



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Tuesday, 17 September 1996

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

BILLS (2) - ASSENT

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

1. Consumer Credit (Western Australia) Bill
2. Listening Devices Amendment Bill

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

"A Guide to Local Laws", Tabling

Hon B.K. Donaldson presented "A Guide to Local Laws" under the Local Government Act 1995 as subsidiary legislation under the Interpretation Act 1994, setting out the Joint Standing Committee on Delegated Legislation's involvement in the scrutiny of local laws and how it intends to operate in this area of jurisdiction, and on his motion it was resolved -

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

[See paper No 604.]

MOTION - URGENCY

Skilled Labour Shortages

THE PRESIDENT (Hon Clive Griffiths): Members will be delighted to know I have received this letter, addressed to me and dated 17 September 1996.

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on 25 December 1996 for the purpose of discussing the need for the Western Australian Government to respond to existing and forecast shortages of trained trades persons in the light of changes announced in the Commonwealth Budget and the overall increase in unemployment figures as revealed in the August statistics.

Yours sincerely

John Halden MLC

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

[At least four members rose in their places.]

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [3.39 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

In recent weeks there has been considerable debate in this State about the skill shortages throughout Western Australia. I want to highlight today the lack of activity on the part of the State Government over the actions in this area of its counterpart in Canberra. The number of places in training programs funded by the Federal Government this year is likely to fall from 672 000 to some 444 000, a decline of almost 35 per cent. The biggest cutbacks will be in training programs, where commencements will be halved. If those facts had been brought to the attention of the Government when the former Federal Government was in power, it would still be screaming very loudly.

Basically what we have heard from this Government has been deafening silence. That has not been with regard to just the commencement of training programs. The Federal Government proposes from December to cut apprenticeship subsidies from \$4 000 to \$2 500; and from 1998, companies which employ more than 100 staff will no longer be eligible for a subsidy. We know from the Worley report, which the Government commissioned, that by mid-1998, the resources and construction industries in this State are likely to have a skills shortage of some 7 000

people. Therefore, at a time when our skills shortages are likely to be greatest, and at a time when Western Australians can expect to benefit from our healthy resources climate, it is likely that they will not be given the same opportunities as they were by the previous Federal Government.

We see problems in other areas also. Telstra has announced that it plans to downsize by some 23 000 personnel after it has just made a record profit. Some 8 000 state public sector workers have lost their jobs. That downsizing has caused problems.

Hon E.J. Charlton: And 110 000 jobs have been created.

Hon JOHN HALDEN: That is a monkey number, and the Minister would say that. The Minister for Transport has come into this place and pointed out the odd benefit - the tip of the iceberg - of downsizing and how people have been successful. However, we have never had any thorough research on the effects of downsizing at either the state or federal government level. That is not surprising.

A United States study indicates that in 1995, some 600 000 people lost their jobs as a result of downsizing. The study concluded with these very interesting and concerning figures: 12 per cent of the people who had lost their jobs exited the work force once and for all; 17 per cent remained unemployed two years later; and of the 71 per cent who were able to gain re-employment, 31 per cent took a wage reduction of more than 25 per cent, 32 per cent took a wage reduction of between 1 and 25 per cent, and 37 per cent, at best, had no loss of wages or had improved financial circumstances.

In rural Western Australia, where the impact of state and federal government downsizing has been greatest, particularly when we consider Telstra, we have found that downsized workers who live in a low growth region and who have 15 years' experience, or more, typically re-enter the work force having lost at least 15 per cent of their income, and workers over the age of 55 have basically no chance of getting back into the work force. That is an example of what has happened in the United States, and it is also an example of the complaints that have come to my electorate office from people who are now experiencing the results of the decision of both State and Federal Governments to downsize the work force. The significance of downsizing is that when experienced workers are financially worse off, in spite of the fact that jobs are available and will be into the future, Western Australians will not be able to achieve the maximum benefit from those jobs.

The Worley report identified clearly that already 33 500 jobs for skilled workers cannot be filled in this State, and that by mid-1998, that number will be 7 000. In the last few days, I have spoken to a number of companies about this matter. A shipbuilding company in Henderson has vacancies for 100 skilled workers but cannot fill them. Westralian Sands Ltd in the south west of this State has vacancies for 30 skilled workers but cannot fill them. It is incumbent upon this Government to come out and fight and to come up with policies that will secure long term, skilled jobs for Western Australians.

The apprenticeship intake figures for the last few years demonstrate that the State Government's efforts have led to a 15 per cent decline. In 1993-94, there was an intake of 5 003 apprentices, but by 1995-96, it was down to 4 317. The State Government is also failing to take on apprentices. Since this Government came to power, the government sector has been extensively privatised, downsized and contracted out, and it has taken on only 430 apprentices. That equates to the employment of a little over 100 apprentices a year. As a result, this State's skills level is contracting significantly. At the same time, businesses which want to take on apprentices have had the financial incentives - or compensation, which is a better way of referring to it - diminished by virtue of the actions of this Government's colleagues in Canberra. This Government has allowed that situation to occur, without a whimper. At the end of the day, the people who will be disadvantaged are average Western Australians.

The situation is compounded by the fact that, as most people know - I am sure you know, Mr President - first year apprentices are particularly costly because of the requirement to supervise and train them, and their productivity is low, but little effort is being made to help employers to overcome that problem. Recently, the Leader of the Opposition announced a strategy that will assist employers to enable young and older Western Australians to benefit from the skills shortages. I note that the Minister for Training said that that was just the Opposition making another financial commitment. A financial commitment which will give 4 000 young Western Australians increased opportunities, and diminish considerably the cost to industry, should not be dismissed so flippantly by the Minister for Training. That program will cost Western Australians \$10m a year, and to get it operational to that level - that is, to put 4 000 additional apprentices into the system - will cost only \$29m.

Hon N.F. Moore: Only!

Hon JOHN HALDEN: Here we go! The Minister says, "Only!" Meanwhile, we can look at the consultancy fees that this Government has paid, we can look at the international advertising of this Government of enormous proportions, and the Minister says, "Only!" An amount of \$29m over four years is \$7m a year, which is nowhere near

the figure that is paid by this Government every six months for consultancies. The Government has its priorities. It will pay its mates for consultancies, but it will not train people properly. The issue here - I am glad the Minister said this - is priorities. Quite clearly, in the three and a half years that the Minister has been in government, the people who advise him have not given him the figures that will enable him to stand up for Western Australians so that Western Australians can benefit long term from the boom in the resources and construction area. We have our priorities right. The Minister has his priorities absolutely wrong. I am very glad the Minister interjected in such a way as to highlight that difference.

Hon N.F. Moore: Your mentality says "only \$29m".

Hon JOHN HALDEN: Only \$7m a year for four years. "Only" is right. If we were proposing to spend \$20m a year to secure for Western Australians the benefits of our resources boom, it would be a very small and insignificant part of this State's Budget. If the Minister cannot secure that from his Cabinet colleagues at the same time as they trip all over the world and employ consultants to do a range of things, I am sorry for him and the State.

There is no doubt that this State has experienced low unemployment comparative to other States. However, the trend line indicates that in the last 12 months there has been an increase of around 7.8 per cent. More disturbing is the total number of unemployed. That has risen from approximately 65 500 people unemployed 12 months ago to over 70 000 unemployed at a time, we are told, when this State's economy is booming. However, the boom is not translating itself into benefits for average Western Australians. This Government's policies have resulted in an increase in the unemployment rate and in the average Western Australian getting a worse deal. I have only to go to the American example. Is it any wonder that we have not tracked the results of this Government's decisions on downsizing or that the Government does not want us to know about the figures which indicate that, as a direct result of downsizing, only 20 per cent of workers are better off, 12 per cent have been thrown onto the unemployment scrapheap and the vast majority of workers are significantly worse off?

The Government has also been negligent with its policies on contracting out. It has contracted out to companies that do not buy Western Australian, which do not have their head offices or even an office in Western Australia, or which do not even employ Western Australians to do jobs that were once done by Western Australians. Government policy has meant that Western Australians have lost employment opportunities and have fewer financial benefits than they had previously. These are the results of government decisions. These are the results of "sound economic management" which has seen Western Australians become worse off! Western Australians are now very apprehensive about their futures. Is it any wonder that Western Australians will not make long term investment decisions on housing? The reason stated by the vast majority of people is that they are uncertain about their employment futures. When the Government downsizes and makes people work for less, the results are reflected in economic activity. That is happening nowhere more clearly than in the housing sector. That is a result of government policy and decisions. It is now incumbent upon the Government as it approaches an election to tell us how it will improve the situation, not produce a report which gives us four options, two of which are about the importation of interstate and overseas workers.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.55 pm]: One of the reasons the Opposition is so highly regarded in Western Australia is the positive way it goes about things!

Hon Kim Chance: Thank you.

Hon N.F. MOORE: Unfortunately, *Hansard* does not record heavy sarcasm, but that is what it was. This is the biggest whinge in history. Members opposite are absolute whingers, starting from the Leader of the Opposition, Mr McGinty, through to his right-hand man, Mr Halden. They never have a good thing to say about anything. Let us look at the record of this Government since it has been in office. When it came to office three and a half years ago - in February 1993 - the unemployment rate in Western Australia was 9.8 per cent; now it is 7.7 per cent, a significant decrease. The number of people employed has risen by 110 000 people in Western Australia in that period. The participation rate is almost the highest in history at 67 per cent. When Hon John Halden thinks about the effect that the participation rate has on unemployment figures, he will realise that when people get positive about the future availability of jobs, they register for unemployment, which they did not do before. That puts the unemployment figure up, and the participation rate goes up at the same time because the participation rate is the number of people in jobs and those seeking jobs. A very high participation rate in Western Australia demonstrates a positive attitude of the people in this State towards their employment prospects down the track.

I am the first to admit that we have a skills shortage problem in Western Australia. However, that is vastly better than the alternative, which is no jobs available in the future.

Hon John Halden: You have had that skills shortage for three years and done nothing about it.

Hon N.F. MOORE: Allow me to finish my speech. We conducted a survey through Worley Ltd to look at the future development in Western Australia through the resources boom and what effect that would have on skills shortages. The report made clear that there will be a period during the peaks of the boom period when there will be skills shortages. When we get back to a more regular employment process, those peak demands will disappear. As members know, in the resources sector, there is significant demand during the construction stage, and when the projects are in operation the demand for labour diminishes. People move around Western Australia, Australia and the world from one project to another. The construction industry responds to the nature of resource projects by moving people from place to place. The Worley report identified that in some areas we will need to bring in overseas people with high skills that are not available in Australia and probably never will be.

Hon John Halden: What? Cooks and boilermakers!

Hon Tom Helm: What nonsense!

Hon N.F. MOORE: It is a fact, you foolish man. I am not talking about boilermakers. The nature of construction associated with resources development is such that we will have significant demands for labour at certain periods in Western Australia for many years. As we go into a period of growth, which I hope the Opposition will applaud - something like \$20b-worth of investment in the next five or 10 years - instead of laughing about it, we will need to bring in more skilled workers. I remind Hon Tom Helm that that will be a significant benefit to development of industry in our electorate, something he conveniently ignores. Government members are the first to admit that we will need to bring in labour from the other States and, in some very highly specialised areas, from overseas. That is a short term solution to the ongoing problems associated with the construction industry.

What is the Labor Party's answer to this? Let us write a cheque for \$27m! That is what it did in its 10 years in office. It did not matter about the mounting debt that was left to the Government that would be elected in the future. Mr Halden said, "Just \$27m, that is all it will take. Only \$10m a year, that is all." Mr McGinty said we could find it in the Budget! Of course they could, with their mentality. We could just borrow more!

Following the Worley report, we allocated \$9.5m in Western Australia this year and next year for very targeted training. I will not go through the details because I do not get 15 minutes like the Leader of the Opposition. This will create 5 300 training positions in Western Australia to meet the targeted needs of industry. That will not go the whole way.

Hon John Halden: It should do.

Hon N.F. MOORE: The Government cannot simply say that it will train 10 000 people when it has the capacity to train only 3 500, for example. Training cannot be delivered tomorrow. The Leader of the Opposition does not understand that it takes more than three and a half minutes to train someone to be a boilermaker or welder. It takes a long period.

Hon John Halden: Have you found that out after four years?

Hon N.F. MOORE: I know that.

Hon John Halden: Why did you not start four years ago?

Hon N.F. MOORE: If a company decides it needs 500 boilermakers next week, it is not possible to train those people this week. One of the problems in determining the training needs in this State is ascertaining from companies their requirements in sufficient time to deliver the training. Often companies make a decision to go ahead with a project and then start soon afterwards. That is one of the problems of the training system. It takes time to deliver but the demands are sometimes made very quickly with a short time line up-front. There is a Bill in the Parliament at the moment which seeks to remedy that and put in place a mechanism to ensure that the Government knows the State's training needs well in advance so that training can be provided.

Hon John Halden does not understand that apprenticeships cater for only certain skills and trades. That situation has changed over the years. Since the early 1980s the number of apprenticeships in Western Australia has declined. It has been a gradual decline over that period - not just since this Government has been in office - and, at the same time, there has been a massive increase in the number of traineeships. Apprenticeships are not needed in every occupation.

Hon John Halden: The number of traineeships has increased only because the Federal Government pays for them.

Hon N.F. MOORE: Exactly right. It met a need in training. Not everyone does an apprenticeship; that is no longer the nature of training. The situation has changed dramatically. It can be seen from the Federal Government's new strategy that the modern Australian apprenticeship training system is targeting training to meet the needs of industry and individuals. It does not mean five year indentured apprenticeships for everyone who wants a job. There are

many variations on a theme. The new system will make a significant difference. Mr Crean's answer to the problem was to provide \$5b for programs such as Working Nation and to pour the funds into obscure programs that delivered nothing. A huge number of dollars went down the tube and that is why the Labor Government was thrown out of office. People became sick and tired of the Labor Government spending all their money and not achieving anything. All its support to the unemployed went to the long term unemployed. Only those who had been unemployed for at least 12 months were helped.

Hon John Halden: Rubbish.

Hon N.F. MOORE: That is the legacy of the federal Labor Government. It provided no support or help to people who had been unemployed for less than 12 months. The best time to help the unemployed is when they first become unemployed. I give the previous State Government due credit for setting up the Joblink program which helps newly unemployed people. This Government fixed it up and has retained it because it is a good program. All the other job skill programs were a total waste of energy. It is too late to help people by the time they have been unemployed for 12 months because they have lost heart by then. The previous Government put billions of dollars into helping the long term unemployed without giving any consideration to the consequences for individuals.

This Government has allocated \$9.5m in the Budgets this year and next year for 5 300 training places. It has worked with the Chamber of Commerce and Industry of Western Australia, which has a \$3m training establishment in Kwinana which targets training for the resource industry. Let us consider this in the context of the situation in 1993 and the current situation - a significant decrease in the number of people unemployed, particularly young people.

HON KIM CHANCE (Agricultural) [4.04 pm]: The Minister for Employment and Training said that the Opposition is negative. I am not sure how he can justify that, bearing in mind the context in which this motion has been raised and given the release of the Opposition's training program a week ago. To reciprocate the throwing around of polite insults, it must be said that the Minister presented nothing more than a defensive strategy. He did not tell the House what the Government is doing to address the problem it is facing. He defended the Government's record and said it is a good record. He asked us to look back to 1993. The Opposition did that. In 1993 the apprenticeship intake in Western Australia was 5 003 and in 1995-96 it was 4 317 - almost 700 fewer.

Hon N.F. Moore: Did you look back to 1992?

Hon KIM CHANCE: I did not go back that far. I was interested in the Government's record.

Hon N.F. Moore: You should have compared your Government's record too. Things have changed.

Hon KIM CHANCE: The Minister also said that apprenticeships are being replaced by traineeships.

Hon N.F. Moore: And other forms of training.

Hon KIM CHANCE: Let us consider the trades identified in the Worley report as most in need of an increase in training. They include: Boilermakers, mechanical fitters, piping fitters, instrument electronics fitters, sheet metalworkers, insulator workers, welders - piping, welders -plate, and chefs or cooks. Although the welders can be trained through either traineeship or apprenticeship, the other trades principally involve apprenticeship. It is not good enough for the Minister to present to the House a situation which is not reflected in fact. Apprenticeships are, and always have been, a key form of industry training, and there is a reduction of effort in that area. This motion is not simply about training, but is about training in the context of unemployment.

It is fair enough to fiddle around with labour market participation figures - and I do not suggest that those figures are wrong - but they indicate that more people are looking for work than were previously. One of the reasons for that - it can be identified from a number of sources - is that the economy is going soft. One does not need to go further than the commonwealth Budget to appreciate that. The whole context of the commonwealth Budget is predicated on the notion that economic growth will not approach even 4 per cent. All members in this place, and certainly members in the Federal Parliament, understand that unless economic growth is 4 per cent or higher, it is impossible to address the unemployment problem. The federal Budget predicted that it would be less than that figure and the Federal Government is not looking towards much reduction in unemployment. Although it is looking at a very slight reduction, most commentators indicate that the national figure for the next two or three years will be 8.5 per cent. According to the August unemployment statistics recently released, Australia's unemployment rate rose from 8.5 per cent to 8.8 per cent. With the exception of Tasmania, which has a very high base and whose unemployment rate decreased from 10.2 per cent to 9 or so per cent, the unemployment rate in every State increased. Western Australia still has by far the best unemployment level at 7.7 per cent but, even so, it rose slightly. The federal Minister for Employment, Education and Training, Senator Vanstone, said she hopes the small business sector will give the labour market a kick-start. However, those who speak to people in that sector and in the retail sector are aware that they do not have the capacity to kick-start anything. They are hurt most of all by the current softness in the economy. At

times of the day and year when trading areas were normally busy, today there are not many people around. I noticed this recently in Geraldton and asked whether it applied to just that day or that week. I was told that the situation had been such for six months. The economy is flat and that becomes very obvious as one moves from the main trading areas.

Hon Tom Helm: Like Karratha and Port Hedland.

Hon KIM CHANCE: Indeed. The cold, hard fact of life is that the last commonwealth Budget was contractionary at a time when Australians needed a kick-start from the Budget. There is no way such a kick-start will come from the small business sector without some help from the Government. The State Government may not be able to do much to address the principal factors which drive unemployment. However, to the extent that high levels of unemployment exist when a resources boom is underway - that is freely acknowledged; I do not know where the Leader of the House gets the idea we do not acknowledge that - we are faced with, on the one hand, a unique problem and, on the other hand, a unique opportunity. The unique problem is that we have a skills shortage and 7.7 per cent of our work force - approximately 70 000 workers - looking for a job. We have a high unemployment figure and a simultaneous shortage of labour. The unique opportunity is that we can do something as a State which can help both our unemployment figures and the economy in the short and long terms.

Hon N.F. Moore: We are doing something in this Budget by providing 5 300 extra training places.

Hon John Halden: Why didn't you take up those traineeships earlier?

Hon KIM CHANCE: So far our performance has not been good. The Worley report has identified the shortage of skills in the future.

Hon N.F. Moore: It is not talking about the shortage.

Hon KIM CHANCE: I have already noted the projected skills required for the future.

Hon N.F. Moore: We didn't talk about the past.

Hon KIM CHANCE: No, but we are not doing anything about it.

Hon N.F. Moore: We are; I just told you about the five and a half thousand places.

Hon KIM CHANCE: The Minister says we have an increase in training places. However, there has been a very clear reduction in apprenticeships statewide. The State Government used to be a big employer and trainer of apprentices.

Hon N.F. Moore: It used to incur huge debts.

Hon KIM CHANCE: The places in which they trained were legendary; for instance, the Midland Workshops, the Water Authority of Western Australia, the Building Management Authority, and the State Energy Commission of Western Australia provided training places which produced the most sought after apprenticeships in Western Australia. If you were able to answer the question, Mr Deputy President, I would ask you how many apprentices were recruited by state agencies on average in the term of this Government. The total number is 123 a year from an apprenticeship base which used to employ hundreds and, over the years, thousands.

I was going to continue with another line, but I have recently received some information which has led me to be concerned about the purpose of this issue being raised in the context it has in the Worley report. My information is that possibly this critical labour shortage will not even occur in Western Australia. Indeed, the degree to which work is already being sent offshore, particularly in the heavy fabrication area, is at such a level now that it is likely it will not happen in Western Australia.

Hon N.F. Moore: I don't think you need worry too much about that. You can rest assured that we are going through the Worley report again in the next month to update its projections. It will be updated regularly.

Hon KIM CHANCE: I am pleased to hear that the Government is aware of that. I am making these remarks in this forum so that the Minister understands what is being said and how seriously people are concerned about the situation. There is a feeling that the purpose of commissioning the Worley report was simply to soften the Western Australian economy, because this work will not even come to Western Australia; it will be shifted offshore and therefore the shortage of skilled labour will not happen here.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.15 pm]: I endorse the comments made by my colleagues on this side of the House. There is an alarming shortage of skilled labour in some areas. Even more alarming is the reality that there is a shortage of jobs which has been exacerbated by skill shortages. In many instances skill shortages are being used as justification for either the exportation of jobs or the importation of labour. A complex process is taking place here and a wide range of issues should be taken into account. I agree with the Minister that

industry is beholden to play a role in this. However, it is not simply something for which the Government has a responsibility. The theme in the Minister's second reading speech with which he introduced the legislation amending the building and construction industry training fund is, "Hey, let's back off from requiring industry to pull its weight and let's return to the days when we had a voluntarist system and relied on industry goodwill."

Hon N.F. Moore: Have you read the report that led to that?

Hon A.J.G. MacTIERNAN: I read the report. Just because the Minister has a report does not mean -

Hon N.F. Moore: Are you saying the report is wrong? You could debate that during the debate on the Bill.

Hon A.J.G. MacTIERNAN: I certainly will. The key point is that for many years we relied on industry to do the right thing. Certain companies within the private sector did do the right thing and found themselves massively disadvantaged because the part of industry that did not deliver training had an economic advantage. Those industries would forgo the cost of training and then bludge on the companies that had done the right thing; they were able to offer higher wages and better conditions because they were not burdened with having to train people. That is precisely why training levies were introduced.

Hon N.F. Moore: Your Federal Government got rid of the Australian industry training guarantee levy.

Hon A.J.G. MacTIERNAN: I agree, and I am not saying that was necessarily the right thing to do. It is certainly not the right thing to do in the building industry.

Hon N.F. Moore: Nobody is getting rid of the levy.

Hon A.J.G. MacTIERNAN: Particular factors need to be taken into account with the building industry training levy. We will debate that more fully when it comes up. It is important to understand that, although industry shares the responsibility, it is beholden on the Government to establish a framework which will ensure that industry lives up to its responsibilities.

Hon N.F. Moore: There is and there will be.

Hon A.J.G. MacTIERNAN: Another instance where the Government's actions had an effect on training and in turn on employment levels was the closure of the abattoir at Robb Jetty approximately two and a half years ago - a government enterprise. At the time, the unions said that the closure would cause a massive loss of skills in the meat industry and people would have to depart the industry because there would be no work and no continuity of employment. Sure enough, that is what happened.

Hon Kim Chance: We are paying for it now.

Hon A.J.G. MacTIERNAN: At this very moment we know that approximately 40 workers have been imported from New Zealand to undertake slaughtering work because the level of skilled labour is not here to perform that work. We failed to provide the skills to our local people and in turn we have imported labour and used the unavailability of skilled workers to justify that importation.

The meat industry is a very interesting example. It is a text book illustration of the number of issues involved. We all know that the live sheep trade has been operational for some decades. The original justification for the live sheep trade, which had some merit, was that a market could be serviced only by the provision of fresh meat. However, an increasing proportion of Western Australian meat has been going to the live sheep trade. A rot is taking place. A substantial percentage of the live sheep sent overseas supposedly to provide fresh meat is being slaughtered in another country, frozen and on-sold to a third country.

Hon Kim Chance: One million lambs this year have been on-sold.

Hon A.J.G. MacTIERNAN: It is a question of not only servicing a niche market in this way but also the wholesale exportation of Australian jobs. It is extraordinary that we allow live sheep exports, which are then slaughtered, frozen and shipped on to third countries. The jobs being lost directly as a result of this is bad enough, but we also see the local industry beginning to lack the critical mass for it to be sustained. Hence, the problems we now see with Metro Meat International Ltd. We have contracted the industry so much that it is difficult to provide year round, substantial employment and proper training to our local workers. Being a slaughterman or a meat processor is certainly not everyone's cup of tea, but neither is being a politician nor any other job. However, this involves skilled work that we should be providing to Western Australians. To achieve that, we must not allow those jobs to be exported. We must make sure we provide a decent critical mass for this industry in this State. In providing training, we must be sure we do not need to resort to imported labour.

I will also make a few comments on the construction industry, to which Hon John Halden also referred. There are a couple of key points. In this State the average age of a tradesman in the industry is 40 years. That is in excess of the age of the work force generally. It is particularly surprising when we consider that this is a highly physical occupation. The Australian Bureau of Statistics has estimated that at the current rate of training in Western Australia it will take 60 years to replace the existing tradespeople. What has been the response of this Government? It got rid of the trade functions of the Building Management Authority and Homeswest, two of the major trainers of apprentices in this industry in this State. A whole range of other areas involving trades have been privatised, particularly hospitals. All the major teaching hospitals had a raft of apprentices who were trained in areas such as painting, fitting, plumbing and a whole range of other construction trades. Those functions have been privatised. From what I can see there is absolutely no evidence that the contractors who have taken over the jobs from the BMA, Homeswest and the hospitals have put on any apprentices, or that training has been a term of their engagement, or that they should provide the same level of training as that provided by the authority they replaced. As I said before, the Minister has reluctantly extended the building industry training fund for a mere three years, and he has signalled that he believes in a return to voluntary participation by industry in training. It simply is not working in the construction industry - and it will not work. There is an obligation and a need for the Government to be involved actively in this area, firstly, by providing money and financial incentives and, secondly, by insisting that industry does bear its burden and that it provides the training that is necessary for these industries to be sustained in the future.

HON P.R. LIGHTFOOT (North Metropolitan) [4.23 pm]: I thank Hon Alannah MacTiernan for her warning that she was about to cease her speech. I do not support the contention of the urgency motion put up by Hon John Halden, for the following reason: The genesis of the problem with unemployment, particularly unemployed youth, is the greedy unions, supported by those on the other side where so many demands have been made over the years.

Hon John Halden: Have you read the Worley report?

Hon A.J.G. MacTiernan: Go to Germany.

Hon N.D. Griffiths: He came from Germany several years ago.

Hon P.R. LIGHTFOOT: That is not in the interests of people who wish to employ labour. It has become anathema to people who wish to employ labour. One can see that the automation of industry, right across the board, from the mining and construction unions to the office workers, has replaced workers because they have become almost unemployable due to the add-ons and the forced labour costs that those on the other side have pushed in their nefarious barrow over the past decade or more. It has gone well beyond the point of anything rational that people should be employed under, and must put up with, the conditions trade unions and other areas have coercively forced on the workers in this nation, particularly those in Western Australia.

I will talk about some of the additions the Government has undertaken. The Government has invested an additional \$4m in metals, engineering and construction training courses this year. It is committed to investing a further \$5m in these and other trade courses in 1997. That will bring the total investment in the metals, engineering and construction industries of this State to \$42m next year. As a result, it has created 5 300 new training places over two years in areas where the Worley report and other research has shown conclusively that new jobs could be created. As a result, funds even exceeding that amount might be available next year.

Hon John Halden: How much of that is Federal Government money?

Hon P.R. LIGHTFOOT: I will talk about the nefarious position taken by the trade unions today and also about who is the real cause of unemployment, particularly unemployed youth who seem to be pawns in the very evil game that trade unions play in employment today. I have received a copy of a log of claims from one of the mad dogs of the trade union movement, the Construction, Forestry, Mining and Energy Workers Union of Australia. I will read out some of the contents of this log of claims. Not only are these claims served on someone who was very intimidated as a result of the documentation, but also it becomes expensive for people to defend them. These businesses might not employ unionists in its factory, perhaps they might employ only family members, but they are not immune from receiving this log of claims from the trade union movement, particularly the CFMEU.

The letter of demand includes things of this nature -

ALLOWANCES AND SPECIAL RATES

... an ... allowance of \$50.00 per week ... shall be paid to all employees.

... A site allowance of \$5.00 per hour ... shall be paid to all employees.

... All employees shall be paid a special rate of \$5.00 per hour ...

... An employee shall be entitled to any relevant district allowance set by a competent authority -

Whatever that means. It continues -

FARES AND TRAVEL

... An employee shall be paid a daily fares allowance of \$50.00 for up to 50km travel, plus \$1.00 for every km in excess of 50km.

... In addition, an employee shall be paid a daily travelling time allowance at the rate of one hour's wages per 50km or part thereof.

It does not end there. It continues -

... An employee shall be paid an additional allowance of \$1.00 per km when using the employee's own vehicle to travel from one site to another during working hours.

It goes on and on. This is the reason trade unions have lost their credibility. This is the very reason youth is unemployed today. This is the whole stupidity of the trade union movement. This is the reason the trade union movement is in demise. The sooner it is put on a life support system or buried, the better off Western Australia and Australia will be. It is out of control. Western Australia will be better off without the trade union movement with all its imported and home grown leaders - the leader of this union happens to be an imported mad dog. I will quickly refer to the demand for superannuation in this log of claims. It states -

The employer shall participate in a superannuation fund approved by the Union -

What sort of temerity is that? It continues -

- and shall make weekly contributions of not less than \$100 per week to such fund on behalf of each employee.

What sort of crazy talk is that? What message does that send to people overseas?

Hon John Halden: It's the talk you put into an ambit claim, you dope.

Hon P.R. LIGHTFOOT: What does that do for employers who want to take on youth labour and know they are subjected to this sort of thing? It is utterly and totally stupid. Those on the other side are to blame for their support of the trade union movement. The sooner they wake up that the nexus between them and the trade union movement is not healthy, the sooner they may regain Government.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [4.30 pm]: There is nothing much I can say about Hon Ross Lightfoot, except that the mad dog is not the one he referred to in the document. The Minister responsible has one problem in his argument. Why can we not create excess labour and export it around the world, and not just be able to supply our own?

[The motion lapsed, pursuant to Standing Order No 72.]

CRIMINAL LAW AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

The amendments made by the Assembly were as follows -

No 1.

Page 5, lines 16 to 21 - To delete the clause.

No 2.

Page 11, after line 20 - To insert the following new clause -

Section 437 amended

26. Section 437 of the Code is amended -

- (a) by inserting after "fish" where it first occurs the following -
" (which term includes crustacean) "; and
- (b) by deleting "a fine of an amount equal to the value of the fish taken or destroyed, if any, and \$10 in addition." and substituting the following -
" imprisonment for 2 years or a fine of \$8 000. ".

No 3.

Page 21, line 26 - To delete "cannot" and substitute the following -
may only

No 4.

Page 21, line 29 - To delete "or" and substitute the following -
and

No 5.

Page 22, line 2 - To insert after "has" the following -
not

No 6.

Page 22, line 4 - To delete " or " and substitute the following -
and

No 7.

Page 22, line 5 - To insert after " has " the following -
not

Hon PETER FOSS: I move -

That the amendments made by the Assembly be agreed to.

Hon N.D. GRIFFITHS: I am interested to hear this motion by the Attorney General. I would have appreciated his informing me before now of how he wished to deal with the message. Notwithstanding that, it is incumbent on the Attorney General to provide an explanation on a number of matters in this message. Amendment No 1 deals with there no longer being a summary conviction penalty under section 68 of the Criminal Code. That matter comes before us as a result of the initiative of the Australian Labor Party in the other place. It was felt that in the light of community concern, particularly as a result of the tragic incident that occurred at Port Arthur earlier this year, a summary conviction penalty for a breach of section 68 should not be allowed. It is incumbent on the Attorney General, having moved this motion, to give his reasons for so doing. I do not want to allude to debate the other place. However, in the future, people who wish to follow why we dealt with this clause in the way we did when it first came to this Chamber will have great difficulty determining why this Chamber and the other place had different views, and why no explanation was given by the Government. I think giving an explanation is a matter of duty. If I am wrong, it is incumbent on the Attorney General to say where I am wrong. If I am not wrong, it is incumbent on him to confirm that what I have said is correct.

The next part of the message deals with section 437 of the Criminal Code. It involves a rewording of that section so that fish includes crustaceans. The message provides also for what many may argue is an upgrading of the penalty. The reasons for that should be given by the Attorney General. Amendments Nos 3 to 7 deal with the Young Offenders Act and specifically with a rewording of section 119(2). I am not sure that it leads to much; however, it is incumbent on the Attorney General to state why this wording is better than the wording the Chamber agreed to on a prior occasion.

Hon PETER FOSS: As suggested by Hon Nick Griffiths, the Opposition in the other place put forward an amendment; however, the provision is unnecessary because the Firearms Act contains an almost identical offence, which is a summary offence. When it is necessary under those circumstances to deal with somebody who is armed in public and who causes fear, where appropriate it can be dealt with under the Firearms Act rather than under the

Criminal Code. It is probably appropriate that it be so. The intent of the second amendment is to include crustaceans in the definition of fish and also to increase the penalty for that.

In respect of the last part of Hon Nick Griffiths' comment, it was the firm view of the parliamentary counsel who drafted the words as we passed them here that he had not done as good a job as he could have done. He believed that this was preferable and clearer wording to that which we passed. I am grateful for his suggestion. It is always pleasing to see people who, although they are the authors of something, are prepared to admit that they can do better. Parliamentary counsel informed the other place, which saw fit to adopt that wording on the basis that it was clearer wording. I suggest that we accede to it on the basis that if it is clearer wording - it appears to be clearer - it is preferable that we use it rather than what is currently being used.

Question put and passed; the Assembly's amendments agreed to.

Report

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

TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA BILL

Second Reading

Resumed from 5 September.

HON REG DAVIES (North Metropolitan) [4.40 pm]: I am pleasantly reassured, having read this comprehensive legislation. Members will be aware that initially it did not have my support because I thought it would be used at the whim of crooked cops. This Bill is written in plain English and I found no difficulty in understanding it. I hope that more Bills are introduced in this simple format.

I note that the use of interceptors will be sanctioned only in the case of very serious offences such as murder, kidnapping, narcotic dealings and so on. The Government, knowing that there is a real reluctance in the Western Australian community to impinge on civil liberties, has put a great deal of work into this legislation. It has done that to ensure that adequate safeguards are included to protect the rights of innocent citizens. The major safeguard is that a Federal Court judge must issue a warrant with no set criteria to override commonsense. The process is also open and accountable in that state and federal Ministers are informed. In addition, a report must be tabled annually in both Houses of the Federal Parliament. An independent inspector has access at any time to the records and warrants to ensure that they are being properly carried out and he or she must undertake at least a biannual inspection of the records. Comprehensive records relating to warrants must also be kept.

Reluctantly, I must express my concern that the state Ombudsman is chosen as the appropriate authority. I am reluctant on more than one front on this issue. First, I cannot recall since becoming a member of this Parliament reading an annual report from our Ombudsman in which he did not complain about lack of resources, lack of staff, and generally that he is many years behind with his investigations. We are now giving him another very important task to carry out on our behalf. I seek the Government's assurance that the Ombudsman's office will be allocated adequate extra resources to enable it to carry out this significant and very vital function.

My second concern about the Ombudsman's being the appropriate authority is that I cannot recall his office ever tackling anything controversial. I believe that we should have a standing committee of this Parliament overseeing the Ombudsman's office. It concerns me that that office is one in which many people put a lot of faith and from which they expect things to be done and seen to be done, but there are very few results. The office never seems to take a view contrary to the "establishment" view. The staff may well have personal beliefs that all is not well in a particular area or department, but they tend to write off matters without being controversial in any way.

Hon Derrick Tomlinson interjected.

Hon REG DAVIES: I do not want to get into a slanging match with the current Ombudsman. Every time we raise anything critical about the incumbent he either writes to the Parliament - on one occasion demanding a public apology from me that I had to give - or provides some longwinded report outlining why he is right. He seems to think that he is above criticism. He is not; he is an officer of this Parliament. That is why I believe we should have a standing committee to oversee the office. Perhaps on occasion we can put the Ombudsman straight on the public's requirements in relation to that very important office. I do not want to take on the personality; I am simply talking about the office - and it is usually only as good as the chief executive officer.

It is consoling that the independent principal inspector is to report to the relevant Minister outlining the results of each interception carried out. My concern is that there is nothing in the legislation telling me what that Minister must do when he receives that report - whether he places it in the bottom drawer and forgets about it, or whether, like his

federal counterparts, he must present the report to both Houses of Parliament. It is not much good to us in Western Australia as far as accountability to Western Australians is concerned if we are to rely on the federal Minister to undertake that task. The state Minister should table the report in this Parliament.

Overall, I support the Bill. It has been requested by a number of people over many years; mainly those involved in policing in Western Australia. If we see the real criminals - the so-called Mr Bigs - behind bars for their crimes, then the Bill has served its purpose, but only as long as that purpose is as outlined in the Bill before us. I do not want to see telephone interception being used for political point scoring, to elicit private and personal information from innocent citizens' telephone conversations or for any reason other than those set down in the Bill. I hope that this legislation does not increase the widespread paranoia that people have about telephone tapping in this State.

Members would appreciate that many of their constituents fear telephone interception and often think their telephones are being tapped either legally or illegally. The safeguards within this Bill satisfy the reservations and fears which many people have expressed when talking about giving those powers to the Western Australia Police Service. In the past people were concerned that some police officers in this State had less than savoury backgrounds and could well have used this power for the reasons we do not want them to use it. I hope the Police Service is free of those individuals and the Parliament can feel confident to give this wide-ranging power to it. The Police Service wants this power and the royal commission said it should have it. Even the recent report which was tabled a few weeks ago from the Federal Police suggested that these powers should be given to the Western Australia Police Service as soon as possible. Let us hope that by this time next year the paedophiles, drug peddlers and low life criminals will be behind bars because of this power which the Parliament is giving the Police Service. I support the Bill.

HON TOM HELM (Mining and Pastoral) [4.52 pm]: I support the Bill with a measure of confusion. The Bill appears to be part of a package of uniform legislation, although I am advised it is not. However, under this Bill the responsible Minister of this State will be obliged to table in both Houses of Federal Parliament a report on telecommunications interception. In other words, this Parliament is adopting federal legislation to bring about these changes which we think are required to reduce the incidence of crime and to catch criminals within our society. We have been told that three Legislatures have passed similar legislation. It smells like uniform legislation and it certainly looks like it. I am sure the Attorney General will outline why it is not.

I advise the Attorney General, although he is probably aware, and the House that recently I represented Hon Bruce Donaldson, the Chairman of the Joint Standing Committee on Delegated Legislation, at a meeting in Canberra to discuss the concerns which had been raised in all the States about how to scrutinise uniform legislation, legislation which has its roots in Canberra or template legislation passed by the Queensland Parliament. The meeting agreed to put together a report to advise Ministers and ministerial councils that it would be in the best interests of the nation for uniform legislation to be considered by the chairman of the committee which has responsibility for that area in each of the Legislatures. This Bill is one piece of legislation which would fulfill the role set by that committee; that is, that Australians should be clear about what laws are being breached and how the law enforcement agencies will attack those breaches.

This Bill gives the Western Australia Police Service the responsibility for something which has been the responsibility of the Federal Police for some time. The Federal Police have been reluctant to hand over this responsibility to state police services. It appears that the Minister for Police, the Attorney General and the Minister for Justice believe it is a good idea for this State's Police Service to have this responsibility.

I ask the Minister to advise the House why he considers this Bill is not a piece of uniform legislation. I note Hon Reg Davies' concern that under this Bill the Ombudsman will be the responsible officer. My concern is a little different from his. The Ombudsman is held in high regard by the community. He often complains about a lack of resources. I am not attacking, defending or praising the current incumbent of the office. This State is well served by the office of the Ombudsman. However, the office fears the Executive, regardless of its political colour. The role of the Ombudsman should be strengthened. His office has a proven track record of dealing with matters that rightly fall within its domain. The cry we often hear from his office should be heeded and he should be given the resources and the funds he needs to do his job properly.

The Attorney General's second reading speech does not include any guarantee that the Ombudsman will be the independent inspector. Members should be suspicious about the wording of the second reading speech. It states -

The legislation requires that an independent inspector be appointed to make bi-annual inspections of all telecommunications interception records of the Western Australia Police Force. It also allows the independent inspector access to all interception records at any time to ensure that the requirements of the legislation and the warrants are being strictly and scrupulously adhered to.

Further on it states that the state Ombudsman appears to be the best officer to pursue that line. People should be concerned about the thrust towards privatisation and the way the Ombudsman appears to be treated by this Executive. Having gained the respect of the public the office of the Ombudsman appears to be somewhat contained in the way it fulfills its role. I am a little concerned that the Bill does not provide that the Ombudsman shall be the independent inspector. If there is to be a change in the office which oversees telecommunications interception, that change must be brought about by legislation. This Parliament should have a say in who will be the independent inspector if there is to be a change. It would not take anything away from this piece of legislation; in fact, it would enhance it. Hon Reg Davies made the point that the legislation is not hard to understand. The draftsperson and the Minister should be congratulated on the wording of this Bill. It is written in simple terms and would be further enhanced if the perceived dangers were removed.

[Questions without notice taken.]

Hon TOM HELM: I asked the Minister to address my concern about this legislation and its relationship with some uniform legislation of which we have been aware and the attempts being made from a federal perspective to address that concern. I put to the Minister that the public of Western Australia would be more reassured if the Bill contained a guarantee that the state Ombudsman would be the inspector rather than someone else down the track. In the Minister's second reading speech he said that the federal Minister has decided that the Ombudsman would be the right person. If the federal Ombudsman is the right person to oversee the federal Act, it may be that the state Ombudsman is the right person to oversee the provisions of this Bill. I share Hon Reg Davies' worries but I have some different ones. The Ombudsman has said that a continuing problem is that the funds provided to his office do not give it the ability to do the job as adequately as it would like. I wonder whether there is some plan down the track for the Ombudsman to have his powers reduced or for there to be another inspector.

Also of concern is the report on the Argyle Diamonds affair, which has just been tabled in this place. It states that the Commissioner of Police brought in an independent group from Melbourne.

Hon Reg Davies: Have you looked at the report? What a joke!

Hon TOM HELM: That is what I am saying. The group was to look into the affairs of our Police Force. I make no comment about the rights or wrongs of it. I would certainly not condemn out of hand any inspectorial body which any future Minister might wish to put in place. However, if that were to be the case, surely the public of Western Australia would have more confidence if the matter were debatable in this House. The Bill contains provisions that the independent inspector shall be the Ombudsman only for now. The report of our Minister is required to be tabled in both Houses of the Federal Parliament, which is an unusual move. I do not understand why that should be the case. Perhaps the Minister will be able to expand on his second reading speech and explain that to this House and the people of Western Australia.

This Bill would allow the Western Australia Police Service to carry out telecommunications interception in the same way as the Federal Police Force may at the moment. It also provides for the Federal Police to be able to carry out interceptions on our behalf on a user pays basis. I do not have much problem with that. Where does the Bill provide that the Australian Federal Police is the only body that can act on behalf of our Police Force? I am concerned that some other organisation may be authorised under the terms of this Bill to be able to intercept on behalf of our Police Force. We cannot say that is a bad idea if we do not know the other organisation. I am concerned that any organisation that pops up its head is good. Those changes of organisation must take place under the full scrutiny of this Parliament. It is not good legislation per se to have this intrusive method of telecommunication interception, even if it is described as less intrusive than some methods, being carried out by any body other than the Police Force. It may be a good idea only if we as politicians acting on behalf of our constituents are fully aware of which body and why it has been chosen. The Bill must reflect the locking into law of this power for only the Western Australia Police Force or the Federal Police Force, until some other group comes along and we have the opportunity to scrutinise it.

I do not want anyone to have the idea that I am opposed to uniform legislation. I am on record as saying that as an Australian I think we must follow certain national rules rather than state rules. I am not a great defender of States' rights. We must act in the best interests of all Australians, not just Western Australians. However, some matters are our responsibility and ours alone. Given that we have given, we do give and we intend to give more authority to national organisations, such as ministerial councils, we must not allow our authority and powers to be usurped willy-nilly by any group. We must give permission only with the proviso that this House can be assured that the decisions of the ministerial council and the powers delegated to the council, as decided by the Minister, are subject to the scrutiny of this place, even as a matter of last resort. The committee that met in Canberra to discuss these matters was very sensitive to the concern expressed by some Ministers that members of the committee would be usurping the authority of a Minister. That was never our intention. We bent over backwards to accommodate the concerns of the federal and state Ministers about the terms of reference that we believed a national committee should adopt in the interests of scrutinising this legislation. We are the fourth State to adopt the principles of this Act, but unless

we go to the Parliamentary Library and obtain copies of the relevant Acts of those three States, we will not be aware of any concerns that those Houses might have had, and perhaps we will be reinventing the wheel to some extent. The aim of the committee that met in Canberra was to alleviate the workload that is required of us as members of Parliament in scrutinising legislation and seeing whether it mirrors what is contained in the second reading speech. We all are aware that in some cases, second reading speeches are a bit of a fantasy with regard to what is contained in the Bill.

Hon Nick Griffiths has put on the Notice Paper an amendment to clause 24, which provides that a person can be sentenced to six months' imprisonment by the publication of a regulation. The Minister is obliged to advise us where that idea came from. I am not an expert in regulations, of course, and I certainly do not have time to peruse all of the regulations that have ever been gazetted, but it seems to me, if we have not done it in the past - I am not saying we have not, because I do not know - to be a very dangerous step to take. We have discussed regulations on many occasions. They are a very useful tool for Legislatures, but in this case they could become a weapon. I trust that the Minister will take that matter on board and perhaps accept the proposed amendment.

This is not a difficult Bill to read. We have some concerns about it, which I believe are legitimate. I cannot comment about the uniform nature of the Bill. I have sought advice, and I went no further than to accept the advice that was given to me, because I know that other procedures need to be followed if this is to be a piece of uniform legislation. Some matters in the Bill do concern me, and with some explanation perhaps I will be satisfied that those matters are being addressed.

I have dealt with the fact that the Police Force will be the eligible authority at this time, but I do not see anywhere in the Bill a guarantee that the police will be the eligible authority. I do not think that is a major concern. I agree that a Federal Court judge should issue the warrant. I support the Bill.

HON MARK NEVILL (Mining and Pastoral) [5.55 pm]: I support the Telecommunications (Interception) Western Australia Bill, although I do have some misgivings about it. The police should have these powers in their efforts to fight serious crime, but we must be able to trust the police to use interception devices for proper purposes; if we have misgivings about their use of these devices, it will put a different light on the Bill.

In this State, serious allegations have been made about the involvement of police officers in a stolen car racket, where heroin was shipped to the Eastern States in the doors of luxury cars. Some of these cars made two or three trips across the Nullarbor and returned with amphetamines. This involved fairly high ranking police. I am concerned that when we give these powers to police officers, we may give corrupt police in the higher levels of the Police Force the power to protect themselves. We have seen also the case where police officers obtained access to my telephone accounts so that they could find out to whom I had been speaking over the last six or nine months when I was asking serious questions about possible corruption in the Police Department; and none of those questions has been answered.

Therefore, I have the dilemma that although I would like the police to have these powers, I do not yet have confidence that the Police Force in this State can be trusted to use those powers properly, because while big improvements have been made, I am certain there is an element in the Police Force which cannot be trusted and which has been put in an even more powerful position in recent months. I hope that the safeguards that are built into this Bill will be sufficient to ensure that the police cannot use this information for improper purposes. They may gather information that is relevant to a warrant, and under this legislation they must destroy that information which is not relevant, but they will still be aware of that information and will be able to pursue it through different channels. Therefore, although legally they cannot use that information, I have no doubt that in practice they will. I have great reservations about the police having these powers at present.

Category 1 offences are serious offences and include murder, kidnapping and narcotics offences. Category 2 offences, a second category obviously inserted by later amendments, cover only offences which are punishable by imprisonment for life or a maximum period of at least seven years. That gathers in a number of crimes such as burglary, household burglary and those offences for which police will be allowed to use listening devices. Category 2 offences cover a very broad range of offences. I feel that it could be a bit too wide in its scope. Police could use devices for improper purposes, especially if they are corrupt and if they feel that the inquiries into their activities are getting too close for comfort. I am sure they would employ any method they could to find out what is going on.

Hon Reg Davies: Aren't the safeguards there with a Federal Court judge being able to make the determination?

Hon MARK NEVILL: To a degree. However, we all know how these powers can be abused. Hon Julian Grill had a \$20 000 theft offence withdrawn some months ago and promptly was investigated for election funds that he transferred to Graeme Campbell, the federal member for Kalgoorlie. This is about the tenth or twelfth investigation in about six or seven years. The warrant for that offence covered all financial dealing; yet the police were looking for one cheque.

Hon Reg Davies: These are the sorts of things that the Attorney must illustrate to us will not occur.

Hon MARK NEVILL: The investigation into that matter was dropped last Thursday and he has been informed they are looking at another one now. The next investigation relates to a donation that Lang Hancock was supposed to have given to the Australian Labor Party. The principal witness is dead. God only knows why they are still finding financial matters of his to trawl after six or seven years.

Hon Reg Davies: These are the things we don't want to see occur.

Hon N.D. Griffiths: Who is ordering this?

Hon MARK NEVILL: I do not know who is driving it. I am concerned that these powers can be misused even with all the safeguards in the world. As Hon Nick Griffiths pointed out, the penalty under the Commonwealth Act is six months, which I find quite incredible when a person can get 14 years for burglary of a house.

Hon Reg Davies: Or 20 years for supposedly taking a bit of gold.

Hon MARK NEVILL: Yes. However, a police officer who misuses one of these devices which are highly intrusive will get six months. I support the legislation and I hope the police can control the use of the power this legislation will give them.

HON PETER FOSS (East Metropolitan - Attorney General) [5.45 pm]: I thank members for their support of this Bill. I advise Hon Tom Helm that we are exercising a power that is within the grant of the Commonwealth. It is not for us to determine how its power will be granted; it is up to it to do so and if we wish to use that power we have to conform with its requirements. The protections that people are talking about and the determination of who will do the tapping and who will be the inspecting officer are matters within the control of the Commonwealth, and rightly so. It has the constitutional power; we want to use it; we therefore, like any client, have to conform with the requirements of the people who are giving us that power. That is why it is not uniform legislation.

The Commonwealth may propose similar requirements for all of us. It certainly fits within our standing order because it is pursuant to an agreement that we have with the Commonwealth. However, it is an agreement that has been a long time coming. We first tried to get this through in 1990. There have been arguments about the matters we have spoken about here; that is, people not willing to take on a job, or if they are, taking some time to get approval. That is unfortunate, because it is an important weapon in the armoury of the law enforcement officers dealing with certain crimes.

The guarantee about who will be the inspecting officer and who will do the tapping on our behalf is a matter totally within the control of the Federal Government. We must have legislation that will meet its requirements. I do not table documents in either House of the federal Parliament, nor does the Minister who has responsibility for the Bill. We are obliged to provide copies of the report to the federal Minister so that he can arrange for them to be tabled. When exercising a federal power, it is appropriate that we be required to provide a report which the federal Minister can then table in the Parliament.

Hon Reg Davies: Why is there a requirement to give it to our Minister?

Hon PETER FOSS: So that our Minister can provide it to the Commonwealth. There is also a supervisory role. We have obligations to ensure that the Commonwealth requirements are met and we also have obligations to satisfy the Commonwealth that its requirements are met. It tells us to make certain that we do it the right way, and we have to give it proof that we have done it the right way. That is perfectly proper. It is like my entering into a contract giving somebody the power to do something relating to my rights. I will tell that person that he will do two things; that is, he will do it the way I require and he will prove to me that he has done it that way and will report to me. That is perfectly acceptable. It is not a matter of our going to ministerial councils and agreeing to changes in the legislation; it is totally up to the Commonwealth to dictate. We have the freedom to agree or not agree to its dictates.

Hon Reg Davies: Does that come back to the Parliament or does the Government decide?

Hon PETER FOSS: If the Commonwealth requires that it should not come to the Parliament - in other words, it is happy to exercise directly without any state legislation - it has the power to do that. From a constitutional point of view, it makes sense to have commonwealth legislation that governs commonwealth agents and state legislation that governs state agents.

Hon N.D. Griffiths: We need legislation.

Hon PETER FOSS: Yes, we need legislation at present, and I cannot see a scheme under which we could do it without state legislation, because the Commonwealth does not have the constitutional competence to bind the way that our officers operate. Theoretically, it is a commonwealth power and the Commonwealth can decide how its

power will be exercised. We, as a Legislature, are providing the mechanism whereby our officers can avail themselves of the Commonwealth power. If the Commonwealth decides tomorrow that it will not give the State those powers, and passes legislation that says, "No more", it is no more. We have the freedom to amend our legislation or not to amend it. However, we do not have the capacity or the right to dictate to the Commonwealth how it will grant to the States a power which is its power constitutionally. We have to understand what is our role. It is rather like being a lessee of a power. We must conform with the terms of the lease and we get the privilege. However, we will do it on its terms.

Sitting suspended from 6.00 to 7.30 pm

Hon PETER FOSS: I have indicated the difference in this legislation with regard to the source of its powers and why it does not fit in with the ordinary type of legislation dealt with in relation to uniform or template legislation.

With regard to the point made by Hon Reg Davies, I believe that sufficient resources will be provided to the Ombudsman. In general terms, it is the intention of the Government that the Ombudsman be adequately resourced.

Hon Nick Griffiths and Hon Tom Helm raised the question of regulations imposing terms of imprisonment. It was included in the first instance because the legislation had to be approved by the Commonwealth Government. At present four or five other Acts in Western Australia allow for terms of imprisonment to be set by regulation, and under each regulations have been made providing for that. I have had the matter referred to the Minister and it is believed that the only need for the regulations, at least at present, is for form. Therefore, it will not be necessary to impose any penalties. On that basis I have been instructed to agree to the amendments suggested by Hon Nick Griffiths. Obviously, if at some stage it becomes necessary to impose penalties at the request of the Commonwealth Government and we are unable to do so because the legislation does not conform to its requirements, we can come back to the House for it to make its decision in the light of a specific request from the Commonwealth. I hope it will not hazard the agreement with the Commonwealth. On the basis of what we understand to be necessary regulations, they are only forms. There are, of course, penalties in the Act and we believe they are adequate to deal with any offences currently contemplated. Putting off that decision until a proposition may be put before the House will address the concerns raised by members. I thank members for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clause 1: Short title -

Hon N.D. GRIFFITHS: I thank Hon Peter Foss for foreshadowing his agreement to the amendment I have caused to be placed on the Notice Paper. I address the Committee on the short title to indicate that I propose to make observations only on clauses 2, 3, 6 and 24.

Clause put and passed.

Clause 2: Commencement -

Hon N.D. GRIFFITHS: The clause states that the Act comes into operation on such day as is fixed by proclamation. Given the imminent passage of the measure through this Chamber, I invite the Attorney General to indicate the anticipated date of proclamation. I note that before it is proclaimed, His Excellency must view the document and be advised by the Executive Council. However, no doubt a degree of efficiency is involved in that operation and, therefore, it is appropriate that the Attorney General inform us of a "not before" time.

Hon PETER FOSS: It is dependent also on the regulations which must be approved by the commonwealth Attorney-General. The Government's intention is to have it proclaimed as soon as possible but, unlike most other legislation which is entirely under its control, this involves the federal Attorney-General. The Government does not anticipate any particular delay and it will be progressed as soon as possible.

Hon N.D. GRIFFITHS: I wish to have an undertaking although I do not suppose it will be given - I do not say that in a disparaging way - that, should this Bill be proclaimed in the course of an election campaign, the electors of Western Australia will be informed of the timing of its passage, and that it was given every possible assistance by members of the Australian Labor Party in this Chamber.

Hon PETER FOSS: The Bill was first introduced in 1990. It has had a somewhat difficult passage since then. I suspect we would not proclaim it during an election. I am not sure that we would be allowed to. I am not sure of the rules relating to a caretaker government.

Hon N.D. Griffiths: I think you can, but I do not think it is proper to do so.

Hon PETER FOSS: The only thing we would do would be to make sure it was capable of being used by the Police Force. What we did would be governed by what we would be allowed to do.

Hon N.D. GRIFFITHS: That does not cause me a great degree of comfort. I recall some very infamous caretaker governments over time. I do not want to go back 21 years in that respect. I note that the Bill was first read in the Legislative Assembly on 21 November 1995; it is 17 September 1996. It is appropriate that the people of Western Australia note the time it has taken to reach this stage.

Hon Peter Foss: It was first introduced in 1990.

Hon N.D. GRIFFITHS: This Bill is called the Telecommunications (Interception) Western Australia Bill 1995, not 1990. The document called "Progress of Bills Introduced into the Parliament of W.A." indicates that it was first read in the Legislative Assembly on 21 November 1995. Anyone who has paid attention to the way this Bill has been treated, particularly in this Chamber, will note that it has received a great degree of cooperation by the Australian Labor Party. I would like the people of Western Australia to note that we take full credit for giving the police this assistance in dealing with questions of law and order.

Hon PETER FOSS: I believe this Bill was held under the provisions of the standing order requiring it to be held. It has done better than the 1990 identical version of it, which did not make it to law at all.

Clause put and passed.

Clause 3: Interpretation -

Hon PETER FOSS: I move -

Page 3, lines 13 and 14 - To delete the words "an officer" and substitute the words "a member".

In the Western Australian Police Act 1892 and the Police Force Regulations an officer is distinguished from a constable and a noncommissioned officer. We picked up the federal meaning which uses the term "officer". Under the Commonwealth Interpretation Act an officer includes any member of a Police Force. Although the term "officer" was acceptable in a federal context as referring to any policeman, in the State it failed to continue that meaning. This amendment brings the term in line with the meaning, if not the wording, of the Commonwealth Act.

Hon N.D. GRIFFITHS: First, this Bill was introduced into the other place in November 1995; 12 days ago we were ready to debate it in Committee. However it was adjourned until today. The second pertinent issue is: Why has something not been done about the Police Act 1892? I have raised this matter in every session of this Parliament. It is not the Attorney General's fault. The Police Minister has done nothing about the Police Act 1892 that we have seen. On many occasions I have raised the Law Reform Commission's recommendations of 1992 which the previous Government quite properly allowed to lie on the table for a short period before the previous Parliament ended. This Parliament has almost ended, yet we still have done nothing about the Law Reform Commission's recommendations concerning police offences. We find ourselves with the Police Act 1892 which, in a sense, Commissioner Falconer has disowned because he refers to the Police Force - which the Parliament calls it and by which it is known at law - as the Police Service. It is once again a demonstration of a Government which has no proper sense of priorities. It does not get its priorities right in this important area. We carry on with this anachronism and here is further evidence of it. I compliment the Attorney General for bringing the matter to our attention and I thank him very much for it.

Hon PETER FOSS: I refer to the unparliamentary interjection by Hon Reg Davies, which I partly endorse, that the previous Government had 10 years in which to introduce this Bill. It has taken quite a long time to see the light of day.

Hon Reg Davies: What have you done in the past four years? That is also unparliamentary.

Hon PETER FOSS: The Telecommunications Interception Bill had a similar history. This Bill has not been dealt with until today because it was important that we knew that the Commonwealth did not have any objection to the amendment requested by Hon Nick Griffiths. I am sure Hon Nick Griffiths would prefer we were able to agree to his amendment rather than bring it on when I did not have the capacity to agree to it.

Hon N.D. GRIFFITHS: I thank the Attorney for his comments. He made an observation about the previous Government. I made reference to the 1992 report of the Law Reform Commission. This is 17 September 1996. What about 1993 and 1994? If we want to talk about 10 years, what about referring to Sir Charles Court's reign from 1974 to 1983? This Act was passed in 1892. Who has run this State for most of the time? We should get a bit of perspective.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Documents to be given by the eligible authority to the Minister -

Hon N.D. GRIFFITHS: Clause 6 interests me because the chief executive officer of the eligible authority is to be the Commissioner of Police. He is to give a copy of the warrant to the Minister for Police. This legislation is essentially introduced to comply with section 35 of the Commonwealth Act. It is appropriate that the chief executive officer of the government body, which, when all is said and done is what the Commissioner of Police is, should report to his Minister. I raise this issue at this stage not because I expect it to be acted on - nor should it be at this stage, because further consideration must take place - but because it is desirable that he report to the Attorney General.

Another thing that interests me about clause 6 is what is contained in the warrant. A copy of each warrant is to be provided to the Minister. The Minister is being provided with material which goes to the crux of an investigation. There is the interesting question of a Minister, whether it be the Attorney General or the Minister for Police or whoever - I can see the Minister has found something in the Commonwealth Act; I will look at it when he endeavours to correct me -

Hon Peter Foss: It is a fairly predictable thing.

Hon N.D. GRIFFITHS: I am sure it is. The Attorney General has an adviser; I do not. I have no researchers here.

Hon Peter Foss: I was looking for it in the federal Act, and I have found it.

Hon N.D. GRIFFITHS: That is jolly good. I will tell the Attorney General this: A Minister from the National Party is being provided with operational details. That is a matter for concern because I am not particularly enamoured of the way in which those Ministers have approached their jobs.

Hon PETER FOSS: I hope the member opposite does have a copy of the federal Act because he asked for a copy and I thought we had provided one.

Hon N.D. Griffiths: I asked for one, and I got one.

Hon PETER FOSS: Section 35 of the federal Act says that the Minister shall not make a declaration under section 34 - that says that an authority of a State to be an agency for the purpose of this Act can be declared ineligible - in relation to the ineligible authority of a State unless he or she is satisfied that the law in this subsection, called the relevant law of that State, makes satisfactory provisions. Paragraph (b) says that it requires the chief officer of the eligible authority to give to a specified Minister of that State - in this subsection called "a responsible Minister" - a copy of each warrant issued to the eligible authority, and each instrument under section 52 or section 57 revoking such a warrant as soon as practicable after the issue or revocation of the warrant. We have this because the federal Act requires that there be such a provision.

Hon N.D. Griffiths: Where is the contradiction?

Hon PETER FOSS: It is not a contradiction; it is a requirement.

Hon N.D. Griffiths: I know it is a requirement; I have said that it would be desirable when we progress.

Hon PETER FOSS: I am sure that matter can be taken up with the federal Attorney-General. I am surprised it was not taken up with the former federal Attorney-General in 1979.

Hon N.D. Griffiths: He was one of your mates, too - Senator Durack!

Hon PETER FOSS: We have moved on for quite a long time since then.

Hon N.D. Griffiths: I know; we progress.

Hon PETER FOSS: Section 36 of the federal Act is also important in that it provides that subject to this part a person shall not, after the commencement of this part, communicate to another person, make use of or make a record of or

give in evidence in a proceeding, lawfully obtained information or information obtained by intercepting communications contrary to section 71. That means people cannot get any information under that section.

Hon N.D. Griffiths: I do not think anything I have said is controversial. I have merely talked about the Labor Party's distrust of National Party Ministers.

The CHAIRMAN: Order! Let us address ourselves to clause 6.

Hon PETER FOSS: I will address myself to the Bill. I will ignore provocative remarks because I do not think they take the matter any further. The commonwealth Act quite adequately deals with this matter. It is appropriate that this information be provided to a Minister so that he or she can provide it to the federal Minister. Gratuitous remarks about Ministers of either party probably do not assist this deliberation.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Functions, generally -

Hon TOM HELM: I refer to the response of the Attorney General during the second reading stage to some of the queries that were raised. I am still a little confused about some matters. I seek further clarification about the functions of the principal inspector. I looked through the Bill to find how we can be assured who the principal inspector will be. I notice that person must report to the federal Ombudsman. I ask the Attorney General to indulge me for a moment and indicate why this officer is described as being the principal inspector and not the state Ombudsman.

Hon PETER FOSS: The person is referred as to the principal inspector. That is the designation of that officer. The principal inspector is the Ombudsman. Other inspectors may be staff members of the Ombudsman's office. The Ombudsman is the person who, currently, has been agreed with the commonwealth office as the person to be the principal inspector for the purposes of the legislation. It is written in that form because it may very well be that we have an Ombudsman who does not want to perform that role. Originally we had an Ombudsman who did not want to perform that role. Were that to be the case, we would then have to agree that another person should perform that role. That must be agreed with the Commonwealth Government. We have not specified the state Ombudsman because, although the wish of both this Government and the previous Government was that it should be the Ombudsman, it might not always be possible for that to be the case. Once it is in place, I do not think we will experience any difficulty again. It was a major obstacle in the first instance to our setting up an agreement with the Federal Government. We could not find an acceptable person to be the principal inspector.

Hon Reg Davies: Who decides who is an acceptable person?

Hon PETER FOSS: The Federal Government has to accept it.

Hon Reg Davies: The nomination?

Hon PETER FOSS: Yes. The former Government had some problems in getting the Ombudsman to take on that role. The previous Ombudsman, Mr Freeman, was unwilling to take on that role.

Hon Reg Davies: What about the present one?

Hon PETER FOSS: Mr Eadie is happy to take on that role.

Hon Reg Davies: Is he going to stay there for long?

Hon PETER FOSS: I do not know; however, the important thing is that he was happy to take on the role, and we proceeded on the basis that he would be the principal inspector. I do not believe it will be a problem in the future. Once the role has been taken on and exercised, I do not think there will be any objection to it. I think it will fit in very nicely and I do not see why there will be any difficulty.

Hon TOM HELM: I thank the Attorney General for his explanation. During the debate on clause 18, I will ask more questions because it appears that the provisions of that clause might do exactly what the Attorney General is now saying; that is, there is a facility to allow the principal inspector to delegate his power to another person, possibly someone from the Ombudsman's office.

The Attorney General has not addressed that concern for me yet. Under this Bill the principal inspector could be anybody. I understand the Federal Government must agree to whomever we nominate as the federal inspector. Given that we envisage this Bill will allow for the interception of telephone calls and given the concerns people have following the recent publicity about the Police Service, in particular, surely it would be more reassuring, for not only

the people of Western Australia but also the Federal Government under whose powers we act to a large extent according to the information given by the Attorney General - I am sure it is correct - to understand fully the need to have the principal inspector clearly defined in this clause. I do not think that we as parliamentarians would argue in principle who it was. The Ombudsman is probably the ideal person. Perhaps we would have some doubts if it were the Commissioner of Police. Nonetheless, I do not think that as members of Parliament we would object to this Bill, as long as we knew who the principal inspector would be, because it is an important role. If the Bill defined who the principal inspector shall be, clause 18 would operate as a safeguard so that the person could be trusted, and trusted to delegate. Clause 9 outlines what the principal inspector can do; however, it should specify who is the principal inspector.

If the Ombudsman decides that it is not part of his function or role to be the principal inspector and can convince a Government of any persuasion of that, we as parliamentarians might say that we will include in the legislation by amendment whom we think it should be, given the Executive's discussion with various civil servants. However, we are living with the aftermath of a report that showed that the Police Department hired private people to carry out a policing function. I have no objection to that, but I have some concern about the sensitivity of what we are discussing. I am concerned that the Executive has been given two bites of the cherry. On one hand it has said that the principal inspector is the Ombudsman and that the Ombudsman can delegate those powers conferred on him by the legislation. On the other hand the Ombudsman's office may not necessarily hold that position in the future. It worries me a little.

Hon PETER FOSS: We are losing the point again. The powers are conferred by the federal Act, not by the state Act. The state Act is required to impose certain obligations before the federal Minister can give the powers under that Act. Among other things, section 35(1)(h) requires regular inspections and that the Minister is satisfied that the body doing that is independent of the eligible authority on which sufficient powers have been conferred to enable the independent authority to make a proper inspection of records for that purpose. Members must keep in mind that it is a federal Act, the powers of which are being exercised. It is the federal Act that deals with all the proportions and it is the federal Minister who has the obligation to satisfy himself or herself that the provisions of the federal Act are being adhered to. The State gives powers, but the enforcement of the use of the telephone tapping powers is a federal concern. It is a matter for the Federal Parliament and the federal Minister, not for us, to make sure of those matters. We have had a hard enough time getting this legislation to the starting blocks as it is without the further complication of providing in our Act whom it will be. In the end, whom it will be determined not by this State, but by the federal Attorney-General. The State can put up names until the cows come home, but it is the federal Minister who will make that decision and who must be satisfied. It is not our role to appoint the person or to be satisfied. It is the federal legislation that will confer the power. All the State is doing by having this legislation is qualifying the situation; however, it does not confer the power.

Hon TOM HELM: Let us turn that on its head. The state Ombudsman by any scrutiny would be the most obvious person the State would suggest to the federal Attorney-General to fulfil the role that is required of us by the federal legislation. There would not be many others who would be at arm's length from the Executive. The Attorney General said that under section 35(1)(h) the principal inspector would ask that the person be approved by the federal Minister. We have said that the Ombudsman is the guy for us. I assume that the Federal Government agrees with it. I understand the Minister's argument about the length of time it has taken to arrive at this position. Surely the simplest way of dealing with this matter would be to include in this Bill that in the opinion of our Government at this time the Ombudsman is the person most likely to be acceptable to the Federal Government and certainly acceptable to us, and that is why he has been suggested.

Why do we not stick with that, given that clause 18 and the ability to delegate exists? If the need arises for a change, that change should come before the Parliament so that we do not leave such a sensitive role open to a Government of any political persuasion. Given the sensitivity of what we are dealing with and the difficulties in getting the Bill to this stage, and the cooperation that has been shown by all concerned to see this legislation through, why is the principal inspector not clearly defined in the legislation? I understand the Attorney General's explanation and the confusion many people may have down the track. We are not dealing with the external powers that the Federal Government is exercising or with uniform legislation that has been agreed to by all the States and Territories, but with the authority conferred on the Federal Police by a High Court decision.

Hon Peter Foss: No, it is an authority conferred on the Federal Government under section 52 of the Constitution.

Hon TOM HELM: It is not a use of external powers? We can follow the argument that the Minister has provided. However, unnecessary confusion arises because everybody is clearly defined in a position, except for the principal inspector. I will not vote against this proposal and call for a division. This is confusing. There is a simple alternative that causes less confusion.

Hon PETER FOSS: I have explained it and I will not go through it again. Other States do not have the Ombudsman. I believe that South Australia has a Police Complaints Tribunal. We could perhaps have the Anti-Corruption Commission in the future, but at the moment we have the Ombudsman. We are conforming with the commonwealth legislation, which provides for someone to be approved by the federal Attorney-General. That is who will decide it; it is his responsibility, not ours.

Clause put and passed.

Clauses 10 to 17 put and passed.

Clause 18: Delegation by principal inspector -

Hon TOM HELM: This obviously relates to my previous comments. It flies in the face of the logic that the Attorney General has put to the Committee. We understand the principle that we have the approval of the Federal Government to use the Ombudsman. Are we now being told that the Federal Government has agreed that the Ombudsman can delegate those powers to someone else? The delegation ends with the person who is delegated the powers by the principal inspector, and the power to report remains with the principal inspector. This clause provides that the Federal Government will approve our using the Ombudsman. However, we then have the Federal Government saying that the Ombudsman, who is the agreed principal inspector, may delegate to another inspecting officer any of the principal inspector's functions under this legislation. It does not say whether that officer would be a member of the Ombudsman's Office; I assume that he would be. Perhaps the Attorney General can explain why that is so. What if the officer nominated by the Ombudsman as adequate to do the job is not acceptable to the federal authorities? Where do we go from there?

Hon PETER FOSS: An inspecting officer and the principal inspecting officer are specified under regulation. Unless our regulation specifies someone acceptable to the federal Attorney-General we will not be acceptable as an inspecting authority and we will not be able to use the powers. We must pass our regulations and have them approved by the federal Attorney-General. If he does not approve them or does not believe that we have an independent authority we will not get the nod. It is exactly the same as the provisions in the federal Act, which specify the Ombudsman but which also recognise that it will not be the Ombudsman himself but one of his officers who will do the inspections.

The regulations will provide that the principal inspecting officer is the Ombudsman and the inspecting officers are his staff. When we show the federal Attorney-General what the regulations provide and he is happy that they provide for an independent inspecting authority, he will certify, and if he is not happy with them he will not. It all comes back to the same basic point: The person whose responsibility it is to ensure that the federal Act is complied with is the federal Attorney-General, and it is his responsibility, not ours, to ensure that.

Hon TOM HELM: The delegation of the power by gazettal can only be to an inspecting officer of the commonwealth Ombudsman's office, not the state Ombudsman's office.

Hon Peter Foss: No.

Hon TOM HELM: I understand English and uniform legislation. I am an ordinary layman, and it will be laymen who will be affected by this. I thought the Attorney General said that the person to whom the power will be delegated by regulation will be a federal person. I can see his frustration; I am frustrated too. I can think of other things I could be doing with my time. However, my frustration -

Hon Peter Foss: Why don't you do them?

Hon TOM HELM: I would, but then I would not be doing my job. That is the reason the Attorney General cannot get away with most of it.

Hon Peter Foss interjected.

The CHAIRMAN: Order! Let Hon Tom Helm get on with his job.

Hon TOM HELM: I do not want it repeated to me that the bottom line is the federal Attorney-General. I understand that. However, we would look very foolish if our Attorney General on our behalf put up a person who was not acceptable.

Hon Peter Foss: It is actually the Minister for Police.

Hon TOM HELM: We know the bottom line; it is the bit in between that is causing confusion. I am not bothered particularly if it is our Ombudsman or the federal Ombudsman, or if the federal Attorney-General says he does not

care what the State says - that will not happen. I assume from this clause that the inspecting officer being delegated the powers would be someone from the state Ombudsman's office.

Hon Peter Foss: Yes.

Hon TOM HELM: Thank you.

Clause put and passed.

Clauses 19 to 23 put and passed.

Clause 24: Regulations -

Hon N.D. GRIFFITHS: I move -

Page 18, lines 15 and 16 - To delete subclause (2).

I thank the Government for giving consideration to the amendment and for its support. The reasons for the proposed amendments are clear. The situation is disproportionate. I note the reference in the Attorney General's second reading speech to the effect that there were four other instances, but I am not aware of them. Be that as it may, it is inappropriate that a regulation should create an offence punishable by imprisonment for not more than six months - a matter so serious should be an offence created by Parliament.

I note also that when one considers section 86 of the Sentencing Act, yet to be proclaimed, a rate of imprisonment cannot be less than three months. We are talking about a fairly short period. Notwithstanding the points about the Sentencing Act, yet to be proclaimed -

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: This amendment is appropriate and I am pleased that all concerned share my view.

Amendment put and passed.

Hon TOM HELM: My question is based on an issue that was discussed at the meeting in Canberra: Will these regulations be published in the *Government Gazette* and be disallowable in this Chamber?

Hon PETER FOSS: Yes.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

Leave granted to proceed forthwith to the remaining stages of the Bill.

Bill passed through remaining stages without debate and returned to the Assembly with amendments.

CURTIN UNIVERSITY OF TECHNOLOGY AMENDMENT BILL

Second Reading

Resumed from 29 August.

HON J.A. COWDELL (South West) [8.22 pm]: The Australian Labor Party supports this legislation. It does so in the hope that it will enhance the development of a major regional centre in Kalgoorlie and Boulder. I use the term "Kalgoorlie and Boulder" having been made well aware on many occasions of the separate entity and history of Boulder, although I was pleased to see the amalgamation of the separate municipalities in the not too distant past in the entity of the City of Kalgoorlie-Boulder. One significant and favourable feature of this legislation is the enhancement of Kalgoorlie and Boulder and its position as a major regional centre in Western Australia.

The Labor Party supports the legislation in the hope that it will provide a first class tertiary facility on the eastern goldfields. A first class tertiary facility, in the Western Australian School of Mines, already exists in that region and it is hoped that this amalgamation will enhance that facility. It is also hoped that the repute and prestige of the School of Mines as a campus of Curtin University will extend to the Kalgoorlie College, with its more recent 13 year, but less illustrious, history.

Hon P.R. Lightfoot: I thought it would be the other way around. The School of Mines is already prestigious and I thought it would add to Curtin.

Hon J.A. COWDELL: That is what I was saying.

Hon P.R. Lightfoot: What you said was ambiguous and I thought I would clear it up.

Hon J.A. COWDELL: I am sure Hon Ross Lightfoot will clear up a number of things during the course of my address.

Hon P.R. Lightfoot: I was a student of the School of Mines.

Hon J.A. COWDELL: I can just see the arguments for the strength of one side of this merger dissipating in the light of the comments of Hon Ross Lightfoot, although, no doubt, I need to refer to him as being among the illustrious alumni of the former institutions in commending this merger.

I repeat that the Australian Labor Party supports the legislation on the basis that it will enhance the development of a major regional centre of Western Australia - the City of Kalgoorlie-Boulder - in the hope that it will provide an expanded first class tertiary institution as well as enhance the level of education participation on the eastern goldfields. This is at a level, as various reports have indicated, that should excite concern. No doubt the Department of Education, Employment and Training report referred to the level of participation and the need to enhance that participation.

The Labor Party supports the legislation in the hope that the missions of both separate entities will be vouchsafed; that is, a first class and world renowned School of Mines and a community college which has provided worthwhile service to the eastern goldfields in its 13 years of existence. The Opposition, in supporting the Bill, recognises the support that the Bill enjoys from the respective institutions - the School of Mines, Curtin University of Technology and Kalgoorlie College - the staff of the institutions and the goldfields community, per se. On visits to the goldfields over a number of years, including occasions on which I was adviser to the federal Minister for Employment, Education and Training, this particular view was put to me by not only members of the Labor Party, but also members of staff of the institutions. The Australian Labor Party supports the amalgamation proposed by this Bill for these very worthwhile reasons.

The Bill provides a unique opportunity for advancement of education on the eastern goldfields as well as the advancement of Kalgoorlie and Boulder. The Opposition will seek certain assurances from the Minister. Obviously, assurances cannot be given on the level of funding or a continued adequate level of funding. It is a worry that, in the current economic rationalist climate, there is a push to ensure that the maximum number of bodies is put through a course of training. Often this can be done in a metropolitan centre far more cheaply than in a country centre. As we face cutbacks in commonwealth funding to the tertiary sector, it is a worry that one of the first economies will be to axe the campuses at which it is more expensive to provide places. Nevertheless, I hope that the State Government will look to some adequate form of endowment of this new combined regional campus of Curtin University of Technology.

We have had some experience in looking at the various models of providing endowment, perhaps not so successfully in recent years. I note that, apart from a site endowment, which all of our state universities have received, among the state institutions only the University of Western Australia has received a significant non-site endowment. The State should consider providing an endowment to show its confidence in the future of this Curtin University campus and its development to a university college or an independent university. That may not be appropriate at the moment. However, some endowment is needed as a sign of confidence other than just the passage of this legislation.

The Opposition hopes that the State will take an interest in the continued autonomy of this institution on the goldfields. There has been a reasonable level of autonomy, and we would seek assurances of continuing autonomy under Curtin University, and of a continuing interest in the separate goals of the two separate entities to date - namely, the college and the School of Mines - so that the goals that have been achieved by the separate institutions will not be lost in the amalgamation. I also look forward to the Minister's comments on the appropriate naming of the new institution and whether it can be accorded the name of Kalgoorlie university college as a campus of Curtin University. The name can be important in promoting the institution as more than just a campus or a component of Curtin University.

Having read the annual report of Curtin University last year I was aware that we needed to act legislatively. The annual report dated December 1995 states -

University college in Kalgoorlie: Considerable effort was expended in 1995 to resolve the many detailed issues needed to clear the way for the successful merger of the Western Australian School of Mines and Kalgoorlie College. The University has received a one-off grant of \$6 million from the Commonwealth to assist with the formation of the University College. A further grant of a similar amount is anticipated in two moieties during 1998 and 1999.

I trust the Minister will be able to assure us that we have the cooperation and the signature of the Commonwealth on that undertaking, and it will not be subject to the recently announced economies. Recently when I questioned Dr Shea on another matter about whether the Department of Conservation and Land Management would be affected by cutbacks in commonwealth grants, he smiled and indicated that he already had the money in the bank, although the project was 12 or 18 months away. The annual report continues -

All that remains is for the enabling legislation to be passed and proclaimed. It is expected that the University College will come into effect during the first half of 1996.

The university was very optimistic; it had greater confidence in the legislative program of the Government than was obviously warranted for a start up in the first half of 1996. I read the Minister's second reading speech and followed through many of the points that he made; first on the amalgamation and then on the other tasks that this Bill performs. The Minister stated that a review of higher education in regional centres in Western Australia suggested that benefits might flow from greater cooperation between Kalgoorlie College and the Western Australian School of Mines. The Minister stated -

While there were instances of sharing of facilities and teaching, and some common membership on the college council and the Western Australian School of Mines board of management, these informal arrangements were fragile and vulnerable to changes in personnel.

One of the reasons to go forward with amalgamation is to replace the informal, though very cordial, cooperation that I have noted over recent years. Reference is made to the study conducted by the Western Australian Office of Higher Education in proposing this amalgamation. I take the findings of that study as established. The Minister stated in his speech -

The Kalgoorlie College, on the other hand, is an independent college established under the Colleges Act and offers a broadly based range of technical and further education courses, access programs and customised training as well as some, mainly first year, undergraduate courses on a contract basis on behalf of metropolitan universities.

I have always wondered whether there is a continuing basis for separate community colleges. I think only four of them are in existence and this Bill will abolish one of them, leaving the three in the north west to continue as separate community colleges. I seek the Minister's clarification on whether Esperance will be elevated to become a separate community college. I have my doubts about the continuing viability of separate community colleges and whether there is any advantage to separate colleges operating outside a system.

Hon N.F. Moore: It is not intended to be a community college in the same way as Kalgoorlie College. It is a different concept. It is to do with secondary education and vocational education and training combining.

Hon J.A. COWDELL: It is a college in the secondary sense.

Hon N.F. Moore: Yes - and VET.

Hon J.A. COWDELL: In post-secondary education terms, the era of separate, stand alone community colleges has passed us by. These campuses need to be part of larger institutions. That is not to say they should not maintain a significant degree of autonomy, but there are advantages for attracting staff, and so on. I am glad we are not going down the path of establishing more community colleges in that sense.

I note the Minister's comment that education provision in the region is characterised by low school retention rates, a low transfer rate to higher education, and a very low participation rate in higher education. This is cause for concern. We all hope by voting for this measure we can address that participation rate. We acknowledge, in voting for this, the argument that the best case for further investment in specialised infrastructure in a time of scarce financial resources lies in the amalgamation of Kalgoorlie College and the Western Australian School of Mines; and that one institution for covering the full range of post-secondary education and training will serve the needs of the community better. I trust that is an assurance that the new university college will adequately continue to cater for the TAFE functions or the basic TAFE functions of the Kalgoorlie College. The Minister might like to comment on whether the same range will be provided through the university college, or whether the lower end of provision of basic technical and vocational training will be chopped off and taken somewhere else. That is not clear, and I look forward to some clarification.

The argument which has been put to me by staff before today, and which is outlined by the Minister, is that credit transfer opportunities will be enhanced and easy transition facilitated in the one institution by the removal of artificial barriers to the ready movement of students and the recognition of prior learning which arise in separately managed institutions. On those reasons we are in accord with the Minister. We hope that, as he states, formalised links with Curtin University of Technology will add to the stature and credibility of that provision both nationally and

internationally. This will be important in attracting students from overseas and elsewhere in Australia. While there is a place for only a limited number of universities, and there has been talk of university mergers, more recently by Murdoch and Curtin Universities, I hope that as a campus of Curtin University the Kalgoorlie College could maintain a particular entity, be marketed as a particular and unique entity internationally, and contribute to the attraction of international students rather than be submerged in the total Curtin conglomerate.

I am not opposed to university amalgamation. I was always a supporter of the proposal of the last Labor Government to amalgamate Murdoch University with the University of WA. Indeed, it was more by chance than by planning that Murdoch started out as a separate institution rather than a second campus of the University of WA. There are advantages to a multi-campus model. This is an enhancement of a multi-campus model. In the case of Curtin University, it is a model that has a number of advantages. I regret to say it was mainly on the conservative side we found the argument against the multi-campus model with respect to previous amalgamations. Maybe that opposition is now dissipating, but there can be advantages of the multi-campus model with one or two universities.

The Minister commends the amalgamation on the basis of a strong industry focus being maintained and an attachment to vocational training. That is significant in the current climate. He states that the significant devolution of responsibility for local government within the larger structure of Curtin University of Technology will be acknowledged. We look for certain assurances with respect to autonomy. There seems to be a disturbing development with respect to the WA Academy of Performing Arts and what appears to be a takeover from the Mt Lawley Campus of Edith Cowan University and a submerging of the independent entity. As I have said before in this speech, I would not like to see the submerging of the independent entity of what is contributed by the School of Mines and the Kalgoorlie College; but we need to be aware that we must safeguard that autonomy. Curtin University has done quite well to date in maintaining a level of autonomy with its campus on the goldfields. However, we have instances before us where autonomy may be sacrificed to immediate economic conditions.

The Minister stated, in conclusion, that Curtin will be able to bring to bear the very considerable resources of its Perth based campuses and the Muresk Institute of Agriculture to support developments of the Kalgoorlie campus which otherwise would not occur. That is being contributed at the moment, and I hope it will be contributed to the college side of things. I have noted previously, as has the Minister in commending this Bill, that the Commonwealth will provide \$6m this year for capital development - I think that is in hand, according to the Curtin report - together with additional operating funds of \$450 000. The Commonwealth is committed to providing a further \$3m in capital funding in 1998 with prospects of \$3m more in 1999, as well as increased operating grants in 1997 and 1998.

I seek some clarification from the Minister. The assurances with respect to financial inducements seem to have become weaker than they appear in the annual report of Curtin University. The prospect of \$3m in 1999 from the Commonwealth might appear very dodgy in current circumstances. The Minister notes that a program of land acquisition in Kalgoorlie adjacent to the current campuses for capital works to upgrade and expand facilities is envisaged.

Hon Mark Nevill: It has been going on for the last 10 years.

Hon J.A. COWDELL: Indeed, but the Minister is talking about an ongoing program. I look forward to some definition of that "ongoing program" from the Minister.

Hon N.F. Moore: I cannot give you the names of the houses just yet.

Hon J.A. COWDELL: I would have thought, with the Minister's command of the subject, he could provide that detail, but we will settle for the generality.

Hon John Halden: A general overview will do!

Hon N.F. Moore: I will give you the name of the street!

Hon Mark Nevill: They buy them when they come onto the market.

Hon J.A. COWDELL: I understand that Hon Mark Nevill has a few houses for sale there! When the Opposition is assured of the expansion of the campus in a certain direction, it will be more than happy!

Hon Tom Stephens: You will have to move to have that expunged from the record!

Hon J.A. COWDELL: I will not go into Arty Fadden's speeches and how they were tidied up.

The Minister referred to the Kalgoorlie campus having access to vocational education and training funds on the basis of an approved training profile and resources through a statewide vocation and training funding formula. I would like to hear more about how much the new university college can rely on funding through the Australian National Training Authority and other TAFE funding arrangements.

As I said previously, we note the support for this project from the people of the eastern goldfields, the interim council of the Kalgoorlie College, the WA School of Mines and the Curtin University of Technology. At least this measure will do away with some of the previous attempts to close the School of Mines in Kalgoorlie and disperse its functions to different institutions. I am reminded of Dick Carter's attempt when he was the President of the Chamber of Mines to have engineering components go to Curtin at Bentley, metallurgy to Murdoch, geology to UWA and so on. At least this measure will overcome any suggestion of removing the presence of the School of Mines from Kalgoorlie. However, we hope that its identity is preserved in the new amalgamation.

I note that Sir Laurence Brodie-Hall had a concern relating to this amalgamation. He feels very clearly that the School of Mines will lose its identity and, as the Kalgoorlie College will have a student population of a couple of thousand and the School of Mines has something like 400 students, it is possible that the school will be swamped. We need an assurance that this will not happen. Indeed, it will be a problem if the new entity loses that mining flavour, particularly with respect to endowments that have been provided by industry over the years. I know that Sir Laurence was particularly generous in providing about \$500 000 in endowments between 1980 and 1990. Indeed, the new institution needs to continue that close relationship with the mining industry and its benefactors.

I notice that a number of past benefactors, including Sir Laurence Brodie-Hall, to whom I was talking earlier this evening, have a particular concern about the autonomy of the School of Mines. Sir Laurence was particularly complimentary of the operation of the School of Mines as a campus of Curtin University to date; he said it had worked very well. One of the advantages of the School of Mines being a separate campus, as well as the advantage of the wider resources of Curtin University, is that it was treated generously by the council of Curtin University. However, the concern is that it could be swamped on the ground, so to speak, as a result of the 2 500 students at the Kalgoorlie College.

The Minister referred to the other aspects of this Bill, to which the Opposition has no objection; namely, the adjustment of fines and payment for damage to university property. The opportunity will arise to ensure that university lands are vested under the Land Act. It would be nice on this occasion if the Minister could tell us whether any progress has been made with the endowment of Curtin University proper. I suggest that it would be appropriate for the Government to endow the university college in Kalgoorlie as a gesture to the eastern goldfields, and as a means of maintaining autonomy and enhancing that institution. Certainly, we should not neglect Curtin University and its 21 000 students in that process. I understand that Curtin has enjoyed land endowment but no other endowment from the State Government, yet the University of Western Australia has been generously endowed by the Western Australian Parliament and successive Governments over the years.

The change under the Bill to empower Curtin University to sell or dispose of property which it holds in fee simple causes no problems. Indeed, we hope that the university will look to some acquisition of property as well as disposal. I suggest that, should John Curtin's house in Cottesloe become available in the future, it would be advisable for the university to secure it, particularly given its recent venture in respect of the John Curtin Prime Ministerial Library and international study centre.

Finally, the Minister dealt with proposed changes in the composition of the board of the branch and university council. We welcome the addition of staff representation relating to the chairperson of the academic council and the university council itself. The Opposition is fully supportive of that move. I am not quite clear how other boards are being set up and what their status is with respect to the university council. No doubt the Minister will clarify that. In asking the Government to be generous in ensuring the success of this new university college, we must also ask the mining industry to be generous. The goldfields community has argued for many years that if the mining industry showed more philanthropy and contributed more to the local community than it has in the past, it may avoid a gold royalty. There has been a level of parsimony on the part of companies to the local community that may make the introduction of royalties inevitable; certainly it is strongly canvassed at the moment by the current Government although not by the Labor Party. We would certainly welcome the philanthropy of the gold mining companies with respect to this institution, as well as the philanthropy rather than just fine words of the Government and this legislation. The Goldfields Art Centre is to come under the campus of the new university college. No doubt the Minister will be able to give us assurances about appropriate funding so that the deficit is not folded into the educational institution.

Hon N.F. Moore: Perhaps you might explain how you set it up in the first place so I will eventually know how it will be funded.

Hon J.A. COWDELL: Sometimes one has to go ahead and build and show confidence in a regional community and see that other things follow. That was clearly the case with the previous Labor Government in Kalgoorlie-Boulder. We would also look to ensuring that there is adequate student accommodation so that the new institution is able to attract and maintain students. The cost of living for students, and indeed the location and cost of living for academic staff, is important. I hope that provision is being made for colleges to have adequate cheap student accommodation.

This is a particularly trying period in tertiary education because of the cutbacks. That is why the State Government must show a level of confidence in the new amalgamated campus to ensure its success. The intake of students in various tertiary institutions in Western Australia is likely to be reduced significantly. I read in my local newspapers of an interview with the Deputy Vice-Chancellor of Murdoch University who said that the campus of Murdoch University in Mandurah might well go by the board; indeed, it was promised and more or less signed, sealed and delivered. However, Murdoch has announced its priority for Rockingham, and Mandurah has become a vaguer prospect. We cannot allow this proposed entity to suffer in a similar way. Funds may need to be provided to ensure that an adequate postgraduate research program is attached to the new Kalgoorlie campus so that it does indeed have the attributes of more than just an undergraduate liberal arts college. It must have the attributes of a significant tertiary institution. We look towards government assurances that in an era of economic cutbacks we will not have a downgrading to a liberal arts college from the world renowned School of Mines.

Hon N.F. Moore: You can be assured that will not happen if I have anything to do with it.

Hon J.A. COWDELL: I thank the Minister. We are looking forward to his assurances. We hope the Government's philanthropy will be a tangible symbol of the fact it will not happen. The endowment may be for buildings, but it should also support a research capacity for postgraduate students, and grants for student accommodation or for scholarships to ensure that students are attracted to particular specialties or that students from deprived backgrounds can attend.

I conclude my remarks where I began, by pointing out that the Labor Party supports this amalgamation and looks forward to other government initiatives to ensure that it will be successful and that we have in this new campus of Curtin University a real chance of establishing a first rate tertiary institution in a regional centre. There were plans throughout the 1960s and 1970s which came to nothing. They were for teachers' colleges or university colleges in Albany, Geraldton and so on. In Bunbury we have a specialist college alongside the campus of Edith Cowan University where there is some potential for development. Clearly with this Bill Kalgoorlie is the first cab off the rank. We must see the success of this exercise and real government commitment to it so that both the opportunities are enhanced in the eastern goldfields and that we do provide an additional industry other than mining for Kalgoorlie-Boulder.

[Resolved, that the House continue to sit beyond 11.00 pm.]

HON MARK NEVILL (Mining and Pastoral) [9.09 pm]: I support the Bill. I congratulate Hon John Cowdell for his usual well researched and thorough contribution. He has always taken an interest in Kalgoorlie and it has probably been a very important part of both his political and educational careers and interests. Members will know that he has taken a long interest in the restoration of the Trades Hall in Kalgoorlie, which is the oldest Trades Hall in the State and certainly a cradle of politics, both federal and state, in this area.

This Bill will establish a university campus at Kalgoorlie by amalgamating the Western Australian School of Mines and Kalgoorlie College. These are quite different institutions. The School of Mines has a history of almost 90 years. It is probably the last school of mines in Australia, although I think the Bendigo School of Mines in Victoria still exists, but many of the other schools of mines have succumbed to the changing fortunes of the mining industry. One of my grandfathers was trained as a metallurgist at the school of mines in Maldon, which no longer exists. The Western Australian School of Mines certainly has a strong tradition, and one can feel that around the school and within the community. Many of its graduates are key people in the mining industry today. The General Manager of Kalgoorlie Central Goldmines, Bob Crew, who basically was responsible for the construction of Olympic Dam and with whom I worked at the Silver Lake shaft at Kambalda for four years, is a graduate of the School of Mines, as are other prominent mining engineers Ron Harken, Graham Smith, Phil Lockyer, Brian Hurley, Barry Patterson, Frank Fiori and Peter Bartlett, to name a few. Many of those people are involved in managerial and contracting roles in the goldfields.

The School of Mines has had a very strong component of technology development, and many of its former lecturers and graduates are doing consulting work in this State. Two who come to mind are Ian Correns and Dr Jim Kyle, who operate a metallurgical research company in Perth. A number of significant figures have been associated with the School of Mines in recent years. Dr Odwyn Jones was the director for a number of years, and Professor David Spottiswood has taken over that role in recent years. As Hon John Cowdell said, Sir Laurence Brodie-Hall has been a major benefactor of the School of Mines and has been responsible for raising large sums of money. His wife, Lady June Verscher, has been responsible for some very fine landscape gardening throughout the School of Mines. Ian Burston, who is one of the more recent chairmen, has contributed much to the School of Mines, and Murray Quartermaine, who died recently, contributed a lot to the history of the area, as did Bill Cleverly. Western Mining built a \$1.5m auditorium at the School of Mines in recent years as one of the major bequests, and there have been many others which are too numerous to mention.

I studied two units at the School of Mines while I was working at Kambalda, rock mechanics and geostatistics, or ore reserve estimation. My father studied surveying there, and my grandfather spent his afternoons at the School of Mines doing mineralogy work for Dr Larcombe, who was the principal during the 1930s.

Kalgoorlie College is different. It is very community oriented and not so much mining oriented. It does not have the overseas students that the Western Australian School of Mines has. Kalgoorlie College has degrees and associate courses through Edith Cowan and Curtin Universities. In recent weeks, I attended a meeting at Kalgoorlie College where we formed a committee to put together and deliver education courses to the Eastern Goldfields Prison. As one of the magistrates pointed out - and the Government has been involved in this through the Attorney General - most of the people who come before him cannot read or write, and many of them cannot even tell the time, and Kalgoorlie College is providing three or four modules to enable people who go into the prison to learn how to read and write, and if they come back into prison, they can just lock into where they left off. It is hoped that these modules will go to other prisons in the State so that when these people are let out, at least they will have some education, and perhaps they will not be on this merry-go-round of being in and out of prison. That is the sort of thing that a community college can deliver to meet a local need, and if that is successful, that can perhaps be transposed elsewhere.

The two institutions have always had very strong boards. Over recent years, there has been an interesting cross-section of the community on both boards, and they have worked very well. Kalgoorlie College has had a very active land acquisition program, at least for 10 years to my knowledge, but probably since the college first started under the previous Government in the early 1980s. The former director, Dick Lamb, had his eye on certain properties, and they were purchased as they came on the market, and some of them were bought by negotiation, but I do not think there has been a need to compulsorily acquire any land. The college has not expanded to such a degree that it has needed to take that action.

There is a lot of concern, and I am concerned also, that the assets of Kalgoorlie College will now be vested in Curtin University. A lot of those assets have been contributed locally, and we all know the politics of education; I suppose it is not much different from the politics of Aboriginal affairs, or the brand of politics in which we indulge. There may come a time when there are moves to close down Kalgoorlie College, and automatically those assets will revert to Curtin University and there will be a transfer of wealth. I hope that does not happen.

Hon N.F. Moore: At least you cannot take the buildings to Perth.

Hon MARK NEVILL: No, but a lot of the valuable equipment can be taken to Perth. The buildings can be sold and the funds taken to Perth. I hope that does not happen.

Hon N.F. Moore: You are drawing a pretty long bow.

Hon MARK NEVILL: I am saying that if the assets were locked into some trust in Kalgoorlie, I would feel a bit more relaxed about the future.

Hon N.F. Moore: They will still be in public ownership.

Hon MARK NEVILL: Hopefully.

A number of people were associated with Kalgoorlie College in its early days, and the danger of mentioning some people is that we miss others, but people like Doug Daws were very instrumental in getting it off the ground in the early 1980s. Ray Finlayson has been an excellent chairman. He fights for Kalgoorlie, and he deals with whoever is in power. He can be a very hard man at times, but he is always trying to do the best for whatever cause he is fighting for. Peter Grainger was the deputy chairman for many years, and Dick Lamb was a director who fought hard to improve facilities at the college. He was a real builder. Dr Williams was the previous director. I cannot remember his first name.

Hon N.F. Moore: Roy, I think.

Hon MARK NEVILL: Possibly. That is going back a few years. I support the views of Hon Colin Barnett. His view of mining education is progressive and should be supported.

I have tried in the past to consolidate the metallurgical courses in Kalgoorlie without any success. However, I do not necessarily believe that we have to amalgamate universities in this State. I believe we need to rationalise some of the courses that are offered, at least as a first step. That will probably mean a mining education system centred at Curtin University. Murdoch University set up a materials science school when it commenced and failed to attract students. I understand it shifted to a metallurgy school because it could not get the students. Curtin University has a metallurgy school. The School of Mines has metallurgy and mining engineering. I believe they can be better coordinated.

The idea of having students attend Curtin in the first or second year has merit. It is something that has to be considered. However, they should have to spend a significant part of their courses in Kalgoorlie-Boulder at the Western Australian School of Mines because that is where they will get the real experience. They will be living in a mining town in an isolated area and will get a feel for the sorts of conditions under which they will be working and the types of people with whom they will be working. They will be exposed to a magnificent cross-section of industry, underground mining and open pit mining, and different forms of metallurgy from the very latest to the traditional forms of metallurgy and milling and a variety of geology. I cannot think of a better place for a young person to be blooded in a mining career.

There has been some criticism, particularly by Dick Carter, the former chairman of the Chamber of Mines and Energy. I do not necessarily agree with his views. Mining education has to evolve and this is the way that I see it evolving. The previous Government had a vision for Curtin University. It is a key centre under the Federal Government's key centres program. It has a petroleum-geology course as well as a metallurgy course and a geology course. We were going to build the Chemistry Centre there. It would have been a research and development institution as well as doing the analyses and testing tasks that it has done in the past. The Government has dismantled the program that was initiated. That was a good program because the earth sciences are no longer separate entities. They merge. There is remote sensing from satellites, geophysics, both airborne and ground, and geochemistry. These sciences are linked now; they are not discrete. Concentrating those resources at Curtin would have strengthened earth science education in this State. However, with mining engineering and metallurgy, it is essential that the student spend a significant part of his or her course in the goldfields.

It is also important that this new institution has autonomy. I would like to see it produce its own annual report as the School of Mines has done for 80 years. There would be nothing worse than the Curtin University annual report hardly mentioning what is going on in Kalgoorlie. We can draw a parallel with Fremantle. I am interested in the dismantling of the Woodside Maternity Hospital. However, we do not get an annual report on the Woodside Maternity Hospital. We get one on the Fremantle Hospital, but it does not tell us much about what is going on at this annex. I hope this college produces an annual report as part of its autonomy.

This university campus is very important because Kalgoorlie is at the cutting edge of world technology. Kalgoorlie based companies are now operating throughout Africa. Drilling companies, mining companies, contracting companies, geological exploration companies, and airborne geophysics crews are flying over all the continents of the world now. All this began at Kalgoorlie. Major breakthroughs in drilling technology and down hole surveying, and improvements in mining equipment have all occurred in Kalgoorlie. If the rest of Australia were contributing half as much to our economy as are the people of Kalgoorlie, we would not have any current account deficits or debt problems. That is why I do not subscribe one iota to this notion that somehow the gold industry is getting a bit of a free ride because there is no gold tax. For most of the gold industry's life, it has had a fixed price, not a market price. It suffered under the gold standard. The gold price was locked at a very low level. Kalgoorlie saw some good years at the turn of the century, it languished during the Depression but it was a bit better than anywhere else, and then it languished for many years until the discovery of nickel in the late 1960s which picked things up. There are good times in Kalgoorlie at the moment. If a gold tax is introduced -

Hon N.F. Moore: A gold royalty; we already have a gold tax courtesy of your colleagues.

Hon MARK NEVILL: Certainly the goldfields members helped keep that tax at bay for at least 10 years.

Hon N.F. Moore: And I commend you for it.

Hon MARK NEVILL: I sometimes think that some in industry do not appreciate that fact. We certainly kept a gold royalty at bay. We can hear the baying of some city slickers - although I suppose we cannot call the Leader of the National Party a city slicker - and Government members who are now calling for a gold royalty.

Hon N.F. Moore: That is not a fair description of the circumstances.

Hon MARK NEVILL: Hon Colin Barnett is.

Hon N.F. Moore: I do not think you can say he is baying. I think he has that view. It is not the Government's position.

Hon MARK NEVILL: The Government should pull them into line because all they are doing -

Hon E.J. Charlton: It is not the same as Mr McGinty said!

Hon MARK NEVILL: Mr McGinty is fully behind the position that we have in Kalgoorlie; that is, there should be no gold royalty.

Hon N.F. Moore: He has not always held that position.

Hon MARK NEVILL: We have very persuasive people in our party and he certainly supports that view. My colleagues are the least of my worries with regard to a gold royalty. As soon as an industry gets the yoke off its neck there are always some more passengers looking for a free ride. Certainly Kalgoorlie, Boulder and the gold industry have contributed more to this economy than have most other sectors. It has overtaken every other mineral production. Only in recent months have petroleum, oil and gas overtaken the gold industry. However, there is plenty of gold to be found and the industry is doing very well. The university campus at Kalgoorlie is important for research and commercialising much of the innovation occurring in that area. It is another arm of the university campus that should be developed with local industry. Hon John Cowdell covered most areas in this debate and I do not wish to repeat them.

I support the Bill. It is absolutely essential that the campus becomes an integral part of mining education in this State. It will be to the benefit of every graduate of earth science programs in this State if they complete part of their course at the Kalgoorlie campus. Certainly, in the past graduates have made a great name for themselves and the institution. Given the proper support and commitment by Curtin University, I anticipate the Kalgoorlie campus will go from strength to strength to benefit not only the mining industry but also the community, including people from the lowest to the highest socioeconomic levels.

HON TOM HELM (Mining and Pastoral) [9.32 pm]: I support the Bill and take this opportunity to praise the Minister. One of the reasons opposition members support this Bill is that the Minister has demonstrated his willingness to support the concept of independent and community-based colleges. My reading of the Bill and the second reading speech clearly indicates that the amalgamation of the two bodies will allow the community to have an input into the college and how it will operate in the future. I join with Hon Mark Nevill in mentioning the last principal of the Kalgoorlie College, Dick Lamb. He was opposed to the amalgamation and the loss of the identity of the Kalgoorlie College. He shared my concern about the pressure from the previous Government and this Government to undermine the authority of community colleges. There were four but now there will be only three. It is important for the House to be aware of the pressure applied to the education providers in community colleges. I tried to persuade members of my party when they were in government to support the concept of community colleges. The advantages of these colleges have been proved without doubt. In these days of economic rationalisation, in which the delivery of education is measured by the cost per student hour, education is provided much more efficiently by independent colleges than by any other higher education facility. That relates to their being managed by a council which is representative of local groups, whether they be industry, the community, women, minority groups or any other group. People seeking further education, including those in prison and those in rural communities, have benefited from someone identifying the need and then arranging for the college to fill that need by putting in place a proper educational facility to accommodate it.

I cannot improve on the comments of Hon Mark Nevill with regard to the School of Mines. It has a stand alone reputation for its techniques and research, as has the Kalgoorlie College. Dick Lamb is one of the strong identities who can take much credit for maintaining the autonomy of Kalgoorlie College, as can Al Walkington of the Karratha College. They had the strength at that time to take on board a Liberal Party initiative which began under the Government of Sir Charles Court. Through the activities of this Minister with regard to the Pundulmurra College and other Ministers with regard to the colleges at Hedland, Kalgoorlie and Karratha, the work started at that time has continued. I was well aware of the pressure on Ministers and the administrators and public servants at those colleges, who were charged with delivering education in our State, to move to the more traditional method of delivering education. They resisted that pressure to stay with the tried and true methods and remained innovative. They not only employed people with proven expertise in the delivery of education, but also utilised those in the community who could identify the specific needs of the community and meet them.

A debate took place in this House today about training and the lack of it. I join in the criticism from this side of the House aimed at the government benches. It must be understood that supporting independent colleges is not necessarily a matter of throwing money at a problem. It involves setting up an organisation and providing the appropriate funding for that organisation to deliver and enhance training. That applies particularly in the mining industry. It is to the great credit of the mining companies that they have taken on the task of upgrading the training techniques within their sphere. They have also used the facilities offered by the colleges and have played a major role in improving the facilities to meet the standards required in the latter part of the twentieth century. As Hon Mark Nevill said, the goldmining industry is at the cutting edge of technology, as is the iron ore industry. It can be said that for the most part all the mining techniques in this State - whether in oil, iron ore, diamonds or gold - are second to none in the world. The School of Mines has played a major role in that, but not without the support and dedication of the people who belong to the independent community colleges.

There is no doubt that of all the people who fight for the community Hon Ian Taylor can take credit for supporting people such as Dick Lamb, Doug Daws and other community identities who have struggled hard. Sometimes some of the people within our own Labor Party feel that perhaps Kalgoorlie has been given more facilities than say Karratha or Port Hedland. Port Hedland would be justified in feeling that it was the ugly duckling. Karratha benefited from the developments provided by Woodside Offshore Petroleum Pty Ltd. The Labor Administration should be congratulated for persuading Woodside to commit millions of dollars to community and infrastructure facilities. The mining industry in Kalgoorlie has shown that it can also come to the party. There has been a great deal of support from both this Administration and the previous State Government in providing the necessary infrastructure.

The underlying feature, and I think the most telling aspect, of this Bill is that which provides for input from the community. I remind members of the trip I made last year to the United Kingdom where I observed how community responsibility can be translated into a reduction of funding opportunities. In the United Kingdom education services were put into place by local government in a big way, obviously with funding from central government. However, funds were withdrawn to such an extent that schools and educational facilities within local authorities were being strangled. Blame was sheeted home to those bodies of the local council that had responsibility for education. They were accused of using the funds available to them inappropriately. The facts were that, irrespective of whether they were used appropriately, funds were not available for people to deliver educational services. In this country that has not been the case. Clearly it has been a matter that each State Government has taken on board and they have not starved local communities or college councils of funds. Not only have they been given the authority to make decisions on behalf of the community, but also funds were made available once a course was identified as being useful to the community.

There is no doubt that the 1 per cent training levy introduced by the previous Federal Government was a disaster. I think funds were used inappropriately when authority was given to the major industries for 1 per cent of their wages bill to be used as a training levy. Very few training programs were implemented. There is no way that so far, either I or the community can see any escape from the concept of community colleges. It is heartening to know that a Bill is before the House which recognises that authority must be given to local people. We cannot look at the situation in any other way, irrespective of any measurement people may care to recommend.

It is as well for the House to note that the School of Mines in Kalgoorlie has played a major role in the development of mineral exploration and mining in the north west, not just in iron ore. The iron ore industry has seen a reversal of the advanced training programs the School of Mines was able to deliver. When the big pit in Kalgoorlie was being developed the techniques which had been applied for years in the Pilbara were found to be useful to the Kalgoorlie mining industry. A delegation from Kalgoorlie Consolidated Gold Mines Pty Ltd, operators of the big pit, came to the Pilbara to watch how we produced iron ore, to see what sorts of benches we used and how we operated the mass of machinery in place to shift the amount of dirt that was needed to make a success of a huge open cut operation. A change occurred then. I think that is the only exception. As Hon Mark Nevill pointed out, it goes without saying that when a success story such as the School of Mines was specifically and clearly identifiable as a tool by which industry could enhance its operations, every mineral operator in the State would be a fool not to take advantage of that facility and they did.

There is no doubt that the people who were mentioned within the mining industry would not hesitate to sing the praises of the Kalgoorlie School of Mines. The Curtin University of Technology can provide higher education in the pure sciences. The School of Mines is specifically geared to mineral exploration and mining throughout the State and, as was pointed out, throughout the world; and then there is Kalgoorlie College which has responsibility for providing the nuts and bolts of education and training resources. Each of those facilities offers specific services. However, as was pointed out, they are not exclusive. When a boilermaker, one of the trades we spoke of this afternoon, undertakes a welding course it enhances his employment opportunities and not, as we were advised by Hon Ross Lightfoot during the debate, the opportunities of the nasty old unions. I think he is the only person in the Chamber - we have some doozy right wingers in here - who points the finger at the unions and says they receive the extra wages. There is no doubt that productivity increases depend entirely on training courses meeting the standards required by industry.

On one hand, the Kalgoorlie School of Mines services the higher echelons such as surveyors, geologists, mining engineers and mine managers. On the other hand, Kalgoorlie College provides training that enhances the skills of boilermakers, welders and fitters. I do not know whether any successful rigging courses are run there. Karratha is the only independent college which I know runs them.

Hon N.F. Moore: The Trade Union Training Authority is thinking of running one of those courses for rigging!

Hon TOM HELM: The compatibility of those organisations is easy to see. I suspect - I do not know and I have not been advised - that people at Curtin University will be attracted to the more authoritarian direction that universities

take. The delivery of services at Curtin University, Kalgoorlie College and the School of Mines in Kalgoorlie will differ. It seems to me from the second reading speech that input from users will be encouraged. I suspect therefore that it will be developed so that any changes will be matched by the skills of the people who will stay and develop the industry.

It has already been mentioned that the mining industry could be attracted to employing people from outside the industry to take care of the lack of trained personnel. We need not look too far to see that Western Australian fitters, riggers, boilermakers and other trades people are employed in Indonesia, Canada and various other places. We all know someone who has a job overseas that involves a particular skill. Those overseas countries have taken the easy way out. I know many Western Australians who have gone to work on the rigs in the North Sea. Those guys definitely have a sense of adventure. I suspect the money they are paid is not all that high, and that they probably take home less pay than they receive in Australia because they can take advantage of the tourist opportunities in the United Kingdom and Europe. That is one way countries can get over any shortage in trained, skilled personnel.

As the Minister pointed out, the Government has made a commitment to enhance training programs and to put together appropriate training programs that are needed. I do not know whether it is too little, but it may be too late. That is the only criticism members were raising this afternoon. This type of amalgamation and the way in which the package has been put together will allow industry and the community to take advantage of educational and training opportunities.

The second reading speech is quite specific about those who will be on the college councils and that they will be representative of the community and industry. That is very important. Although there is to be no union representative, I do not think one was ever on the board. I will not criticise the Government for that because I would only be pointing the finger at my party and the way in which it put college councils together.

The nuts and bolts of this amalgamation will ensure the delivery of appropriate training programs so that trades people, at least, can enhance their skills, and the taxpayers' dollar is used in the most appropriate way. I heard our leader say that a Labor Party Administration would provide \$27m for training programs. A question must be raised when parties enter into a bidding war about which one will spend the most money on training. I do not think credibility can be gained by boasting about the amount of money that will be spent. As we in the north have said for quite some time, it is not that we think the funds are not available to us; we just think our ability to have an input about how that money is spent is very limited. That has been the case for a long time.

In my 16 years of involvement in the north west, I have seen some autonomy gained by the colleges. I have seen the recognition by both the Labor Administration and this Administration of the importance of having local input about how the taxpayers' dollar is spent. The answer to providing more skilled trades people does not lie in the total allocation for training and education each year, but in how that money is spent. This Government must be congratulated for putting together this amalgamation proposal. I do not know what the college will be called, but I hope it has an appropriate name. I wish it every success. Again, I congratulate this Minister for pushing through the legislation to bring about the amalgamation. We should recognise the amount of pressure he must have been under to do something other than what he has done. I support the Bill.

HON TOM STEPHENS (Mining and Pastoral) [9.55 pm]: Opposition speakers who have contributed to this debate have well and truly covered a fair bit of the territory. Our lead speaker Hon John Cowdell, who is typically thorough, well and truly covered quite a lot of the territory in this Bill. He has more than capably identified the reasons the state parliamentary Labor Party has decided to support the legislation. He was backed up by my colleague the deputy leader, Hon Mark Nevill, my fellow member for the Mining and Pastoral Region, whose knowledge of this institution is second to none in this Chamber. He was followed by my other colleague for the region, Hon Tom Helm, whose knowledge of the electorate and the needs of the industry and his involvement with the independent colleges of the north, specifically Karratha College and Hedland College, have left him well placed to comment on the legislation.

The college is an institution on the goldfields of which the community there can be very proud, to the point where as a provider of higher education it is the envy of other large communities of this State, and no doubt beyond. These achievements for a community, however, have not happened in isolation. They have happened as a result of a history of hard work on the part of the community, working in collaboration with the industry of the goldfields and with successive Governments to ensure the institution has been able to grow and to provide to the people of the region and beyond a facility that is indeed world class. The amalgamation of the Kalgoorlie College and the Western Australian School of Mines into one facility - it is to be known as the Kalgoorlie campus by virtue of this legislation - is a tribute to all those players. The community and all its constituent elements - industry, government and the wider community - can be very proud of it. Not only current members such as the member for Eyre, Hon Mark Nevill and the member for Kalgoorlie, but also their predecessors, people like Hon Ian Taylor, and people who in all the forums to which I have been privy have always demonstrated fierce loyalty to this institution and their desire to ensure it

would grow and prosper and continue to service the needs of that community. The local communities of the region should be grateful that they have had such vigorous fighters on their behalf in their efforts to secure this world class institution.

The House has been told that the state parliamentary Labor Party supports this legislation. I do not demur from that support. However, in expressing that support my colleague Hon John Cowdell said that he felt this initiative was of necessity a precursor for the way the other independent colleges in the north west should go. That may not necessarily need to be the case. He supports that argument based on the premise that the independent colleges have difficulty attracting to their ranks staff of the appropriate calibre and quality and retaining that staff while the colleges remain independent organisations. That theme was elaborated on by the Pilbara 21 report that was spearheaded by the member for Pilbara in the other place. I gather that he developed additional reasons for why a multicampus university facility should be associated with the north west to remove the necessity for the independent colleges to exist in their current form.

I agree with the sentiment expressed by Hon Tom Helm that the linkages of these institutions with their local communities is essential for their success. If there is to be a subsuming of these institutions into a wider network - in this case with the Curtin University of Technology - it must be done carefully to maintain that linkage with the local community. It also must be done with the input of a community based board and all the expertise that comes from a local community, but with that local knowledge that jealously guards and protects the institution. I am not a great believer in big systems. I have never been employed by Governments.

Hon John Halden: How about the Catholic Church?

Hon N.F. Moore: You can't get much bigger than that.

Hon TOM STEPHENS: I certainly was in its employ. The wages were not good. Anything that tries to be big in that way and that has a grand hierarchy and a bureaucratic structure that is positioned somewhere else, whether it be a church, a Government or a company - companies such as BHP remind me of big government - tends to be unresponsive to the needs of local communities. That is probably the case with an institution like that of which I am a member and with which I once worked more closely as a professional. It faces the difficulty of being responsive to local community needs and it is a tension for government.

I have always opted in my own way to argue the case for Governments to support community organisations and local community structures rather than to believe that government bureaucracies will deliver for communities that which they need. I am a supporter of community organisations. It is for that reason that I have always been a bit at odds with that section of my party's previous policies that was in opposition to the independent colleges that sprang up under the first Court Government. My party's response at the time in the 1970s was to take up the arguments of the union structures that were associated with technical and further education and argued strenuously in opposition to those facilities. That led to my party adopting policies that were in opposition to the initiative of the daddy Court Government. I found myself always thinking that that was an odd position for my party to adopt because I was regularly left at the receiving end of that failure of Governments to be able to respond efficiently and in a timely manner to the needs of local communities.

Regularly in the 1970s I tried to find ways to get tertiary education into the Kimberley region. Every time I pressed the system through TAFE, I would be faced with the high cost of trying to do anything for a small community through that big system. Regularly it was put in the too hard basket. I used to look with envy at the facilities that arrived through the independent structure into the Pilbara and think, "If only that could be extended into the next region." The Minister has pointed out in previous debates that he is rightly proud of the bricks and mortar that have been delivered through the TAFE system in the Kimberley region. I am keen to ensure that those institutions do not swamp the local expertise and sensitivities of the regional and local communities. That is part of the structure of those regions and localities that must be protected as institutions move on to this next phase of their operation, as is provided for under this legislation.

The Bill provides structures for local representatives to preserve those links between the institution and the community. It is all very well for a community such as Kalgoorlie in its economic boom conditions to imagine that that is the way things will always be, but that is not the way things have always been for Kalgoorlie, or for any region outside the metropolitan area. All members should know, and those of us from regional areas must remind the House, that things go in cycles for regional areas in Western Australia, and I predict they will go in cycles yet again for the goldfields region. Policy changes occur. For instance, the Government has within its ranks people who advocate a gold royalty. If this Government were re-elected and the advocates of that policy change were successful, that gold royalty could have a significant negative impact on Kalgoorlie.

Hon N.F. Moore: I am pleased your leader has changed his mind.

Hon TOM STEPHENS: It is inaccurate to suggest that our leader has changed his mind. The Minister is wrong; he is taking a quote out of context. It was our leader who specifically led this issue in our party room, arguing for the retention of -

Hon John Halden: It was ably seconded by somebody.

Hon TOM STEPHENS: There was a rush of people wanting to second it. Nonetheless, it was a position adopted yet again by the state parliamentary Labor Party in opposition to the gold tax that would apply, I fear -

Hon N.F. Moore: Your federal colleagues brought in the gold tax.

Hon TOM STEPHENS: The Liberal Party is in the hot seat over this.

Hon N.F. Moore interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! I think we are straying a little from the Bill.

Hon TOM STEPHENS: It is relevant because institutions such as this have a secure place and role within a community that is prospering. If the current Government is re-elected, and the advocacy of people like Colin Barnett and Hendy Cowan leaves open the option for a change in taxation policy on the part of the Liberal-National coalition, it appears a very real prospect that a new imposition will be awaiting the gold industry. That could cause a very significant downturn in the goldfields community associated with Kalgoorlie.

In those circumstances, the whole structure of these institutions could be placed under enormous strain. It would not be only that factor that could have a damaging effect. Compounded with other fluctuating issues - such as obviously and very importantly the gold price itself - a whole range of economic conditions could be brought to bear, as has happened in the past. Yet again, the goldfields community could be faced with an economic downturn. Until now, this institution has survived the fluctuating fortunes of the Kalgoorlie community. State Governments, ably prodded and goaded by local members of Parliament and local communities, have ensured that this institution has played a very important role through those previous economic downturns. In fact, it became an important feature of the economy by virtue of its ongoing presence within that community despite the downturn.

I was in Kalgoorlie last Sunday week speaking with a very large group of people. The community is buoyed up by the current prosperity; the town is vibrant. A great festival was being held in the main street.

Hon E.J. Charlton: Things have improved since this Government came to power.

Hon TOM STEPHENS: No, this is the result of good, solid planning by federal and state Labor Administrations that members opposite have not yet been able to destroy. Members opposite are trying to divert me. I do not want to provide a reason for the Minister to have this House sit beyond a reasonable hour tonight.

Hon N.F. Moore: You are doing a very good job. Talk as long as you like; we will sit here until we finish. I have a long speech to make in summary.

Hon TOM STEPHENS: The Minister obviously has a short memory and a long speech. I remember the speeches he made when the Labor Government wanted the House to sit beyond 11.00 pm. He would not tolerate it for a minute. The Minister and his colleague Hon George Cash have had a shocking lapse of memory.

The DEPUTY PRESIDENT: Order! Now we are straying from the subject matter.

Hon TOM STEPHENS: I am sorry to have been diverted by these unruly Ministers, but unfortunately this House is graced with them.

Communities like Kalgoorlie could experience an economic downturn again. As I said, if the policies articulated by people such as Colin Barnett and Hendy Cowan were adopted and if the taxation policies presented to the people at the next state election by the Coalition were to be brought into force, this community could be very adversely affected. Even if members opposite do not articulate that as their policy in the lead-up to the next election, we cannot rely on that being the case if they are elected. As we already know, the Government made pledges prior to the last election that there would be no increases in taxation. It has breached those promises many times; indeed, many new taxes were introduced when it was elected. No matter what members opposite promise to the people in the lead-up to the next election, if the people are so unlucky as to have them re-elected -

Hon E.J. Charlton: Are you conceding?

Hon TOM STEPHENS: No. If we are so unlucky, I predict that regardless of what they say, they will impose a gold tax. The people of Western Australia, and specifically the people of Kalgoorlie, will see the imposition of a policy that will potentially have a devastating impact on institutions such as that which we are discussing tonight.

In discussions I have had recently in Kalgoorlie I have heard the comment that the whole phenomenon of fly in, fly out is increasingly affecting the community. Obviously, we now have improved air services operating between Kalgoorlie, Perth and Adelaide; large aircraft are bringing in hordes of passengers. However, regrettably many of those passengers appear to be the fly in, fly out work force - and regrettably some come from Adelaide.

I fear that when we amalgamate an institution such as this with the Curtin University some of that same pressure will come from the staff in relation to where they want to be based and how they might like to be associated with the major host organisation in Perth. We could see a push to provide fly in, fly out educational staff for the people of Kalgoorlie as opposed to a permanently based staff. What is in the interests of the staff is not necessarily always in the interests of the local community. While currently that community is well served by committed staff who do not seem to be preoccupied with anything other than serving their local community, we never know what sort of staff will be recruited in future, particularly when the institution comes under this new banner. We may attract people who see an opportunity to get into an institution like Curtin University through serving at the Kalgoorlie campus. They may then start to apply pressure for courses currently operating in the local centre to be positioned in the metropolitan area, as is the wont of all other major institutions operating in this State and nation. The regions are bled dry by virtue of the decisions made by Governments, particularly Governments of conservative persuasion which now grace the national and state stages.

Hon N.F. Moore: I beg your pardon. You will get a pimple on your tongue. What about fly in, fly out? Ask Brian Burke about Argyle.

Hon TOM STEPHENS: The Labor Party made a mistake with Argyle.

Hon N.F. Moore: Not one new town was built in remote Western Australia when you were in office.

Hon TOM STEPHENS: Members opposite have been in office for nearly four years and this Minister is part of a Government which has compounded the problem.

Hon N.F. Moore: The last town built was Leinster and that was in 1976. You have ruined the country. It is too late now. It was your fringe benefits tax and industrial relations legislation which caused the problem.

Hon TOM STEPHENS: The Minister interjecting is the Minister for Employment and Training.

Hon N.F. Moore: Exactly right, and I am struggling against the rules you put in place.

Hon TOM STEPHENS: He is a senior and influential Minister in the Court Government and he has not been able to support the people of his electorate by having this policy reversed. Under the Howard Administration regional development policies have changed and there has been a collapse of the support for regional areas such as we have never before seen in the history of this nation. Now there is a flood of people moving away from the regional centres back to the metropolitan areas.

Hon John Halden: Hon Ross Lightfoot would call them centralists.

Hon TOM STEPHENS: Absolutely, and it is an indictment on members opposite that they are not joining the Labor Party in its condemnation of the Howard Administration.

The DEPUTY PRESIDENT (Hon Barry House): Order! The threads of some of this argument are a bit thin in relation to the Bill.

Hon TOM STEPHENS: They would become closer to the point if the interjections ceased.

Hon N.F. Moore: Do you support this Bill?

Hon TOM STEPHENS: I do support it. I want to highlight the potential risks. I want the Minister's assurance that somewhere within the legislation -

Hon N.F. Moore: It will get rid of your fringe benefits tax.

Hon TOM STEPHENS: - the regulations or even in a policy commitment by the Minister on behalf of his Government there is an assurance that the goldfields community will have its interests protected by there not being a brain drain away from Kalgoorlie to a major campus in the metropolitan area. An assurance must be given that the courses currently available in Kalgoorlie will not be moved out by virtue of the amalgamation. If these assurances are contained in the Bill or the regulations, I would be pleased if the Minister would point them out. It is an area where vigilance is required by all members otherwise there is a real risk associated with this type of amalgamation.

I hope the Minister, who seems to have rushed from the House no doubt on urgent parliamentary business -

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: - will give an assurance that this legislation will not impact adversely on the local Kalgoorlie community because of the steps being taken, apparently in tandem with this legislation, to ensure that the theatre complex falls within the domain of the Curtin University of Technology. It is imperative that the Government put on the record its ongoing financial commitment to that facility -

Hon N.F. Moore: I wish you had told us what you were going to do with that facility.

Hon TOM STEPHENS: We built a very important facility for that community.

Hon N.F. Moore: You made no plans about who would pay for it. You did not budget one cent for it.

Hon TOM STEPHENS: Does the Minister think it is a good facility?

Hon N.F. Moore: It is an excellent facility.

Hon TOM STEPHENS: Should it have been built?

Hon N.F. Moore: Of course, but you should have decided who would pay for it.

Hon TOM STEPHENS: The Minister is changing everything because this Bill is mixing everything up.

Hon N.F. Moore: You built it and took the credit, but you left the bills to the Kalgoorlie College.

Hon TOM STEPHENS: I only have 15 minutes and 19 seconds left. The Minister should not interrupt me again or he will have to extend my time.

Hon N.F. Moore: I will extend your time. You are making a fool of yourself.

Hon TOM STEPHENS: I am not. I have some important questions to ask and I want the Minister to provide the answers.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: The Minister should stop interrupting and listen to me. At times he is an arrogant Minister.

Hon N.F. Moore: You are a pompous brain drain from Port Hedland.

The DEPUTY PRESIDENT: Order! Let us come back to a rational debate.

Hon TOM STEPHENS: The Minister is also cheeky and insolent.

Hon P.R. Lightfoot: The member has already caught the calicivirus.

Hon John Halden: It is obvious he caught it five years ago.

Hon TOM STEPHENS: I could do with a better defence than that! Just because Hon Ross Lightfoot has it, I do not want the Leader of the Opposition saying I have it.

I hope the Minister will, in the Government's remaining few weeks in office, outline the Government's ongoing financial support for the theatre complex which is associated with the university.

I note that the legislation impacts on the activities of the student association at the Kalgoorlie campus. I have not worked out from the Minister's second reading speech the reason for including certain provisions in this legislation. I hope the Minister will outline why the alterations have been made.

The Minister's second reading speech states -

Education provision in the region is characterised by low school retention rates, a low transfer rate to higher education and very low participation in higher education. This is cause for concern.

It is a cause of great concern. The next line reads -

Continuation of the status quo is not likely to redress the situation.

One cannot argue with that. It then goes on as though it was some sort of sequitur and states -

The best case for further investment in specialised infrastructure in a time of scarce financial resources lies in the amalgamation of the Kalgoorlie College and the Western Australian School of Mines.

Unless a huge section of the Minister's speech has been deleted, I cannot see the connection between these sentences. I cannot understand how the significant problems which have been identified as part of the current status quo for the region are in any way addressed by either this Bill or that paragraph in the Minister's second reading speech. The paragraph continues -

One institution with clear responsibility for covering the full range of post-secondary education and training will serve the needs of a community better.

It appears that the Minister's speech has moved away from its observation in the first sentence I quoted. I come back to that point because it is a topical issue by virtue of the foray into this field by the Minister for schools, Hon Colin Barnett, who has been railing against low school retention rates in regional areas of Western Australia. He correctly identified the low school retention rates among Aboriginal students. I am horrified that the response of the Minister responsible for schools - almost his only response - which has been identified by him in his presentation to the media is the institutionalisation of Aboriginal students.

Hon E.J. Charlton: It is not institutionalisation. It is an option for people who want to live in a hostel for four nights a week. Hon Tom Stephens knows from his membership of a select committee that Aboriginal people in Roebourne want to be in that environment. The member is blind, parochial and narrow minded.

Hon TOM STEPHENS: Were they the same people to whom the Minister said, "Some of my best friends are Aborigines . . . I used to play football against them"?

Hon E.J. Charlton: That is right.

Hon TOM STEPHENS: They continue to vote in droves against the Minister's party.

Hon E.J. Charlton: I don't care how they vote.

Hon TOM STEPHENS: That is because the Minister's party and its coalition partner the Liberal Party articulate policies such as that which has been presented by Hon Colin Barnett, who uses the words, "We are going to break a few rules here. We will grab a few kids and put them in hostels."

Hon E.J. Charlton: It will give them an opportunity.

Hon TOM STEPHENS: I am telling the Minister for Transport what the Minister for Education has said.

Hon E.J. Charlton: Try being honest for a change and quote him accurately.

Hon TOM STEPHENS: I do not care what the Minister opposite has to say; he is just the Minister for Transport and trucks, not the Minister for schools. The Minister for schools said that he wanted to see the institutionalisation of these children in hostels and their removal from their family and community environments.

Hon P.R. Lightfoot interjected.

Hon John Halden: I will pay that.

Hon TOM STEPHENS: I am not sure that I would, if it was directed against me.

Hon John Halden: The comment was that schools were not institutions.

The DEPUTY PRESIDENT (Hon Murray Montgomery): Order!

Hon Graham Edwards: You have to get a licence from the other side if you want to interject. If you sit on this side you cannot interject.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: I am sure that the Deputy President will rise to new heights of impartiality and that his management of the debate will be fair, even while I am speaking.

Hon P.R. Lightfoot: That is a contradiction.

Hon TOM STEPHENS: In those circumstances it is important that those issues are flagged in this Bill, as though this Bill is somehow or other a response to this problem.

Hon N.F. Moore: Come off the grass, Mr Stephens. It has nothing to do with primary education at all.

Hon TOM STEPHENS: I am relying on the speech of the Minister for Education. If I have been misled by his speech, so be it.

Hon N.F. Moore: You couldn't be misled, Mr Stephens.

Hon TOM STEPHENS: I do not know why Hon Norman Moore gets like that.

Hon Graham Edwards: They don't look very happy. Of all people, the Minister for Transport should listen.

The DEPUTY PRESIDENT: Order! The member on his feet will address the Chair and speak to the Bill.

Hon TOM STEPHENS: Absolutely.

The DEPUTY PRESIDENT: The other members will sit in silence and listen.

Hon TOM STEPHENS: The Bill's defence, as delivered to this House in the Minister's second reading speech, was that this legislation was an essential part of ensuring improvements in the low school retention rates that characterise the region. It is in contrast to the argument that has been presented recently by the Minister for schools, who says that institutionalisation is the way to go for that section of the community. I find that whole notion of institutionalisation and the removal of yet another generation of Aboriginal people from their families an absolutely offensive proposition. It is a great travesty, when the Government has reports that present the case for those institutions delivering facilities that meet the needs of those regions, that those policy recommendations are ignored in favour of trite, unfounded policies, such as that which was identified by the Minister for schools. It is important that institutions, such as that which will be set up in the goldfields by virtue of this legislation, embrace not the snake oil type policies that are being articulated by the Minister for schools, but the policy directions that are being identified by reports such as the Yunupingu report. That report dealt with institutions such as this and the approach that should be adopted by facilities in regional centres in accommodating the needs of Aboriginal communities and Aboriginal students as they endeavour to move into post secondary education facilities to obtain higher education.

Hon P.R. Lightfoot: The Bill is all to do with tertiary education.

Hon TOM STEPHENS: Indeed, it is now.

Hon P.R. Lightfoot: I thought you might be straying wide of the mark.

Hon TOM STEPHENS: What would Mr Lightfoot call the education that was provided by the institutions prior to the arrival of this Bill? Was it tertiary or higher education?

Hon P.R. Lightfoot: I thought it was reasonable.

Hon TOM STEPHENS: The member was trying to make some point.

Hon P.R. Lightfoot: I thought perhaps you were trying to wind up and were looking for words, because your words did not fit what the Bill lays down for us.

Hon TOM STEPHENS: Not at all, Mr Lightfoot. The institutions provide for post secondary and higher education. The member is deaf as well as stupid, and has not heard exactly what I said.

Hon N.F. Moore: It is not a question of hearing; it is one of understanding.

Hon TOM STEPHENS: I have always noticed that members on the side of the House of the Leader of the House have this problem.

Hon N.F. Moore: What, understanding what you are talking about?

Hon TOM STEPHENS: The policy documents that have come out in this field of regional education and Aboriginal education from a range of sources, not only the Yunupingu report, but also the Dixon report that dealt with the Kimberley region, have identified policy directions for regions such as this. I will give members an example of Curtin University's attempts to respond to the needs of the regions. A very important component of Curtin University is its Aboriginal studies area and the enclave that it provides in supporting the movement of Aboriginal students through post secondary education into higher education and tertiary education opportunities.

Hon P.R. Lightfoot: Thank you; I take that as an acknowledgment.

Hon TOM STEPHENS: That facility, presumably, will now become available to the people of the Kalgoorlie region, I hope, in a more substantial way than it has been available to them. In the township of Broome in recent times Curtin University has made very important efforts to advance the interests of the movement of Aboriginal people through university education. However, in recent days after attacks from the Deputy Prime Minister, Tim Fischer, about the university's involvement in the Kimberley region, specifically in Broome, Curtin University has announced that it is closing the office facility associated with its efforts within that local community. Precisely what that means at this point I am not sure.

Hon P.R. Lightfoot: I am not sure what it means in respect of this Bill either.

Hon TOM STEPHENS: It is the same point: Once a large institution such as this is amalgamated with a local facility, while pluses are associated with it in connection with the support that is given to Aboriginal education, suddenly a policy decision is made whereby a facility is withdrawn from a local community. It would be a tragedy if that were to happen by virtue of this amalgamation. I hope that the Minister will assure the House there will be some real resourcing of this university in its new format, so that it can make substantial policy initiatives as has been highlighted for the Government by the various reports that exist in this field. That will be a real effort to address the low school retention rates, the low transfer rate to higher education and low participation in higher education within that region. Institutions such as this can tackle the easier educational challenges of regional Australians and people moving into regional areas for short periods. However, there is a large population whose needs are greater and whose educational opportunities need to be enhanced. That can only be done if the policy directions that have been identified by the Government and institutions such as this are adopted and resourced so that these institutions can get on with their jobs.

That was the first area that I wanted to address. I am pleased to know that the Minister will move for an extension of my time -

Hon N.F. Moore: You will be pleased that he has changed his mind!

Hon TOM STEPHENS: I have only eight seconds remaining.

Hon N.F. Moore: You can talk all you like in Committee.

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

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [10.41 pm]: As stated by previous speakers, the Opposition supports the Bill. I do not intend to address in detail the second stage of the Bill, which relates to monetary penalties, the vesting of land under the Land Act, the power to sell land held in fee simple, and the composition of the boards of branches of the university council.

Is it not remarkable that we are debating a piece of far-sighted legislation, but not once has the Government acknowledged - despite spending a day discussing training needs and educational matters - that the decisions about funding this amalgamation were initiated by the previous Labor Government - that evil group of people who did everything wrong!

Hon E.J. Charlton: Exactly!

Hon JOHN HALDEN: But we did this right!

Hon E.J. Charlton: Did you?

Hon JOHN HALDEN: The second reading speech refers to the fact that \$6m will be provided this year by the Commonwealth Government. That decision was made two or three years ago by a federal Labor Government but no acknowledgment has been made of that process in this legislation. This State Government will not contribute one cent to this exercise. We are required by a quirk of the legislative process to pass legislation relating to universities in this State, but not one cent is provided by this State Government. We have received no acknowledgment that a Labor Government provided the capital required to achieve this end. It is a worthwhile, far-sighted endeavour to provide tertiary education at Kalgoorlie, but we have no acknowledgment of the Labor Government's initiatives. We have debated the matter for some time and we have heard the buffoon-like statements by a certain Minister - such as that the Labor Government did everything wrong! Again, this legislation is the result of a very good decision by a former federal Labor Government to support this initiative. In saying that, I do not want to take away from the efforts of this State Government in bringing forward this legislation.

No-one should suggest that we should not support this Bill. We should be reasonable, although the Minister for Transport was not reasonable on radio station 6WF last Thursday. That will be the subject of another debate as we sit longer. I will comment about reasonableness then. To be fair, this legislation is the culmination of the Federal Government providing money and the State Government carrying through its legislative requirement to facilitate that process.

The Australian Labor Party supports this legislation, at a time when tertiary education throughout the nation is under attack by the present Federal Government. We have witnessed savage attacks on education expenditure, and the availability of and access to tertiary places by average students. Currently, 25 per cent of university places will be available only to those who can pay for them. We have moved away from catering for talent, merit or ability to offering places to those who can afford them. It is a wonderful "Back to the Future" system where only those who

can afford it will receive 25 per cent of the available places at university. That is a great tragedy. I do not wish to pursue that line of argument. However, it should be acknowledged that currently tertiary education is under enormous pressure by decisions by federal Minister Vanstone.

I now draw an analogy between the South West College of Edith Cowan University and this amalgamation. Without doubt, the South West College at Bunbury has experienced difficulties, some of which have resulted from the fact that the real management decisions are made and the real power lies at the Perth end. The Edith Cowan campus at Bunbury has tried to respond to community needs by developing specific courses. However, either they have not been funded or they have been initiated in a campus many miles away from the community requiring the facilities. The college has always faced enormous difficulties to survive but it is facing even greater difficulties posed by a centralised university administration which is not sympathetic to the needs of the campus and the local community. However, I think the situation is starting to change, and I am pleased about that.

In this case the difference is that these are two well-established facilities which have a defined sector of the market. However, I fear that, ultimately, centralised bureaucracies at universities can take money and decision making authority away from the region, thereby making the viability of a campus questionable. In the past I have been very critical of the approach by Edith Cowan University to the campus at Bunbury, because I do not think the approach has been very appropriate for or well directed at considering how the campus can grow and how it can best suit community needs. There are some safeguards in this institution by virtue of its pre-existing links with the community and the service it delivers. It is imperative for the reasons advocated for the amalgamation, and if we are to see this campus grow, to make a commitment to facilities necessary to ensure a quality of accommodation, for example, for students. Again, one of the problems for Bunbury is that it is a campus that does not provide student accommodation except by private arrangement. If that campus is to prosper it needs to provide accommodation. Again, with this amalgamation, if we are to attract students from overseas and from the metropolitan areas throughout this country, we must provide reasonable facilities. They need to be provided. If they are not, one of the reasons for the Opposition's support of this Bill - that is, the provision of quality education and the opportunity to attract overseas students and overseas professionals and academics to this institution - is likely to be thwarted by the lack of some very simple and essential facilities.

In making the comparison between Edith Cowan in Bunbury and this amalgamation of the two institutions in Kalgoorlie with Curtin University, I do not necessarily expect the Minister to respond; I do not know whether he has the capabilities to do so. I indicate for the sake of the record the specific problems with a regionalised university campus away from the centralised decision making group. I understand that some protections are involved but I hope that in a voluntary way Curtin University will allow the college considerable independence and scope to meet local needs and ensure that a very worthwhile proposition is given every opportunity to succeed. That has not been the case in Bunbury, although the situation is improving. We should learn from that history to ensure that this proposed institution will not have such problems foisted upon it.

No dissension has arisen about the positiveness of the vast majority of the reasons for amalgamation. It would be a foolish individual, let alone political party, who did not accept the logic of what is proposed. Of course, potential pitfalls are involved which can be avoided and successfully negotiated to ensure that the new organisation achieves the ambitions outlined in the second reading speech. That speech in some respects was a little over hopeful in respect of what this organisation can achieve in the Kalgoorlie region, and other members have referred to those matters, many of which have far more to do with preprimary and primary education than with the focus of this Bill. Perhaps those points have exacerbated and lengthened this debate.

Positives can be seen if one looks at the benefits to the community, to these two institutions and to the people who attend them, and the standard of tertiary education likely to be delivered by them in the next decade and into the far future. We should support those positives. Reasons for opposing the amalgamation cannot be found, apart from some particularly parochial, anti-economic rationalist or anti-economies of scales arguments in some bizarre economic view.

Looking at the reality before us, the Government has brought a particularly reasonable measure before the House. Clearly, the research conducted on this matter since the turn of the decade has supported this initiative. The Federal Government and the community support it. Every local member, I think, in this and the other Chamber supports it. Whenever I have visited Kalgoorlie in the last 12 months, considerable debate has ensued on this issue. People have knowledge of the matter. It has obviously been widely discussed and people have decided that it is a progressive and necessary step. In some respects, the Government, and perhaps we when in government at the state level, need to be congratulated for having aired this matter in the community. The level of community knowledge evident in Kalgoorlie is high. It was more so than in the metropolitan area, where an amalgamation proposal for Curtin and Murdoch is ho hum to the vast majority of people. Kalgoorlie residents know the issue and have wanted to know when the Government would introduce the legislation, and whether the Opposition would support it.

In this speech I have already been critical about the Government, but on this matter the Government has done a particularly reasonable job in researching the issue and airing it in the community. I was also pleased to hear, by way of exchange between the Minister and an earlier speaker, that the expansion of this campus is well in hand and that property has been bought. I was going to ask about that matter. I presume from that interchange that any expansion in the future is allowed for; that is, that the land has been acquired and the matter is very much under control.

In conclusion, the issue of the delivery of tertiary education to regional and country Western Australia is particularly vexing and costly. Some of the comments I have heard about institutions in Broome have been unfair. The motive was right, but the number of institutions delivered in the area was excessive. This measure is an effort to downsize, or amalgamate, the number of organisations to achieve the maximum figures for a tertiary sector in regional Western Australia. That intention should be supported and applauded, and I hope that the aspirations outlined by this Bill, the Government and the Minister in the second reading speech will come to fruition.

The provision of tertiary education into regional Australia is a very difficult issue. We are doing the best we can in this legislation to ensure that it survives and delivers quality education into the future. Such education will be difficult and costly, and this proposal is very much a step in the right direction for the guaranteed continuation of tertiary education into regional Western Australia. The Opposition supports the Bill, and I certainly hope that the aspirations expressed within its second reading speech will be achieved.

HON N.F. MOORE (Mining and Pastoral - Minister for Employment and Training) [10.59 pm]: I thank the Opposition for its support of the Bill. I am pleased that members opposite are not opposing it, or else we could have been here all night! I sincerely thank members for their comments. Some issues raised do not relate directly to this Bill, and I will not demean the measure by talking about gold royalties and matters of that nature which are irrelevant to the Bill.

The Leader of the Opposition rightly made the point that funding was provided by the then federal Labor Government. In retrospect, that matter should have been acknowledged in the second reading speech - I do so now. I acknowledge the work of Hon Kim Beazley, the responsible federal Minister at the time, who saw the merits of the initiative from the State Governments and was prepared to provide funds for the amalgamation. It is important that the amalgamation go ahead because the funds effectively are dependent upon the amalgamation taking place. The initiative came from the State Government. I claim some personal credit for that, having been the Minister for Education when we first became the Government and having recognised very early on that we must provide university and higher education in regional Western Australia. The problem is that all our regional centres are too small to have the numbers of students that would be necessary for a viable university in its own right. It seemed that the only way of ensuring that we had tertiary as opposed to higher education provided in regional centres was to amalgamate existing TAFE institutions and any existing higher education institutions into what I termed a university college. Much of my thinking in the early days was that we must create a new type of institution, so that we would see tertiary education in the context of universities delivering higher education, university colleges delivering an amalgamation of higher education and vocational education and training, and then the TAFE sector providing vocational education and training specifically. That was also my thinking behind the decision to appoint Professor Gordon Stanley to look at Kalgoorlie specifically and to see whether that model could be applied in that centre.

Similar work was also carried out in Bunbury to see whether a similar arrangement could not be made there so that the South West College of TAFE and Edith Cowan might be joined to form a university college. Interestingly, the idea of these changes was warmly supported in Kalgoorlie but bitterly rejected by some in Bunbury for reasons I still do not understand. I try my hardest to reason why people come to conclusions about things, but I must say that I cannot understand why some Bunbury people took that point of view, particularly in view of the comments Hon John Halden made about Bunbury, which I acknowledge. There is a view that Edith Cowan has neglected that campus. My view was that because of that an amalgamated institution with the critical mass of students to develop its own identity and run its own affairs would be far closer to its local community than one remaining an appendage of Edith Cowan University.

Ultimately I want to achieve regional centres which have universities in their own right. Some would argue in Kalgoorlie that I am seeking to give the college and the School of Mines to Curtin University to take something away from Kalgoorlie and put in Perth. It was suggested that because the assets were to be given to Curtin University somehow or other they would be taken away. I am trying to imagine buildings being physically lifted from Kalgoorlie and carted off to the Bentley campus. That sort of thinking pervades the minds of some people. We are obviously talking about publicly owned assets because universities are publicly owned institutions. In no way would people move publicly owned assets from a centre where they are needed. I have no doubt the future of Kalgoorlie is such that it will grow and we will finish up with a tertiary institution of significance which will have the critical mass of students to become totally independent. It may run courses on behalf of other universities and attach itself to another university for accreditation purposes, but I can see in time a totally independent tertiary institution in Kalgoorlie, as

I can in Bunbury and ultimately Geraldton and Albany. We will have the capacity to provide tertiary education in the regions for all our school leavers who want to remain there.

I want to make it very clear at this time that the motivation behind this legislation and the amalgamation is to create ultimately independent, totally autonomous, regional tertiary education institutions. In order to obtain that it is necessary to bring these existing colleges together to create the critical mass and the capacity for the institution to deliver across the board vocational education and training and higher education and to grow on the basis of what it is able to deliver. I am very anxious to ensure that at the end of the day that is what we achieve.

Hon John Cowdell spoke at some length about the Bill. I appreciate the comments he made. I can give him a number of assurances but not all he asked for, of course, because I do not have a crystal ball and I do not write the federal Budget. I do not write the state Budget beyond the current one. He asked for some assurances about the State's contribution to the institution. I assure him that the college will continue to be treated as all other vocational education and training colleges are treated. It will be required to develop its own training profile. It will be funded on the basis of that profile, as will every other college in Western Australia. We have developed a funding model for vocational education and training colleges in Western Australia which requires them in a sense to tender for the work. Provided its profiles meet the criteria set down for vocational education and training as determined by the Department of Training, the State Training Board, and the Australian National Training Authority, it will continue to receive the same funds it does now. It will be able to provide customised courses for anybody who wants them delivered, and it will be able to retain funds from that process. As far as the State is concerned the vocational education and training part of the institution will be treated in the same way in the future as it has always been treated.

As far as the Commonwealth is concerned, \$6m has come from the previous Federal Government. I acknowledge that and I acknowledge that the proposals for two further amounts of \$3m for capital works plus additional recurrent expenditure are in the pipeline. I have not heard that those funds are not coming. One hopes it will happen. However, as I have said, I cannot make commitments on behalf of other Governments. I should make an aside and say that at one time higher education funding to the State came through a state government instrumentality or agency. The last name for it was the Western Australian Post Secondary Education Commission. It had a significant role to play in arguing for commonwealth funding for universities and it had a role in deciding the destination of those funds. The previous state Labor Government got rid of that institution and its post box role. We now have a situation in the State where the funds are allocated directly to our universities by the Commonwealth, and the State's role has been significantly diminished as a result of that decision, ultimately concluded by Hon Kay Hallahan as Minister for Education.

The member mentioned Esperance. We are looking at developing a community college there for secondary and vocational education and training provision; in other words, the existing secondary high school and TAFE institutions are planned to be amalgamated into a community college, which would also include the residential college on the same site to develop for Esperance a unique educational institution and precinct to provide secondary education and vocational education and training to students in that town. By working together and allowing students to move from one to another, we will get the best of all worlds. That is being worked on at the moment. The vocational education and training part of the Esperance campus will be provided through the Kalgoorlie campus, as it is now.

The member also asked whether we can adequately cater for the TAFE functions within the system. There will be no change to the provision of vocational education and training. The TAFE side of the institution will continue to be provided in the same way that it has in the past. Will it maintain its identity and remain a distinct entity? I can only repeat what I said at the beginning. My view is that the main reason for going down this path is to ensure it can survive as a separate entity. That will be based on the reputations that the School of Mines and the Kalgoorlie College have developed over a period. I look forward very much to the day when it is independent of Curtin University and is a separate institution in its own right.

The member talked about multicampus institutions. I do not support multicampus institutions and I never have, because I think the bits get lost from the centre. The most recent example of where it did not work was when the former teachers' college was brought under the auspices of the Western Australian College of Advanced Education, where the administration was on one campus and no-one was in charge of the other campuses, so nobody knew what was going on.

This Bill is a step in the direction of autonomy for all of the institutions that are part of it. I do not resile from the fact that we in this House rejected the amalgamation of Murdoch University and the University of Western Australia, and I have no doubt that many people in Western Australia would share my enthusiasm for that decision. On the other hand, I have no argument at all with our universities sitting down with each other and deciding to rationalise, if I can use that word, the courses that they provide, because it is ludicrous for every one of our institutions to provide the same courses when ultimately there is not the demand for the places in the work force.

Hon J.A. Cowdell: Sometimes you cannot do that in a multicampus model because they will not reach agreement.

Hon N.F. MOORE: I do not disagree, but the universities need to get their act together. Watch what we are doing in our Vocational Education and Training Bill, which I hope the House will pass next week. We are putting in place some reasonable measures to get some manpower planning into the way in which we deliver vocational education and training in Western Australia, rather than have a demand led system, in which we say to students, "Who wants to be a lawyer?" and we provide a place for everybody who wants to be a lawyer, regardless of whether there are jobs for lawyers down the track. That is probably a good example, because there are more lawyers in training than there are lawyers in practice. The time has come for the universities to have some recognition of the employment prospects of the people whom they train, and to tailor the number of places which they provide to that demand. That is what we are trying to do in the technical and further education sector, and that is what must happen in the university sector.

I do not have any sympathy for the universities that are being put under the thumb a bit by the Federal Government at present because it had to happen, but it has taken a long time for somebody to have the nerve to do it. They need to look at their working conditions, the question of tenure, the courses that they provide, the way in which they conduct their business, and the fact that they conduct courses for six months of the year and have enormous capital resources that are not being utilised fully. They should look at those things carefully before they start to whinge about somebody cutting their funding. Most importantly in the context of what I am talking about, they need to talk to each other about the courses that they are providing so that we get rid of some of the duplication that exists.

Hon J.A. Cowdell: In that context, it would probably have made more sense for Muresk to be amalgamated with UWA, because you can never get them all to agree.

Hon N.F. MOORE: It may well have been; lots of historical circumstances have arisen in higher education that one might change if it were done in a different way.

Hon John Cowdell raised the closure of the School of Mines. I am totally opposed to that concept. Attempts have been made to do that in the past. I think when Don Watts was running the Western Australian Institute of Technology, he tried to grab hold of the School of Mines and drag it down to Bentley, and that has been contemplated from time to time by various Curtin councils, but that will not happen. As far as I am concerned, it will grow in the context of a bigger organisation which will have a future, whereas a school of mines on its own may in fact not have a future.

We can look at the question of an endowment for the institution. I have raised in the House before the difficulty of providing an endowment. The endowment that the University of Western Australia had was that land was set aside some distance from civilisation as it was known at the time, which has now become very valuable because it is part of the inner metropolitan area.

Hon John Halden: The outer suburbs of Murdoch.

Hon N.F. MOORE: That is right. One of the problems with having an endowment under the old arrangements is that if we set aside some land at Gingin, Northam or the other side of Kalgoorlie, it would not be of any benefit to the institutions for another 50 or 100 years. If we decided, on the other hand, to provide very valuable real estate by way of an endowment so that the universities could flog it off, that would be revenue forgone for the State. The former Government tried that briefly and got itself into a bit of trouble. We must decide whether we should put that money into universities when there are significant other demands on the State's coffers that are perhaps more deserving.

Hon John Cowdell talked about the gold royalty, and I will not get into that argument tonight. There is not likely to be a gold royalty, so I will not argue about the effect of that on an institution like this.

Hon J.A. Cowdell: That is not what I said. I was talking about the need for philanthropy from the goldmining companies.

Hon N.F. MOORE: Forgive me. One of the member's colleagues in the back row, Hon Tom Stephens, went on at some length about that. I do not disagree that the mining community needs to be more enthusiastic in its support of education, but I must say, as the member quite rightly pointed out, that although people like Sir Laurence Brodie-Hall, and Western Mining Corporation Limited and other companies, have made a significant contribution, particularly to the School of Mines, they could go further than that, and if they did there might be less pressure, from some sources at least, for a royalty on gold.

The Goldfields Arts Centre was raised in debate by a number of members. When I became the Minister, that building had not been finished, and I inherited a significant cost overrun, significant problems with the builder, and a local city council that was not prepared to put any money into it. I also inherited a situation where no decision had been made, or even contemplated from what I could gather, about who would pay to run and maintain this magnificent

facility, and who would pay the people who work in it, other than that the Kalgoorlie community would not take it on. The previous Government decided that Kalgoorlie College could pick up the tab for this facility; in most other communities it is run by the local authority, but the local authority could not be talked into running this facility.

Hon J.A. Cowdell: It did not rise to the occasion.

Hon N.F. MOORE: Right, and it is a pity. I am not sure how many hundreds of thousands of dollars a year is coming out of the Kalgoorlie College budget to run the Goldfields Arts Centre, but it is significant, and that is money which is going not into education but into maintaining an arts centre that should be run by the community.

Hon Mark Nevill made a number of comments about the graduates which I support, and about the strong boards. He talked also about the assets of Kalgoorlie College. I have mentioned that. He talked about mining education in general, and I think we need to address this up-front. We must provide the best mining education that we can in Western Australia, and we have the capacity to provide the best in the world if we get it right. Hon Colin Barnett has talked about this, and I had discussions when I was Minister for Education with a number of people. The concept of a virtual university was discussed at various times, where we take the best of the providers and amalgamate the courses that they deliver into a degree, which is issued by that virtual university. That has some merit, but fundamental to that process is the need to ensure that the institution in Kalgoorlie is an integral part of that virtual university. Alternatively, we can make that the centre of a mining university and pick up courses in other parts of the State. Members must keep an open mind in this respect. The Kalgoorlie community is worried about the first and second year courses being moved from Kalgoorlie to Bentley. We must accept the reality of that if we want the best students entering the mining profession. Many young students will not go to Kalgoorlie in their first year of tertiary education and, for that reason, will take up other professions. If we can get them into the mining industry by allowing them to attend the Bentley campus on the understanding that part of the course must be taken in Kalgoorlie, we will get the best of both worlds.

Hon Tom Helm raised a couple of matters which were not strictly related to the Bill. However, I appreciate his comments of support.

Hon Tom Stephens talked at some length about a range of issues which were only marginally relevant to the Bill and, because of the time and my lack of enthusiasm for a debate about fly in, fly out and issues of that kind, I will ignore most of his comments. I become irritated when Hon Tom Stephens blames this Government for the things that have been caused in the past and well beyond its term in office. He spoke about fly in, fly out and raised a legitimate concern that it might become a feature of this college. He wanted me to give a guarantee that it would not happen. I cannot do that any more than anyone else can. However, by making it a big, strong and ultimately independent institution, with the critical mass to make it a very viable institution in its own right, we will ensure it is competitive enough to keep people in Kalgoorlie. If academics and people in other industries want to live in Perth and work somewhere else, we cannot stop them. It may be a fact of life in the future for this institution. The only way to put in place the mechanisms to prevent that happening is to make the institution as strong and as big as possible and able to have the range of experience and opportunities delivered at the regional centre.

Hon John Halden: What is the anticipated number of students at the institution once it is amalgamated?

Hon N.F. MOORE: It is about 2 000 or 3 000. I will provide the Leader of the Opposition with an accurate figure in Committee.

Hon A.J.G. MacTiernan: Will the Government provide the airfares to make fly in, fly out possible? It will not be a matter of choice for some of these people.

Hon N.F. MOORE: I certainly hope that, as the institution becomes stronger, it will be capable of withstanding any demand by anybody for that to happen. The institution will decide whether, for example, the professor of metallurgy should each week spend three days in Kalgoorlie and two days in Bentley. It will make the final decision to fly him back and forth and, if it does, I guess it will pay his airfare. It will be the same as the Government paying my airfare when I go back and forth to my electorate.

Hon John Halden: Or when the Premier flies to Esperance!

Hon N.F. MOORE: He is the Premier and he can go anywhere he likes in Western Australia in great comfort, as his predecessors did and as Hon Tom Stephens does.

The last time a town was built in remote Western Australia was in 1976 when Leinster was built in the north eastern goldfields. Since then - the Liberal Party was in government for a little while -

Hon N.D. Griffiths: It was in government until 1983.

Hon N.F. MOORE: The member should listen to what I am saying because he will learn something. The next major mining venture after Leinster was Argyle. I will not bore the House with the story about Argyle. Members know how much the company had to pay not to build a town at Argyle and that the then Government took the money. They also know that a long bitumen strip was built and that people fly backwards and forwards to Perth in F28s. Coupled with that was a decision by the Opposition's federal colleagues to impose a fringe benefits tax on people in remote parts of this State. In addition there were the industrial relations problems which had been plaguing the industry for years. If we put them all together, we get fly in, fly out. It is ludicrous for Hon Tom Stephens to say that I should have resolved that issue in the three years that the coalition Government has been in office. The Government does not support it and, like the Opposition, it requested its federal colleagues to resolve the situation. It is one issue on which members agree. By blaming me for not fixing it Hon Tom Stephens has demonstrated his total lack of understanding of, firstly, how it got there and, secondly, how one goes about fixing these things. I am hopeful that the Howard Government will do something about the fringe benefits tax. I know it will do something about industrial relations.

Hon Kim Chance: We are all worried about that.

Hon N.F. MOORE: Members should not be worried about it because it may provide an incentive, which is necessary for people to live in remote parts of this State, by providing real flexibility in the way industrial relations operate. This is extraneous to the Bill and I will not continue in this vein.

Hon Tom Stephens referred to the Minister for schools; he is actually the Minister for Education. He has put forward some propositions in respect of Aboriginal education which deserve to be considered. Anybody who thinks that what has been done in the last 20 or 30 years has achieved a great deal should have a good look at what has happened. Nothing has been achieved and there are serious problems with Aboriginal education. The Minister for Education put forward a proposition not to institutionalise every child of Aboriginal descent in Western Australia or to take them from their parents, but to provide a boarding school arrangement where Aboriginal children receive an education on a full time basis. In my electorate there are many highly educated Aboriginal people who went through that sort of system. They tell me that they would not have had it any other way. The Minister for Education is talking about giving Aborigines a choice. It is not, as Hon Tom Stephens suggests, an attempt to make sure that every child is taken away from his parents and forced into a school. The proposition must be carefully considered because of the problems which could be associated with it.

Hon Tom Stephens also talked about the reference in the second reading speech to the amalgamation giving the State a better capacity to deliver education to improve the retention rates in that part of Western Australia. The second reading speech actually states that if vocational education and training and higher education are brought together into one institution with its own board and capacity to make its own decisions, it will work much more easily with the local schools and education authorities. It will also determine which courses and programs will be part of the total institution. There will be credit transfers and the capacity to provide all sorts of courses, some of which may belong to one part of the institution and some to the other. The institution which will be developed in Kalgoorlie will deliver across the board in tertiary education. Instead of having two institutions going their separate ways, one institution will look at the education and training needs of the whole region and the inhabitants within that region.

To be fair to the Kalgoorlie College, it does a good job with Aboriginal education and training. Some programs run at that college have been successful. It can only get better as the institution grows and understands its role; that is, providing a service to the region. I emphasise that the board which will be given the task of looking after this institution will be focused very much on local needs. The membership of the board will include local people. The Minister for Education and I are anxious to make sure that the Curtin council does not in any way dominate this institution to the point that it simply becomes an appendage. I did lose one argument in the process of framing this legislation. I did not support the name "Curtin University of Technology - Kalgoorlie Campus". I thought it should have been called the university college of Kalgoorlie. One of the problems with acronyms is that it would have been known as "UCK", and that would not have gone down very well. There are all sorts of other permutations and combinations in respect of various acronyms, none of which came up with anything that was worthwhile. Curtin was anxious to have its name in it and I understand that. Therefore, I went along with the current title, Curtin University of Technology, Kalgoorlie Campus. However, I hope that one day it will be called the Kalgoorlie University. I thank members for their support of the Bill and commend it to the House.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

HON N.F. MOORE (Mining and Pastoral - Minister for Employment and Training) [11.34 pm]: I move -

That the Bill be now read a third time.

I am delighted that the House has agreed to this Bill. It has been very important to me over the past three years. I thank the House for its support particularly during the Committee stage. I know that Mr Berry Durston who has been working on this for a long time will be delighted that he has not had to sit through the Committee stage.

Question put and passed.

Bill read a third time, and passed.

The DEPUTY PRESIDENT (Hon Cheryl Davenport): I call Order of the Day No 4, the Acts Amendment (ICWA) Bill.

MINISTERIAL STATEMENT - ATTORNEY GENERAL*Metropolitan Region Scheme, North West Corridor Omnibus No 2 Amendment*

HON PETER FOSS (East Metropolitan - Attorney General) [11.35 pm] - by leave: The State Government today tabled the north west corridor omnibus No 2 amendment, which was the twentieth major amendment presented to the Parliament since the current Government took office. The amendment has promoted considerable public debate since its release in draft form in March. As a result of this debate a number of draft proposals were deleted from the finalised document presented today. I am sure it will be of considerable interest to the members opposite that the proposal to rezone to industrial the Atlas Brick site in Mirrabooka was removed from the amendment following a recommendation by the Western Australian Planning Commission. Public consultation is an important part of the planning process, which on this occasion revealed a community expectation that, despite its current industrial use, the area would be converted to parks and recreation. There was also concern about the impact on the residential amenity of existing and likely future industrial operations and a consideration that there was adequate provision for industrial land nearby. The depth of public concern in relation to this issue was highlighted at the recent Premier's community forum at Ballajura. The removal of the proposal to rezone the Alexander Drive site demonstrates that the amendment process is an effective planning mechanism in which the people of Perth can have great confidence.

A proposal to rezone to urban a 14.6 hectare public purposes site on the corner of Morley and Bottlebrush Drives in Kiara has also been deleted from the amendment. In light of the public submissions, there will not be further consultation between the Shire of Swan, the Department of Training and the Education Department on the future of the site. Community support in relation to other proposals included in the amendment has ensured that nearly 300 ha of land will be reserved for parks and recreation purposes. The amendment rezones 220 ha on the corner of Wanneroo Road and Burns Beach Road from rural to parks and recreation which is a significant step forward in securing a greenbelt between Lake Goollel and Yanchep National Park. An extension to the parks and recreation reservation on the Maylands foreshore recognises the regional significance of Bardon Park and will help maintain the freshwater ecology of the wetland. The State Government presented the amendment to the metropolitan region scheme after careful consideration of community opinion. I commend it to the House.

The PRESIDENT: Order! The order of the day was called and the order of the day should have been dealt with. Nobody, including the Minister, had a right to interrupt that call for that order of the day. It seems to me that some members do not understand that there are rules in this place. If honourable members do not like the rules, their only recourse is to change them. However, until they do that they cannot break them. I am appalled to know that Order of the Day No 4 was called and when I came in here Order of the Day No 4 was not being dealt with. I guess Order of the Day No 4 has been dealt with and we can now go on to Order of the Day No 5. Is that the deal?

Hon MAX EVANS: I move -

That Order of the Day No 4 be taken forthwith.

The PRESIDENT: You are missing my point, Minister.

ACTS AMENDMENT (ICWA) BILL*Second Reading*

Resumed from 22 August.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [11.38 pm]: The Leader of the Government will probably be in great trepidation when I say we support this Bill. I understand that the last week that

Parliament sat, the Government was keen to pursue this matter. Unfortunately, it had not gone through Caucus and generously, the Minister and the Leader of the House did not bring it on. My position was probably exacerbated because I had allowed two Bills through the previous week that had not been through Caucus. Therefore, I was not in members' good books at that stage. I was pleased that we did not have to pursue this one.

The genesis of certain aspects of this Bill came about in the life of the previous Labor Government. It resulted because of the corporatisation of the then Insurance Commission of Western Australia, and its two arms, the State Government Insurance Commission and the State Government Insurance Office. The Government has adopted the amendments that were then on the drawing board, and has brought forward some other amendments that are required by virtue of certain circumstances and the passage of time.

The first part of this Bill which is of any significance deals with the name change to the Insurance Commission of Western Australia. That has been brought about because of the confusion between the State Government Insurance Office and the Government Insurance Office of South Australia and of New South Wales. This legislation will clear up that situation and show that the Insurance Commission is a different entity that does a different job and has a different purpose. I do not think one could object to this name change, bearing in mind the uniqueness in the market over a period. The Opposition asked about the costs involved in this name change, and I was pleased that the cost overall will be about \$45 000. This is a particularly minor change when one bears in mind some of the extravagances of both Governments over the past decade or so with name changes. In all fairness it is not something to which we could object. The proposition with the dissolution of the corporation as it now exists is that for all practical and effective purposes the corporation will be wound up on 30 June 1997. We do not object to that. We understand why that should happen. As outlined in the Minister's comments on this Bill, the Minister will have the ability to appoint between three and six commissioners of the new board. I do not see any problem, whatever the number is. It would be an argument of pure semantics if we were to debate that. The Opposition has no objection to that.

At some stage I asked about the assets of the State Government Insurance Commission. I am not sure whether the Minister referred to it in his second reading speech; however, I understand the corporation's assets are in the order of \$756m. I raise that matter because from time to time we have debated the losses of this organisation and others. However, it now seems to have a significant asset base which is growing and significant returns are accruing to this organisation from rentals. The uncertainty and fragmentation of the business of this organisation have been raised as concerns by the Auditor General. The issue of the accountability of exposure needs to be addressed. Who is responsible for that, and what is the process to ensure accountability, so that any potential exposures are well detailed and well known? In that way they can be provided for in the event that they are called upon.

The process for ICWA's proposal that government agencies will be self-insurers has been explained to me. At first I was concerned about this proposal. I thought there would be significant liability risks for government agencies. However, from lengthy and informative discussions my view now is that it is a reasonable process to go through. It is not a process that is experimental. I understand that a number of significant private sector organisations like CRA and CSR Ltd are self-insurers. Very large private organisations have saved significant amounts of money by being self-insurers. The proposition that has been put forward is reasonable. It is also a proposition that allows for considerable integrity so that the system is a safe system. A requirement exists for agencies to have independent assessments of the risks for which they must insure. The major risks will include building insurance, professional liability, and personal insurance for accident and personal liability. The premium will be set and a centralised fund established. If there is a call upon the fund because of a catastrophe or a liability arising out of a court action those funds will be assured. I understand there are other benefits and perhaps the Minister can clarify those for me. On the one hand, if people act professionally and work in safe environments in departments that improve the safety and the professionalism of their staff so that the number of claims made on the fund are reduced, the premium for the agency is likewise reduced in future years. The shortfall that the agency does not have to pay into the fund is then available for the agency to use in other ways. Obviously, this idea has been taken from experience in the private sector. Many of the participants, if not all, will be winners as long as people adopt the rules of the game. Those rules will benefit all.

Hon Max Evans: They manage the risks.

Hon JOHN HALDEN: Exactly. They will not only manage the risks, but also make it a better work environment for people. If they ensure that people understand the need for them to act in appropriate ways at the end of day everybody in the organisation, and ultimately the community, will benefit. That is a good way of dealing with this issue. This has been developed in a reasonable way and should be commended.

These funds will be managed by ICWA, and the Bill sets out how those funds can be managed. That is a reasonable initiative. At the moment ICWA will be the fund manager for five years. After that the fund management will be put to tender. That did not particularly attract me at first. The SGIC is one of the most efficient fund managers in the nation, public or private. I did not understand the necessity for doing that bearing in mind the previous

assessment of this organisation. I spoke to the people who briefed members and they were confident that not only could they retain that position, but also that they had a head start in a tendering arrangement which was open and fair. They saw no reason that they would lose that position or their competence and expertise in this area. They felt they could adequately build up their expertise in the ensuing five years and be the successful tenderer. I hope that is so. There is an advantage in keeping people on their toes in this matter.

Hon Max Evans: It is to do with Hilmer as well.

Hon JOHN HALDEN: Yes, that is a speech for another day. There is some minor justification for it. At the end of the day we want an organisation to manage it competently and as cheaply as possible. If this government instrumentality were not doing that, the people in those jobs would be replaced very quickly. Be that as it may. I understand this is introduced because of the competition policy, Hilmer and the collective ideological bent of government members.

Hon Max Evans: I know when I am on a winner.

Hon JOHN HALDEN: I am happy to accept this provision in the Bill although I am not sure it is necessary for the continuation of the management of this organisation.

The Opposition raised the issue of funding for research organisations. Both I and Hon Mark Nevill were pleased to be reassured that the Insurance Commission would not choose the projects to which the money would be directed. That would be horrendous for two reasons: First, the commission does not have the skill to do it and, second, it would create a political dilemma should the Minister and the commission choose the recipients of the research funds. It would result in intense lobbying of the commission and the Minister - one day that may be me - about who should get the money. Politicians are not in a position to make those decisions, and the allocation of research funds should be determined by far more appropriate professionals than mere politicians. Neither is the Insurance Commission in a position to make that decision because its personnel are property or money managers with little or no experience in that area. It is appropriate to consider this matter. I hope the allocation of funds will not be confined to research on physical ailments or diseases, but will also include occupational health and safety.

Great care must be taken with regard to professional liability as more professionals within government deal with the community. I refer to my experience in social work. Very few social workers have been sued but the figure is likely to increase significantly. In my professional capacity I provided advice on property settlements to people involved in Family Court matters, even though it is not an area covered by social work training. I provided assistance and any advice given was appropriately qualified. The consequences of people acting on that advice could be quite significant and if they felt they were disadvantaged by decisions they made on the basis of that advice, they might sue the organisation or agency for compensation. It would be appropriate to make it very clear to professional organisations where their competency begins and ends and which boundaries they should remain within. If they moved outside those boundaries, the effect could be significant on the agency. I do not think we have reached the level of litigation prevalent in America, but this tendency is more advanced in Australia than it has been in the past and it could be a costly area.

Hon Max Evans: Lawyer driven.

Hon JOHN HALDEN: Without doubt. The costs may not be spectacular but they could be significant.

The Bill deals with other matters that do not require debate in this place. The Opposition supports the legislation. It is an experimental step but I am sure it will be progressive. Most importantly, it will make agencies and individuals within those agencies far more responsible for insurance premiums, payments and the costs thereof. The previous situation under one central fund was more laissez faire and even could not care less. The legislation contains definite benefits. I am not sure why it has been delayed for so long. That is not a criticism. It would have been better to deal with this beforehand, but I understand the demands on government draftspersons. I am happy to support this legislation, as are opposition members.

HON MARK NEVILL (Mining and Pastoral) [11.59 pm]: I support the Bill. It is good legislation which will set up a managed fund. This is covered in the report provided by the officers of the SGIC, entitled "Insurance Management - Government of Western Australia", and a synopsis of the new program called Risk Cover. The report showed that in Western Australia there were shortcomings in the current arrangements and no public liability or professional indemnity cover for consolidated fund departments; no cover for computer risk, except for a limited number of high risk installations; no medical malpractice cover for hospitals; and no property cover for some agencies; and public buildings were uninsured. Some major government agencies have arranged insurance outside the government insurance fund. They include Western Power, AlintaGas, Curtin University, the University of Western Australia, GoldCorp Australia, and the Western Australian Fire Brigade Board. It also concluded that current costs and the use of reinsurance were too high due to low retention of risk levels.

For a number of years it has been my view that not many government departments understand the management of risk. That is most clear in the health sector. A couple of years ago there was no management by the Health Department of the legal risk it was facing. Those risks were dealt with as things rolled along. What happens, particularly in the Health Department, is that staff write notes at great length for use in a legal situation in case something goes wrong. My wife is a midwife. When she first started work 20 years ago it took her 20 minutes to write up a delivery. Now it takes about an hour and a half. In that process the risk is not reduced at all. All they are doing is covering themselves legally if they are sued. Reducing risk means to eliminate factors that cause problems. Members can imagine the cost of thousands of government staff in the State doing the paper work in case legal action results, when in fact managing risk starts from the first phone call or notification that something has gone wrong, whether it be in a mine, a hospital or anywhere else. This legislation is a sound approach, but an education program is needed for government departments and it will take some time to change that culture.

The synopsis indicates that the Government will be able to obtain increased insurance coverage for its assets and liabilities for approximately the same or even less expenditure. A table in this report shows the cover the South Australian Government gets under its managed fund for the equivalent cost in Western Australia. It receives a massive amount more cover than Western Australia. The potential savings in premiums alone is estimated at \$1.9m for risks covered in the general insurance fund for property class cover only. I recommend that members read these two reports if they are interested in the area. I do not know if they were tabled in the House.

Hon Max Evans: I do not think they were; we had a briefing.

Hon MARK NEVILL: They contain the recommendations of that inquiry. As Hon John Halden said, the State Government Insurance Commission will administer the managed fund for the first five years and then it will go out to tender. This fund is to be implemented on 1 July 1997. I understand some allocation will come from the consolidated fund for the first year of its establishment.

Another point concerns the change in the functions of the commission. Proposed section 6(g) in clause 10 provides a new function which will allow the Government "to invest and manage moneys and other property under its control". I understand that will increase the scope of the powers of investment of the Insurance Commission of Western Australia, as it will be known. Given the recent history of the SGIC I question why the Government wants to widen the investment powers of ICWA.

Proposed section 19A under clause 17 imposes the requirement for the new commission to observe prudential requirements in its investment policy. Those safeguards are built in, but certainly the scope of the commission's investment functions are being widened. Proposed section 7(9) under clause 11 reads -

Anything done before the commencement of a provision of this section, is as valid and has the same force and effect, and is to be regarded as having always been as valid and had the same force and effect, as if that provision and section 10 of this Act had come into operation before the thing was done.

This is an important clause; it ensures that the commission has acted within its powers since it was formed in 1987. It removes any possible doubt that may exist. It seems to be a fairly important part of this Bill.

The rest of the Bill is well explained in the second reading speech. I compliment the Minister and Vic Evans and Ken McAuley from the State Government Insurance Commission for the file explaining the proposed amendments and deletions; the wording was very easy to follow. We hope the Minister sets a new fashion in providing these notes.

HON MAX EVANS (North Metropolitan - Minister for Finance) [12.10 am]: I thank opposition members for their strong support for this legislation. Members commented on the delay with this Bill. There has been some delay. I have been looking at the situation for some time, including during my time in opposition. Many times we asked questions in this regard during the Estimates debates. The building insurance trust fund was then run by the Building Management Authority. When schools were burnt down, money was spent, and amounts of \$1m or \$500 000 were placed in the fund. However, there was no risk management, because the costs were not against the Education Department or any other department following such events. Therefore, nothing was put into effect to try to stop these claims. The Building Management Authority subsequently did a report on risk management of all our buildings in this State because I knew at that stage that we had uninsured buildings to the value of \$4m. Most of them were not fully insured in excess of that amount. We had no scientific way to insure a building, and that was the start of my worries. We decided some time ago to get on with this aspect. I found that most of the chief executive officers had been brainwashed into going to the private sector where they could make a profit and not pay income tax etc. However, many insurance companies in the private sector went into liquidation; therefore, we had to look at better ways of doing this. I sent Vic Evans and officers from Treasury to consult companies and Governments in other

States to see what they were doing. In that way we could learn how best to handle the situation. I did not think I knew all the answers; I knew that we had to find the answers. That is one reason for the delay.

We now have all the chief executive officers on side. That was an important aspect because after consulting with Cabinet the Ministers had to return to the CEOs. The natural inclination was to take the safe way and go to an insurance broker. My worry then was that when times were tough, if there were a claim of around \$2m, we may find that we were under-insured. In that case we could save half a million dollars and do something else, but that was a risk we could not afford to take. That is another reason for the delay. It has been worthwhile to consider the situation closely. Last week we appointed firms as risk managers to assess the risk for different agencies and businesses. Hon Mark Nevill referred to the assessment of risk in the health area. When one discovers the risk involved, one can then consider ways to reduce it, and in that way claims can be reduced.

In my first few months with the Office of the Valuer General, I realised that the workers' compensation premiums had doubled. The Valuer General had just been appointed as the chief executive officer and did not know about claims made a few years ago. When the rate of claims increase we must find more money. There is nothing scientific about self-managed funds. Assets are indicated on the balance sheet. The debit side of the accounts reflects the assets. When we came to government there were \$330m in losses. We have converted those assets to earning income for us. Insurance companies are all about assets, on the one side, which are cash, investments and so on. On the other side are the prepaid premiums which are brought to account when the time expires; and the provision for claims. Those should be represented by assets, and the problem in the bad old days was that assets were converted to losses on the different deals that were done. We have pulled that into shape, and our assets are earning income, which is a big help.

The change of name to the Insurance Commission of Western Australia is important, because, like anyone investing funds, say, in the stock market or the State Government Insurance Commission, one must be careful. It will be much easier when running the business.

Hon Mark Nevill referred to professional indemnity. Hon Peter Foss has been considering the limitation of liabilities and so on in relation to mentally deficient children. New South Wales has its legislation up and running. The Institution of Engineers now has limitations of liability requirements tied to a certain cover, not an unlimited amount. We are trying to put some rationale to the situation rather than facing the deep pocket syndrome. As to malpractice, the whole of government situation has worried me for some time. My wife is a physiotherapist who must have her own insurance, but such a person is never certain whether the Government will stand by her if something goes wrong - even though she is an employer. That situation needs some clarification.

Hon Graham Edwards: You would be rich enough to insure her!

Hon MAX EVANS: She pays the \$98 premium herself. If the insurance premium runs to a few hundred thousand dollars, no-one wants to pay that - because there is no tax deduction.

Hon Graham Edwards: It would be small change for you!

Hon MAX EVANS: Risk management and workers' compensation are the biggest problems to address. We have not done it nearly well enough. We have been taking money and paying out claims, but risk management must be considered carefully. It is one thing to consider risk management and to set the premiums, but we must analyse the claims - as we did with compulsory third party insurance. We have a good idea of the claims and their management. We are very efficient in that area, as we are in other types of business.

I have mentioned that the fund managers went to tender on the basis that we should be looking at being competitive. There is no point in appointing someone now or paying a lot of money for someone to sort it out. We know the business. We are the Government, and we should get on with it. The SGIC has done a good job. It has a very good board with a wide range of experience. The Executive is very appreciative of the help it has received from the board. We are already undertaking research, and money is going to the Road Safety Council. Two booze buses have been purchased by the SGIC. Members would have seen the roadshow outside this Parliament the other day -

Several members interjected.

Hon Mark Nevill: You have just spoilt a good speech!

Hon MAX EVANS: I have just lost some friends! The police have a vested interest in keeping down the road toll, which will keep down the premiums in the long term. That has been a help.

Hon John Halden spoke about professional indemnity claims. We can clean up many of those. All areas of government can be sued, but it has never been clear. Country general practitioners might supervise only two or three births a year but must pay a full premium of up to \$30 000. That is about half of what they are paid.

I thank Hon Mark Nevill for his complimentary remarks about the reports. I will make sure members receive copies of the reports to ensure they know what is going on in government. It is something to be proud of. We have been self-insured at a certain level. We outsourced the catastrophe level to the private sector to be insured on the London market, or elsewhere. In the past we were not insured for big catastrophes. We were probably over-insured at the bottom level and could cover most of those costs. However, if a real catastrophe occurred we were not adequately covered. I commend the Bill to the House.

Question put and passed.

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

FISHERIES REPORT

Tabling

HON E.J. CHARLTON (Agricultural - Minister for Transport) [12.19 am] - by leave: As I foreshadowed a couple of weeks ago, I table the report by the Minister for Fisheries. The Minister for Fisheries tabled this report in the other place today and made a brief ministerial statement.

[See paper No 606.]

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [12.20 am]: I move -

That the House do now adjourn.

Adjournment Debate - Buck, Peter, Retirement

HON P.H. LOCKYER (Mining and Pastoral) [12.21 am]: I apologise to members for keeping the House, but I do not often rise in the adjournment debate. The matter I bring to the attention of the House relates to the headline in today's *The West Australian*, which pointed out that Mr Peter Buck, who presided over the coroner's inquiry into the loss of a number of lives outside of Onslow after Cyclone Bobby, had decided to retire from the bench. I first got wind of this matter late yesterday afternoon while driving down from my electorate and I was unable to defend Mr Buck. I was appalled by radio reports, particularly by Radio 6PR, which seemed to take one side with total disregard for the comments made by the Attorney General and the Chief Stipendiary Magistrate, Mr Zempilas, both of whom I commend for making statements in support of Mr Buck.

Peter Buck has been a magistrate for 24 years. He was stationed in the Gascoyne when I was first elected to Parliament in 1980 and he remained in the area for a number of years. He became extremely well known through all judicial circles in the area. He is a magistrate highly respected by the community, by the police, by the Aboriginal people and by people who met him wherever he sat in his large circuit, which included areas such as Kununurra, Mt Magnet, Port Hedland and Marble Bar. Above all things, Mr Buck, like all of us in this place, is a human being. He is a colourful sort of fellow, as is known by all those who have met him.

He is a very good lawyer. I commend again Mr Zempilas who stated that incredibly few decisions handed down by Mr Buck as a magistrate were ever overturned on appeal. He was appointed by the coroner to go to Onslow to inquire into one of the most horrendous tragedies to hit the north west coast, in which lives were lost after Cyclone Bobby. Members who know Onslow are aware that it is a small town with only one hotel. About halfway through the coronial inquiry, Mr Buck was approached - this point is important - at the Beadon Hotel by some members of a family who tragically lost a family member. With the benefit of hindsight, Mr Buck should have said, "I cannot talk to you", and withdrawn. Unfortunately, as he is human, he did not do that.

Hon Mark Nevill: And there is only one hotel in Onslow.

Hon P.H. LOCKYER: Indeed; he had no choice. It was most unfortunate, but things got worse. In the end he was physically assaulted by a person; a punch was thrown at him and a glass of beer was tipped over him. I guess he then should have withdrawn. However, he is a bit like me, and unfortunately he said some things that night which he should not have said. I know that he now regrets making those comments. These people now say that because of that incident he was not fit to bring down the coronial finding on that matter.

I am not a lawyer, but I have seen Mr Buck in action, and I back the Attorney General's and the Chief Stipendiary Magistrate's comments; that is, that Mr Buck obeyed the law to the letter of the law. I know that these unfortunate circumstances have arisen, and people are calling for another coronial inquiry. It is a great tragedy to lose people in those circumstances.

In all my dealings with Peter Buck, I found him to be a person of enormous integrity. I am ashamed to say that so far I have heard only two people support him; namely, the Chief Magistrate and the Attorney General. I am appalled that fellow members of the bench and members of the legal fraternity have not supported him and allowed the airwaves yesterday to absolutely lambast the guy. After 24 years on the bench, why have we not heard that he is no good if it were true? The Attorney General was out of the House on parliamentary business at the start of my speech, but I was saying that he was right in his comments that we all have human failings.

I understand that Mr Buck, to whom I have not spoken recently, has chosen to bring his retirement forward even though he loves the law and does not want to leave the bench. He has been forced out of his job in the most unfortunate manner possible. Probably nothing can be done in this regard. Nevertheless, I want it recorded that Peter Buck was highly regarded when he worked on the circuit in my electorate. A person of Aboriginal descent told me, "Peter Buck put me in gaol three times, but he always had a good word for me and made sure I was all right. I know that he checked up to make sure I was all right in the lockup." That is the sort of person he is. Mr Buck is colourful, has great compassion and is a damned good lawyer and magistrate. It is dreadful to read this matter on the front page of *The West Australian*. Incidentally, I commend that paper for accurately printing my comments in defence of Mr Buck after I rang a journalist this afternoon. I also rang the Howard Sattler program to indicate that I was available to defend Mr Buck, but it failed to ring me back. That is unfortunate and unusual for Mr Sattler, who usually wants to hear both sides of a story.

If anybody asks members whether Peter Buck is a good person or magistrate, they can say that I believe he is. He cannot defend himself as he is still a magistrate until January - it is not proper for him to comment. I hope that in a small way I can relay to members that he has been hard done by and that he has not been given due recognition. This all follows one small mistake. How many members of this Parliament have had people approach them in a public place and given them an extremely hard time so that they have wished to goodness that they had had nothing to do with them? It happened to me recently in Exmouth where I had to suffer a couple of no-hopers. They gave me a serve because I happened to be a member of Parliament. I would have loved to dong them, but it is well known that I am not allowed to do that any more. I could not defend myself, and the same thing happened to Peter Buck. Please understand, members, that Peter Buck is a damned good man, and I hope that in due course somebody else will defend him, as should happen.

Adjournment Debate - Fisheries Debate, Accusations

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [12.28 am]: I warned the Minister for Transport that I intended to raise a matter in the adjournment debate tonight. I comment on my experience, and perhaps that of Hon Kim Chance and Hon Mark Nevill, regarding our discussions in this place about the Fisheries Department. I believe that we have attempted to proceed with the concerns raised with us in the most non-political and reasonable way imaginable in relation to the decorum of this place. We have put forward motions which gave the Minister the opportunity to explain the matter and to make his own inquiries through persons of his choice. This was to ensure that the myriad concerns expressed to us could be looked into and resolved in one way or another.

However, I was driving to Mandurah on Thursday and heard the dulcet tones of the Minister for Transport telling the people of Western Australia that the three of us opposition members had conducted this issue in a similar fashion to that of the Wanneroo debates of the other place. If the Minister wants debates conducted like that, and wants to get into the gutter, we will do that! However, that would serve neither the people who approached us nor this Chamber in any useful way whatsoever. As the three of us have been particularly reasonable in our handling of this matter, to hear the Minister for Transport label our debates in this place in that fashion was an outrage and we deserve an apology. I do not mind whether he apologises to me, but he should apologise to my colleagues, to the process of this place. I ask members to reflect upon this issue and agree that we have conducted the debate in a reasonable fashion. We have endeavoured to present the facts to get to the bottom of this matter. Hon Kim Chance has just handed me a comment by the Minister for Transport recorded in *Hansard* on Wednesday, 4 September 1996 which states -

I thank members for the manner in which the debate has taken place. It is an example of how the Leader of the House and the Leader of the Opposition can cooperate so this House can delve into matters which have occurred over a long period.

It is all very well to say that in here, but it is another thing entirely to broadcast it to an audience of between 50 000 and 70 000 people, labelling us in the way in which the Minister for Transport did last Thursday. I am particularly annoyed. It is an outrage, and the Minister should apologise.

Hon E.J. Charlton: Do you have a copy of the transcript?

Hon JOHN HALDEN: I have a recorded copy. The Minister was atrocious, absolutely vilely atrocious about our effort to raise these concerns in a reasonable way. In our discussions both inside and outside of this place and with members of both sides, we have appreciated the opportunity to conduct the debate as we have. However, it is outrageous to be vilified in the way in which we were, to be accused of not having the courage to take up this debate in the Legislative Assembly with the Minister involved. None of us sits in the Legislative Assembly. The shadow Minister for Fisheries sits in this Chamber. Constituents came to me and other members who happen to be in this House. Likewise, that is an abuse of the truth - and nothing more.

We want to conduct business in here in the way in which this has been done. As I said, we have tried not to politicise the issue any more than is necessary, bearing in mind that it is a problem for Governments of both colours. No-one ever hid from that issue, and no-one would want to. All we want is a resolution or investigation of the problems. For the Minister for Transport to politicise the matter in the way in which he did was a disgrace. In our four years of being in opposition, we have learned that some ways are better than others to deal with some issues and that there are occasions to be political and others when we should not be. This was an occasion when we all felt it was better not to be political, but the attack was over the top. In some respects it leads us to the ultimate conclusion that at the end of the day we will forget the niceties and will just go straight to the political scrum. I will not adopt that position in this matter.

I refer to the report tabled in the other place which I have looked at superficially. It is a report that is superficial in the extreme. We will deal with that matter either by seeking leave of the House or by agreement with the Government either later this week or early next week. Of course, we will consult the people who have spoken to us in the past so that they can view this document. The inaccuracies in it are glaring. It is another example of the Fisheries Department thinking it can superficially run over the top of the community and this Parliament, and it will not work.

The Minister might like to tell his colleague in the other place that it is all very well to talk about the minutes of one meeting being changed - the allegation is that the minutes of three meetings were changed - and that the minutes were amended at the next meeting and only one person objected; but why were the minutes changed to stop someone participating in an activity? All three changes of the minutes were for that purpose, and were never discussed by the committee. That is the kernel of this issue, not some nonsense that superficially addresses the issue, not some nonsense as appears on page 2 of the report about the issue of rock lobster processing and the fact that up to 95 per cent can be kept alive. Of course that is possible - for four days. When they are purged, they will stay alive. We all know that. How stupid do the people in the Fisheries Department think we are? I do not know the industry at all, but from my discussions, I have learnt enough to know that this report is just not good enough. It is not my opinion that will count; if after consultation with those who have raised these matters, they do not believe this report is accurate or appropriate, we will raise the matter again.

Adjournment Debate - Buck, Peter, Retirement

HON PETER FOSS (East Metropolitan - Attorney General) [12.35 am]: Like Hon Phil Lockyer, I will make some comments to put some balance into what has occurred with regard to Mr Buck. There is no doubt he behaved in a way that required some form of reply from the Chief Stipendiary Magistrate, and some action on Mr Buck's part. To his credit, Mr Buck immediately agreed that his behaviour had been incorrect. He regretted that immediately and he accepted the admonition and measures taken by the Chief Stipendiary Magistrate.

That is a very humiliating situation. It was one that occurred not without blame on both sides. He was at the hotel, but as everyone knows, Onslow has only one hotel. There is nowhere else to go. He was approached, rather than approaching the other people. It is quite correct, as Hon Phil Lockyer said, that at that stage he probably should have left; however, foolishly, he engaged in conversation with these people. He was then assaulted and had a beer poured over him. In normal circumstances a person who approaches a magistrate and pours a beer over that person and assaults that person would be prosecuted; however, that has not happened in this case. It is a serious assault, specifically when it took place in the context of dealing with Mr Buck as a magistrate. That was left because in the circumstances it was seen to be appropriate to leave it, and I think it was appropriate to do so.

We must now look at the total situation. Yes, Mr Buck was wrong, but he is human. He was admonished and he suffered considerable public humiliation over it. I felt that was an appropriate length to which the matter should have gone. I feel it was dealt with as it should have been and immediately accepted by the magistrate with no complaint being made by him about the treatment he received. The matter should have been left there. It is unfortunate that it has been taken further than that. I regret that a person who has given 24 years of good service to the State has made a mistake at the end of his career. I suspect that had he made the mistake at the beginning of his career, it would have been put down to youthful exuberance and he would have gone on to a long career and retired in the fullness of time with appropriate honour and glory.

It is unfortunate in these circumstances - I am not sure he has brought forward his retirement because of this event, but I suspect it must have had some precipitating effect on it - that this matter has prompted Mr Buck to retire early. It does, unfortunately, allow one event to cloud an entire career. As I think the Bible tells us, let he who is without sin cast the first stone. Very few of us can look back at our careers and find that we have never erred, that we have never managed to allow our emotions to get beyond our control, and that we can say that we would never have got in the position that Mr Buck got in; that would never have occurred to us; we are perfect. There is no such thing as a perfect person. All too often we hold our judiciary as if, when they are appointed, they change to some sort of superhuman being. They have all the frailties of any other person, and they are subject to those frailties. Obviously when they yield to them, it is appropriate that public standards be upheld by the sort of action the Chief Stipendiary Magistrate immediately took. Mr Buck immediately accepted that and expressed his regret.

Hon Mark Nevill: He was a good magistrate, and it is a pity that a few of the others did not retire instead.

Hon John Halden: Don't nod, Attorney General. That would be a bad move!

Hon PETER FOSS: I believe it has been unfortunate that people who see themselves as being perfect are able to criticise him and to seek that something should happen which is more than can be justified in the circumstances.

Adjournment Debate - Fisheries Debate, Accusations

HON E.J. CHARLTON (Agricultural - Minister for Transport) [12.40 am]: I respond to the remarks made by the Leader of the Opposition about the fisheries issue and my comments on ABC radio last week. I will look at the transcript and then respond to the Leader of the Opposition and members opposite -

Hon John Halden: If we've caught you out.

Hon E.J. CHARLTON: - to consider from my neutral position whether I have been critical of the three members opposite referred to by the leader. I did not go into that program to enter into unfair accusations against the Opposition. I will look at the words I used, and if I did make unfair accusations and members opposite feel harassed by my comments, I will have the opportunity to respond in the future.

When the Minister for Fisheries returned at the end of last week I discussed the issue with him to enable the report to be tabled, and I will discuss further those issues with him. I thought the discussion on ABC radio with Brett McCallum of the advisory council was a subjective discussion and without any animosity.

Hon John Halden: To him.

Hon E.J. CHARLTON: I will look at the words used with reference to Wanneroo Inc. If the feelings of the Leader of the Opposition are justified, I will have no problem responding accordingly, as he has asked.

Question put and passed.

House adjourned at 12.42 am (Wednesday)

QUESTIONS ON NOTICE

POLLS - ATTITUDE MONITORING SURVEYS, RESULTS TABLING

466. Hon JOHN HALDEN to the Leader of the House representing the Premier:

In response to question without notice 360 asked on 22 May 1996 the Premier gave a commitment to table results of attitude monitoring studies as soon as practicable.

- (1) Why has not the Premier tabled survey results of attitudinal monitoring from the second half of last year?
- (2) When is it expected that these will be tabled?
- (3) When is it anticipated that the polling done on 5 May this year will be made public?

Hon N.F. MOORE replied:

The Premier has provided the following reply -

- (1) The August 1995 survey was tabled in both Houses on 23 November 1995.
- (2) Not applicable.
- (3) I am not aware of any government polling carried out on 5 May 1996. However, it has been brought to my attention that the Office of Seniors Interests conducted six interviews on 9 May to ascertain senior citizens' perception of their safety in the community.

YOUTH SURVEY ON GOVERNMENT AND NON-GOVERNMENT ORGANISATIONS SERVICES

540. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Youth:

The Minister for Family and Children's Services recently announced a comprehensive survey to determine what government and other agencies do for young people.

- (1) What type of survey is to be undertaken?
- (2) Who will the survey be directed at?
- (3) Is it a telephone or written survey?
- (4) When will a survey report be issued?
- (5) Will it be available to the public or tabled in Parliament?

Hon N.F. MOORE replied:

The Minister for Youth has provided the following reply -

- (1) The aims of the survey are to determine the extent to which government and non-government organisations are undertaking youth activities and dealing with youth related issues, estimate the amount of expenditure, and determine current youth issues, trends and concerns. The survey includes all state government agencies, relevant commonwealth government agencies, local government, and the non-government sector.
- (2) Providers of services to youth in the government and non-government sectors.
- (3) Written.
- (4) Results will be incorporated in a state youth strategy which will be developed later this year.
- (5) The information will be used to develop a state youth strategy, which will be made available to the public. The results gained from the survey and other information gathered will be released and made widely available to those who are interested.

WESTRAIL - LOCOMOTIVE HELD UP BY COMPUTER FAULT, KENDENUP

593. Hon BOB THOMAS to the Minister for Transport:

With respect to the article "Westrail closure causing havoc" in the *Albany Advertiser* on 23 July 1996 -

- (1) What was the number of the southbound locomotive held up at Kendenup for five hours due to computer problems?

- (2) On what date did this incident occur?
- (3) From which depot was the tradesperson despatched to correct the problem?
- (4) Is he permanently stationed at this depot?
- (5) If not, from which depot was he seconded?
- (6) On what date and at what time was he transferred on expenses to the other depot?
- (7) How long did it take to rectify the fault in the computer?
- (8) How did the tradesman travel from -
 - (a) Geraldton to Avon; and
 - (b) Avon to Kendenup?
- (9) What was the total cost of travel, wages and expenses expended to repair this locomotive?

Hon E.J. CHARLTON replied:

- (1) P2004.
- (2) 6 July 1996.
- (3) Avon.
- (4) Yes.
- (5)-(6) Not applicable.
- (7) Two hours.
- (8)
 - (a) A tradesperson did not travel from Geraldton to Avon with respect to the repair of locomotive P2004.
 - (b) Motor vehicle.
- (9) Costs incurred were as follows -

Travel	\$384
Wages	\$360
Accommodation expenses	Nil
	\$744

These costs are significantly cheaper than the costs that would have been incurred had the locomotive been repaired by an Albany based tradesperson which would have needed to incorporate the cost of maintaining a fully staffed depot at Albany.

PREMIER AND CABINET, MINISTRY OF THE - LEISHMAN, DEIRDRE, APPOINTMENT

597. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

- (1) When was Deirdre Leishman appointed as counsel to the Ministry of the Premier and Cabinet?
- (2) Was the position advertised?
- (3) If yes, where was it advertised and how many persons applied for the position?
- (4) If not, why not?
- (5) What is the salary paid to Ms Leishman?
- (6) Has Ms Leishman been appointed to any other government position?

Hon N.F. MOORE replied:

- (1)-(6) The Ministry of the Premier and Cabinet has employed Ms Deirdre Willmott on a term of government contract to provide in-house legal advice since the beginning of 1995. Her present title is General Counsel. Previously Ms Willmott was employed as policy officer in the office of the Minister for Labour Relations. Ms Willmott was recruited from Parker and Parker where she was a senior associate. Ms Willmott's current salary is \$88 879 per annum. Her appointments have been on a similar basis to that of at least two other legal practitioners, who were employed on term of government contracts by the previous Administration.

None of these positions were advertised. With respect to advertising the position, term of government appointments made under section 68 of the Public Sector Management Act 1994 are exempt from section 8(1) of the Act, "General principles of human resources management".

MAIN ROADS WESTERN AUSTRALIA - BRUCE, GRAHAM, EMPLOYMENT WITH ATLAS-BGC

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

- (1) Did Mr Graham Bruce, a senior employee with the Main Roads Department supply division, approximately three years ago take long service leave and did he during that time take employment with Atlas/BGC?
- (2) If he did take such employment with Atlas/BGC was he during that period of employment involved in supplying products to the Main Roads Department?
- (3) If yes, is the Minister concerned that Mr Bruce may have had a serious conflict of interest in the performance of his duties with Main Roads?

Hon E.J. CHARLTON replied:

- (1)-(3) The Commissioner of Main Roads advises me that the matter has been fully investigated and while Mr Bruce did undertake unauthorised external employment for a short period, no impropriety occurred. On the basis of the above, I am satisfied that no serious breach of the employment contract has occurred. Main Roads has reminded Mr Bruce that he must obtain prior approval from the commissioner before he can work outside Main Roads.

GROUND WATER MOUNDS - PROTECTION THROUGH ZONING

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

- (1) How does the Minister for Planning intend to protect ground water mounds through zoning as announced in his ministerial statement on 10 May 1995?
- (2) When will these new zones be introduced?
- (3) What form of land use controls will apply to ground water mounds and how will these be enforced?
- (4) Will interim protection be given to ground water mounds while these strategies are being developed?
- (5) If yes, how will this protection be provided?
- (6) Are the Jandakot and Gnangara (private land) environmental protection policies intended to be part of this strategy for protecting ground water mounds?
- (7) Does the Government intend to declare a priority 1 zone over the main recharge area of the Jandakot mound as recommended by the Select Committee on Metropolitan Development and Groundwater Supplies?
- (8) If not, why not?
- (9) Does the Government intend to provide additional funding to local government authorities to enforce local use restrictions in ground water mounds as recommended (R 13.2) by the select committee?
- (10) If not, why not?
- (11) Does the Government intend to provide funding for ground water evaluation programs as recommended (R16) by the select committee?
- (12) If not, why not?
- (13) Does the Government accept the seven detailed points regarding land use over ground water mounds as recommended (R20) of the select committee?
- (14) If not, why not?
- (15) Has the Government accepted recommendation 23 of the select committee regarding the transport of hazardous substances?
- (16) If yes, when will the study be carried out?
- (17) If not, why not?

- (18) Has the Government accepted the criteria recommended by the select committee (R 24) for land use controls in ground water areas?
- (19) If not, why not?
- (20) If yes, when will they be entered?
- (21) Has the Government accepted recommendation 28 of the select committee?
- (22) If not, why not?
- (23) If yes, what funding arrangements are proposed for the purchase of land for ground water protection?
- (24) Does the Government intend to relocate non-conforming land uses in ground water areas as proposed by the select committee?
- (25) If not, why not?
- (26) If yes, when will this occur?

Hon PETER FOSS replied:

- (1) The member is referred to the metropolitan region scheme rezoning for a rural ground water catchment protection zone which was gazetted on 9 August 1996 for the Jandakot ground water mound.
- (2) See (1).
- (3) The amendment establishes acceptable and unacceptable uses which will be reflected in the local government town planning scheme.
- (4) Yes.
- (5) Yes, the underground water pollution control area, Water and Rivers Commission by-laws and controls under local government town planning scheme, will still remain.
- (6) Yes, with an additional statement of planning policy.
- (7) The select committee recommended that crown land over source aquifers should be priority 1. The water catchment reservation on crown land at Jandakot gives a high level of protection.
- (8) Jandakot ground water source is not considered to be priority 1.
- (9)-(10) Development controls to implement ground water policies should not adversely affect local government budgets.
- (11)-(12) Ongoing studies on ground water are undertaken by the Water and Rivers Commission and the Centre for Ground Water Studies which is funded jointly by the State Government.
- (13)-(14) There is large variation in land use impacts on ground water which are subject to ongoing research and investigation.
- (15)-(17) This recommendation has been addressed in part through a risk assessment study by Main Roads WA for the Perth-Darwin Highway. Hazardous goods transport is addressed through the Minister for Mines and I understand that the Department of Minerals and Energy, Department of Transport and the Department of Environmental Protection will coordinate a response as part of a broader government policy on the movement of hazardous goods.
- (18)-(20) The criteria will guide future policy and planning specifically the MRS amendment referred to in (1).
- (21)-(22) Yes.
- (23) In the Lake Pinjar area private land is being acquired through joint arrangements with the Western Australian Planning Commission and Water and Rivers Commission. In the Jandakot area land over the water mound which is reserved for the purposes of parks and recreation is being acquired by the WAPC.

- (24)-(26) There are several mechanisms to deal with non-conforming uses of which relocation is one option.

BRIDGETOWN-GREENBUSHES SHIRE - TOWN PLANNING SCHEME No 6; RATES

653. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:

- (1) Will the new town planning scheme No 6, presently being compiled by the Bridgetown-Greenbushes Shire, supersede town planning schemes Nos 4 and 5?
- (2) If not, why not?
- (3) Why do ratepayers in Greenbushes have to pay the same rates as Bridgetown ratepayers, when the Department of Minerals and Energy has more jurisdiction over Greenbushes than the Bridgetown-Greenbushes Shire?
- (4) Why cannot ratepayers in Greenbushes have a differential rating when it is possible that less than 50 per cent of ratepayers pay the minimum rateable charge for the area?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply -

- (1)-(2) This question should be directed to the Minister representing the Minister for Planning.
- (3)-(4) The Shire of Bridgetown-Greenbushes has a wide range of rating options, including differentiating rates, specified area rates and service charges in determining its budget.

MAIN ROADS WESTERN AUSTRALIA - TRAFFIC FORECASTS, LOFTUS STREET AND CONNECTING ROADS; SECOND BRIDGE ACROSS MITCHELL FREEWAY

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

- (1) Did Main Roads Western Australia hold a public meeting/consultation at the Loftus Recreation Centre on 17 and 18 August, concerning road widening of Loftus Street, from Vincent Street to Roberts Road, in connection with the construction of a second bridge across the Mitchell Freeway at Loftus Street?
- (2) Is it correct that data on existing and forecast traffic movements on Loftus Street and connecting roads was not available at the meeting/consultation despite many people wanting this information?
- (3) Will the Minister make these traffic forecasts available?
- (4) If not, why not?
- (5) Will the Minister direct Main Roads to hold another public consultation/meeting, this time with the traffic forecasts available?
- (6) If not, what claim to genuine public consultation on this project can be made?

Hon E.J. CHARLTON replied:

- (1) A public display, not a public meeting, organised by consultants on Main Roads' behalf was held in the Loftus Street Recreational Centre on 17 and 18 August 1996.
- (2) The traffic forecast figures were not available at the display. One person requested information on traffic data by completing a comment form. This information is being provided.
- (3) Yes.
- (4) Not applicable.
- (5) Main Roads has undertaken and will continue consultation activities with the public as follows -

presentations to interest groups in the area;
distribution of a press release on the study and display;
placement of an advertisement on the study and display in two local newspapers;
distribution of a newsletter to about 2 000 local residents and businesses;
regular briefing sessions with council representatives from the Cities of Perth and Subiaco and Towns of Vincent and Cambridge;
consultation with relevant state and local government authorities; and

distribution of a further newsletter to the local community outlining the recommended concept plan when this is finalised.

(6) Not applicable.

SWAN BREWERY DEVELOPMENT - BLUEGATE NOMINEES, LEASE EXTENSION

671. Hon REG DAVIES to the Minister for Finance representing the Minister for Works:

In respect of the Old Swan Brewery development and Bluegate Nominees -

- (1) What date did Bluegate Nominees approach the Government for an extension to its lease which was due to finish on 15 December 1996?
- (2) What were the variations Bluegate Nominees requested of the Government?
- (3) From whom did the Government seek legal advice?

Hon MAX EVANS replied:

The Minister for Works has provided the following reply -

- (1) Bluegate Nominees approached the Government on 29 March 1996, seeking a variation to its lease.
- (2) Bluegate sought to complete all the external facade works to the existing and new buildings on the site. The lease required Bluegate to complete the external and internal works up to tenancy fit out of the existing buildings only.
- (3) Mallesons Stephen Jaques Solicitors.

SHIPS AND SHIPPING - ACCIDENTS, LIABILITY FOR ENVIRONMENTAL DAMAGE;
SEAWORTHINESS REGULATIONS; SHIP REJECTED, ESPERANCE PORT

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

- (1) What action has the Minister taken in response to the ship that was rejected from the Port of Esperance after it was discovered it had rusted bulkheads and was unseaworthy?
- (2) What was the ship's name and what was the country of registration?
- (3) How was the ship allowed passage in Australian waters?
- (4) What is the process for regulating and examining ships using Australian waters to ensure that they are safe and seaworthy?
- (5) What liability for repair of environmental damage does such a shipping company have in the event of an accident?

Hon E.J. CHARLTON replied:

Control of international shipping in Australian waters falls under the jurisdiction of the federal Australian Maritime Safety Authority.

- (1) The ship was not rejected from the Port of Esperance. It was detained by AMSA after structural defects were discovered during an inspection that was initiated by the Port of Esperance Harbour Master from a report emanating from the loading supervisor. The ship was not allowed to leave port until repairs were carried out to the satisfaction of both AMSA and the American Bureau of Shipping which is the classification society for the vessel. ABS also stipulated that the vessel could not complete loading of cargo and gave only a permit to proceed to Singapore to carry out permanent repairs, a course of action to which AMSA agreed.
- (2) MV *Amalthea* registered in Greece.
- (3) The ship was not allowed ongoing passage in Australian waters once the defects were known. When the ship sailed for Singapore AMSA instructed the master to leave territorial waters expeditiously.
- (4) Control of international shipping is carried out through a port state control inspection program which is administered by AMSA.

- (5) Liability for restitution of environmental damage is governed by international law and would be achieved through the owner's protection and indemnity insurance cover.

CONCRETE GRAVITY SUBSTRUCTURES - APPROVALS FOR USE IN WA WATERS

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

- (1) How many concrete gravity substructures have been approved for use in Western Australian waters?
- (2) Where will they be used?
- (3) How will the removal of these structures be carried out on completion of projects?
- (4) If they cannot be removed, what are the predicted long term environmental impacts?
- (5) Did the Environmental Protection Authority assess these projects?
- (6) If so, did that assessment include an assessment of the decommissioning of such structures?
- (7) What success has there been overseas in decommissioning and removing similar structures?

Hon N.F. MOORE replied:

- (1) I am advised that no gravity substructures have been approved for use in waters subject to Western Australian petroleum legislation.
- (2)-(7) Not applicable.

WITTENOOM - LOTS 174, 175, 176 FIRST AVENUE, HOUSING SLABS REMOVED BY BUILDING MANAGEMENT AUTHORITY

694. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Works:

I refer to question without notice 614 of 21 August 1996.

- (1) Who advised the Building Management Authority to remove the slabs on Lots 174, 175 and 176 Fifth Avenue, Wittenoom?
- (2) Can the Minister advise how the owner of Lots 174, 175 and 176 Fifth Avenue, Wittenoom had irrevocably agreed to the sale of these blocks by the State Government?
- (3) Will the Minister table such irrevocable agreements?
- (4) Given that the property was removed from private land without the owner's consent, why is it not subject to compensation?
- (5) Has the owner of Lots 174, 175 and 176 Fifth Avenue, Wittenoom been advised of the removal of these housing pads and, if so, by whom and on what date was this advice given?

Hon MAX EVANS replied:

The Minister for Works has provided the following reply -

- (1) The Department of Commerce and Trade.
- (2) Legal advice is that an exchange of correspondence between the previous owner and the Department of Commerce and Trade in April 1995 constituted a binding contract for the sale of Lots 174, 175 and 176 Fifth Avenue.
- (3) I prefer not to table that correspondence without the consent of the lots' previous owner.
- (4) Legal advice to government is that no legally compensable loss has been suffered.
- (5) Officers of the Department of Commerce and Trade advised the owner's representative on 25 January 1996, although the owner's representative was aware of the removal of the slabs prior to then.

WITTENOOM - LOT 329 FIRST AVENUE, HOUSING SLAB REMOVAL

695. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Works:

- (1) Is the Minister for Works aware that one week prior to the removal of the building slab on Lot 329 First Avenue, Wittenoom, the Building Management Authority, on site, were provided with a written list of

numerous private blocks that at that time were listed on the BMA's town map to have their building slabs removed and that this list was faxed to the BMA in Perth for further verification?

- (2) Is the \$200 compensation a realistic value for the loss of a large concrete building slab that cannot be replaced under laws established by the Government?

Hon MAX EVANS replied:

The Minister for Works has provided the following reply -

- (1) Yes. Residents of Wittenoom did provide lists of lots they believed to be privately owned. Regardless, the slab on Lot 329 First Avenue was removed mistakenly by the contractor, without authority.
- (2) Legal advice to government is that no legally compensable loss has been suffered. However, an ex gratia offer of \$200 has been made by the contractor.

HOMESWEST - WAITING LISTS; VACANT PROPERTIES

729. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Housing:

- (1) How many people are currently on the Homeswest waiting list?
- (2) How many vacant properties does Homeswest currently have?
- (3) How many people are currently on the Homeswest priority list?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) 11 799 applicants as at 30 June 1996; excludes tenants currently occupying Homeswest accommodation who are seeking transfers.
- (2) As at 30 August 1996, 214 properties were either under maintenance or in the process of being allocated. Note: These figures exclude 1 249 properties which are vacant, awaiting sale, demolition, upgrading or where there is no demand.
- (3) 259 applicants as at 30 August 1996; excludes tenants currently occupying Homeswest accommodation who are seeking transfers.

QUESTIONS WITHOUT NOTICE

ABERDEEN HOTEL - SALE

763. Hon JOHN HALDEN to the Minister for Transport:

- (1) Since the abortive auction of the Aberdeen Hotel, what progress has been made towards its sale?
- (2) Following the collapse of the sale, have any offers been made which were in excess of the reserve price?
- (3) If so, how many?
- (4) Why was no such offer accepted?
- (5) How much has been offered?
- (6) Was an offer made by the former owner, Michael Rasheed?
- (7) If so, how much was it and why was it rejected?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Alternatives including continued management, sale and lease are being considered.
- (2)-(3) No.
- (4)-(5) Not applicable.
- (6) Yes.

- (7) Mr Rasheed offered \$3.68m on the day of the auction. However, the property was withdrawn from sale to review management, sale or lease options at that time.

ABERDEEN HOTEL - SALE

764. Hon KIM CHANCE to the Minister for Transport:

- (1) Has the Aberdeen Hotel property been reoffered by auction?
- (2) If not, will it be reoffered by tender or private treaty?
- (3) Is the property to be readvertised?
- (4) If so, when?

Hon E.J. CHARLTON replied:

- (1)-(4) The situation with the Aberdeen Hotel has not changed; it was widely debated many months ago. The property was valued by licensed valuers at \$7m. That valuation was accepted by Main Roads Western Australia, and the owner was paid. The business of the hotel was affected as a consequence of Main Roads resuming a key area from the rear of the property. The remaining land, the hotel and an adjoining vacant block were offered at auction. The price offered at the auction was not accepted and immediately the hotel was withdrawn from sale.

Since then the hotel has been managed on Main Roads' behalf. We have monitored that situation and looked at various options, which include placing the hotel on the reduced plot of land on the market - the area would be sufficient for a small tavern-type business; including the adjacent vacant land with the hotel; and leasing out the property for the duration of the building of the tunnel and then reattaching the resumed land to the hotel to allow for future development. All those options must be properly considered to ensure that the Government, through Main Roads, maximises its return. The Government also wanted to conduct an assessment on the timing of those various options. When the timing is right we will be in a position to make a judgment on the best way to deal with the situation.

MIDLAND WORKSHOPS - LAND, FUTURE USE

765. Hon SAM PIANTADOSI to the Minister for Transport:

- (1) Will the Minister clarify, for the benefit of the House and the Western Australian community, the current status of the Midland Workshops land?
- (2) Is the Government ready to negotiate on future use for the land?
- (3) What portion of land is intended to be set aside for -
 - (a) private use;
 - (b) community use;
 - (c) local government use; and
 - (d) State Government use?
- (4) Have any members of the Government met with local business leaders to discuss proposals for the future use of this land?
- (5) Has the Government given any one person or Minister responsibility to determine the future use of this land?
- (6) If no to the above, when can the Western Australian community expect action on the above?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(6) The responsibility for the Midland Workshops site was transferred to the Government Property Office on 16 October 1995; therefore, this question should be redirected to the Minister representing the Premier who has responsibility for the Government Property Office. The reason for transferring the workshops to the property office was to look at the options for which the land could be used. A number of uses have been identified and interest in that has been shown.

ABERDEEN HOTEL - VENDOR FINANCE

766. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the Government or Main Roads Western Australia indicated that some vendor finance may be available to a prospective purchaser of the Aberdeen Hotel?
- (2) If so, what is the amount and the terms of any vendor finance?
- (3) Has the hotel been revalued since the abortive auction?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(3) No.

ABERDEEN HOTEL - VALUATION

767. Hon KIM CHANCE to the Minister for Transport:

Is it correct that Main Roads Western Australia considers the value of the Aberdeen Hotel to be in the order of \$4m?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. As I outlined in a previous question, a restructured hotel without the main income producing beer garden - which land is to be used for the city northern bypass - is considered by Main Roads to be worth considerably less than the purchase price.

GRIFFIN VENTURE - AMSA INSPECTION

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

I draw attention to the first paragraph of tabled paper No 519 entitled "Parliamentary Questions on *Griffin Venture* incidents by the Hon Jim Scott, MLC" tabled on 20 August by Hon Norman Moore. With regard to the Australian Maritime Safety Authority marine surveyor who was sent to the *Griffin Venture* on 22 March 1995 to inspect and report on the construction and electrical continuity of the purge pipes on board at that time -

- (1) Why was he to inspect and report on the purge pipe configuration "on board at that time" rather than investigate the construction of purge pipes at the time of the incident, which occurred 10 months earlier?
- (2) Who was the AMSA surveyor?
- (3) Was he sent to the *Griffin Venture* specifically to inspect the purge pipes or was he also on other business?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) I am advised that the Australian Maritime Safety Authority was asked by the investigating officers to confirm that it was possible to maintain electrical continuity of the purge pipes by use of internal sleeves without an external earth wire. He was not asked to investigate whether the internal sleeves were in place at the time of the incident. At that stage there was no evidence to suggest that the sleeves were not in place.
- (2) The AMSA marine surveyor was J. Kenneison.
- (3) I am advised that while he was sent to the *Griffin Venture* specifically to inspect the purge pipes, he also reported on tank working pressures, the water seal in the inert gas system and sampling of gas from tanks.

ABORIGINAL EDUCATION - LOW SCHOOL ATTENDANCE RATES, PROGRAMS

769. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) What work has been done to identify programs that have been successful in addressing low school attendance rates among Aboriginal children?
- (2) What work has been done to circulate information about successful programs that have addressed the issue of low school attendance rates among Aboriginal children?
- (3) What information is available about the award winning program undertaken at the East Kalgoorlie Primary School that addressed this issue?

- (4) Will the Minister arrange for a report on this specific program to be tabled?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Aboriginal education branch in 1995 examined the secondary school retention rates to identify patterns of attendance in relation to Aboriginal education operational plan programs and resources allocated to schools. Work is still being undertaken to identify successful outcomes and best practice which can be shared with all schools in Western Australia.

The Committee of Education System Chief Executive Officers Standing Committee, comprising the coordinators of Aboriginal and Torres Strait Islander education of state and territory systems, has made the identification of best practice a national priority for 1997. The information will be shared and published.

The coordinators of Aboriginal education for the Education Department of Western Australia, the Catholic Education Commission and independent Aboriginal community schools will work closely together to identify best and good practice which achieves improved outcomes. The information will be shared across the various sectors.

The Education Department is trialling 11 pilot projects across various districts to improve participation and educational outcomes. Outcomes will be published for circulation to all district decision-making bodies and schools.

- (2) Aboriginal education specialist teachers, English language and numeracy teachers and critical step teachers will be brought together in term four 1996 to prepare literacy and numeracy resources and details on best practice. The resources and best practice will be based on the success of the three programs and compiled as a report for circulation to all schools.
- (3)-(4) The submission prepared by the East Kalgoorlie Primary School for the Australian rural education award for Australia's most outstanding rural education program will be tabled as soon as a copy of the report is made available to the Minister for Education.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT ACT - SECTION 61A, PROCLAMATION REMOVAL

770. Hon REG DAVIES to the Minister representing the Minister for Fair Trading:

Will the Minister provide the reasons which led to section 61A being removed from the original proclamation bringing the Real Estate and Business Agents Amendment Act 1995 into operation on 1 January 1997?

Hon E.J. CHARLTON replied:

The Minister for Fair Trading has provided the following reply -

If section 61A of the Real Estate and Business Agents Act came into effect on 1 January 1997 it would prevent real estate agents from charging tenants any fees associated with the letting of a property. After that date, agents would have been allowed to charge fees for the letting and management of a property only, to the owner. Section 61A was premised on the assumption that property management services are delivered by a real estate agent on behalf of the property owner and charges associated with letting fees should more appropriately be met by owners. In formulating section 61A, it was anticipated that landlords would absorb the letting fee. However, indications over recent months suggest that because of the depressed state of the real estate investment market in Western Australia and the relatively low rate of return on investment property, these costs, if transferred to the property owner, would be recouped from tenants through increased rental charges.

Hon Tom Helm interjected.

The PRESIDENT: Order! If Hon Tom Helm wants to make a circus of this place, I will suggest that he go outside. This tendency to ridicule people day after day is starting to get on my nerves. I have allowed members to go on, but I am coming to the end of my patience. I suggest that Hon Tom Helm conform to the same rules to which everyone else must conform. He should maintain some decorum and allow the Minister to answer the question. As I have often said, members do not have to like what people say in this place - they certainly do not have to believe it - but they must listen to it.

Hon E.J. CHARLTON: Thank you, Mr President. The answer continues: There was also a real concern that owners, who considered that they could not pass on these charges to tenants, might leave the residential rental industry and seek alternative forms of investment. Such moves could have had further adverse effects on the real estate market

and have the potential to reduce the availability of reasonably priced accommodation for tenants seeking rental properties. For these reasons it was determined that an independent economic assessment should be undertaken by the Government to examine the impact of section 61A. This assessment will take into account information from all sectors of the rental market including landlords, tenants and the real estate industry. A decision on whether this section will ultimately be proclaimed or referred back to Parliament for further consideration will be made only when the report of the independent economic assessment is received by the Government.

POLICE SERVICE - MANDURAH STATION

Staff; Vacancies

771. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

- (1) Can the Minister confirm that the Mandurah Police Station is currently understaffed by five officers as a result of the recent tragic accident and leave entitlement?
- (2) Will the Minister assure the House that replacement officers will be provided to cope with the recent deteriorating law and order situation in Mandurah?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Currently, there are no vacant sworn positions at Mandurah Police Station. Although the station is resourced to provide sufficient staff to cover normal leave commitments, an extra officer is to be transferred to the station shortly to supplement current sick leave requirements. Further, two sergeant and two Aboriginal police liaison officer positions, additional to current station strength, will be filled shortly.
- (2) It is normal practice for vacancies to be filled as soon as possible after they arise.

STRATA TITLES LEGISLATION

772. Hon GRAHAM EDWARDS to the Attorney General:

- (1) I refer the Attorney to the recent decision which he and his colleague, Hon Cheryl Edwardes, made, resulting in favourable consideration being extended to the real estate industry. Will the Attorney General be prepared to sponsor a similar move to rectify the concern, confusion and inequity which has impacted on strata title owners following the government legislation which does not come into effect until 1997?
- (2) If not, why not?

Hon PETER FOSS replied:

The question does not relate to my portfolio.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - TIMBER TECHNOLOGY, ROLE

773. Hon MURRAY MONTGOMERY to the Minister for the Environment:

- (1) What is the role of CALM Timber Technology?
- (2) Where is it located?
- (3) Does it sell or franchise the technology when it is developed?

Hon PETER FOSS replied:

- (1)-(3) CALM Timber Technology is the new name for the CALM Utilisation Unit. It has been renamed because many people did not understand what it meant. Its role is to develop timber technology to allow greater value adding to Western Australia. As an example, the two major developments are Valwood and solar kilns. Valwood is like plywood, but it is a solid timber formed by gluing together planks probably about 50 millimetres wide and up to any length. It can be as short as half a metre in length. The planks are glued together and end up looking like the timber which forms the Committee Table in this House. The technology enables small pieces of wood to be used which otherwise would be burned, turned into charcoal or thrown away. The process enables timber to be used at a younger age, and timber which otherwise would be regarded as unsuitable can be used as furniture timber. That has had a tremendous effect on the amount of wood capable of being sawn and turned into value added timber.

CALM Timber Technology has also developed the solar assisted kiln which enables a much cheaper form of drying timber than the normal type of kiln. Both technologies are being marketed. Valwood has recently gone onto the market. However, the solar kiln has been on the market for longer than that. The current work is to develop both karri and marri timbers - karri particularly, because it has not had much value adding because of its tendency to lift after being cut. Small splinters appear on the surface of the wood, which does not look very nice for furniture. Research indicates that it can be dried and eventually made into good furniture which would be suitable for, say, the market in Japan. An example of the results of this development, combined with the fact that the Government is now giving 10-year contracts, is the huge amount of money spent on value adding. We have moved from under 50 per cent value adding with jarrah, to an average of about 75 per cent. Small and large companies are taking advantage of this development, with the small companies particularly using the solar-assisted kilns. Companies like Bunnings have been achieving 88 per cent value adding at some mills, which is a huge increase. If we can do the same thing with marri and karri, it will make a tremendous difference in value adding. For example, valwood, instead of being burned and turned into charcoal, returns \$5 000 a cubic metre for the final product.

**EAST PERTH REDEVELOPMENT AUTHORITY - METROBUS DEPOT DEMOLITION CONTRACT,
TENDERS**

774. Hon A.J.G. MacTIERNAN to the Attorney General representing the Minister for Planning:

- (1) What were the prices submitted to the East Perth Redevelopment Authority by tenderers competing for the contract for the demolition of the MetroBus depot in East Perth?
- (2) What steps did the East Perth Redevelopment Authority take to ensure that the successful tenderer could perform the demolition with due regard to occupational health and safety?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) \$243 000
\$223 000
\$454 595
\$705 400
\$740 400 and
\$1 430 820.
- (2) Selection of tenderer was based on registration of interest. Details were provided on relevant experience of major demolitions of a similar scale. Pre-award review was undertaken of contractors' pricing allowances for main work components plus management structure and general contracting approach. Detailed pricing discussion occurred with the contractor to ensure that sufficient resourcing and management provisions had been made in connection with all safety requirements under relevant legislation. Detailed contract specifications required the contractor to adhere to legislated safety requirements and to take full responsibility for site safety management. Formal demolition licence approvals and WorkSafe acknowledgment of the demolition work plan were received prior to commencement of work. The accident, which occurred on-site involving a union official, is currently the subject of a WorkSafe investigation.

WATER RESOURCES, DEPARTMENT OF - DRINKING WATER QUALITY, NORTHERN SUBURBS

775. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

Barry Sanders, a senior officer of the Water Corporation, stated in the Channel 9 news program that people in the northern suburbs were supplied with lower quality water for consumption than their counterparts south of the river.

- (1) Will the Minister clarify for the benefit of this House and for my constituents in the North Metropolitan Region why this is so?
- (2) Will he outline the chemical cocktail mix that my constituents and their children drink daily?
- (3) Will he provide medical evidence to reassure my constituents that there is no long term health risk associated with drinking this chemical mixture?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Mr Sanders did not state that people in the northern suburbs received lower quality water. He said that a slightly higher chlorine dose is necessary for Wanneroo treatment plant water to eliminate a "swampy" taste

and odour, which is caused by a trace of a natural organic substance known as DMTS. The mechanism for this material to occur is not scientifically understood but is under ongoing research, as it has been for about 10 years.

- (2)-(3) Water to the northern suburbs meets the Australian drinking water guidelines, administered by the Health Department of WA. It is completely safe and suitable for drinking water use.

The PRESIDENT: Order! Hon Reg Davies.

Hon Reg Davies: Oh, I am sorry. I am not used to receiving the call.

Hon Tom Stephens: You are as surprised as we are that you got the call.

MACEDONIA - NAME ISSUE

776. Hon REG DAVIES to the Leader of the House representing the Premier:

- (1) Does the Government intend to maintain the Premier's 18 February confirmation that Western Australia has aligned itself with the policy of the other mainland State Governments and the Federal Government in stating that the former Yugoslav Republic of Macedonia - known as FYROM - should be referred to only as FYROM, and that its inhabitants and, by extension, those who have migrated to Western Australia as well should be referred to only as Slav Macedonians?
- (2) Does the Government intend to continue the Premier's stance of December last year in condemning any provocative gestures such as expansionist maps and the use of ancient symbols likely to create friction in our harmonious multicultural community?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The capacity to recognise countries rests with the Federal Government. The Western Australian Government recognises it has no role in this regard. The Premier believes the members of our community are first and foremost Western Australians and that our priority is to promote harmony within our diverse community. While being sympathetic to the concerns of the different ethnic communities about issues in their countries of origin, we believe that overseas issues should not impinge on good working relationships in our local community. We hope that the appropriate authorities can bring an early resolution to the issue of the use of the name "Macedonia".

WORKSAFE WA - HI-TECH DEMOLITION, METROBUS DEPOT, EAST PERTH, DEMOLITION SURVEY

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

- (1) When did Hi-Tech Demolition submit a demolition survey to WorkSafe WA in respect of the MetroBus depot at East Perth?
- (2) What steps did departmental officers take to assess that survey?
- (3) Did departmental officers consider that the survey was adequate from an occupational health and safety perspective?
- (4) Will the Minister table the survey and the departmental assessment of it?
- (5) If not, why not?
- (6) Did WorkSafe WA provide a clearance to the City of Perth?
- (7) Had WorkSafe made any inspections of the demolition site prior to the death of Mr Mark Allen?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) 31 May 1996.
- (2) Documentation submitted was considered by a senior inspector and pre-demolition discussions were held on-site with the contractor.

- (3) The contractor met the requirements of regulation 926 of the Occupational Safety and Health Regulations 1988.
- (4) Yes. The departmental assessment is limited to determining that the survey meets the requirements of regulation 926 and is in accordance with sections 2.4.1. to 2.4.11 of Australian Standard 2601, 1985 - the demolition of structures.
- (5) Not applicable.
- (6) There is no requirement for WorkSafe Western Australia to provide clearance to the City of Perth, which issues the demolition permit under the Local Government Act.
- (7) Yes, once.

I seek leave to table the document requested.

Leave granted. [See paper No 605.]

POLICE SERVICE - BUNBURY, NEW STATION

778. Hon DOUG WENN to the Attorney General representing the Minister for Police:

In respect of the feasibility study on the location of the planned new police station in Bunbury, I ask -

- (1) Has the contract to carry out the study been awarded?
- (2) If yes, which was the successful company?
- (3) If no, when will the contract be advertised?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) A specific date cannot be advised at this time. It is proposed to advertise the contract in early 1997.

SOUWEST COMMUNICATIONS - GOVERNMENT MEDIA CONTRACT

779. Hon DOUG WENN to the Leader of the House representing the Premier:

Some notice of this question has been given. In relation to the Government media contract with Souwest Communications, I ask -

- (1) When does the contract assigned to this company in February 1996 expire?
- (2) Is the Premier aware that the principal of this company, Mr Dan Baron-Sullivan, is the Liberal Party candidate for the seat of Mitchell?
- (3) Does the Premier agree that there is a conflict of interest in Mr Baron-Sullivan's position as a Government media provider and a candidate in the State election?

The PRESIDENT: Order! That question is seeking an opinion.

Hon N.F. MOORE replied:

Mr President, I do not have an answer for the question anyway; I ask that it be placed on notice - perhaps in the right form.

WORKSAFE WA - INSPECTIONS OF CONSTRUCTION AND DEMOLITION SITES

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

- (1) What is the policy of WorkSafe WA relating to random inspection of construction and demolition sites?
- (2) Has any directive, either formal or informal, been given to WorkSafe WA inspectors that construction and demolition site inspections were only to be made in response to complaints?

- (3) As of 5 September 1996, how many inspectors were actively engaged in inspecting construction and demolition sites?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Five types of inspections of construction and demolition sites are conducted; namely, random; acting on complaints; investigations of incidents and injuries; targeted inspections; and statutory inspections.
- (2) No.
- (3) Nine.

SWAN-CANNING RIVER- DRAFT ENVIRONMENTAL PROTECTION POLICY, RELEASE DATE

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

Some notice of this question has been given.

- (1) When was the Swan-Canning River draft environment policy released for public review?
- (2) Has the environment protection policy been finalised and implemented?
- (3) If not, why not?
- (4) If yes to (2), when?
- (5) In view of the perilous state of the Swan and Canning Rivers and their wetlands, why has the Minister procrastinated for so long on this matter?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) In accordance with section 26 of the Act, the draft environmental protection policy for the Swan and Canning Rivers was released for public review in October 1995.
- (2) If by finalised the member means gazetted, then no.
- (3) It is now a revised draft before the Environmental Protection Authority.
- (4) Not applicable.
- (5) I have not procrastinated on this matter. The policy has not yet been referred to me under section 28 of the Act.

COMMUNITY SPORT AND RECREATION FACILITIES FUND - NORTHAM COUNTRY CLUB GRANT

782. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

- (1) Is it true that a portion of a sport and recreation grant to the Northam Country Club will go to the Northam Club?
- (2) If yes, how can this be justified, given that the Northam Club has no relationship with sport and recreation?

Hon N.F. MOORE replied:

- (1)-(2) No. The existing Northam Country Club was successful in attracting a grant of \$471 000 from the Community Sport and Recreation Facilities Fund (WA Alive) for the purpose of creating a new Northam Country Club which would provide a wide range of sport and recreation facilities for both its members and the wider community. It is proposed that this would be achieved by amalgamating the four existing clubs; that is, Northam Country Club, Northam Tennis Club, Northam Squash Club and Northam Club. This would require each club to dissolve and accept the new country club constitution. At present, all but the Northam Tennis Club have resolved to dissolve. The Northam Tennis Club is currently coordinating a special general meeting for this purpose. The Community Sport and Recreation Facilities Fund (WA Alive) grant is for the financial year 1997-98.
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