development throughout the northern corridor.

Hon Max Evans: At a later date you can do that.

Hon NORM KELLY: This is a national park, and my main point relates to its standing as a national park. It may be agreed that the freeway and railway will be put through and the area downgraded from national park to conservation reserve, but the remaining area will still be protected. That is a future argument.

Hon Derrick Tomlinson: What is your argument now? Are you arguing against it?

Hon NORM KELLY: No. I am saying the inclusion of lots 12 and 14 should not be seen as a land swap for future excisions from the national park.

Hon Derrick Tomlinson: That argument is truly incredible.

Hon NORM KELLY: It is stated in the report that the inclusion should not be for that.

Hon Derrick Tomlinson: That is not stated anywhere as the reason.

Hon NORM KELLY: The *Hansard* record of debate in the other place indicates it is. I am not sure whether the member has read that debate, but that assertion is being bandied about.

Hon Derrick Tomlinson: Who made the assertion?

The PRESIDENT: Order! Hansard is having difficulty picking up Hon Derrick Tomlinson's interjections.

Hon NORM KELLY: That is probably a first for Hansard! As Hon Mark Nevill said, it is understood that the purchase of these lots will occur in either this financial year or the 1998-99 financial year. Obviously, the current landholders would prefer to have this settled sooner rather than later.

Hon Max Evans: Why? Is it because of the uncertainty?

Hon NORM KELLY: It is because of the limitations on what they can do with that land with its current zoning.

Hon Max Evans: The land will be repossessed.

Hon NORM KELLY: The fact that the land has that zoning at present limits them from developing it, so they might as well move on. The Australian Democrats have serious concern about this national park and the national park system in Western Australia, but it fully supports this Bill before the House.

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.23 pm]: I thank all the parties for their support of this Bill. I have taken note of their comments on clause 10. I need to bring into perspective the size of this reserve, about which a couple of questions were asked. People referred to only half the situation. The proposed excision of 252.7 hectares is for the Mitchell Freeway, the railway, Tamala Park, regional open space, a future urban area, a water treatment plant, Neerabup Road and Hester Avenue, which have been mentioned before, and other freeway extensions. In this case we are talking about an excision of just less than 9 ha. Nine hectares taken from a 10 hectare site would be significant, but it is not much to take from an area of 1 068 ha. Does the member know what is the size of Kings Park?

Hon Norm Kelly: No.

Hon MAX EVANS: It is 400 ha. The area we are talking about is already two and a half times bigger than Kings Park. The addition of 522 ha to 1 068 ha makes a total of 1 590 ha. If that is reduced by 253 ha, it leaves 1 337 ha.

There will be an increase of 33 per cent in the current area of the park and this includes the increase of lots 12 and 14. Also there was a proposal to take over crown grants 13713, 675, 674 and a couple at the top. Also lot 11 will be included to make up the 522 ha. At the end of the day, after land is taken out for the freeway extension the remaining area will still be 3 342 acres which is three and one third times the size of Kings Park. It is a lot of land. The scale of the map is 1:45 and it does not look like a large area.

Hon Norm Kelly: Remember the huge fight at the turn of the century to protect Kings Park.

Hon MAX EVANS: I am referring to the size. We must get things into perspective. An area of 9 ha will be required for the water treatment plant. We could go back to septic tanks, but they have other problems. An alternative could be looked for. A lot of people make money from building and cleaning septic tanks. The Government believes this amendment is required. Undertakings have been given about exactly what will be done. Lots 12 and 14 will be bought by the Water Corporation, which has the funds for that, and at the end of the day 1 300 ha is a lot of land for a park. I know it is stretched out, but it is important to get the water treatment plant under way. It is urgent.

I commend the Bill to the House.

Question put and passed.

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

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL

Second Reading

Resumed from 1 May.

Amendments Recommended by Constitutional Affairs and Statutes Revision Committee

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.28 pm]: I move -

That pursuant to Sessional Order No 6, the amendments recommended by the Standing Committee on Constitutional Affairs and Statutes Revision be agreed to.

The Statutes (Repeals and Minor Amendments) Bill contains amendments to a large number of Bills which are being treated as Bills of minor consequence and the recommended amendments are not considered controversial. The Standing Committee on Constitutional Affairs and Statutes Revision has studied the Bill and made recommendations to the House which I have moved should be agreed to.

Essentially, the committee recommends that all the Acts contained in part 2 of the Bill be repealed. It also recommends that all the amendments in part 3 be enacted with the exception of clause 93, which contains the proposed amendment to the Nurses Act 1992. I will not go through the reasons the committee has reached its conclusions, because members can read the committee's report. However, the Government is prepared to accept the committee's report, and the Minister for Health will consider the Nurses Act independently of this Bill in the context of an overall reassessment of that Act.

I suggest that the matter be expedited reasonably quickly.

HON KIM CHANCE (Agricultural) [3.30 pm]: I support the motion moved by the Leader of the House and also support the Bill. Some indication has been given that I will not speak for more than five minutes. The Opposition supports the general principle of Bills of this nature, which we call omnibus Bills, because they provide the Government with the opportunity of tidying up Statutes quickly and across a broad scope. I am always amused when I read these types of Bills to see the nature of the legislative changes that are proposed.

Hon N.F. Moore: Or the nature of the work done by our predecessors.

Hon KIM CHANCE: Sometimes we are slower than we should be in tidying up old Statutes. One proposed change is the repeal of the Geraldton Municipal Gas Supply Act 1910; and other Acts that are even older than that are to be repealed or amended.

Hon N.D. Griffiths: We may need to keep that!

Hon N.F. Moore: That is right. Someone always has a good reason that we need to keep an Act.

Hon KIM CHANCE: This process occurred in another jurisdiction, the Parliament of Westminster, some years ago when a sport in which I was involved quite actively at the time, shot put, was finally made legal in Scotland. Shot put had been made illegal during the reign of some medieval monarch -

Hon E.R.J. Dermer: Probably William III.

Hon KIM CHANCE: It was illegal because it had grown so rapidly in popularity among the Scots, who are famous for sports which involve throwing things - although putting the shot is literally putting the shot and not throwing the shot - that it was challenging the popularity of archery as a sport in Scotland. Therefore, the monarch at the time deemed that because archery was important to the defence of the realm and he probably could not defeat the French by throwing cannon balls at them, the sport was illegal, and it was not made legal in Scotland until about 1965.

The former Government may have been -

Hon N.F. Moore: I meant previous members of Parliament over time.

Hon KIM CHANCE: We collectively and our predecessors may have been tardy in tidying up some of these old Statutes, but we have not been nearly as tardy as our colleagues in Westminster. I welcome the motion to adopt the recommendations of the nineteenth report of the Constitutional Affairs and Statutes Revision Committee. I compliment the members of that committee on their report, and at the appropriate time we may debate the issue contained in clause 93, which is proper to be debated in the context of an amendment to the Nurses Act.

I am concerned about how clause 93 got into this omnibus Bill in the first place, because it must have been apparent that it was a controversial matter. It had been raised in consultation with the Australian Nurses Federation, which made it clear that it did not support it; and I will not go into the issue, because that would be inappropriate and lengthy. However, two unions cover nurses: Registered nurses are covered by the Australian Nurses Federation, and enrolled nurses are covered by the Liquor, Hospitality and Miscellaneous Workers Union. The ANF at least had the opportunity of saying it did not want that change. However, the LHMWU was not even asked whether its members wanted that change.

With that one reservation about how this clause got into the Bill in the first place, the Labor Party supports the motion and the Bill.

HON NORM KELLY (East Metropolitan) [3.34 pm]: The Australian Democrats support the recommendation in the nineteenth report of the Constitutional Affairs and Statutes Revision Committee. We are aware that a review of the Nurses Act is due to commence in late October next year. The rules of evidence, which is the subject of clause 93, is worthy of full debate, and that should take place in the context of an amendment to the Nurses Act. Therefore, our support for the committee's recommendation should in no way be construed as any position that the Australian Democrats may take in respect of the rules of evidence for health registration boards in general, particularly in the light of other legislation which is before this House.

Question (that the Bill be now read a second time) put and passed.

Bill read a second time.

Question (that the amendments be agreed to) put and passed.

Third Reading

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

OSTEOPATHS BILL

Second Reading

Resumed from 15 October.

HON KIM CHANCE (Agricultural) [3.36 pm]: Unlike the Bill with which we have just dealt, I have not given any undertaking about the amount of time that I will take on this Bill; however, there is no reason for me to spend a great deal of time on it. Members will be aware from the activity that this Bill has created in their electorate offices that there has been a considerable amount of controversy about this Bill. Members who have sought counsel from the debate in the other place on 17 September will recognise that the Legislative Assembly spent several hours debating a number of key aspects of this Bill.

The Australian Labor Party has always been keen to support the Osteopaths Bills in its entirety and principle. One of the reason for that support is that I understand the Osteopaths Bill will be treated as template legislation for a number of similar Bills with regard to certain medical and paramedical procedures. For that reason alone, there is every reason to ensure that we get this Bill right. The difficulty that arose and that involved the opposition parties to a considerable extent, and I am sure also the coalition parties, was the effect of this Bill on a non-targeted group. The Bill targets osteopaths in order to give them proper recognition in the legal sense, but osteopaths are a relatively small group in Western Australia. I believe the number of osteopaths covered by this legislation is about 30, whereas I would not like to try to estimate the number of masseurs who are practising.

Hon Max Evans: Some are not practising; some are quite efficient.

Hon KIM CHANCE: Some are quite experienced. The number of masseurs in this State would probably be in the thousands. It is a large and diverse group of people, considering all the procedures they use. I think there are some 20 or more recognised, named techniques or schools of thought in therapeutic massage.

Hon Derrick Tomlinson: How many of the other kind are there?

Hon KIM CHANCE: I am advised that the Commissioner of Police has recently provided some information on that to the other place. The member may be able to get the answer from that.

The non-targeted group became the large group of therapeutic masseurs who felt, with some justification, that they would be adversely affected by this legislation. I will try to make my remarks in a shorthand fashion because I do not think we need to spend a great deal of time on this. The Bill defined the practice of osteopathy, and then made it an illegal practice to perform those functions, as defined, unless a person were exempted or qualified. The Bill lists the persons who might be exempted from the effect of the Bill. In each case, the professions which were exempted were those in which the technical knowledge of the profession could be said to exceed that of osteopathy or to be in areas where the training was at least equivalent to or greater than for osteopathy.

Hon Derrick Tomlinson: But it subsumed the knowledge and skills of osteopathy.

Hon KIM CHANCE: That was fine for medical practitioners. The difficulty arose when the masseurs queried why they were not included in the list. This was an occasion when the Minister had to use his professional occupation to a greater extent than we would normally expect, because he was faced with some very curly legal questions. At this stage it would be appropriate for me to acknowledge the very good work done by the Health Department legal service officers who were at all times open and accessible to us. They were tremendous in the way they tried to keep everyone on side, and to aim for and focus on a solution which ultimately was reached as a result of their hard and diligent work.

The problem faced by the Minister was how would someone continue to practise osteopathy in such a way as not to make it illegal to practise the usual functions of a masseur, but without exempting the masseur. For good reason, one could not add to the list of exemptions alongside the medical practitioners; for example, a masseur whose qualifications did not exceed those of an osteopath. That created some difficulty, and it was at that point the masseurs began lobbying strongly, as they had done as a group in 1994 when we were considering the Physiotherapy Bill 1994. The group lobbied very effectively, and full credit is owed to the professionalism and vigour with which masseurs defended their position. Ultimately we have all had a win.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon KIM CHANCE: Masseurs are concerned about the effect of the Osteopaths Bill, if enacted, on their potential to continue performing their normal functions. Their concern is with two principal areas. The first is the definition of "osteopathy" in clause 3, which has three subclauses, and I will not detail the nature of those subclauses. Suffice it to say that the Minister argued in his letter to coalition members dated 15 September, which ultimately was made available to all members, that the three components of the definition of osteopathy were conjunctive and that if they were read in that way, no mainstream masseur would have a problem.

I could probably accept that on face value, particularly given the explanation that the Minister provided in that letter. However, I concede that it did leave a grey area. I am not trained in the law and it seemed to satisfy me, but it did not satisfy the legal adviser who was employed by the United Front of Massage Professionals. Members may have seen some debate in the media about that point. The advice he provided was that on his reading of the definition of "osteopathy", it might impinge upon the right of masseurs to perform their normal functions.

That legal advice was challenged by the Minister, who said that while he obviously did not want to set his legal advice against that of the person who was advising the masseurs, it would be extremely difficult to reach that conclusion unless one knew the whole context of the issue. It is not for me to say who was correct in the end. What remained was a clear indication that there was either a grey area about the definition and its outcome, or a perception of a grey area.

That was sufficient to cause the Opposition, principally through the opposition spokesperson on Health, Mr McGinty, to state, in effect, that the Opposition would support the Osteopaths Bill but would not support the Bill at the expense of masseurs. To some extent, that statement was misunderstood, particularly by the Australian Osteopathic Association, which read it as meaning that we would oppose the Bill in some circumstances. That was never the intention of the Opposition.

However, we also made it quite clear that our first priority was to try to work with the Health Department's legal services to try to find some way of amending the Bill which would be acceptable to both the Minister and the United Front of Massage Professionals; and to its credit, as I said earlier, the Health Department's legal services did come up with such an amendment. That is the amendment which was delivered to each member at about 7.55 pm yesterday. The Supplementary Notice Paper which contains the amendment proposed by the Minister does not have a number, which makes it a little confusing. It is not Supplementary Notice Paper No 24, which contains the amendments notified by Hon Norm Kelly.

The words used in the amendment proposed by the Minister are exactly the same as the words that were provided to, and subsequently approved by, the Minister from parliamentary counsel's office on 16 October. That advice was released to masseurs on 20 October to enable them to obtain legal opinion about it. I have a copy of the legal opinion that was obtained by the United Front of Massage Professionals, but because I have not sought permission to reveal that advice, I will not quote from it or table it. As a result of receiving that second legal opinion on the Government's proposed amendment, the United Front of Massage Professionals is now satisfied that the proposed amendment meets its needs.

Hon Derrick Tomlinson: Do we conclude from that that the legal opinion was also concurred with?

Hon KIM CHANCE: The member may, but I would never say it because it would be revealing the advice -

Hon Derrick Tomlinson interjected.

Hon KIM CHANCE: I have not sought permission to use it, so I should not. The legal advice was positive about the outcomes. We have achieved a win-win situation. We have two amendments before us, one of which deals with the definition of osteopathy. The wording will be changed little, if at all. Rather than being in three distinct parts - which led people at least to perceive they may not be conjunctive - it is now a single part.

Hon Derrick Tomlinson: Indisputably conjunctive?

Hon KIM CHANCE: Yes. I would address that point at greater length if I had more time, because I had a brief discussion with the Attorney General on the nature of a conjunctive clause yesterday and I would love to enlighten members, but I am not sure that it would be in keeping with my commitment to the Leader of the House. The Government's proposed amendment provides a definition of somatic dysfunction which was sought and which clarifies the question beyond a reasonable person's doubt. Members who read the debate in the Legislative Assembly will be aware that the Australian Osteopathic Association had concern which lay in the nature of the experience of persons who may be picked up as osteopaths under the Act as a result of the grandfather clauses. Members will be aware that was settled by amendment in the Assembly, so we do not need to sort out that. I am pleased to advise that the Australian Labor Party wholeheartedly supports the Bill. I am also pleased that, given the fairly difficult nature of the Bill and the history of the Physiotherapists Bill 1994 and that of 1992, the Bill has not been delayed unnecessarily. It has been resolved to the satisfaction of all parties so far as is reasonably possible. The second legal advice to the united front flagged the potential for some legal conflict in future, because I do not think that in any way a piece of legislation can create a situation which is not legally contestable. However, I believe the Bill satisfies most parties. I commend the Bill.

Debate adjourned until a later stage of the sitting, on motion by Hon N.F. Moore (Leader of the House).

[See below.]

CONSTITUTION OF WESTERN AUSTRALIA BILL

ELECTORAL AMENDMENT (CONSTITUTIONAL PROVISIONS) BILL

Discharge from Notice Paper - Referral to the Standing Committee on Legislation

On motion by Hon J.A. Cowdell, resolved -

That Orders of the Day Nos 54 and 56 be discharged from the Notice Paper and the Bills be referred to the Legislation Committee for consideration and report.

OSTEOPATHS BILL

Second Reading

Resumed from an earlier stage of the sitting.

HON M.J. CRIDDLE (Agricultural) [4.45 pm]: I do not intend to take up too much time, but I wish to make some contribution in keeping with the commitments I made to masseurs and others who have written to me about this Bill.

During my time in Parliament I have received as many letters on this subject as on any other difficult issue. I thank the Minister and the legal officers at the Health Department for the work they have undertaken on this legislation. They have arrived at a solution with which most people are happy. They have taken into account the requirements of masseurs. I am not sure that all the legal ramifications will be overcome. Some people will find some difficulty with this legislation. However, I like to think that Bowen Therapists, who do a lot of good work, will be one group that is happy with this measure. I spoke to those therapists the other day and they seem satisfied with the amendments passed in the other place. The definition of osteopathy being under one section is a move in the right direction, and the definition of somatic dysfunction has helped address some people's concerns. Having been involved in sport over a long time, I know that many volunteers in the sporting arena are very concerned about this measure. The amended Bill will probably satisfy some of their requirements.

Bowen Therapists specialise in the massage of soft tissue and pressure points. The group had concerns about that area of work but it appears its requirements have been met also. The group has done a lot of good work, and it is attempting to train people to run schools in country areas. Anyone who suffers from pain and seeks some alleviation would be happy to have the opportunity to consult one of these people. People seem to be relieved by different forms of massage, and no matter the technique, if people can find some relief from pain it is a very good result. Most of the issues I wished to address have been covered by Hon Kim Chance. I am pleased about the changes that have been made, and I will support the Government's proposed amendments. I support the Bill.

HON GIZ WATSON (North Metropolitan) [4.48 pm]: I support both the Bill and the circulated amendments. Greens (WA) members support alternative health services. I have been petitioned strongly by many alternative health practitioners regarding this Bill. I have worked in the alternative health field; I had a practice in Albany associated with a physiotherapy clinic. Therefore, I am strongly connected with the use of massage and other healing services. It is very important that the community has access to a wide range of health services. It is obvious that with the wide range of massage and other alternative methods of relieving chronic pain and long term illness, more people are using those services. It is very important that we do not unnecessarily restrict or overregulate this market. Historically, it has been an area with quite some conflict. The amount of discussion and lobbying around the Osteopath Bill is indicative of bigger questions to do with traditional medical practice versus alternative methods.

The passage of this Bill, particularly incorporating the proposed amendments, will address that problem. The Greens' approach to health services is that regulation should be required only where it is necessary to protect consumer safety. This Bill was produced to protect the consumer of the health service from the high velocity thrust manoeuvre. It is important that osteopaths are given regulation to contain the use of that technique. Indeed, every trained masseur knows that we are not trained to perform that technique. Greens (WA) support the Bill.

HON NORM KELLY (East Metropolitan) [4.51 pm]: The Australian Democrats support this Bill. It is reassuring that a Bill can generate such a degree of correspondence, and it has created almost as much interest as a certain other Bill on the Notice Paper. I appreciate the work of the Health Department officers in clarifying the protections afforded to people in the massage industry so they may continue their work. A profession such as osteopathy in this State could not hope to garner too much of the work from masseurs, given the disproportionate numbers in both areas.

Some serious concerns have been expressed throughout the health sector that the Bill could have a detrimental impact on masseurs, natural therapy body workers and associated health workers in carrying out their trade or expertise. The amendments proposed by the Government, and checked by legal experts, are to the satisfaction of the primary organisation, the United Front of Massage Professionals, particularly people like Rodney Hunt and Sharon Calcutt, who have put in a great amount of voluntary work to ensure that the rights of masseurs are protected through this Bill.

The united front moved very quickly to form an alliance of the various masseur organisations in response to the introduction of this Bill in the other place. A complaint was made that the masseurs had not been given sufficient notice that the Bill was to be introduced. Even though it has had a long gestation, they regard the Bill's introduction as being sprung upon them, which necessitated some hastily convened meetings, particular during debate in the other place. That situation could have been avoided. However, given the wide variety of sectors of the masseur industry, I can understand the difficulty in satisfying the demands and concerns of all groups. As Hon Giz Watson mentioned, this debate can be a conflict between so-called traditional forms of medicine and alternative forms of medicine and health work. It is probably true that the traditional forms of medicine are now the alternative medicine, and visa versa.

I will list some of the natural health therapies: These are Shiatsu, Rolfing, Trager therapy, Somato emotional release, kinesiology, craniosacral therapy, and myofascial release. Also, I refer to the standard work of naturopaths in this area. This list gives members some idea of the variety of methods used in soft tissue body work. These various therapies also require varying degrees of expertise and training. Some therapies need very little training before somebody can set up shop and advertise as such a therapist. Therefore, dangers are involved and it is difficult to regulate this work with such a wide variety of therapies.

We must include osteopathy among the alternative therapies. Only a few years ago osteopaths were regarded as on the fringe of traditional medicine. In a sense it is reassuring to see that it has entered the fold of the health professions through the introduction of this Bill. I have used osteopaths on many occasions. The knowledge and expertise required by osteopaths is extensive given the degree of danger in improperly using these techniques.

As Hon Kim Chance mentioned earlier, only about 30 osteopaths practise in Western Australia and the Yellow Pages lists only 17 or 18 practitioners in the metropolitan area. When considering that this Bill is template legislation for various health bodies, we must bear in mind that we are regulating a very small number of people. The Health Department officers and the Western Australian branch of the Australian Osteopathic Association estimate that about 40 osteopaths will register under this legislation, and it is hoped that the legislation will create a higher awareness of the role of osteopaths. Through registration, they hope to attract more osteopaths from interstate to practise in this State. A longer term vision of the AOA is to set up a training establishment in Western Australia to teach osteopathy. Only two such establishments exist in Australia, both in the eastern States.

We have some concerns about this Bill, which I will raise in Committee. We are aware of amendments on the Supplementary Notice Paper, as well as the Government's amendments on a separate sheet. I will not be moving my proposed amendment to clause 6. I am satisfied about the need to keep clause 6 as it stands. The makeup of the board is a concern given there are so few osteopaths in the State, and that the Bill requires four of those osteopaths to be on the board. There is a danger that such a high proportion can have undue influence on the control of osteopaths in the State. The legislation is powerful in what the board can determine about the practice of other osteopaths. For example, it can impose a fine of up to \$5 000, strike an osteopath off the register, or suspend an osteopath for up to two years. It is influential in its ability to limit an osteopath's livelihood.

Debate adjourned, pursuant to standing orders.

GRAIN MARKETING AMENDMENT BILL

Assembly's Message

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

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.02 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Youth Training Allowance

HON LJILJANNA RAVLICH (East Metropolitan) [5.02 pm]: I bring to the attention of the House the youth training allowance and its impact on all Western Australian senior high schools. As a Labor member for East Metropolitan Region I am particularly concerned about the impact of the youth allowance on schools in that region. Many come to mind: Swan View, Governor Stirling, Cannington, Kewdale, Belmont, and Maddington senior high schools. The new youth allowance, which is a federal initiative, will impact substantially on Western Australian senior high schools. The allowance will be effective from 1 July 1998. It will provide income support for young people, including students, those looking for work and those who are sick. The idea behind the allowance is that it will replace Austudy, the Newstart allowance and the youth training allowance. Young people will be able to obtain that allowance only if they are in education or training.

Members will appreciate that the situation for providing opportunities for young people is not positive. This morning when I read the newspaper I noted that bankruptcies were on the increase. That is a concern because it is yet another indicator: If bankruptcies are on the increase, fewer opportunities are probably available for employment. Given the high rate of unemployment, particularly youth unemployment, this is cause for concern. If year 12 students do not go on to university or technical and further education when they leave school, there is nowhere else for them to go. The Federal Government in its wisdom has determined that it can deal with youth unemployment through the youth allowance and by forcing young people back into the education and training system.

Hon Kim Chance: It is a disgrace.

Hon LJILJANNA RAVLICH: It is. Ex-year 12 students will have nowhere to go. They will not be able to obtain income support and they will be forced back into the school and TAFE sectors. This is of enormous concern,

particularly because of the implications for schools in Western Australia. There is an entrance requirement to enter TAFE. Often students must have completed certain prerequisite subjects. In some respects the burden of this federal government initiative will be borne much more by the school sector than by the TAFE sector. The TAFE sector will be in a position to say to a percentage of these students that they do not meet the entrance requirements or prerequisites and, therefore, will not be accepted. If the TAFE sector does not enrol these students, they will be knocking on the doors of senior high schools in this State. This will affect everybody.

Hon Kim Chance: That will result in 2 500 additional students. There has been a reduction in funding - not an increase to cater for it.

Hon LJILJANNA RAVLICH: That is an education crisis if I have ever heard of one. These changes will be effective from the beginning of next year. What has this Government done to prepare the education sector for this? It has done zip. It is appalling that the Government does not provide opportunities for young people. It is even more appalling that they are forced into this situation. Many of these students will not have had a positive experience in the education system. Many would have been dying to get out of the education system because the system probably failed them in the first place, yet they will be forced back into it. I understand the former federal Minister for Employment, Education, Training and Youth Affairs, Amanda Vanstone, estimated that the cost to schools would be \$140m. I understand also that the Federal Government has made it clear that it will not provide any of this funding. Therefore, it begs the question of where the funding required to support these additional student places will come from.

I am not sure whether the Government has done any preliminary work in this area. Schools indicate to me that the Government has adopted a head in the sand approach and that not much is being done. Schools are concerned particularly about the impact of this initiative on them for the commencement of the next school year. Most high schools feel as though they are cash strapped. Limitations are placed on their resources, yet we will see this enormous increase in enrolments in all senior high schools.

I did some calculations of the impact of this youth allowance on Gosnells Senior High School. I had a look at the postcodes and feeder areas to estimate how many students Gosnells Senior High School can expect to get back as a result of the pressure placed on young people from this allowance. I estimate it is anywhere between 70 and 100 students. That is three full classes of additional students who must be catered for - and paid for. The impact on the current school population will be horrendous because many of these students do not necessarily want to be at school in the first place. It will mean that existing resources must be spread even more thinly. That is unacceptable. The Western Australian State Government has a moral obligation to work in with the Federal Government, both being conservative Governments. It must look carefully at what the implications of this policy at the local level will be. Who will pay for these additional school places? We are talking about a possible additional three classes of students - 70 to 100 students - in one senior high school. If we multiply that with every senior high school across the State, we are talking big numbers and lots of money.

How will schools cope? If those opposite were concerned, they would be asking these questions: What will be the impact on teachers' workloads and how will they be able to cope with this additional pressure? My real concern is that the big model of local area planning, which is about school rationalisation, may be one government strategy for how the education system will cope. It will close schools. It will collect revenue and it will divert revenue into making up the shortfall left by the Commonwealth Government which is caused by the changes to the youth allowance. We have a grave situation in this State. I know for a fact that already local area planning has commenced in a number of schools in the Cannington district where I have very strong links. I know that Cannington, Kewdale, Maddington and Belmont are all being considered in this cluster in relation to local area planning, and I suspect that a school in one of those areas will go. I also suspect that the savings will be diverted to make up this shortfall. I fear for state school students and teachers. I urge the Government to look very closely at the impact of the youth allowance for all Western Australian schools. On behalf of my constituency, I want to see a fair deal for all senior high schools in the East Metropolitan Region.

Adjournment Debate - Water Corporation

HON KEN TRAVERS (North Metropolitan) [5.11 pm]: I will briefly draw the attention of the House to an answer I received in question time this afternoon. I will relate it to some comments I made during the adjournment debate on 28 August 1997. At that time I referred to the decision of the Water Corporation to relocate its customer service centre to its Balcatta offices. I outlined that those Balcatta offices had opened in February of this year at a cost of \$3.5m. I also made some accusations. I said -

This indicates major incompetency in the management of the Water Corporation in that it spent \$3.5m on a building opened in February this year and before the end of this year it plans to spend another \$1.4m on refurbishing the offices and changing their function.

In response to a question I asked today, I now find that that figure of \$1.4m has become \$2.1m, an extra \$700 000. The Water Corporation was incompetent before. However, I just ask what is going on in the Water Corporation. It is unbelievable that in the first instance it moved into a building in February which costs \$3.5m and then planned to spend another \$1.4m in refurbishing it and changing its functions. Now, less than two months later, the Water Corporation has changed its mind again and will spend another \$700 000.

I urge the Government and, in particular, the Minister for Water Resources to find out what is happening with the offices of the Water Corporation in Balcatta. It sounds to me like the Water Corporation does not have a clue. Over the next couple of weeks I intend to raise a number of other issues.

Hon J.A. Scott: Perhaps we should privatise it.

Hon KEN TRAVERS: That might well be the next thing the Minister suggests because of the mess the Water Corporation has got itself into since this Government has been in power.

I also asked whether the Minister would ask the Water Corporation to consider relocating the customer service centre in Balcatta. I urge the Government to look at this issue. I cannot believe we are allowing such incompetence to continue. A corporation that is supposed to be looking at long term strategic planning is updating and changing its accommodation plans on a regular basis. It suggests to me that it has no idea of where it wants to take the organisation or where it is going.

Hon Cheryl Davenport: There has not been an efficient water board since Hon Kim Chance left it.

Hon KEN TRAVERS: I agree. Hopefully one day he may be the Minister and be able to get the Water Corporation back under control so that it starts to do something good for the people of Western Australia, rather than wasting their money. That is the reason water rates in this State continue to rise faster than the rate of inflation. I thought it may have been to build up a nest egg for the Government, come the next election; however, I now suspect it is to cover up the current level of incompetence of the Water Corporation.

Adjournment Debate - Negativity of Members of Parliament

HON B.K. DONALDSON (Agricultural) [5.15 pm]: I had not intended to get involved in this debate; however, the comments of the member opposite have encouraged me to do so.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers was heard in relative silence. Every member in this place is given an opportunity. It is now the turn of Hon Bruce Donaldson.

Hon B.K. DONALDSON: I listened with great interest to some of the members opposite. I consider they would be great journalists for *The West Australian*. They are the most negative people I have ever come across in my life. They cry doom and gloom every day. The interesting thing is that many people like living in Western Australia. We have the lowest rate of youth unemployment in Australia as well as the lowest unemployment rate for adults. Those opposite tend to forget that. They talk about the increases in water rates.

Perhaps we should look at what has happened with Western Power. For the first time in five years there has been a tariff increase of 7 per cent payable by residential customers only. Small businesses right across Western Australia are still enjoying the rate they enjoyed five years ago. I do not hear those opposite talking about these positive issues.

Hon Ken Travers: It is not our job to do that.

Hon B.K. DONALDSON: I realise that. Hon Ljiljana Ravlich has a very fertile imagination. Perhaps she should write comic strips and books. She makes up things as she goes along and quotes rubbery statistics. We sit here not wanting to interject, realising the strong rules by which you, Mr President, make sure this House abides. We do not want to interject on her because the figures she refers to are out of kilter time and time again. Those opposite cannot get over the fact that the State happens to be going very well. We have a most progressive State. We have a well managed financial structure under this Government. We have retired debt. It has taken this Government five years to unravel the debt legacy that was left to it by the previous Labor Government and to get this State back on an even keel. The previous Labor Government spent over \$1b a year in the last two or three years it was in power.

Hon Ken Travers interjected.

The PRESIDENT: Order! I ask Hon Ken Travers to sit back and listen like everybody else.

Hon B.K. DONALDSON: Some people must reflect on what has happened. I do not like to look into the past.

Hon Ljiljana Ravlich: You live in it.

Hon B.K. DONALDSON: It is important that as a Government we look to the future. We are providing a future for the children of Western Australia. No members opposite could say that they are unhappy with the youth unemployment rate in Western Australia. Although it is still higher than what we would like to see, it is about 10 per cent lower than that in the other States.

Hon Ljiljanna Ravlich: Read the *Bulletin*.

Hon B.K. DONALDSON: I do not know where those opposite get some of these figures from. I think they must get some of them from "Calvin and Hobbes". I read it every day. I think there is more sense in "Calvin and Hobbes"

Hon Ken Travers: What is that?

Hon B.K. DONALDSON: It is one of the great comic strips.

Hon Ken Travers: We get the figures from the Budget and they are pretty rubbery.

Hon B.K. DONALDSON: I would rather read "Calvin and Hobbes" every morning than listen to the diatribe we hear day in and day out from those opposite. There is an old saying that if people do not like what is happening, they should find the door. In this case, there is an airport and a port through which those opposite could leave Australia if they think they are living in such a terrible country.

Hon N.F. Moore: I will even pay their fare.

Hon B.K. DONALDSON: On a more serious note: I have always maintained that one of the failings of Australia is that every 18 year old student is not given \$30 000 and told to go overseas. I say that quite seriously because people who have travelled appreciate what a lucky country we have. The greatest form of education is travel. I can understand why members sit opposite if they have neither travelled nor got their hands dirty. Most members opposite have never employed anyone or got their hands dirty. They have lived in the shelter of union offices and come straight into Parliament. They have never got their hands dirty and do not know what they are talking about. Perhaps we should enlarge the travel allowance so that members opposite can travel and appreciate how fortunate they are to be living in Western Australia. It would be money well spent.

Several members interjected.

The PRESIDENT: Order! As the former President used to say, one of the rules in this place is that members must listen. Hon Ljiljanna Ravlich and Hon Ken Travers were given a fair go. It is almost time to finish for the week. Let us not spoil it and let us allow Hon Bruce Donaldson to conclude his remarks.

Hon B.K. DONALDSON: I do not mind constructive criticism; it is fair and reasonable. However, I get tired of hearing statistics and figures bandied around with no substance or credibility in an attempt to indicate what a terrible State this is.

If members read *The West Australian* as we all must, unfortunately, like I do, they must feel like packing up sometimes and going to the Himalayas. Reading that newspaper could lead one to think what a terrible State we live in; it is so negative. We have one of the great resource based economies in the world, a wonderful climate and wonderful people who want to be productive, yet some members knock them every day of the week. Members opposite constantly carp and criticise in this House and *The West Australian* repeats what they say. It also gathers its own misinformation and spreads it across the front page, leaving people to wonder whether they are reading every day about the same State in which they live.

Hon Ljiljanna Ravlich: The haves and the have nots.

Hon B.K. DONALDSON: Although it is the Opposition's job to be critical of the Government - no-one objects to that; it is part of the game - surely in this House, being the responsible people they should be, members opposite could put both sides of the argument and be a little more careful with the statistics they quote. Some of them are so far out they are laughable.

Several members interjected.

The PRESIDENT: Order! Hon Ed Travers - Hon Ed Dermer!

Hon B.K. DONALDSON: I notice that members of the Press Gallery do not even worry about coming in here. They have deserted this House because its members could not write about the drivel they hear. I feel sorry for the Hansard staff who have to listen to figures quoted in this House that are so far wrong it does not even matter.

Hon E.R.J. Dermer interjected.

Hon B.K. DONALDSON: I am very pleased to see the smile on the faces of members opposite on a Thursday afternoon because they know that the Government is in the good hands of our leader, Hon Norman Moore, and is in good shape financially. It is making the best of what we have with our resources, agriculture and primary industry. It is time they recognised that and gave a bit of credit to Western Australia and the people who work here and it is time they got their hands dirty. Members opposite do not get their hands dirty. They should stand up for those people occasionally rather than rubbishing them all the time.

It is unusual for me to be so vocal on these matters, Mr President, but one can put up with so much rubbish for only so long before telling people that they are way out.

Adjournment Debate - Wanneroo City Council

HON J.A. SCOTT (South Metropolitan) [5.24 pm]: I can understand your mixing up Hon Ed Dermer and Hon Ken Travers, Mr President. After all they both have beards - except Mr Travers!

The PRESIDENT: Hon Jim Scott will understand that both were interjecting at the same time.

Hon J.A. SCOTT: I will speak about the Wanneroo City Council from a different perspective than we have heard this week. I hope that split of the council does not happen in the same way as the Perth City Council split occurred; that is, in a most undemocratic fashion where the people who lived in the area had no say in the process whatsoever.

Whether the council should be split is not a matter of contention with me. It is a very large council and a few reports have indicated that some problems exist. However, the present councillors have probably been tarred with a brush with which they should not be tarred. Its membership has changed since matters were investigated and it should be made clear that no blame rests with those councillors.

When the Perth City Council was split a whole new system was imposed with very little consultation. Even the names of areas were chosen by someone on high who did not care less about the hopes and aspirations of the people. That attitude concerns me. I hope that this time some sort of consultative process will occur and consideration will be given to how the smaller councils can operate efficiently and how the council is divided so that some areas are not left poverty stricken.

Hon Ken Travers: And the Minister for Local Government should explain why he rejected the six options the Local Council Advisory Board put to him.

Hon J.A. SCOTT: The split of the Wanneroo Council should be handled much more democratically than the split of the Perth City Council. It is very important because a lot of bad feeling was generated by the Perth City Council split. I remember the problems over where the boundaries were drawn.

Hon Cheryl Davenport: They had to give the Burswood back -

Hon J.A. SCOTT: Exactly, and the Town of Victoria Park was renamed despite its history with that name. Fortunately it was changed later. That process was patronising and disempowering for communities and I object to that approach. I do not know what will be the Minister's approach but I hope it will be far more consultative than it was with the City of Perth.

Question put and passed.

House adjourned at 5.28 pm

QUESTIONS ON NOTICE

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

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

Housing Co-operative Sector - Allocation

600. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) What happened to the amount of \$778 000 allocated to the housing co-operative sector by Homeswest and Hon. Jim McGinty under the Local Government and Community Housing Program in 1991/92?
- (2) Did Homeswest actually receive the full \$2.34 million for the 1991/92 Local Government and Community Housing program of the Commonwealth States Housing Agreement into its own trust account?

Hon MAX EVANS replied:

- (1) See also question 601. Allocations from these funds were the subject of project specific submissions from housing cooperatives during the course of the 1991/92 and 1992/93 financial years. The groups allocated funds during these two financial years were:

Great Southern Housing Collective
Belmont Housing Collective (Previously Minbalup)
Perth Housing Co-operative
Freo Fringe Housing Collective

All of these funds were spent in the housing cooperative sector.

- (2) Yes.

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

Letter to Federal Housing Minister - BIRCH Co-op

606. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

Why did Mr Greg Joyce and Hon Kevin Prince sign a letter asking the Federal Housing Minister Hon Brian Howe on October 5, 1994 for \$740 000 for BIRCH Co-op when this project was already funded for \$740 000 using 1993/94 Federal funds?

Hon MAX EVANS replied:

The State Housing Minister approved the funding of this project in April 1993. The allocation was included in a funding package to the Federal Housing Minister on October 5, 1994. There was only one approach to the Federal Minister for funding in relation to this project.

STATE FINANCE - CRISIS ACCOMMODATION GRANT

Domestic Violence Refuge - Roebourne

608. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) Who requested a crisis accommodation grant in 1994/95 for approximately half a million dollars to build a refuge in Roebourne for women and children escaping domestic violence?
- (2) At what stage is this project?
- (3) What is the name of the sponsored organisation for this project?
- (4) Which Western Australian Government department is supplying funds for this project?

Hon MAX EVANS replied:

- (1) The Mawarnkarra Health Service Aboriginal Corporation.

- (2) Commencement of this project was delayed following efforts to secure recurrent funding for support staff by the group. Development approval has now been obtained for the construction to proceed, and contract documents are almost finalised. The project will go to public tender early in the new year.
- (3) As per (1) above.
- (4) Homeswest and Family and Children's Services.

WATER CORPORATION - EMPLOYEES

Location

790. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What are the physical locations of the Water Corporation's office staff?
- (2) How many staff are at each location?
- (3) Is the Water Corporation considering moving any of its staff to alternate office accommodation?

Hon MAX EVANS replied:

- (1)-(2) The Water Corporation has the following number of permanent salaried employees located throughout the State.

John Tonkin Water Centre Leederville	636
Canning Vale	156
Balcatta	156
Hamilton Hill Depot	13
Kelmscott Catchments	1
Mirraboopa Treatment Plant	1
Shenton Park Treatment Plant	10
Woodman Point Treatment Plant	3
Albany	39
Katanning	2
Narrogin	2
Northam	43
Merredin	3
Kalgoorlie	18
Esperance	3
Cunderdin Control Centre	8
Bunbury Regional Office	78
Busselton District Office	3
Collie	2
Mandurah	9
Manjimup	2
Geraldton	51
Kununurra	7
Broome	5
Derby	1
South Hedland	7
Karratha	50
Moora	3
Exmouth	1
Carnarvon	2
Beenyup	1

- (3) Yes. For the relocation of a number of positions as a consequence of the consolidation of the Customer Service function in Perth and the merger of the two Perth Regions. Additionally, there may be some rationalisation of support functions resulting from the sharing of resources within the Corporation.

WATER CORPORATION - CONTRACTORS

Damage to Services

798. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) On how many occasions since January 1, 1997 have contractors for the Water Corporation, carrying out work on behalf of the Corporation, caused damage to services supplying -

- (a) water/sewerage;
 - (b) electricity;
 - (c) gas;
 - (d) telecommunications?
- (2) How many households were affected in each case of damage?
 - (3) What was the location of each case of damage?
 - (4) In each case, who is responsible for any liability as a result of the damage?
 - (5) In each case, for how long were the services to households interrupted?

Hon MAX EVANS replied:

- (1) The following information is an estimate only for the Perth metropolitan area from 1 January 1997 to 15 October 1997.
 - (a) 9.
 - (b) 2.
 - (c) 29.
 - (d) 24.
- (2) Exact details are not available. However, typically when a service disruption occurs, 1 to 50 properties are affected. This depends on whether the damage to services is to an individual property connection or a network of properties.
- (3) This data is not available.
- (4) Primarily the contractor will be responsible for its own activities. However, the Water Corporation may be liable, depending on the individual circumstances of each incident.
- (5) Interruptions to services usually vary between half an hour and four hours.

WATER RESOURCES - IRRIGATION DISTRICTS

Cost of Water Supply

812. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

What is the average cost per kl for water in each of the irrigation districts in Western Australia?

Hon MAX EVANS replied:

Irrigation charges are not based solely on volumetric charges. The following information provides the average price per kilolitre (kl) paid, including the fixed annual charge. The average price for individual farmers will depend on the actual volume they use.

Preston Valley	20.845 cents per kl
Carnarvon (Based on average consumption of 3110 kilolitres per hectare from the piped scheme).	30.50 cents per kl
Ord (Irrigator using 12.5 megalitres per hectare)	0.512 cents per kl
South West	Transferred to irrigator co-operatives.

ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

Incinerator Site - Licence Conditions Review

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

- (1) Further to question without notice 763, part (3) of September 10 1997, has the Department of Environmental Protection ("DEP") reviewed the requirement for a four-hour burn down time after the last load as required under Clause A3 of the Stephenson and Ward licence conditions?

- (2) If yes, what was the result of the review?
- (3) Would the Minister for the Environment table the results of the review?
- (4) If not, does the DEP propose to review this licence condition?
- (5) If so, is this in response to the incinerator operator's request to relax the condition?

Hon MAX EVANS replied:

- (1) No.
- (2)-(3) Not applicable.
- (4) Yes. This condition was originally applied to the old incinerator which relied on a batch process for removal of the ash at the end of each day's operation. A four hour burn down was required to prevent smoke emission during ash removal.

I am advised that the licence condition is not relevant to the incinerator currently operating on the site as this new incinerator incorporates continuous ash removal. This means that once all of the ash is removed there is no need for continued operation of the incinerator.

- (5) No.

GOVERNMENT CONTRACTS - EXCESS OF \$10M

Number and Details

959. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) How many contracts over \$10m have been awarded by any Government departments or agencies within the Minister for Labour Relations portfolios since February 1993?
- (2) Will the Minister list those contracts?
- (3) What was the value of each of these respective contracts?
- (4) What is the duration of each of these contracts?
- (5) Who is the contract entered into with?

Hon PETER FOSS replied:

Department of Productivity and Labour Relations:

- (1) None
- (2)-(5) Not applicable

WorkSafe Western Australia:

- (1) None
- (2)-(5) Not applicable

Commissioner of Workplace Agreements:

- (1) None
- (2)-(5) Not applicable

Department of the Registrar, WA Industrial Relations Commission:

- (1) None
- (2)-(5) Not applicable

WorkCover Western Australia:

- (1) None
- (2)-(5) Not applicable

Office of the Minister for Planning (Planning Appeals):

- (1) None
- (2)-(5) Not applicable

Ministry for Planning:

- (1) None
- (2)-(5) Not applicable

Heritage Council of Western Australia:

- (1) None
- (2)-(5) Not applicable

East Perth Redevelopment Authority:

- (1) None
- (2)-(5) Not applicable

Subiaco Redevelopment Authority:

- (1) One
- (2) Yes
- (3) \$34.5m
- (4) 21 months contract duration
- (5) Multiplex Constructions Pty Ltd

PLANNING - COMMISSION

ICI Site - Revised Plans for Landfill

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

- (1) Why did the Western Australian Planning Commission ("WAPC") override the Fremantle City Council regarding raising the site levels at the ICI site at 77-79 Thompson Road North Fremantle to 1.5 metres?
- (2) Did the applicant at any stage submit revised plans for landfill to the WAPC?
- (3) If so, has the Fremantle City Council been given a copy of the revised plans?
- (4) If not, why not?
- (5) If not, will the Minister for Planning table a copy of the revised plans?
- (6) If not, why not?
- (7) Why has the WAPC imposed conditions on the applicant which cannot be enforced?

Hon PETER FOSS replied:

- (1) The Commission concluded that the proposed fill that raises the ground level for the most part between 1 and 1.5 metres to be an acceptable proposition in the circumstances of the case.
- (2) Yes
- (3)-(4) There has been several earthworks plans upon which Council has commented. The current earthworks plan has previously been forwarded to Council.
- (5)-(6) Not applicable.
- (7) The conditions imposed can be enforced. Council will be responsible for monitoring compliance and advising the commission whether the applicable conditions have been satisfied.

TOURISM - AEROBICA - THE EVENT

Involvement of Commission Employees

1099. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Did any employees of the Western Australian Tourism Commission assist in the organisation/administration of the World Aerobica Event recently held in Perth?
- (2) If yes, what were their names and what tasks did they carry out?

Hon N.F. MOORE replied:

- (1) No. (There was an Eventscorp representative on the Event's advisory committee.)
- (2) Not applicable.

QUESTIONS WITHOUT NOTICE**COURTS - DISTRICT***Civil and Criminal Matters***1006. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) What was the cost to the State, and what is the estimated cost to the State, of civil matters dealt with by the District court in -
- (a) 1993-94;
 - (b) 1994-95;
 - (c) 1995-96;
 - (d) 1996-97;
 - (e) 1997-98;
 - (f) 1998-99; and
 - (g) 1999-2000?
- (2) What was the cost to the State, and what is the estimated cost to the State, of criminal matters dealt with by the District Court in those years?
- (3) What was, and what is, the estimated amount of this cost to be met out of consolidated revenue for those years?
- (4) What was, and what is, the estimated amount of this cost to be met from fees charged for those years?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) The financial data available for the years 1993-94 to 1996-97 does not distinguish between civil and criminal matters.
- For the years 1997-98 and on, mechanisms are being developed, via output based management, to provide this information, however the data is not yet available.
- (3) Not applicable.
- (4) Nil, as there is no revenue retention. In most government organisations, unless there is a net appropriation agreement the revenue goes straight into the CRF and then the organisations receive an allocation back.

COURTS - SUPREME*Civil and Criminal Matters***1007. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) What was the cost to the State, and what is the estimated cost to the State, of civil matters dealt with by the Supreme Court in -
- (a) 1993-94;
 - (b) 1994-95;
 - (c) 1995-96;
 - (d) 1996-97;
 - (e) 1997-98;
 - (f) 1998-99;
 - (g) 1999-2000?
- (2) What was the cost to the State, and what is the estimated cost to the State, of criminal matters dealt with by the Supreme Court in those years?
- (3) What was, and what is, the estimated amount of this cost to be met out of consolidated revenue for those years?
- (4) What was, and what is, the estimated amount of this cost to be met from fees charged for those years?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The financial data available for the years 1993-94 to 1996-97 does not distinguish between civil and criminal matters.

For the years 1997-98 and on, mechanisms are being developed, via output based management, to provide this information, however the data is not yet available.
- (2) See (1).
- (3) Not applicable.
- (4) Nil, as there is no revenue retention.

LOCAL GOVERNMENT - CITY OF WANNEROO

Commissioners - Disclosure of Financial Interests

1008. Hon TOM STEPHENS to the Minister representing the Minister for Local Government:

I refer to the five commissioners appointed to replace the Wanneroo City Council -

- (1) Will those commissioners be required to disclose any financial interest they may have when conducting the business of the City of Wanneroo as councillors are required to do under the Local Government Act?
- (2) If not, why not?
- (3) If yes, under what statutory provision are they required to make those disclosures?

Hon N.F. MOORE replied:

On behalf of the Minister for Transport I thank the member for the question and request that it be placed on notice.

MINING - ALCOA OF AUSTRALIA LTD

Dangerous Goods - Determination of Designation

1009. Hon GIZ WATSON to the Minister for Mines:

With reference to the Minister's answer to question without notice 922 of 21 October 1997, I ask -

- (1) What method does Alcoa of Australia Ltd use to determine what goods are consigned as dangerous goods under the Dangerous Goods Regulations?
- (2) Is the designation of dangerous goods performed by assessing a generic sample or is it determined on a load by load basis or by some other method?
- (3) How frequently does Alcoa Australia provide information about dangerous goods carriage to the Department of Minerals and Energy?
- (4) To what officer of the Department of Minerals and Energy does Alcoa report this information?
- (5) What method of confirmation is used by the explosives and dangerous goods division of the Department of Minerals and Energy when verifying the accuracy of dangerous goods designations by Alcoa Australia?
- (6) If no method of confirmation is used, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of the five parts of the question of which she gave notice.

- (1) Chemical laboratory testing.
- (2) Dangerous goods are assessed by testing a generic sample.
- (3) Information on dangerous goods transport is provided to the Department of Minerals and Energy only when required.
- (4) I have no answer because I have had no notice of this part of the question.
- (5) Explosives and dangerous goods officers are qualified chemists. Confirmation is achieved if Alcoa's results are consistent with the officer's professional judgment.
- (6) Not applicable.

STATE FINANCE - CONSOLIDATED FUND

*Operating Surplus or Deficit***1010. Hon TOM STEPHENS to the Minister for Finance:**

Will the Minister provide the House with the operating surplus or deficit of the consolidated fund for the months of August, September and October 1997?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The operating surplus or deficit for the consolidated fund was as follows: For August there was a deficit of \$167m; for September a surplus of \$21m; and for October a deficit of \$251m. At the end of August there was a deficit of \$510m; September a deficit of \$489m; and October a deficit of \$740m.

Considerable care needs to be taken in comparing these figures with those of earlier periods owing to the changed approach to cash management in 1997-98. Whereas in earlier years the operating surplus or deficit indicated the actual expenditure against appropriations, in 1997-98 it reflects the transfer of funds to operating trust accounts in accordance with projected cashflows. A proportion of these transfers remains unexpended at the end of each month. For example, at 31 August 1997 there was a consolidated fund operating deficit of \$510m compared with \$11m at the same time last year. The majority of this variance can be explained by the \$301m held in operating trust accounts at 31 August 1997 and the inclusion in the 1996 figure of a one-off debt repayment of \$120m by the Water Corporation and a receipt of \$86m from the sale of the vehicle fleet.

I will explain the position of the trust accounts to make it a little clearer. The question comes back to the government accounting system which controls all the expenditure of government. One can rule the agencies' accounts off every night to see what they are up to. As from 1 July every agency has had its own accounting system and bank account. The Treasury puts the money from the consolidated fund into the respective accounts. The Treasury knows of \$301m in those trust accounts. I saw these figures the other day, and I am not surprised the member has also seen them. The Treasury has one bank account with the Reserve Bank so that every night it can find out what the balance is there against agencies. It is reported in a different form but is in effect the same as it was before when the figures were in the consolidated fund. We then have the repayments of the Water Corporation and others.

Last year land tax assessments were issued four to six weeks ahead of their issue the year before; we have now changed to a later date. However, last year we collected \$100m less land tax up to October. We will always have variations like that. We need a better method of reporting. That is the same as the Niemeyer statement of receipts and payments. I have been trying for years to get them to change that. It was brought in during the 1930s. None of that means anything. There is nothing alarming about this. We need a better way of reporting.

PROSTITUTION - MASSAGE PARLOURS

*Containment Policy***1011. Hon NORM KELLY to the Attorney General representing the Minister for Police:**

- (1) Have any of massage parlours operating outside the containment policy, as listed in the Assembly tabled paper No 884, requested that they be included in the containment policy?
- (2) If so, how many, and why are they still outside the containment policy?
- (3) Has the Minister assessed the increased danger for sex industry workers operating outside the containment policy?
- (4) If so, can the Minister outline these dangers?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Not to my knowledge; however, several have inquired into the policy guidelines.
- (2) Not applicable.
- (3) No. I understand that the Western Australia Police Service has reviewed this situation.

- (4) The Western Australia Police Service considers -
- (a) workers could be exploited by owners and operators of premises;
 - (b) organised crime figures could infiltrate the sex industry more readily than is the case at the moment;
 - (c) regular health checks may be at risk; and
 - (d) juveniles could be enticed into the industry.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - PATENT RIGHTS OVER PLANTS

1012. Hon CHRISTINE SHARP to the Minister representing Minister for the Environment:

- (1) What is the full extent of patent rights claimed by the Department of Conservation and Land Management over plants in Western Australia?
- (2) In what ways does CALM comply with the requirements of the biodiversity charter, especially article 8(j)?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Department of Conservation and Land Management has lodged a patent application relating to the plantation development of Indian sandalwood.
- (2) The biodiversity charter referred to is taken to mean the United Nations Convention on Biological Diversity, to which Western Australia is committed under the National Strategy for Conservation of Australia's Biological Diversity. The conservation of biological diversity is CALM's core objective and the department is working to incorporate traditional knowledge in conservation where feasible.

MINISTRY OF JUSTICE - DEATHS IN CUSTODY

Number

1013. Hon HELEN HODGSON to the Minister for Justice:

- (1) How many individuals died in custody in 1996-97?
- (2) How many of those individuals were Aboriginal?
- (3) How many Aboriginal prison officers does the department employ?
- (4) How many Aboriginal prison support officers does the department employ?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Nine individuals died in custody in 1996-97.
- (2) Two of those were Aboriginal.
- (3) Thirteen prison officers.
- (4) Ten prison support officers.

PORT KENNEDY - COMPLIANCE AND PROJECT REPORTS

1014. Hon J.A. SCOTT to the Attorney General representing Minister for Planning:

- (1) Have the developers of Port Kennedy Resorts complied with all the environment conditions and reporting requirements pertaining to the development of the Port Kennedy site?
- (2) If so, when did the developers last provide the planning department with a report of compliance with environmental conditions?
- (3) Will the Minister table a true copy of that report?
- (4) If not, what conditions and reporting requirements have not been met?

Hon PETER FOSS replied:

As the information requested will take time to collate I ask that the question be placed on notice.

SCHOOLS - HIGH

*Cadets Program - Upgrading***1015. Hon B.K. DONALDSON to the Minister representing the Minister for Youth:**

- (2) What is the status of the Government's cadets in high schools program?
- (2) When will it be upgraded to a full time program for schools in regional areas such as Albany.

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The program has 40 school based units in existence or with a formal commitment to commence. Interest has already been expressed by a further 37 schools and we are confident that the target of 70 schools for 1998 can be met.
- (2) The cadet scheme is not a full time program, but there is a strong interest from the Albany area. The Chairman of the State Youth Training Scheme Council is the new district director of education based in Albany, Mr Barrie Wells.

BUNBURY SILOS - SALE

1016. Hon J.A. COWDELL to the Leader of the House representing the Minister for Regional Development:

In relation to the proposed sale of the Government owned Bunbury wheat silos and 1.4 hectares of prime waterfront land to a local consortium for \$900 000 -

- (1) What was the amount of deposit the consortium agreed to pay the South West Development Corporation on the land?
- (2) What are the terms of payment of the remaining amount?

Hon N.F. MOORE replied:

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

MINISTRY OF JUSTICE - COMMISSIONER FOR PUBLIC SECTOR STANDARDS

*Efficiency Audits***1017. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Public Sector Management:**

I wrote to the Commissioner for Public Sector Standards on 10 July 1997 requesting a full inquiry into the activities of WorkSafe WA and Commissioner Bartholomaeus. The commissioner wrote to me on 17 July 1997 to advise that he had forwarded my complaint to the Premier requesting that he provide him with a background report and on receipt of the report he would be in a position to determine what action if any he might need to take about the concerns I had raised. I still have not had a response.

The PRESIDENT: Order! The member must ask the question. I understand that a limited preamble may be necessary but the member must get to the question.

Hon LJILJANNA RAVLICH: My question is -

- (1) How long does it take for the Commissioner for Public Sector Standards to make a decision about whether to conduct an inquiry?
- (2) Is the Office of the Commissioner for Public Sector Standards subject to efficiency audits and if so by whom?
- (3) When will I be advised if a full inquiry into WorkSafe will take place?

Hon MAX EVANS replied:

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

DEPARTMENT OF MINERALS AND ENERGY - MR GERRY SINGLETON

*Terms of Employment***1018. Hon GIZ WATSON to the Minister for Mines:**

- (1) Does Alcoa of Australia Ltd pay or donate any funds to the Department of Minerals and Energy for wages of inspectors in the department?
- (2) Does Mr Gerry Singleton work for the Department of Minerals and Energy?
- (3) Does the department pay Mr Gerry Singleton's wages or salary out of its budget?
- (4) If not, what source of funding provides Mr Gerry Singleton's wages or salary?
- (5) What tasks and in which area does Mr Gerry Singleton perform his duties?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) No.
- (4) This is not known to the Department of Minerals and Energy, which believes that Mr Gerry Singleton is an employee of Alcoa of Australia Ltd.
- (5) The department has no knowledge of the range of specific tasks required of Mr Singleton by his employer. The department deals with Mr Singleton on the matter of the inspection of classified plant by persons approved to do so under the Mines Safety and Inspection Act.

TOURISM - SOUTH EAST ASIAN CURRENCY CRISIS

*Effect***1019. Hon TOM STEPHENS to the Minister for Tourism:**

- (1) Has the Government made an assessment of how the tourism industry will be affected by the currency crisis in Asia?
- (2) Are new figures available which show that Asian tourism has already dropped partly due to the economic turmoil?
- (3) What measures will the Government take to assist the industry to deal with this downturn?

Hon N.F. MOORE replied:

- (1)-(3) I do not have a copy of question, so I do not have a prepared answer. I can advise the member that the situation in South East Asia, particularly with the currency crisis, has been a mixed bag for tourism into Western Australia. It is transpiring that many Asian tourists who would normally go to Europe or the United States are seeking a cheaper holiday, which is Western Australia. At the same time, as the smoke haze problem has caused difficulties in many parts of South East Asia a large number of people are holidaying in Western Australia to avoid that smoke hazard. In conjunction with the range of events that are being held in Perth, starting with Rally Australia through to the Heineken Golf tournament at the end of January next year, virtually every hotel room in Western Australia is full.

There is a very buoyant tourism situation in Western Australia at the moment. It is very difficult to obtain a seat on a flight between Singapore and Perth. Malaysia Airlines last week introduced its eighth flight a week from Malaysia to Perth. This flight travels from Kuala Lumpur to Kuching to Perth, and it opens up some interesting opportunities for Western Australians to travel to East Malaysia and East Malaysians to travel to Perth. In view of the economic growth in that part of Malaysia, there are potential opportunities for Western Australian businesses to move to East Malaysia.

Contrary to the tone of the question, there is a very buoyant tourism industry in Western Australia at present and, fortunately, the effect of the currency crisis has not been as difficult for the industry as some people initially predicted. One can only hope that continues. It is a very fickle industry, but I am delighted to hear

that almost every hotel in Perth is full until after February and it is almost impossible to get a seat on flights to Perth because of the great demand.

HOSPITALS - MURRAY DISTRICT

Upgrading

1020. Hon J.A. COWDELL to the Minister representing the Minister for Health:

- (1) Will the Minister match Labor's commitment to upgrade the Murray District Hospital in line with the Peel Health Service Board's recommendation?
- (2) What services will Murray District Hospital provide to complement the new Mandurah Hospital?
- (3) How many staff are employed at the Murray District Hospital?
- (4) What is the employment category of these staff?
- (5) What is the anticipated staffing level of Murray District Hospital, once the new Mandurah Hospital comes on stream?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The project control group associated with the redevelopment project for Murray District Hospital has submitted a report to the Government and the Health Department of WA. Attached to the report is supporting documentation in the form of the heritage report and the Murray District Hospital strategic review of acute inpatient requirements. This project control group's report has made recommendations about the future development of the Murray District Hospital and the Government is considering all documentation.
- (2) The Government has the matter under consideration. The project control group's recommendations and the supporting documentation will be considered in the decision making process.
- (3) Currently 229 people are employed at Murray District Hospital.
- (4) The employment category of staff at Murray District Hospital is: Nursing, 125; clerical, 36; allied health, 15; hotel services, 50; and maintenance, 3.
- (5) The anticipated staffing level for Murray District Hospital is also under deliberation and will be based on the Government's consideration of the project control group's recommendation and supporting documentation.

WESTERN POWER - POWER GENERATION PLANT NEAR ESPERANCE

Tenders

1021. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:

- (1) Has Western Power called for tenders on the construction of a power generation plant at or near Esperance?
- (2) Has a successful tenderer been selected?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) No.

HOUSING - HOME OWNERSHIP PROGRAMS

1022. Hon RAY HALLIGAN to the Minister representing the Minister for Housing:

A recent Australian Bureau of Statistics report indicated that more than 29 per cent of Australian families are renting their homes, either in the private market or through public housing programs. This compares with 25 per cent in 1980. What programs are in place to encourage people to purchase their first home?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

This Government, through its various agencies, has gone to great lengths to ensure an adequate supply of reasonably priced land in good areas for new home buyers. In addition, the Government, through Homeswest, has concentrated its efforts on home ownership. Specifically, the following programs are in place: Keystart - low deposit assistance; Right to Buy - tenants in occupation; Goodstart - shared equity; Aboriginal home ownership scheme; people with disabilities home ownership scheme; and residential land sales incentive scheme.

WATER CORPORATION - CUSTOMER CENTRE*Balcatta***1023. Hon KEN TRAVERS to the Minister representing the Minister for Water Resources:**

- (1) What is the estimated cost to redevelop the Water Corporation offices in Balcatta into the customer centre?
- (2) Will the Minister request the Water Corporation Board to reconsider locating the customer centre in Balcatta?
- (3) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The operational scope of the customer centre has been enhanced since the initial proposal was costed. The centre now includes provision for service difficulty and fault call processing, work order creation, scheduling and crew dispatch, effectively bringing forward plans to provide a totally integrated customer service and deal with all customer calls from one operational centre. As a result, the estimated cost of the centre has been revised to \$2.1m.
- (2) No.
- (3) A number of sites were considered for the customer centre. The Balcatta location best suits the corporation's long term office accommodation requirements.

PROSTITUTION - MASSAGE PARLOURS*Investigations***1024. Hon NORM KELLY to the Attorney General representing the Minister for Police:**

- (1) On how many occasions has the vice squad been asked to investigate incidents this year at Perth massage parlours operating under the containment policy?
- (2) How do these figures compare with requests for investigations into massage parlours operating outside the containment policy?
- (3) Has the Police Service conducted research into the number of massage parlours that would be required to meet consumer demand?
- (4) If so, what is deemed to be an optimum number?

Hon PETER FOSS replied:

I thank the member for some notice of this question. It sounds fascinating as to what the Police Service should be doing.

- (1) There are no massage parlours operating within the containment policy. Two incidents have been investigated by the vice squad at containment brothels in the metropolitan area.
- (2) There have been 50 investigations into massage parlours and escort agencies outside the containment policy.
- (3) No.
- (4) Not applicable.

HOSPITALS - MANDURAH

*Dialysis Unit***1025. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) When will the dialysis unit be installed in the new Mandurah Hospital?
- (2) When will this unit be available for use by patients who currently travel to hospitals in Fremantle and Perth?

Hon MAX EVANS replied:

I do not have an answer to that question.

HOSPITALS - MANDURAH

*Operating Theatre Services***1026. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) When will the operating theatre services be available at the new Mandurah Hospital building?
- (2) Will staff be recruited from Murray District Hospital for the new operating theatres at Mandurah?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Prior to commissioning, Health Solutions WA Pty Ltd has been contracted to provide 1 552 inpatient diagnostic related group services. Some of these may be services that require the use of theatre. The health services agreement with Health Solutions specifies that DRG services, some of which will require the use of theatre, will be provided at Peel Health Campus from the date of commissioning. It is anticipated that the Peel Health Campus will be commissioned in 1999.
- (2) Health Solutions has sought expressions of interest to work at Peel Health Campus from staff at Murray District Hospital.

MINING - ALCOA OF AUSTRALIA LTD

*Decontamination of Vehicles - Facilities***1027. Hon GIZ WATSON to the Minister representing the Minister for the Environment:**

I refer to the Minister's answer to question without notice 874 of 15 October 1997.

- (1) Is it a requirement under any Act or regulation for vehicles contaminated with dust or corrosive materials to be decontaminated or washed before leaving Alcoa of Australia Ltd's sites to travel on public roads?
- (2) If not, why not?
- (3) If yes, what facilities are in place to enable decontamination or washing of any or all vehicles on Alcoa's sites?
- (4) If facilities are in place at Alcoa's sites, what size vehicles can be accommodated?

Hon MAX EVANS replied:

I do not have an answer to that question.

DE FACTO RELATIONSHIPS - PROPERTY LEGISLATION

*Introduction***1028. Hon HELEN HODGSON to the Attorney General:**

Does the Attorney General intend to introduce legislation during this parliamentary session that will regulate the division of property between couples living in de facto relationships?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Legislation dealing with property matters in dispute resulting from the breakdown of de facto relationships has been prepared. It is currently going through party room procedures, which will need to be completed if it is to be introduced before the end of this session of Parliament.

COURTS - FAMILY

*Breastfeeding Decision***1029. Hon CHERYL DAVENPORT to the Attorney General:**

- (1) Is the Attorney General aware that a young mother was recently ordered by a Family Court magistrate to cease breastfeeding her 11 month old baby in order to allow access to the child by her estranged husband?
- (2) If so, does he support the magistrate's action?
- (3) If not, what action can be taken to ensure such decisions are not made in the future?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No. However, if the member can provide additional detail, perhaps in writing to protect the parties to the proceedings, I will seek further information and advise the member accordingly.
- (2)-(3) Not applicable.

LOCAL GOVERNMENT - CITY OF BAYSWATER

*Crime Statistics - Security Watch Program***1030. Hon NORM KELLY to the Attorney General representing the Minister for Police:**

- (1) Is the Minister aware of the crime statistics with regard to the City of Bayswater's security watch program during the first 10 months of its operation?
- (2) Has the Police Service maintained, increased, or decreased the number of patrols in the City of Bayswater during this period?
- (3) What are the future plans of the Police Service with regard to the number of patrols in the City of Bayswater?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes. Burglary statistics for the Bayswater security watch area are as follows -

	Jan - Sep 1996	Jan - Sep 1997
Day time burglary - dwelling	888	763
Night time burglary - dwelling	136	124
Commercial	235	191
Totals	1 259	1 078

An analysis of these figures shows a 14 per cent decrease in day time dwelling burglary offences, a 9 per cent decrease in night time dwelling burglary offences, and an 18 per cent decrease in burglaries committed on commercial premises.

- (2) The Police Service has maintained the number of patrols throughout the area concerned.
- (3) The patrols will be maintained in the future and increased on a needs basis.

MINISTERIAL OFFICES - ACCOUNTABILITY PROVISIONS

1031. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

I refer to the Auditor General's report tabled yesterday which notes that in some ministerial offices, corporate credit card, hospitality and taxi cab charge payments are not always made in accordance with relevant guidelines, and that records of assets were not adequately maintained. Which ministerial offices are failing in these basic accountability provisions?

Hon N.F. MOORE replied:

The Premier is satisfied that issues raised by the Auditor General have been adequately addressed since the offices have been brought under the control of the Ministry of the Premier and Cabinet. Matters of detail with regard to the audit undertaken should be referred to the Auditor General.