WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 19 June 1997

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

PETITION - GIBLETT BLOCK

Logging

MR MASTERS (Vasse) [10.02 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned, request that the Parliament:
>
> Remove any existing TCA's regarding giblett forest block and request that further CALM applications for TCA's are not approved.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 79 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See paper No 59.]

PETITION - GREATER BEEDELUP NATIONAL PARK

Logging

MR MASTERS (Vasse) [10.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned, request that the Parliament:
>
> 1. Place a moratorium on any further roading or logging within the boundaries of the proposed Greater Beedelup National Park near Pemberton in the South-West of WA;
>
> 2. Undertake a full, open and independent study into the benefits of the creation of the proposed Greater Beedelup National Park, and the steps necessary for its implementation;
>
> 3. Give priority to the development of strategies whereby any disruption to local communities through the withdrawal of the timber resource is offset by employment and other opportunities that will become available through the implementation of the proposed Greater Beedelup National Park.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 64 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See paper No 60.]

PETITION - FORESTS

South West

MR OMODEI (Warren-Blackwood - Minister for Local Government) [10.04 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned, women of the South West of Western Australia, along with timber industry workers and the Forest Protection Society, petition the Parliament of Western Australia and its members to visit the state forest at Big Brook near Pemberton.

We are sick of the phoney protests that claim Western Australia and Australia, is running out of forests.

Radical conservationists would have you believe that our forests are not well managed. That is not so.

We are protesting about possible job losses to timber industry families.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 221 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See paper No 61.]

PETITION - TRANSPORT

Concessional Fares

MS MacTIERNAN (Armadale) [10.05 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned students and parents of students call on the State Government to review bus and train fare increases and restrictions placed on DayRider concessions. These changes have lead to many students paying increases of between 50% and 150%, massive increases which are placing an unacceptable burden on already financially stretched students and their families.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 116 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See paper No 62.]

STATEMENT - MINISTER FOR LOCAL GOVERNMENT

Caravan Parks and Camping Grounds Regulations

MR OMODEI (Warren-Blackwood - Minister for Local Government) [10.06 am]: On Tuesday at a meeting of Executive Council, His Excellency, the Governor, gave his assent to the caravan parks and camping grounds regulations. Both the regulations and the Act, which was passed at the end of 1995, will commence on 1 July 1997.

This legislation represents another significant achievement by this Government. It is a further example of the coalition's settling an important matter the previous Government was never able to progress. Since 1987 various working groups and advisory committees have been formulating policies for caravan and camping legislation. Under the coalition Government, the policy issues were addressed, a priority was given for legislation and its passage assured.

Subsequently, an advisory committee under Mr Wilf Mason and representatives of the Caravan Industry Association, government agencies, local government and consumers was formed to prepare the basis for the regulations. I place on record my appreciation for Mr Mason's contribution, which was invaluable. The other members of the advisory committee warrant thanks for their diligence and enthusiasm. Further thanks must go to Darryl Schorer, the executive officer to the committee and a public servant, who has been heavily involved over many years in this project. I know he will take great personal satisfaction in the completion of this task.

The purpose of the regulations is to provide statewide uniform legislation to regulate the development and day to day operations of caravan parks. The intent of the regulations is to enable caravan parks to change from their traditional use for holiday purposes to one of multiple uses and, in particular, to permit permanent residency. Tied to this intent will be the application of the Residential Tenancies Act to a person who occupies a site for non-holiday purposes. In this regard, a new type of unit called a "park home" has been recognised and permitted to be used in a caravan park.

A prime objective of the Government and the caravan industry, through the Caravan Industry Association, is to improve dramatically the image of living in a caravan park to a level which is exciting and desirable for users and acceptable by the community as another form of accommodation. All councils will be circulated with advice on the

Act and regulations and, through them and the Caravan Industry Association, all caravan parks and camping grounds in Western Australia.

I am very pleased with the completion of this task and know that it will be welcomed by many Western Australians and visitors to our State.

STATEMENT - MINISTER FOR LOCAL GOVERNMENT

Cities of Stirling and Wanneroo

MR OMODEI (Warren-Blackwood - Minister for Local Government) [10.08 am]: I wish to advise the House that as Minister for Local Government I have today referred two formal proposals to the Local Government Advisory Board. The proposals are in respect of the Cities of Stirling and Wanneroo and, in relation to the former, there is a consequent effect on the City of Bayswater. Currently, the City of Wanneroo has 208 000 residents, and by 2011 will have 335 000 residents, while the City of Stirling has 181 000 residents. By any measure anywhere in Australia, Wanneroo is a very large council and is growing rapidly. It does not represent local government in the Western Australian context. Members will be aware that these referrals had their genesis in the report of the Local Government Structural Reform Advisory Committee, which reported early in 1996. One of its 21 recommendations was that the Local Government Advisory Committee should examine the Cities of Stirling and Wanneroo with a view to their possible division. Accordingly, late last year I asked the board to undertake a feasibility study into whether the councils should be divided and, if so, how.

The board has given me a detailed report and appendices recommending that both councils be divided and offering various options. After considering the options, I have prepared a proposal for the division of the City of Wanneroo to create two councils - a City of Joondalup and a Shire of Wanneroo. The boundaries are similar to those suggested by the board at options 4 and 5. The only variation is in relation to the board's suggestion that a third council be created in the north west corridor.

With the proposed Shire of Wanneroo to have a population of more than 70 000 people and huge infrastructure requirements, it would be premature to create a further council now. However, I strongly believe a fresh proposal will be needed within five years when the growth of the north west corridor will sustain a Shire of Alkimos to be split from the Shire of Wanneroo.

In relation to the City of Stirling, the proposal is to transfer the Maylands peninsula from the City of Stirling to the City of Bayswater. This move has been called for on numerous occasions and will transfer approximately 8 000 residents to the City of Bayswater. It recognises the clear community of interest of Maylands with the City of Bayswater. Members will notice that the board recommended more substantial boundary adjustments than I propose.

However, if the Maylands transfer occurs, Stirling's population will be about 173 000 residents and gradually in decline. Stirling is a well managed and efficient council reflecting a wide range of community interests. The Local Government Advisory Board will assess each proposal, undertake consultation with residents and affected councils and invite submissions. When it has completed its inquiry, it will report to me as the Minister for Local Government with a recommendation on each proposal. I can only accept or reject a recommendation; I cannot vary it or force my will on the board.

If the board recommends implementation of my proposal in relation to Wanneroo, I envisage it taking effect in 1999. The proposals reflect a sound approach to local government in Western Australia. I have pleasure in tabling the report of the board and my formal proposals for the Cities of Stirling and Wanneroo.

[See papers Nos 480A-480F.]

STATEMENT - LEADER OF THE HOUSE

Sittings of the House

MR BARNETT (Cottesloe - Leader of the House) [10.13 am]: I advise that the House will sit on Thursday but not Tuesday and Wednesday of next week.

STATEMENT - MINISTER FOR EDUCATION

School Education Bill

MR BARNETT (Cottesloe - Minister for Education) [10.14 am] - by leave: Today I am pleased to table a Green Bill for an Act to replace the State's 1928 Education Act.

Few people in this State are without an interest in schooling, whether as students, parents, employers or community members. That is why, at the outset of the review of the Education Act in 1994, the Government gave a clear

commitment to seek public comment before formal debate took place in Parliament. The Government is keen to encourage vigorous community discussion during the next three months, and following this period of public consultation, submissions will be examined and changes made.

The development of this Bill has been a complex task. I acknowledge the efforts of those who have brought the review to this stage. The former Minister for Education, Hon Norman Moore, initiated the review in 1994 and appointed a project team and reference group. He had the foresight to appoint my colleague the Parliamentary Secretary to the Minister for Education and Member for Roleystone to chair the review. He has brought considerable experience and skill to bear in this work, not only from his role as the Parliamentary Secretary to the Minister for Education, but also as a former school principal.

I thank the members of the reference group for their significant contributions. The group comprises people from the Education Department, the Catholic Education Office and the independent school sector, as well as teachers, school administrators, parents, the legal profession and the community. Under the leadership of Mr Ken Booth, the small but skilled project team has worked tirelessly in consulting extensively in developing the policy positions and drafting instructions. Following receipt of submissions on a range of matters from schools and the public in 1995, the project team conducted informal meetings with teachers and principals, education interest groups, government agencies and tertiary educators. Very close consultation has occurred with the Education Department, the Catholic Education Office and the Association of Independent Schools of WA. The project team is to be congratulated on the level and extent of consultation conducted to date, allowing for wide ranging input into the shaping of our education system for the future.

The School Education Bill provides a legislative plan for the management of school education in Western Australia well into the next century. Today I outline its major features.

It is planned that the new School Education Act will come into effect from the beginning of 1999, with the passage of the Bill to be completed during 1998. The present Education Act bears little resemblance to the Bill passed in 1928; it has been subject to a series of over 50 amendments, which means that very little of the original Act remains. For most of its life, the Act has served the State quite well, but its provisions are no longer appropriate to school management in the 1990s. For example, the current Act still describes compulsory attendance requirements in terms of children's capacity to walk distances of up to three miles, and the regulations still contain provisions for teachers to air classrooms during recess periods. In the second reading debate of 1928, considerable discussion took place about whether children should be exempt from school during harvest time in agricultural areas.

When the School Education Act comes into effect, it will be only the fourth piece of public education legislation in our State. This Bill is the third major element in the Government's legislative program in education. The first was the Vocational Education and Training Act 1996, which provides for a TAFE sector which is significantly different from the limited technical education of 1928; and the second is the Curriculum Council Bill 1997, which provides for the development of a curriculum framework for all schools in the State.

The objectives of the School Education Bill reflect four key principles: That every Western Australian child has a right to receive a school education; parents have a right to choose the form of education that best suits their child's needs, whether a government school, a non-government school or in a home schooling setting; parents have a responsibility to work together in partnership with schools for children's schooling to be successful; and a government schooling system must be provided to meet the educational needs of all children.

Access to Schooling:

The first principle relates to access.

Compulsory schooling: To reflect the importance society places on school education, the Bill maintains a commitment to compulsory education for children aged between 6 and 15 years. This is not changed from the existing legislation, although adjustments to these ages are provided for as the changes to the school entry age take effect.

The compulsory education requirement will be satisfied by enrolment in a recognised schooling program, rather than by the 1928 Act's requirement to attend the nearest school. The compulsory education period is complemented by an entitlement for all children to pre-compulsory school programs; that is, kindergarten and pre-primary, and post-compulsory school programs - that is, Years 11 and 12 - either directly by enrolment at a government school or indirectly through per-capita funding to the non-government sector.

More flexible attendance provisions: Although most students attend their schools on a daily basis, many spend part of their school time elsewhere, such as in work experience, TAFE classes, enrichment activities or other special educational programs. To acknowledge this increasing flexibility, which will accelerate in the future, the Bill

provides a new approach to school attendance and participation. Where a student will spend a regular or fixed time away from the school site, but still be enrolled at the school, the principal and parents will be able to enter an alternative participation arrangement. This allows a student's enrolment to be maintained at a school even though the student might not be attending the school on a full time basis.

Keeping track of children in the schooling systems: The Government and the community are concerned about the number of school-age children whose whereabouts are unknown. The Bill makes it clear that compulsory education is a serious responsibility of government, and that steps must be taken to ensure it occurs. Accordingly, school principals in all sectors will be accountable for the accuracy of their enrolment registers and strict procedures will be followed before names are removed.

Absenteeism: Another aspect of this principle is that of ensuring that all children do in fact attend school as required. Any level of unauthorised absence from school is of concern because of the valuable educational time lost, and because some children's absence from school is associated with inappropriate behaviour in the community. Many schools have initiated relevant programs targeted at truancy; however, an appropriate sanction must apply for non-compliance.

The Bill provides for significant penalties on parents who avoid the responsibility to enrol their children or have them attend school regularly. Although parents will be required to shoulder much of the responsibility, we must make allowance for those cases where, despite the best efforts of parents, children stay away. The Bill provides that such children be liable to an offence, but that no child's case be referred to the courts before proper intervention efforts have been made.

Members of the community should consider this matter very seriously. It is worth noting that in the 1928 Act, the response to chronic truancy was to make a child a ward of the State. In those days, that meant the child was placed in an institution, or detained, with the parents responsible for some of the costs. Nowadays, truancy is not regarded as an extreme offence, but, by the same token, it is necessary to regard wilful absence seriously.

Choice:

The second principle underlines the options which parents have to choose the mode of schooling for their children. We should be proud that a quality public education system is available to all children in Western Australia. This is complemented by strong non-government school systems operated by the churches and many independent schools throughout the State.

Home schooling: In recent years a growing number of parents have sought home schooling as an option for their children. The Government recognises that they should have the right to exercise that choice. Provided the appropriate approvals are obtained, the Bill provides for the compulsory education requirement to be met by home schooling.

Registration of non-government schools: The Government has a responsibility to ensure that a certain minimum standard is maintained for children who attend non-government schools. The Bill provides for a comprehensive scheme of registration and, in doing so, provides a framework to validate processes which have been used in Western Australia for some time. In addition, the Minister will be able to enter into agreements with systems of non-government schools. These agreements will enable some of the Minister's registration and accountability functions to be devolved to the systems themselves.

Partnerships between parents and schools:

The third principle reinforces that for a child to succeed at school, the cooperation and support of the child's parents is essential. In Western Australia, we have had an outstanding record of this cooperation and support. Most parents demonstrate active encouragement and support for their children and their children's school. It is clear that the support of parents and citizens associations and school decision making groups in government schools, and parents and friends groups and school councils in non-government schools, is invaluable. They provide our schools with forums for discussion of educational matters and contribute to tangible improvements to school facilities.

The Bill reinforces the individual responsibilities of parents by making clear that parents must shoulder obligations concerning enrolment and attendance matters. Parents' interests are protected by ensuring that they have access to complaint and dispute resolution processes. The Bill provides for panels to be established to deal with enrolment, attendance and discipline matters. Panels will be required to have independent community representation and parents and students will have the opportunity to be heard.

School councils: For the past decade, the Education Act has contained provision for school decision making groups. This has been a means by which parents and community members can become involved in the management of their local government schools. The Bill maintains this important role and allows for further participation at schools where there is a readiness and willingness to do so. When the new Act comes into force, all school decision making groups

will become school councils. They will have a role in school planning, dress codes, student behaviour codes, endorsement of school charges, and implementation of religious activities. Provision is made for this role to be extended, on request, to include participation in the selection of the school principal. Where appropriate, school councils must seek the permission of the Minister to become incorporated and take on further additional functions.

Government schooling:

The fourth principle reinforces that public schooling is a major responsibility of government and that provision must be made for the educational needs of all children.

Establishment of schools: The Bill provides clarification of the role of the Minister in the establishment, classification, amalgamation and closure of government schools. The Bill will allow for the initiatives of recent years to establish new schools in innovative ways in rapidly growing areas, and the potential for multi-campus schools. Most government schools in metropolitan and large country centres have a boundary. The Bill makes allowance for a local intake boundary to be set only where there is a high demand for places. This will give parents greater choice of schools where there are no boundaries.

Entitlement to enrol: The entitlement of all children to enrol in a government school is to be constrained only by the capacity of each school to provide an appropriate educational program and the availability of classroom accommodation. There is provision for a systematic analysis of the needs of children with disabilities so that school placements are appropriate and parents' wishes are taken into account. Parents who have concerns about enrolment decisions will be able to seek a review.

Principals as educational leaders and managers: A noteworthy feature of this Bill is its recognition of school principals as educational leaders and school managers. It contains a clear statement of the responsibilities of principals and teachers and identifies a number of specific matters with regard to enrolment and attendance, management of finances, control of school premises and school councils.

Discipline in government schools: Many schools have developed effective strategies for dealing with discipline problems. It is still necessary, however, to provide support in the Act and regulations to deal with difficult cases. The trial of a new discipline policy has been under way in the Education Department for the past year. The outcome of this project will be taken into account when the regulations are devised to support the Bill. The Bill continues the general provisions of the current Act, which authorise suspension and exclusion of students whose behaviour is inappropriate, but allows that the detailed administration of these provisions be provided in the regulations. This Bill makes no explicit mention of corporal punishment. The situation under the current Act is that regulations prevent the use of corporal punishment in government schools. This will also be the case under the new regulations.

Financial and resource management: The Bill contains an important new provision for government schools to establish special funds for building or library purposes, or for a school foundation fund to benefit the school generally. The potential to attract bequests and tax deductible donations will address a need which has been identified for some time. The Bill enables limited access to sponsorship and advertising support in government schools. This has been an area of ambiguity for some time and it has not always been appropriate to exclude the support of local enterprises from school activities. However, schools will need to be protected from commercial exploitation. The Bill requires the Minister to make decisions about these matters in ways which are consistent with the best interests of students' education in government schools.

Education of children with special needs: For students with disabilities, the Bill requires that parents be consulted when enrolment decisions are made and, as far as possible, their wishes be taken into account. While the majority of such placements are agreeable both to parents and the school, the Bill makes provision for parents to seek an independent review if they feel the enrolment decision is inappropriate.

Religious activities: The Bill provides for special religious education to continue to be provided in government schools. In addition, it makes allowance for schools to include in school activities prayers and songs which are based on religious, spiritual or moral values. Provision is also made for children to be withdrawn from parts of the curriculum, including religious activities, on the grounds of conscientious objection.

Protection of children's interests: The community wants schools to be places where children are excited and stimulated by what they learn. By the same token, parents trust that their children will not be exposed to inappropriate influences. The Bill makes it clear that the undue promotion of political, religious, industrial or advertising information is not allowed beyond what is a reasonable balance in the curriculum. Principals will be required to intervene if any person or organisation is using the school as a forum to disseminate inappropriate promotional information.

School charges: In the late 1990s, the community expects schools to provide a variety of relevant educational activities with the latest methods and technology. The 1928 Act was not framed with such demands in mind. We can easily conjure up images of the rows of steel framed desks, the inkwells, chalk and slate that characterised primary school classrooms through the middle part of the century. The resources needed to deliver schooling in this environment were minimal.

The Bill is explicit in extending the "no fee for instruction concept" of the 1928 Act to all students receiving education from teaching staff of a government school. Provision is made, however, for overseas students and some persons over 18 to pay tuition fees. Under the Bill, government school principals will be authorised to determine a charge to parents for the materials and services which are directly used by students in the school's educational program. The school must be able to demonstrate how the charges are of benefit to the students. A new role for school councils will be to approve these charges, which must be no greater than the limit to be set in the regulations and which will be capable of adjustment with inflation. While principals will be given authority to seek recovery of the charges, the Bill is explicit in saying that no child shall be deprived of an educational program if the charges are not paid. Further, the regulations will empower the Government to put in place means of addressing financial hardship for individual parents.

Accountability:

The Bill provides a number of accountability mechanisms.

Review mechanisms: While the majority of decisions made about children occur with the full support and cooperation of parents, there are times when disagreement occurs. The Bill provides review mechanisms with regard to enrolment decisions, school placements, and decisions about discipline. The Bill identifies three panel structures -

> School Attendance Panels, which may be established to consider matters related to absenteeism and to facilitate the return of children to normal attendance;
>
> Disabilities Advisory Panels, which will be established whenever a parent seeks a review of an enrolment decision concerning a child with a disability; and
>
> School Discipline Advisory Panels, which will be required to consider the case of any child for whom exclusion is recommended.

These panels will have independent community representation and the members will have the relevant experience and expertise to deal with the specific matters before them. The Bill also enables the Minister to establish advisory panels for other purposes and gives discretionary provision for other administrative decisions to be referred to such panels for review. Finally, the Bill provides complaint and dispute resolution processes to be in place for schools in all sectors.

Accountability for government and non-government schools: While the government school system is subject to accountability requirements which apply to all public sector agencies, the Bill provides also for accountability of school principals and the Director General of Education. For non-government schools, the registration and re-registration procedures will require the governing bodies to account for the quality of the educational programs which they provide. Further, the Minister may seek information of an educational, financial or statistical nature from these schools. To enable the Minister to monitor these matters over time, the Bill has a requirement that non-government schools be re-registered at least every seven years. In terms of financial accountability, the Bill is explicit in identifying accountability on the part of the Minister and the non-government schools for the public moneys which are allocated as part of the Education budget.

Administration: Finally, this Bill will provide an administrative structure for the governance of schooling. It has been deliberately written to avoid overlap with other laws of the State, particularly in relation to public sector management, financial accountability and industrial law. In particular, the Bill does not seek to intrude on the responsibilities of education providers under equal opportunity or disability discrimination laws.

The Bill provides for the continuation of the Education Department and for the responsibility of the Director General of Education for managing the educational program in government schools and the staff of the department. Staff will be employed in four categories; public service officers, teaching staff, other officers - such as library officers and school administrative officers - and wages staff. The management of teaching staff in government schools is stated in terms that enable greater application of public sector-wide standards, particularly in relation to substandard performance and discipline. The Bill provides recognition for at least two classifications within the teaching staff of the department; namely teachers and school administrators.

Public review phase: The aims of the forthcoming public consultation on the Bill are -

to acknowledge the wide interest of community members in the proposed legislation;

to initiate informed community debate on the policy settings in the Bill;

to obtain feedback on inclusions, omissions or improvements to the Bill; and

to enable the Parliament to undertake debate in the knowledge of public reaction to the Bill.

Copies of the Green Bill will be circulated during the next two weeks to schools and parent groups throughout the State. A summary of the Bill has been prepared. Ten thousand copies will be circulated. Both the Bill and the summary will be available on the Internet. Information packs will be sent to all members of Parliament and interest groups. Over the next three months, a series of public meetings and video conferences will be held throughout the State.

In conclusion, I believe this Bill provides the basis of a comprehensive legislative framework for the governance of schooling in the State, not just for today but well into the next century. Public feedback, debate and written submissions on all matters in the Bill are to be encouraged. I look forward to an intensive period of vigorous and informed discussion.

Mr Speaker, I am pleased to table the School Education Bill 1997 as a Green Bill for public consultation.

[See paper No 481.]

CEMENT WORKS (COCKBURN CEMENT LIMITED) AGREEMENT AMENDMENT BILL

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [10.34 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to obtain parliamentary ratification of the agreement entered into on 14 May 1997 between the State and Cockburn Cement Limited to vary the provisions of the Cement Works (Cockburn Cement Limited) Agreement Act 1971.

The major functions of the variation agreement now before the House are briefly outlined as follows -

to amend the agreement to provide for payment of a royalty on shell sand or alternative material mined - the royalty will be phased in over three years commencing 1 July 1997;

to amend the reporting requirements for dredging and management programs; and

to replace the environmental clause with the now standard form.

Members will be aware that under the Cockburn Cement agreement the company was originally allowed to establish operations at Munster using shell sand dredged from Owen Anchorage leases to manufacture high quality lime. In return for its substantial investment at the time, locating at Munster and recognising the value of Cockburn Cement's dredging of the second shipping channel for the Fremantle Port Authority, royalty payments were waived.

Over 25 years ago the Government of the day considered the establishment of a major lime and cement facility a vital ingredient to enable industry in the State to grow. The Government now believes this objective has been achieved. It had not been possible for the State during this time to impose a royalty because both parties were required to agree to any changes made to the agreement Act. The company has now agreed with the State's position on royalties in the manner of a good corporate citizen.

I now turn to the specific provisions of the variation agreement scheduled to the Bill before the House which are contained in clause 4 of the schedule. The variation agreement provides in clause 4(1) of the schedule for additions and variations to the definitions contained in clause 1 of the principal agreement.

Subclause (2) inserts a reference to the introduction of a royalty.

Subclause (3) details the payment of a royalty at the prescribed rate under the Mining Act 1978 from 1 July 1997; at the rate of one-third the rate in the year 1 July 1997 to 30 June 1998; at the rate of two-thirds in the year 1 July 1998 to 30 June 1999; and, thereafter, at the prescribed rate on all shell sand or alternative material mined by the company under the agreement.

Subclause (4) amends the requirements for dredging and management programs so that reports which have already been presented by the company to the Environmental Protection Authority in connection with a proposal under

section 38 of the Environmental Protection Act do not have to be duplicated. This measure will provide for improved efficiency in the dredging and management program process.

Subclause (5) replaces the existing environment clause with the standard wording now used in all modern state agreements.

The House should note that ratification of the 1997 variation agreement will result in the company paying, for the first time, a royalty to the State on shell sand and alternative materials mined. This is a significant development.

As I indicated earlier, the royalty will be phased in over a three year period commencing 1 July 1997 at the rate of one-third for the financial year 1997-98, two-thirds for the financial year 1998-99 and full royalty thereafter. It is anticipated that the revenue to the State will be in the order of $270 000, $540 000 and $800 000 for the financial years 1997-98, 1998-99 and 1999-2000 respectively.

I congratulate the company for its willingness to give up a concession that it has enjoyed for 26 years. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ACTS AMENDMENT (AUXILIARY JUDGES) BILL

Second Reading

MR PRINCE (Albany - Minister for Health) [10.38 am]: I move -

That the Bill be now read a second time.

This Bill provides for the appointment of retired judges and other qualified persons as auxiliary judges for periods of up to 12 months to assist in meeting the workload of the Supreme Court and District Court. In a number of jurisdictions, both in Australia and in the United Kingdom, provision is made for retired judges to be appointed as acting, temporary or auxiliary judges. This Bill will allow similar appointments to be made in Western Australia.

Over the next five to 10 years a pool of retired judges will develop as a number of judges of the Supreme Court, the District Court, the Family Court and other courts retire on either reaching the compulsory retiring age of 70 years or because they elect to retire before that time. The Government believes this pool of retired judges could be usefully employed on the basis of short-term appointments in helping to deal with the courts' case load; for example, when judges of the courts take annual leave or long service leave, a retired judge could be appointed as an auxiliary judge to fill in during that period. They could also be appointed to deal with specific cases in the long cause list. It will also reduce the occasions upon which commissioners will need to be appointed.

The Bill also provides for the remuneration of auxiliary judges. In essence, their pension will be topped up so as to entitle them to the equivalent of a judge's salary during the term of their appointment. The Bill also contains a number of consequential amendments and amendments to the provisions relating to the appointment of acting judges in both the Supreme Court and the District Court and to provide for the Principal Registrar of the Supreme Court to be able to perform the functions of a master when one of the masters is unable to perform the duties of their office. The Bill has the support of both the Chief Justice and the Chief Judge of the District Court. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

WATER SERVICES COORDINATION AMENDMENT BILL

Second Reading

DR HAMES (Yokine - Minister for Water Resources) [10.44 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is twofold -

(a) it implements the transfer to the South West Irrigation Asset Co-operative Limited (SWIAC) of certain irrigation and drainage assets of the Water Corporation in the south west of the State (south west irrigation scheme) and the vesting of requisite powers in SWIAC in relation to those assets; and

(b) it provides a statutory framework for similar dispositions of assets in relation to other irrigation and drainage schemes and to vest requisite powers in the owners of those assets if and when decisions are made in relation to those schemes.

The decision to proceed with the asset and business transfers in relation to the south west irrigation scheme arose out of recommendations made by the south west irrigation task force in May 1994. As a consequence of those recommendations, Cabinet in August 1996 gave approval for the transfer of the corporation's south west irrigation and associated business to South West Irrigation Management Co-operative Limited (SWIMCO) and the transfer of the corporation's south west irrigation and certain drainage assets to SWIAC. In October 1996, an agreement was signed that gave effect to the transfer of the corporation's south west irrigation business and non-fixed assets to SWIMCO and SWIAC respectively. The fixed irrigation assets and certain drainage assets were leased to SWIAC pending resolution of certain land ownership issues. Under the agreement SWIAC will own the irrigation and drainage assets required to operate the south west irrigation scheme and SWIMCO will hold the operating licence issued under the Water Services Coordination Act 1995 and will carry on the business of providing water services to irrigating farmers in the south west of the State. The south west irrigation scheme's main irrigation assets consist of diversion weirs, channels, pipelines, drains and associated works including regulating and measurement structures, offtakes and access facilities.

This Bill amends the Water Services Coordination Act 1995 by inserting divisions 10 and 11 under part 3 of the Act, "Licensing of Water Service Providers". Division 10 relates to the transfer of assets on land not held by the statutory asset owner and division 11 deals with the situation where the holder of an operating licence is not the holder of the assets concerned. Division 10 of the Bill contains two key definitions. The first is "asset", which means any works used or intended to be used for the provision of irrigation and drainage services being the property of a "statutory asset owner" and is upon, in, over or under land that is not the property of the statutory asset owner. The second is "statutory asset owner", being a person who is, or was, the holder of an operating licence issued by the Coordinator of Water Services authorising the licensee to provide irrigation or drainage services, or a person who holds assets to be used by a licensee in the provision of irrigation and drainage services pursuant to an arrangement approved by the coordinator.

In order to transfer assets from the corporation to the new owners of irrigation and drainage schemes a technique used in the recent restructures for the State Energy Commission of Western Australia and the Water Authority of Western Australia has been used. The technique involves the Minister for Water Resources publishing in the *Government Gazette* an order specifying the statutory asset owner, the assets that are to be transferred, the affected land and the name of the transferee. In circumstances where the detail in relation to the assets would be voluminous, provision is made for the assets to be set out in schedules that need not necessarily be published in the *Government Gazette* but that must be made available for public inspection. The effect of publication of the transfer order is that the assets specified in the transfer order vest in the transferee by force of the legislation. The legislation recognises that there could be instances where the transfer mechanisms mentioned are not effective to bring about the vesting of certain assets and therefore sets out the obligations of the transferee and the transferor in those circumstances. There is a stamp duty exemption in relation to any asset transfers that take place pursuant to the legislation. The granting of stamp duty exemptions on the transfer of assets to implement reform is not new. Stamp duty exemptions were given in relation to both the energy and water restructures to which I have referred. I point out, however, that the exemption relates only to the specific types of transaction envisaged by this legislation which, in essence, is a transfer of assets where the circumstances surrounding the transfer involve a statutory assets owner.

The legislation addresses the situation where assets are no longer required. Provision is made for the Minister for Water Resources to extinguish the rights of the statutory asset owner or order the removal of assets which the Minister decides are no longer required or necessary for irrigation and drainage purposes. The consent of the statutory owner is required before an extinguishment order can be made. Under this provision, where the assets are fixtures, those assets form part of the land once an extinguishment order is made, and where the assets are not fixtures, the owner of the land is able to secure the removal of those assets. Extinguishment orders do not give rise to compensation rights.

Because of the unique circumstances addressed by this legislation, procedures have been incorporated in the Bill to establish a system which ensures that anyone searching the registers for titles and deeds and searching under the Land Act, has notice of any transfer order affecting that land. The provision has some similarity to provisions in the energy and water restructure legislation that address similar issues. Provision is made for the Minister for Water Resources to correct errors and omissions in transfer orders. However, the rights of persons relying on the uncorrected transfer order are protected. The legislation also borrows from the energy and water restructure legislation in providing that the operation of the division cannot give rise to actions against the relevant parties based purely on changes of ownership affected by the legislation. The final provision in this division enables regulations to be made to provide for anything which is necessary or convenient in order to give effect to a transfer of assets.

Division 11 addresses the situation where assets are used by the holder of an operating licence but in circumstances where those assets are owned by another person. This provision gives the Coordinator of Water Services power to

approve such an arrangement. The legislation also ensures that a licensee that is not the owner of assets has the same duties and powers as if the assets were held by the licensee rather than the owner of the assets.

Finally the Bill contains a mechanism by which certain powers of the corporation, for example access, can be conferred on a holding body. This mechanism is the same as that used to confer on the holder of an operating licence the powers of the corporation that are contained in section 45 of the Water Services Coordination Act. It involves the making of regulations and the laying of those regulations before both Houses of Parliament before coming into effect. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

PROFESSIONAL STANDARDS BILL

Second Reading

Resumed from 18 June.

MR PRINCE (Albany - Minister for Health) [10.49 am]: I had risen to speak last evening just before private members took the call when the matter was adjourned. Therefore, I will respond now to some of the matters raised by members opposite in the second reading debate. I am grateful to the members who spoke on this matter for their support and for the fact that there seems to be consistency with the remarks that were made by members of the Opposition in the other place when the Bill was introduced and debated there some time ago. The member for Rockingham, who was the lead speaker for the Opposition on the matter, gave a very lucid and exhaustive analysis of the Bill, its provisions and the way in which it is intended to act. He raised a number of concerns which I will endeavour to address. The Opposition considered it would be desirable for this concept to be part of a national approach. I agree that it would be. However, for the benefit of the member for Rockingham, uniform legislation is frowned upon by both sides of the House as a result of an experience in 1991 that led to the establishment of the Standing Committee on Uniform Legislation and Intergovernmental Agreements, of which I was the first Chair. That was based on the proposition that mirror legislation per se is bad. A national approach can be achieved in ways other than mirror legislation. A national approach is desirable. Many of the professions that were talked about, not necessarily the traditional professions, but some of the occupational associations such as engineers, are nationally organised from an association point of view and often in the nature of their work will cross state boundaries with little regard to their existence. That is a fact of commercial life. Therefore, a scheme which operates only in some States, albeit with commonality, is not to be preferred against a scheme which is relatively common throughout the Commonwealth.

Ms MacTiernan: Do you also accept there is a problem for those people not engaged in state transactions, where they are exposed to section 51 of the Trade Practices Act?

Mr PRINCE: I am not sure that I accept the member's legal opinion on that. I have thought on it overnight, and it is possible. It needs further inquiry. If the intent is that this should be a code, so this is the only way in which cases can be brought against those who have membership of an occupational association, the answer is yes. However, I question whether this is intended to be a codification and to exclude all other means of bringing actions. I do not know that it is. I accept the member's opinion; it is not necessarily right.

Ms MacTiernan: It is not simply an opinion of mine, it is also an opinion shared by the Law Society subcommittee that was set up to investigate this matter. It prepared a report on the original proposal in 1994. It stands to reason that the incentives we are offering for entering into a code are being diminished by the fact that we have some protection against common law and no protection against a similar claim under the Trade Practices Act.

Mr PRINCE: I appreciate what the member for Armadale is saying. However, I would want to see that examined by people who have particular expertise in the area before I would accept that proposition. It is worthy of further examination. The concept not only of a national approach to some form of professional standards, and in a sense compulsory insurance if one is a member of an association, but also other matters such as proportionate liability and so on is discussed at meetings of the Standing Committee of Attorneys General. This matter has been progressing slowly at the Standing Committee of Attorneys General for some time. The instructing officer on this Bill is part of a ministerial council that deals with these matters. He is not here this week, because the council is meeting in Brisbane to discuss further the problems that the member and others have raised. The matter is not languishing; it is proceeding relatively slowly, as is the tendency among the various Attorneys General. I am sure the Attorney General would share my view that it would be highly desirable to have some form of codification, so that the system deals with everybody fairly. However, it must be debated at the national level to include all the jurisdictions. Some jurisdictions do not seem to be interested, which is a pity. The other reason that it must be done at a state level is that the States have always had the jurisdiction to bring in law of this nature; the Commonwealth does not.

I find the lack of commonwealth support perplexing and strange. I thought this was good law and something that was desirable to progress. Perhaps the lack of interest by the Commonwealth is because the initiative has been driven largely by the States, not only by a number of members of the Legislative Council in Western Australia - the member for Armadale alluded to the select committee - but also by people across party lines in New South Wales. However, as I mentioned in responding to the interjection from the member for Armadale, a number of issues are on the agenda of the Standing Committee of Attorneys General that deal with a national approach to liability in a general sense not only for professions, but all people involved in the provision of services and goods in society and the question of limitation of liability in relation to their reasonable activities. That is progressing.

The member for Rockingham raised a conundrum: Why a cap at $500 000? The experience with the amount that can be awarded for damages for negligence is extreme. For example, there have been awards in the millions of dollars in the area of audit reports and in some other celebrated cases. They tend mainly to be where significant professional expertise has subsequently been found to be wanting and consequentially enormous harm has resulted, usually in the financial area rather than in personal service to individuals or in construction. At the other end of the scale is the damage that flows to a private individual as a result of some form of negligence on the part of a professional who is rendering a personal service, whether that be an accountant, lawyer, engineer or someone who is perhaps assisting with house construction or a matter of conveyancing. The loss tends to be in the thousands or tens of thousands of dollars. If we were able to slide the cap up and down on the quantum of damage, we would disadvantage many individuals. After all, the large claims that are made in the millions of dollars tend to be in the corporate area, either large groups of individuals or banks, financiers and others who are taking action against the auditors as a result of financial losses occasioned by the collapse of a fairly substantial company. Of course, that flows through to individual shareholdings in lack of dividends, higher bank fees, and whatever. I am not saying that individuals do not ultimately pay the price. However, there is no comparison with the individual who has been badly dealt with by the person who gives a personal service.

It is a question of balance; there is no formula here. It is a question of judgment of where the cap should lie. Half a million dollars is a fair and reasonable level for capping because it covers most, though not all, personal negligence actions that will be brought by any ordinary member of the community against a professional of any nature at all. There will be exceptions, but not many. They would usually be in the area of significant personal injury to an individual that renders them disabled in some way for life. Largely they are not even covered; however, they would not be covered by this in any event.

Ms MacTiernan: They lie outside the exclusion.

Mr PRINCE: Yes. I am making the point that where one sees reports of large amounts of damages being awarded by a court for an individual it tends to be in the area of damage to the person arising out of a motor vehicle accident or something of that nature. That cannot, nor should it, be covered by this Bill. Motor vehicle accidents, workers' compensation and so on are covered statutorily in this State. We cannot point to any particular formula, although I accept the proposition has validity. We could propose a sliding cap, but that could become extremely difficult to implement and could lead to unintended inequity. Therefore, as a matter of judgment, to propose $500 000 is right.

The member for Rockingham was concerned that to some extent the legislation does not contain any rigid guidelines, directions and so on for schemes that might be proposed. That is because the breadth of associations that could be covered by this Bill will make it extremely difficult to establish any form of model or sensible guidelines that will have general applicability without rendering some form of burdensome administration or inequity on an association that does not happen, by reason of the occupation of its members, to fit within those guidelines. The Bill is better drafted in its current form to provide that an occupational association will have a process for ensuring the quality of its members, of lifting the standards, which is important, and that insurance otherwise will cover negligence of its members for loss by a client, for want of a better term. I am using the term as widely as I possibly can.

The Professional Standards Council under the professional standards legislation in New South Wales, which has been in place for a relatively short time, has seen fit to implement guidelines. Guidelines for approval of a scheme were in place for applicants, published in a leaflet within the first few months of the council's operations, but it has had to change them. The guidelines were more of an administrative nature. However, they were found to be wanting in the short period they have been in operation. I note from the council's report, to which I alluded by interjection yesterday, that it has approved capping schemes for the Institution of Engineers, Australia; the Association of Consulting Engineers, Australia; the College of Investigative and Remedial Consulting Engineers of Australia, and the Law Society in New South Wales. A further two applications have been made for approval of a capping scheme on behalf of surveying and accounting professions.

That is quite a variety of disciplines - solicitors, surveyors, accountants and three different associations of engineers. It is therefore probably desirable not to consider implementing guidelines which could be unnecessarily restrictive and which may have to be amended. It would probably be better in the circumstances - that certainly seems to be

the experience of New South Wales - to let the scheme run. Commonalities will probably then appear which administratively will be desirable to follow. One would not want to restrict the applicability of this legislation to associations simply by reason of having some form of guideline that removes the incentive to become involved.

The member for Rockingham raised the issue of reducing limitation periods. It may have been a suggestion from the Law Society.

Mr McGowan: It is outside the scope of this Bill.

Mr PRINCE: Yes, but I am more than happy to respond. It is a matter that has vexed policy makers for a long time. An interesting proposition is that in some areas good argument exists to reduce the limitation period from the standard six years, or whatever might apply - a series of limitation periods; it is not six years for everybody. However, for people who were exposed to asbestos at Wittenoom and who contracted asbestos related diseases the limitation period is much longer. That was a statutory enactment. There is also good cause to debate whether limitation periods should be extended in other areas.

Mr McGowan: There is a capacity for a court to allow that.

Mr PRINCE: That is so in some jurisdictions, not in all. It is a debatable matter and in many respects becomes a case by case exercise. The issue of limitation periods per se should be the subject of a separate debate. It raises an enormous number of questions. We could discuss limitation periods, for example, for financial matters. For how long should, say, an auditor remain exposed to the consequences of an audit report that may have been given previously? For how long should a banker be exposed to the consequences of some form of lending where the method for lending was not as it should be? For how long should any profession in the business of giving advice, not only lawyers but also mortgage brokers, financial advisers, superannuation advisers and planning advisers, remain liable for advice of any nature?

It is a difficult area to address; it cannot be done simply and it requires complex and complicated contribution of a huge range of advisory services available within the community. There are also the services that produce some form of goods, whether they be physical modification to an article of property or the production of goods to be sold. The whole area of limitation periods deserves more consideration. It was good of the member for Rockingham to raise the matter; it is an important subject. However, as he rightly pointed out, it is not part of this Bill.

Removing liability for damage arising out of a contractual situation is fairly dear to a number of people engaged in commerce. I am sure in raising that point the Law Society was not reflecting in any way on lawyers as such, but that it is widely considered in commerce that tortious liability, or liability of a damage nature, should not arise from contracts. However, I do not necessarily agree with that view. It has been debated for a considerable period. It is worthy of mention, but it should be debated on its own rather than in the context of this Bill.

Regarding the question of removal of liability in a tortious sense for non-connected third parties, I am familiar with the High Court decision that came down, I think two or three years ago. I cannot remember the name of the case, but it concerned a Tasmanian builder who had constructed a house which was sold and then sold a second time. In other words the third owner from the date of construction was able to bring an action against the builder for negligence because the foundations collapsed at one point approximately 20 years after the house had been built.

That case was originally brought into the jurisdiction in Tasmania and, as the law was then understood, was rightly dismissed because it was out of time and because the person bringing it was not privy to the contract; nor was there any law of tort that would enable the current owner to bring action against the builder, who had retired. After the matter progressed through the appellate court, it went to the High Court, which disagreed and made new law as is its wont from time to time.

Mr McGowan: I think it is called the dogma of precedent.

Mr PRINCE: Precedent is evolutionary, although some precedents tend to be more revolutionary than evolutionary. I was Minister for Housing at the time and it was of great concern to people such as the Housing Industry Association and the Master Builders Association. It immediately raised the concern among home builders, who tend to be small business people in this State, that they could be liable for something they had built a long time ago which had subsequently passed through many different owners. The question is how to insure against this, because insurance companies have no database to work from on an actuarial basis to calculate a premium, and so on. It is a difficult area, and it was a potential hazard which was discussed at length at housing Ministers' level nationally. It was recognised as a difficulty. It was in the purview of the Standing Committee for Attorneys General because it is a matter of legal liability. I am aware that Victoria has brought in legislation to limit the liability of builders to six years, I think. If I am correct, similar legislation was either proposed or enacted in South Australia. This is a case where the ability of a person who otherwise might not have the ability to bring an action, should be addressed. For

the benefit of the member for Rockingham, my point is that I am well aware of the problem - as is the Attorney and other people who have been around for some time. It is a difficulty and it is being addressed - probably a little too slowly, but it is a significant problem.

The member for Rockingham was somewhat critical of the involvement of Supreme Court judges, because they had an adversarial role -

Mr McGowan: In a way, the Supreme Court is given a role to review the schemes.

Mr PRINCE: I disagree with that point. Judges are drawn from the ranks of lawyers, but lawyers are not always involved in adversarial matters. More often, they are not. In the past 10 years there has been a very strong push for mediation in the court structure and for alternative dispute resolution. The Supreme Court leads the way, in many respects. The Family Court is probably the leading example of a court structure which is not adversarial, where mediation, perhaps to the nth degree, is practised. I have no difficulty with Supreme Court judges having some oversight in the matter. Their breadth of expertise and background will suit the situation. I accept that the member has a different view.

Mr McGowan: One argument is that the process is so long that it suffers the same problems faced in New South Wales. It is complex and cumbersome, and in a way it might even be too difficult for many professional or occupational associations to worry about, because of the cost and complexity involved.

Mr PRINCE: Does the member mean in getting a scheme approved?

Mr McGowan: Yes. This adds another tier to the complexity and cost.

Mr PRINCE: I agree that an argument can be made. This is a very useful check and balance in the system. However, I suggest that when the scheme has run for some time and when a number of schemes have gone through the process in this State - and there will be a number coming from engineers, if from nowhere else - it may be desirable to look at it; the Professional Standards Council will make recommendations on that line.

I accept the member's point - and he was careful to say that it was paradoxical - that insurance, to some extent, encourages litigation. In a sense it does. A person is unlikely to litigate if there is no chance of success of recovery - unless it was undertaken as an act of principle. My experience was that one had very few clients who could afford to have principles and they should be cherished. Putting that to one side, the overwhelming majority of people who want to take some sort of action should always be counselled not to take action, even if they have a good case, when there is no chance of recovery. In that sense, insurance encourages litigation. But in the sense that insurance is available to recompense the person who has been wrongly and unjustly dealt with, insurance is to be encouraged. It is a paradox, because by seeking to provide people with that which they should have, we encourage litigation. However, the bigger problem and concern here - and perhaps the bigger evil - is that people tend to bring litigation which is basically not justified and has little, if any, substance. They do so on the basis that the insurance company for economic reasons will settle rather than have the matter proceed, because the cost of proceeding, in legal fees and other costs associated with litigation, is greater than the amount to be paid out to stop it in the early stage.

Insurance companies make those economic decisions. Insurance companies also have power in a financial sense to take on matters of principle and not settle, for that sort of right to negotiate exercise. I mean that a person has a right to negotiate by having issued proceedings, but if he then tells the insurance company that he will stop if the insurance company pays something, it is a misuse of the litigious process. I have always thought that, when clients who feel aggrieved want to take on a matter. That is another part of the paradox of insurance, in the sense of encouraging litigation, which should not be before the courts.

I understand the point the member made regarding section 549 of Corporations Law. I do not think there is a conflict. Consider the situation, for example, of people who sit on company boards. A lawyer is a case in point: Lawyers statutorily, in this State, must have a form of professional indemnity insurance, and may sit on the board of a public company. That such people sit on a board and have professional indemnity insurance, is not a conflict and has never been seen to be. If a member of a company secretaries association has a form of insurance through membership of that association, that would not be a conflict; it would probably lend some comfort to the individual and may enable the individual to make decisions free from the fear of putting his wealth on the block. Section 592 sets out the law under the Companies Code before Corporations Law was enacted, which was also the common law; namely that a person in charge of a company - a director or principal officer - who permits the company to trade when insolvent, should be personally liable. That has been the law for some time; it has certainly been Statute law since the early 1980s under the Companies Code later supplanted by Corporations Law.

I think I have covered spurious claims. The member mentioned speculative fees. Champerty has always been a debatable question among lawyers; that is, whether one should be able to say "no win, no pay". That happens in

America, but not in all States. In some instances, obviously it is highly beneficial to an otherwise indigent litigant who has a good claim. In other words, it is doing justice to the individual to take on a claim on the basis that one is paid only if one wins. For others, perhaps it encourages litigation which should not be brought before the courts. One suggestion has been that where that is done, and, in the judgment of the court, litigation should not have been brought, the lawyer pays the costs.

Mr McGowan: Where is that?

Mr PRINCE: I do not know that it exists. However, it has been suggested in the debate about whether we should have such speculative fees. It would perhaps act as a check and balance on the more entrepreneurial members of our respected profession -

Mr McGowan: It is a revolutionary idea.

Mr PRINCE: It has been around for quite a while.

Mr Baker: There is another regarding contingency fees.

Mr PRINCE: We are talking about contingency fees. That matter is worthy of comprehensive debate and I am pleased that the member has raised it. In a sense it is a part of what we have raised here, but in a sense it is not.

Mr McGowan interjected.

Mr PRINCE: You would have to ask the Attorney-General about that. As far as I am aware, no. This matter comes under his portfolio area. I simply represent him in this Chamber; I do not know whether anything is being done.

The member for Bassendean commented at length on the provisions of the Bill. I have canvassed a number of the matters he raised when I referred to the matters that the member for Rockingham raised. However, he did speak about compulsion. Clause 46 provides that a member of an association can opt out of the association if he or she does not want to be involved in the insurance scheme. For example, an engineer who is a member of an engineers' association which then becomes involved in a scheme can simply quit that association if he wants to if there is an element of compulsion.

Mr Brown: So can a member of a union.

Mr PRINCE: It must be an association, whether it be of engineers or craftspeople - as the member for Bassendean pointed out, the definition of occupational association and occupational group is wide and includes professional groups and trades groups - which provides a service directly to the public, by and large, or which is employed by another organisation to do a particular job.

A trade union is a gathering of people for industrial and political purposes. The Labor Party is the political wing of the union movement, for example, and the focus of trade unions is really different from that of professional or trade associations. There are common threads, but the direction is quite different.

Mr Brown: Those organisations exist to serve their members, they don't exist to serve the public.

Mr PRINCE: I do not agree with the member's philosophical proposition because it is tortuous reasoning. However, in the matter about the truck driver being sued by the employer for negligence, the law has always been thus -

Mr Brown: The law has always been thus for this as well.

Mr PRINCE: The member for Bassendean raised the question about the truck driver. It has always been the case that an employer could sue an employee for negligence. A celebrated case in this State in the early 1970s involved a Bell Brothers truck driver who stopped at a pub and drank too much and had a prang. The employer, Bell Brothers, determined at the last minute not to take the case any further for industrial reasons. That was entirely the employer's decision; it had nothing to do with the law.

The instance the member raises is perhaps not practice, as he put it, although it may be the law. It has not been the practice commonly; but for other reasons perhaps it is the case. It is certainly the law and it is an action that is taken reasonably often, although perhaps not often reported.

The Medical Board has closed hearings, yet the hearings of the Legal Practice Board are closed and the results are public. Indeed, I recall reading in *The West Australian* newspaper the report of a lawyer, whose name escapes me.

Mr Carpenter: Schapper.

Mr Prince: He has been fined and ordered to pay costs for advertising, or something of that nature. A disciplinary hearing before the Legal Practice Board -

Mr Kobelke: I think he advised his client of a likely outcome of a case before it had been determined.

Mr PRINCE: The Legal Practice Board determined that he had breached the disciplinary code of the board and fined him and ordered him to pay costs, and that was made public. That is neither the full reason of the decision nor the totality of the hearing, but it was done. The Legal Practice Board is only one case of a professional standards board that operates differently from the Medical Board. Of course the Medical Board operates under much older legislation, whereas the Legal Practice Board is a creature of fairly recent legislation.

The point the member made and his use of the example of the Medical Board is ill-founded, because I was able to find another example straight out of the newspapers of a similar disciplinary board that does not behave the same way as the Medical Board. But the point that all of these hearings should be open is highly debatable, because one is talking about a disciplinary proceeding, not a proceeding as to negligence or fault in relation to damage. The two are distinct from each other. One is an administrative exercise and the other is a legal exercise and rules of evidence will not necessarily apply in disciplinary hearings. For example, evidence that could otherwise be classed as hearsay can be heard in a disciplinary hearing, and rightly so. In that sense they are administrative or, at best, quasi-judicial hearings. Where those sorts of regulatory exercises operate under Statute, which is what this is, a determination should be to decide whether they shall be open or closed. If the professional association decides to have them closed, so be it.

Mr Brown: It does not cut much ice. The Administrative Appeals Tribunal is open.

Mr PRINCE: Yes, but that is a tribunal to which one goes to appeal against administrative decisions that have been made behind closed doors. The Social Security Appeals Tribunal is closed, but one can take an appeal from there to the Administrative Appeals Tribunal, which is open. But the initial decision, which is what the member for Bassendean referred to, is held behind closed doors. That is the case everywhere. If the member would like, he could read about a whole series of cases in the United Kingdom which deal with the turf club - which seems to be the leading authority on much of the administrative law in this area. He will find that all the hearings of those cases were closed.

The member for Armadale gave an interesting exposition on premiums for a stack of professions, particularly for different specialty branches of doctors. I have noted the figures. Having paid professional insurance premiums for most of my life, I was fascinated to learn that premiums for lawyers have decreased in more recent times. Perhaps doctors should be encouraged to look at the methods by which they are insured.

The point the member for Armadale raised is valid. If a professional has to pay a premium of around $5 000 a year for professional indemnity insurance, it means that that professional must earn $100 a week before he or she can begin to put food on the table - that is, after paying the operating expenses for whatever business that profession runs. It is a significant amount of money, given that pensioners receive not much more than that. The cost, therefore, of any type of professional indemnity insurance is a significant burden on any business that is so classed. Obviously, those costs are passed on to the client, patient, consumer or whatever term one uses to describe the people to whom the service or goods are provided.

The member for Armadale might also be interested to know that recently, draft model provisions to implement the recommendations of the inquiry into the law of joint and several liability have been prepared. A federal inquiry carried out that exercise. The draft model provisions were put out some time ago and the Director General of the New South Wales Attorney General's department or the Principal Adviser to the Business Law Division of the Commonwealth Treasury were the people to whom submissions could be sent. I have a copy of part of the paper and I am more than happy for the member for Armadale to see it. It deals with questions of proportionable claims against concurrent wrongdoers and the proportionable liability for the proportionable claims, which is part and parcel of what the member was talking about. Work is being done on this right now.

Ms MacTiernan: Earlier you expressed concern that there had not been an eagerness to embrace the capping principle by the defence.

Mr PRINCE: I did not say that, the member for Rockingham did.

Ms MacTiernan: You did express your surprise. One of the reasons, as I understand it, from attending a couple of meetings in 1994, was that the federal Attorney General and Minister for Justice thought that this proportioning of liability was a better way to go than capping.

Mr PRINCE: No. We should have both of them together. Proportional liability cannot be the panacea. Proportionable liability and capping would be more appropriate.

Ms MacTiernan: I just explain that one of the reasons for the federal position is that in 1994-95 it was determined to go down the proportionality rather than capping route.

Mr PRINCE: Yes. I take the view - some member expressed it very well in debate - that a firm of auditors may have 100 partners, and a former partner might have done something three years prior which raises a claim for $1m. New partners will be liable for monstrous amounts of money, not for their actions but by reason of actions of a former member of the firm. Therefore, the question of proportional liability should be progressed, and capping should be part of that consideration.

The member for Armadale raised the question of clause 45 and notification. I have carefully read the clause, and I cannot see how one can provide a better form of notification than that written in this clause. It is difficult to avoid clause 45 as a person must notify a potential customer of limited occupational liability, and a penalty of $4 000 will apply for noncompliance. This is a significant penalty, which happens to be about the same amount people pay for professional indemnity insurance. I thank members for their contributions on this Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr McGOWAN: I have no substantial concern about this clause but, as a matter of interest, when is it expected that this Bill will come into effect, and what sort of education campaign for the public and the professions will be undertaken prior to the Bill's coming into effect?

Mr PRINCE: I understand that the Bill will be proclaimed probably after some regulations have been drafted, maybe along with some Supreme Court rules. The appointment of the council requiring the selection and appointment process must be taken into account. I can only speculate on how long the process will take, and it may be a month or two, maybe longer. It depends upon how soon the regulations can be drafted by parliamentary counsel.

Mr McGOWAN: I thought it would take longer than a month considering the education process the professional and trade associations must undertake. In that way, they will be aware of what they can and cannot do when the Bill comes into effect.

Mr PRINCE: I appreciate the member's point. Clearly, a number of professional associations already know about this measure. I have quoted a number of times engineers who have taken advantage of the New South Wales legislation, so it is known nationally. These associations, as with accountants and lawyers, would expect to move quickly as bodies in New South Wales are seeking, or have sought, to have schemes approved. The Law Society certainly knows about it. When the Bill was introduced, I sent copies of it and the second reading speech to every professional in my electorate.

Mr McGowan: And a copy of my speech?

Mr PRINCE: It was before the member spoke; I did so when the second reading speech was given by the Minister so people were aware of the measure. That seems to be the normal part and parcel of the work of a member of Parliament. I do not know whether a long education campaign is needed. Certainly, occupational groups and associations need to be informed that the Bill exists, and one largely does that by contacting the associations - assuming it passes into law - and indicating it will be law by a certain date.

Mr McGowan: Will the Attorney General's department do that?

Mr PRINCE: Yes.

Clause put and passed.

Clause 3: Objects of this Act -

Mr McGOWAN: Clause 3 states that the objects of the Bill are -

(a) to enable the creation of schemes to limit the civil liability of professionals and others;

To whom does the Government refer as "others"? The Bill is quite specific when it refers to occupational associations and groups, yet the term seems to indicate that the scheme may apply to a wider range than indicated

in other provisions of the Bill. I mentioned specific trade associations during the second reading debate, but let us consider small business associations.

Mr Prince: Try butchers.

Mr McGOWAN: Good example; another is small business associations covering retailers in certain areas, but the $500 000 limit will not be a great benefit to most such people. However, professional and other associations may think they can obtain benefit from the legislation. I refer to various retailers and businesses involved in sporting activities, such as squash court proprietors. Does the Minister perceive that this Bill will cover such people? At some point, will amendments be made to give coverage to these people?

Mr PRINCE: The member is debating the definitions in clause 4 of "occupational association" and "occupational group". Clause 3(a) is picked up and expanded in the definition of "occupational group" which includes a professional group and a trade group. There is no definition of "trade group"; therefore, it takes on the meaning of those words in the English language. A butcher is a case in point. The Meat and Allied Trades Federation would have the ability to take advantage of this, if it was of the mind to do so. It would present a scheme of insurance for approval by the Professional Standards Council to cover its members against forms of liability that could arise. It may choose not to do that on the basis it considers there is no definable benefit to its members. It is up to it. The only way it would gain a benefit is if the cap was extremely low. It is up to the association to arrange a form of insurance of its choosing because the insurance is the benefit and the cap is a secondary benefit. The insurance may or may not be of benefit to the federation, but it is up to it to decide and then to choose.

Clause put and passed.

Clause 4: Interpretation -

Mr BROWN: I refer to the definition of "occupational association". My understanding is that an occupational association must have three components. First, it must be a body corporate; secondly, it must represent the interests of persons who are members of the same occupational group; and, thirdly, its membership is limited principally to members of that occupational group. Presumably, if an organisation primarily represents an occupational group which has associate members, it may still be able to run a scheme.

Mr Prince: I am trying to think of an example. One which comes to mind is an association of persons with a particular trade or professional standard and within that trade there is a form of assistant. A surveyor and a surveyor's assistant is a good example. The surveyor has the qualification and the surveyor's assistant has a certain degree of qualification, but it is not equal to the qualification of a surveyor. However, they may be able to be covered by the same association. I do not know whether that is the case.

Mr BROWN: Why has this provision been limited to organisations that cover single occupational groups? For example, is it not capable of believing that organisations are capable of representing different occupational groups quite legitimately and fairly?

Mr Prince: Can you give an example?

Mr BROWN: I cannot think of one off the top of my head. However, given the cross over between accountants and lawyers involved in tax issues, if there was an amalgamation between the Australian Society of Certified Practising Accountants and the Law Society of Western Australia, presumably they would not be able to have a scheme like the one set out in the Bill. The scheme is limited to associations of a single occupational group. I cannot understand why the limitation is in the Bill. If it is not ludicrous, it is certainly elitist. If a small group is part of a larger group and somehow it is demeaned in the eyes of the legislation it cannot be catering for the professional interests of that group. I refer to small trades groups. In my former life I was a tradesperson - a blue collar worker.

Mr Omodei: What did you do?

Mr BROWN: I made spectacles. The trade is now very small and some people say that people got out of it because they did not want to make a spectacle of themselves.

Mr Board: Those people have no vision.

Mr BROWN: Some of the trades groups are small and comprise between 30 and 100 people. They do not have viable organisations and they tend to amalgamate with larger groups. They become a small component of large unions. In the trade I was in it was possible to not only make and fit the lenses, but also ensure that the glasses fitted the face properly. It is possible to make a mistake and fit the wrong lenses to the frame. I do not see that a damages claim would be $500 000. It would not be possible for that group, as part of a larger group, to get insurance cover

for this level of indemnity. It is ridiculous. Why is there a limitation? Either there is no reason or it is elitist for no good reason.

Mr PRINCE: The member's conspiracy theories are somewhat misplaced. I can perceive of another example - the dentist, the dental hygienist and the dental therapist, all of whom may work together. The dental hygienist and the dental therapist may not wish to be part of the same scheme as the dentist because the incidence of claims against the dentist might be higher than it is against them. Consequently, the premium might be greater. The only reason it is defined in this way is that the insurance industry looks at occupational groups. Its statistics and claims data is assessed by occupational group, hence, it sets a premium with respect to the occupational group.

I refer the member to the premiums for doctors quoted by the member for Armadale. These are: A non-proceduralist general practitioner, $1 900; a proceduralist, $4 600; and a surgeon, $13 000; a general practitioner who does obstetrics, $6 000; and an obstetrician, $29 000. They are all doctors and there is nothing elitist in that, but I will bet that a general practitioner who is a non-proceduralist does not want to be lumped into the same scheme as the obstetrician because immediately his premium of $1 900 would be much closer to $29 000. It is probably the origin of the reason that the definition is in the Bill. It is the way the insurance industry runs insurance and whether it should do so is the subject of another debate.

It represents the way life is organised at the moment. Those people who are of a common profession tend to band together, whether it be engineers, doctors, lawyers, spectacle makers or butchers. They tend to have an association which is particular to them and to their qualifications. In the area I operate as Minister for Health, there are a series of professions which are very concerned to ensure that the only people who can be members of their association and be permitted to carry on business in their professions are people who are similarly qualified. It is called keeping standards. I suspect there are two reasons: One is to do with insurance and claims history and the other is to do with the fact that most of the associations I can think of are made up of groups of people who want to maintain a certain minimum standard of people who are similarly qualified. I accept that in some areas there are very small groups - for example, spectacle makers and dental hygienists - who may be included, in a reasonable sense, with a larger group. This is not elitism. Paragraph (b) in the definition of "occupational association" allows for the membership to be limited principally to members of that occupational group. That means that some members of that association may not be of that occupational group, but the majority are. An association presumably can have different levels of the same qualification. The simple answer is that it is the same as in New South Wales.

Mr BROWN: The legislation is restrictive in that to apply for one of these schemes not only must the group be an association but also that association must be a body corporate and it must represent groups or members in the same occupational group. Given the Minister's explanation on the different levels of membership it is even more bewildering why it is limited to single organisations.

Mr Prince: You do not have that in a single organisation. There is the Royal Australasian College of Surgeons, the Royal Australian College of General Practitioners and the obstetricians' and other associations.

Mr BROWN: I understand that in occupational associations small groups can represent specific interests. Although it is not a problem with those organisations, some other organisations may seek to organise themselves differently. For example, the groups that the Minister mentioned will be part of the Australian Medical Association, and that complies with the corporate status requirement and allows them to operate separately as a branch, and all members of the AMA will be members of the medical profession. It will not be possible where an organisation covers different occupational groups and it has structured its affairs for ease of administration, or whatever, and has nothing to do with professional standards. That branch or group may have certain standards about training and ethics; however it has decided for administrative purposes that it does not want a separate organisation; it still wants to be part of the larger group.

In the union movement 40 years ago there were hundreds of small organisations, but in the 1970s and 1980s unions came together, even if their occupation or standing did not bear any relationship. Even some of the small, white collar groups came together during that period. One association that covered professional engineers, architects etc that saw itself as an exclusive small group eventually became a small branch of the public sector union. I am concerned that by wanting to be part of a larger organisation for ease of administration, and not because of professional standards or anything else, people could be precluded from this.

I congratulate the Minister on his response to the second reading debate. He is one of the few Ministers who takes the time to reply to matters raised during the second reading stage. What are the guidelines for schemes that will be registered under these arrangements?

Mr PRINCE: The building industry is a useful case in point with bricklayers through to architects who could potentially have a liability sheeted home against them for some form of negligent workmanship. If that industry

formed an incorporated association, would the bricklayer want to have as part of that association the brickies' labourer who has not had the same trade training qualifications? I do not know. I pose it as a rhetorical question. That is the sort of question that must be asked. I am sure that insurance is the key to this. If all those who were involved in construction formed one group for ease of administration and wanted an insurance scheme to cover the group, I suspect they would rapidly find that those who are a very low risk in a liability sense would not want to be associated with those whose liability is very high, or enormous, which can be the case with the architect or engineer as opposed to the plumbing contractor. The medical profession has broken up into professional groups for insurance purposes if nothing else. The general practitioner does not want to be lumped in with an obstetrician. It comes down to the way the insurance industry has traditionally organised itself. It is nothing more than the economics that flow from the claims history of a definable group.

Mr Brown I accept that no-one wants to be in an averaging process across occupational groups.

Mr PRINCE: Western Australia has a total population of 1.7 million. How many of that number will want to be involved in schemes of this nature? The market is too small. Western Australia could not do something as radical as that which the member for Bassendean wants. It would not work because the insurance industry operates not just nationwide but worldwide. We must use the established economic industry of insurance. It will not listen if we try to do something that is out of step with the rest of the world. The member makes a good argument. The point is very sound and valid, but it is not the way the world works.

Mr BROWN: I have taken this issue as far as I can. This Bill creates an opportunity for associations to present a scheme and to enter into that scheme of insurance. There is no obligation on them to do so. If an insurer felt the risk was too great, or that it could not get the insurance, or whatever, it simply would not be in the scheme anyway. This is not a mandatory obligation; therefore, insurers will look at this from a commercial perspective and determine what their premiums will, or will not, be.

Mr Prince: They look at it on an Australia-wide basis, if not a worldwide basis. The first insurance premiums looked at grouping Australia and America. In terms of calculating premiums, it was diabolical.

Mr BROWN: I accept those insurance arrangements exist and would have to be worked out commercially; however, I cannot see why there is a legislative restriction. Insurers would not pick it up. It would be missed. The organisation would not be able to have a scheme, and that would be the end of the matter. If insurers were prepared to pick it up, it would be acceptable; however, there is not even the opportunity to do that because the legislation is restrictive in that sense. I will not take the matter any further.

Mr Prince: It is exactly the same wording as appeared in the New South Wales legislation.

Mr BROWN: I am happy to read the *Hansard* and look at the Minister's reply. Given that it is now only midday and we will probably be debating this matter until one o'clock, and given the opportunity to review matters later in the day, I will look at the adequacy of the Minister's reply and if I do not like it, I will come back to it.

Ms MacTIERNAN: The points made by the member for Bassendean are very strong. The reference to professional and trade groups is unduly restrictive.

Mr Prince: Can you think of an example that is not covered?

Ms MacTIERNAN: Yes; I can. If we were prepared to give an opportunity to industry groups, we would cover much of the field about which the member for Bassendean was concerned. A classic example is the Housing Industry Association Ltd, which covers the gamut of building industry areas. The Minister's response has been that we would not want them all lumped in together because of the differentials in liability. That is easily answered by reference to one occupational group, namely doctors. They all belong to the medical defence fund; yet, there is a scale of premiums, based on their relevant exposure to risk. At the bottom we start with $1 900 per annum for a non-procedural general practitioner, going all the way up to $29 500 for an obstetrician. The fact that with any one classification there will be a degree of risk is not an answer, because it applies within the occupational groups. The fact that it would also apply within the industry groups does not in any way invalidate the point being made. I can see that the building industry, in which a number of trades and different professions are involved, is the very area in which we may want to get a group scheme happening.

Mr Prince: I can see why, for very obvious economic reasons, it would not happen.

Ms MacTIERNAN: I disagree with the Minister. He has claimed that the reason it would not happen is that there is a differential in the degree of liability. As I have pointed out to him, that occurs in occupational groups and it is addressed by a differential in the consequent premiums they pay.

Mr Prince: That is because they obviously run totally separate funds.

Ms MacTIERNAN: I do not think that is right. The figures I quoted in Parliament yesterday were gained from a single fund; that is, the medical defence fund. In fact, it is a single fund that recognises degrees of exposure attaching to different classes within that one occupational group.

Mr Prince: I do not think you are right.

Ms MacTIERNAN: I contacted the medical defence fund -

Mr Prince: Not with respect to the figures, but all the rest of it.

Ms MacTIERNAN: It is the same when a person goes to be insured in a general life insurance policy; there is not a separate fund for each individual. The premium is just part of one insurance scheme, depending on the person's age, religion, whether the person drinks and a whole range of -
Mr Prince: The person's gender.

Ms MacTIERNAN: All those sorts of things are taken into account. There is not a different fund for each different subgroup.

Mr Prince: You have a completely separate actuarial calculation for each group.

Ms MacTIERNAN: Absolutely. As I have said, the example of the medical defence fund and the capacity to divide the insurance premiums into subclasses shows this can be done, but that is not to say that every person within any of the schemes being set up under this legislation will pay exactly the same insurance premium. The Minister has been quoting various examples from New South Wales. I am interested to know whether there are any differential payments. There is nothing inconsistent with the idea of this scheme and differential ratings for the participants in it. This is very old-fashioned wording.

It is understood everywhere that trade groupings alone are often not the best way to go. We have recognised that in the move in referring to trade unions as industrial unions. In grouping particular persons together, it makes sense to allow people to do so on an industrial basis. It is a shortcoming in the legislation. The Minister referred to the New South Wales legislation -

Mr Prince: Your time has expired.

Ms MacTIERNAN: He said that scheme has attracted only four participants. We would have the potential to attract a lot more if we were prepared to make a small amendment to include industry groups.

Mr PRINCE: This point was passionately argued, but I still think it is flawed in logic. The medical defence fund is a very particular fund for only medical practitioners. For the purpose of calculation of premiums for any specialty within the generic medical practitioner group, there is a calculation of risk by the insurer in respect of that specialty. Effectively that is running a separate fund. Cross-subsidisation is not being given from one group to another. If that were happening, those who are paying less would not be in the fund. That has always been the case. It is one firm, one group, one company - it descended from the British system, but was set up as a separate exercise here after some time - specifically for doctors only. I think the member's idea of a conglomerate is not the way in which the insurance industry works, and it never has been.

The example of life insurance is fascinating. Australian Mutual Provident Society, National Mutual and the others certainly offer a life insurance policy. The only commonality between those covered is that they are all human beings and alive. The premiums vary. They are calculated according to age, gender and other risk factors, such as smoking and the history of heart disease etc. Why? Because a history of these things is causing the risk of early death, or whatever, for which people are taking out that form of insurance.

Insurance companies in that industry are saying that people are not treated as human beings - full stop. They want to know a lot more about them and to put them into a subset and calculate their premiums according to their claims experience of that subset. That is all this provision is about.

The Housing Industry Association Ltd is a classic: There is one set of insurance systems for builders, and a completely different set for architects, engineers, plumbers and electricians. Why? It is because they all have a different claims experience and because none is prepared to subsidise the other. No doubt in the example the member for Armadale gave of the medical industry the obstetricians would love to be subsidised by general practitioners, rather than pay $29 000 per annum. However, GPs do not want to subsidise obstetricians.

I understand the point the member makes. The wording in this legislation is lifted from the New South Wales Act. It flows from the report of the select committee. I think it covers more than adequately the areas we are talking about. The New South Wales Professional Standards Council has been in operation for a little over 12 months. It brought down its first report on 31 December 1996. Six schemes have applied in that 12 month period involving mostly

engineers and one group of solicitors. I expect that after the New South Wales and Western Australian councils have run for some time, the legislation will be looked at again. If it is appropriate to amend the legislation, I have no doubt that will be carefully considered.

In any event, clause 57 of this Bill states that the Minister is to review the legislation to determine whether the policy objectives remain valid and the terms remain appropriate. That review is to be undertaken as soon as possible after five years from the date the Bill receives royal assent - a matter I am sure the member will raise at the time if she is still here.

Ms MacTIERNAN: I do not think the Minister understands the way this Bill will operate because the comments he made about differential insurance premiums are not germane to the legislation. The legislation contains an overly restrictive definition of an occupation. The Opposition proposes that the definition be expanded to include an industry group. The Minister's only response to this suggestion has been that there cannot be groups where there may be differential insurance premiums. We have shown that is nonsense by pointing out that doctors, who are an occupational group, have differential insurance premiums. The Minister's response to that is that they all have different schemes. The schemes we are talking about are broad schemes; they are not just insurance schemes. What is required for a group - be it a professional group, a trade group, or an industry group, as the Opposition proposes - is that a scheme be set up that incorporates a range of factors, such as a risk management strategy.

Mr Prince: Do you seriously think engineers will be prepared to be involved in a disciplinary and risk management strategy that may be nominated by, for example, plumbers or bricklayers?

Ms MacTIERNAN: Possibly not. However, from my reading of the Bill it will not be necessary for the scheme to apply to every person in the association.

Mr Prince: No, people can opt out.

Ms MacTIERNAN: Yes, or there can be subsets or a raft of other organisations. The housing subcontractors' association is a classic example. It has within it the traditional trades - bricklayers, plumbers, roofing carpenters, painters and plasterers. The Minister seems to be concerned about tradesmen mixing with professionals in the one scheme.

Mr Prince: Come on! I have not said that. You're the one who has that sort of problem.

Ms MacTIERNAN: Members must bear in mind that compulsory insurance is not a necessary part of a scheme. There could be an industry group for which insurance was not even an issue because insurance was not part of the scheme. Therefore, that would rule out the Minister's objection. Even when compulsory insurance is part of a scheme, I alert the Minister to clause 46(4). It is recognised that there may be different types of insurance, not just different insurance premiums, within the one single scheme.

Mr Prince: Standards.

Ms MacTIERNAN: Different standards.

Mr Prince: How much do you pay for legal practice insurance?

Ms MacTIERNAN: Between $200 and $300, because I guarantee not to charge for my legal services. I presume the Minister as a Minister of the Crown would do the same?

Mr Prince: Of course I do. I do not actually provide legal services.

Ms MacTIERNAN: Is that right? As a holder of a legal practice certificate -

Mr Prince: That is why I am insured. I know that you practise as well.

Ms MacTIERNAN: It is contemplated in the legislation that different standards may apply and different premiums may attach to those standards. The fact that an industry group may be levied at different levels is no answer to the issue that was raised by the member for Bassendean. The Government has been overly restrictive. The tragedy of that is that certain groups would avail themselves of this legislation if they were able to form into industry groups and not be limited to just trade groups.

Mr PRINCE: I will convey the member's tortuous reasoning to the Attorney General and the Standing Committee of Attorneys General, and I have no doubt she will talk to the New South Wales Attorney General. It is his legislation we are following.

Ms MacTiernan: Do you not exercise any independent thought?

Mr PRINCE: Of course we do.

Ms MacTiernan: If New South Wales is to be your yardstick, I remind you that State has approved the heroin trial. If your answer is that it is done in New South Wales, let me recommend the New South Wales industrial relations legislation.

Mr PRINCE: The member for Armadale knows perfectly well that I represent the Attorney General in this place for these purposes. The member proposes an amendment. It is not on the Notice Paper and this is the first I have heard of it. It is an interesting argument. I do not agree with the member. I will pass on her views.

The member referred to clause 46(4). The member and I pay a couple of hundred dollars worth of legal practice insurance, but when I was in practice I paid thousands. Why? It is because there are different classes. I was a principal of a firm and, consequently, I paid more. When one is employed in a legal firm, the amount one must pay is less. There are different classes, but we are all lawyers.

Ms MacTiernan: You could all be part of the same scheme and pay different premiums.

Mr PRINCE: But legal executives are not part of the same scheme, nor are legal secretaries.

Ms MacTiernan: That is just because of the way the scheme has been drawn up. There is no reason the scheme could not be drawn up in a different way.

Mr PRINCE: Good. The member should suggest that to the Law Society and see what happens.

Ms MacTiernan: There is no need to; it has its scheme.

Mr PRINCE: Legal executives will not be part of it because they will not want to pay that sort of insurance. I think the member is fundamentally miscast, but I will pass on her arguments to the Attorney General. I will even send him a copy of *Hansard*.

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Mr McGOWAN: The definition of "occupational group" includes a trade group. However, what would be the position of a small business that could not be regarded as a trade; for example, the Western Australian branch of the Australian hoteliers' association, some sports groups, and the association of camping and leisure stores? These are not tradesmen in the traditional sense but they may want to enter a scheme. The AHA may have substantial claims made against it which are not excluded under the provisions of clause 5. It appears that such groups are not permitted to enter a scheme under the provisions of this Bill and naturally the Opposition - as strong supporters of small business - would like them to be given a fair go and not be left out to their detriment and to the benefit of the more wealthy, traditional professions.

Mr PRINCE: After brief consultation with my adviser, I cannot think of any in the examples given that would not be covered. Publicans must be one of the oldest trade groups. The member has given a variation of groups and I cannot think of any that would not be covered. If someone can - bearing in mind that not all wisdom is found at the first strike - I would be more than happy to advocate with the Attorney for there to be some definition of the concept of trade group. Without being defined, that leaves a very wide discretion to accept within the concept the small business associations to which the member referred. I doubt whether people who sell camping equipment would be remotely interested in this form of insurance through a scheme, although they may. I think they are a trade.

Mr McGowan: I am not aware of any precedents, but I do not think a court would find a sports retailer to be a tradesperson. The definition should be extended to include them so that if at some future date a scheme were approved and subsequently challenged, it would not be found to be invalid because it is not covered by this legislation.

Mr PRINCE: The member's point is worthy of further inquiry, and I will make sure it is followed up.

Mr McGowan: What do you propose to do? If necessary, will you propose an amendment?

Mr PRINCE: Yes, because there is no intention to exclude the groups to which the member refers.

Mr McGOWAN: The definition of "occupational liability" specifies particular action - tort, contract or otherwise. I presume when the Bill was drafted the Government went through a process of determining which way it would go. There are two ways: The first is to specify the actions covered by the Bill, provide a list and exclude others. However, the Government has taken the alternative way of stating that all actions are covered by the scheme except the four listed in clause 5; that is, death or personal injury; negligence of a legal practitioner in a personal injury claim; breach of trust; and fraud or dishonesty. Is this Bill intended to cover everything except those four matters? I suppose tort, contract or otherwise means anything subject to jurisprudence. I assume criminal matters would

automatically be excluded but they are not specifically excluded. I assume defamation, nuisance and those sorts of actions are included - both are a tort.

Mr Prince: It can be both a tort and a crime.

Mr McGOWAN: That is correct. Is it the Government's intention that every type of action is covered by one of these professional schemes, apart from the four specified?

Mr PRINCE: My understanding of the intent of the Bill is that it excludes only those matters listed in clause 5 and criminal matters.

Mr McGowan: Criminal matters are not specified.

Mr PRINCE: No, but occupational liability means civil liability; it does not mean criminal liability. As a matter of public policy, a person cannot, and should not be able to, insure against a criminal act. It relates only to civil liability, howsoever it may arise. Defamation can be both a civil matter and a criminal matter under the Criminal Code. It does not apply to fraud or dishonesty, as listed in clause 5(1)(d). Obviously, that can be criminal and have the concept of civil fraud. My adviser has pointed out that a criminal action can be involved in death or personal injury; for example, dangerous driving causing death, or manslaughter. A breach of trust could be money taken from a trust account, which is both a criminal act as well as a civil liability issue. That is the reason for the exclusions. That which is covered is all civil liability, not criminal, and specifically with regard to civil liability not the actions specified in clause 5.

Mr McGowan: It is extremely wide ranging and covers everything.

Mr PRINCE: It must be.

Mr McGowan: Did you consider a course of action to specify which heads of damage would be included?

Mr PRINCE: No. It was much better to say it is all civil liability, it is not criminal because it cannot be, and it is not the things specified in clause 5. Otherwise, a cap set on, for example, future pecuniary loss, might be avoided by a claim under another head of damage.

Mr McGowan: A breach of contract could be an enormous sum. This limits the damages to far less than $500 000.

Mr PRINCE: The insurance cap is $500 000.

Mr McGowan: It is not necessarily $500 000; it depends on which combination of the three techniques of insurance they use.

Mr PRINCE: Yes.

Mr McGowan: Which will probably be more than $500 000.

Mr PRINCE: That is covered in clause 39.

Mr McGowan: It is a technique of limiting the potential liability in those actions, which could cause an injustice to a person bringing a claim. Is the Minister saying this is the lesser of the two?

Mr PRINCE: I refer the member to clause 39, which provides that a scheme can only affect liability for damage arising out of a single cause of action - for example, the breach of contract - to the extent to which that liability results in damages exceeding the amount determined, and not less than $500 000. Under the Professional Standards Council of New South Wales scheme, the limitations for engineers range from $500 000 to $3m, and for lawyers the limitations range from $1.5m to $10m. They are the caps in New South Wales and we can have the same thing here.

Clause put and passed.

Clause 5: Matters to which Act does not apply -

Mr McGOWAN: I presume that subclause (1)(b) is included in order to expand the range of subclause (1)(a). It will ensure that this paragraph is not defeated.

Mr Prince: Yes.

Mr McGOWAN: If that is the case, it appears to be particularly restrictive when it relates to the fault of a legal practitioner and it involves a personal injury. It could be a legal practitioner administering a will or an accountant losing a sum of money. It appears to give one class of plaintiff a right that other classes of plaintiff do not have.

Mr PRINCE: Taking the point to its logical conclusion, we would not have the Bill in the first place.

Mr McGowan: Why has that been specified?

Mr PRINCE: Damages to the body should not be subject to a limitation, particularly where the damage is the result of negligence by someone else. The member correctly concludes that the reason for clause 5(1)(b) is that if a solicitor is negligent in bringing the action, the injured party will not be put out; they will still be able to recover. Clause 5(1)(b) flows on logically from clause 5(1)(a).

Mr McGowan: You made a policy decision that that would be the one exemption.

Mr PRINCE: As soon as one makes an exemption for death or personal jury, it logically follows that one must include clause 5(1)(b).

Clause put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Membership of the Council -

Mr McGOWAN: I sought an assurance from the Minister in relation to the composition of this council. This area could perhaps become the domain of the President of the AMA, the Law Society, the Institute of Engineers and so on, without involvement by a wider range of people. I refer to representatives of the Small Business Association, the Trades and Labor Council and perhaps even lay people with experience in non-traditional trades. We need an assurance from the Government that the people appointed will have that wide range of experience so it does not become an organisation of the so-called elite professions.

Why was it determined that there would be only 11 members? I do not know what is the optimum membership, but consideration should be given to the Minister's earlier statement that a wide range of people might be concerned about this area. A membership of 11 could unduly restrict the range of talent and experience available to the council. I seek an assurance from the Government that it will ensure these other groups are represented, and I deliberately include the trade union movement. How did the Government arrive at 11 members?

Mr PRINCE: It is intended that, as far as possible, our legislation will mirror the New South Wales legislation, because that State already has a system in place - we are the second State to do this. It is intended that common members be appointed in New South Wales and Western Australia, and that is to be effected by several of the current 11 New South Wales members resigning or not being reappointed and appropriate nominees being appointed from Western Australia. We would then have one council for New South Wales and Western Australia. If other States enacted similar legislation, the composition of the council would be amended so that the 11 members who were appointed represented each State. The aim is to get common treatment throughout the States, which is sensible. The New South Wales council was appointed by the Labor Government.

Mr McGowan: It was established in 1995.

Mr PRINCE: Yes, in March 1995.

The council comprises a pharmacist; an accountant; a surveyor; Dr Simon Longstaff, who has a doctorate and is an ethicist; a lawyer; an engineer; a consumer advocate; an insurance person; a woman with a business management background; Martin O'Connell, whose profession is industrial relations; and two deputies, one to the engineer and the other to the insurance person.

Mr McGowan: It should be wider than that. We are concerned about workers and small business people. The New South Wales example is not particularly good with regard to representing people who are not traditional professional or trades people. I suggest that we do not follow the New South Wales example to the letter because it does not meet the requirements that the Minister expressed earlier.

Mr PRINCE: The intention is to have common membership between Western Australia and New South Wales.

Ms MacTiernan: The same people?

Mr PRINCE: Yes. It is intended that common members will be appointed in New South Wales and Western Australia. This will be effected by several of the current 11 New South Wales members resigning or not being reappointed and appropriate nominees being appointed from Western Australia. If other States also enacted this kind of legislation, the composition of the council would be amended so that 11 members were appointed in respect of each State. It is intended that this will lead to common treatment in each participating State. This is one way of achieving a national scheme, albeit beginning with two States.

Ms MacTiernan: Are you proposing that the Western Australian scheme will incorporate New South Wales personnel?

Mr PRINCE: It is intended that common members will be appointed in New South Wales and Western Australia. This will be effected by several of the current 11 New South Wales members resigning or not being reappointed and appropriate nominees being appointed from Western Australia. The obvious answer is yes; the council will comprise some people from New South Wales and some people from Western Australia.

Ms MacTiernan: Does that imply that the schemes which this legislation will set up, and which will be administered or overseen by the council, will be common to New South Wales and Western Australia so that an occupational group that sets up a scheme in this State will become part of the New South Wales occupational group?

Mr PRINCE: No, but other obvious groups will become part of that scheme.

Ms MacTiernan: From the figures that I produced in this Parliament yesterday, that would clearly disadvantage those groups. For example, had lawyers stayed in the New South Wales scheme, they would now be paying insurance premiums of $11 000 per annum.

Mr PRINCE: I suggest that Western Australian lawyers would not apply to be part of the scheme if that meant they would be lumped together with New South Wales lawyers. However, if they were treated as Western Australians, as they are currently, they would apply. It is a matter for the associations; and in this State the lawyers' association is the Law Society of Western Australia Inc.

Ms MacTiernan: If we were to have discrete state schemes, I cannot see why our scheme should be overseen by New South Wales personnel.

Mr PRINCE: In which case we would not have a national scheme.

Ms MacTiernan: We cannot set up a national scheme with only two States.

Mr PRINCE: How can we set up a national scheme if we do not start somewhere?

Ms MacTiernan: As we set up any national scheme - we enact mirror legislation.

Mr PRINCE: Mirror legislation has been agreed by this Parliament to be the wrong way to go. The member is probably the one who is out of step. Do I make myself clear, member for Rockingham?

Mr McGowan: Yes. We seem to be creating a bit of a bureaucracy. I accept national standards, but if there were common members across only two States, it might be quite expensive to operate.

Mr PRINCE: That is probably the cost of trying to achieve some degree of commonality across the nation. If we were to do this in some other way - for example, by having one arrangement for the whole of Australia - each jurisdiction would want to have a number of representatives and we would wind up with something relatively large.

Mr McGowan: Is the Minister saying that he rejects the proposition that I put that we include representatives from labour and small business organisations?

Mr PRINCE: No.

Mr McGowan: If the members will be from New South Wales, by definition -

Mr PRINCE: Part from New South Wales and part from Western Australia.

Mr McGowan: Is the Minister saying that he will guarantee that these organisation will be represented?

Mr PRINCE: I will not guarantee that; I am not the Minister in charge of this area.

Ms MacTiernan: What is the budget for the air fares?

Mr PRINCE: I am not in a position to answer that fatuous question.

Ms MacTiernan: It is not a fatuous question. You have set up an absurd bureaucracy.

Mr McGOWAN: It is a good point that there is the prospect of an interstate bureaucracy. The problem is that it involves only two States. If we were to go down this path, more States should be involved to make it worthwhile, because to have just New South Wales and Western Australia is a funny combination. If other States were included, it would be better. It is incumbent upon the Government to attempt to involve other States if we do get involved in this process and expense. I suppose the answer to my question is that the Minister will consider including representatives of labour and small business organisations, but he will give no guarantee.

Mr PRINCE: I cannot give that guarantee, because it is not my legislation, but I will convey those matters to the Attorney General. The associations, particularly those that are national, will force this upon the other States, because

it makes sense that people who are protected in one or two States will want to have that protection everywhere. It will happen through the associations as well as through the Standing Committee of Attorneys General.

Progress

Progress reported.

[Continued on page 4435.]

STATEMENT - MEMBER FOR GIRRAWHEEN

Marangaroo Family Centre

MR CUNNINGHAM (Girrawheen) [12.50 pm]: Mr Speaker, it is with a sad heart that I rise to bring the news to this Assembly of the destruction of another public and much loved property. In the early hours of this morning some misfit or a group of misfits saw fit to set the Marangaroo Family Centre on fire. The centre was totally destroyed and the burnt out shell will need to be bulldozed and the centre rebuilt. I inspected the remains at 7.15 this morning. It was devastating to see the centre in such ruins. It is a blow to a wonderful community spirit. The centre was a special part of the Marangaroo community with children, families and groups from Marangaroo, Alexander Heights and Girrawheen taking advantage of the centre. It had become the heart, pride and cornerstone of the community. I strongly influenced the introduction of the family centres with the previous Labor Minister for Education Hon Kay Hallahan and it was one of the first introduced by the former Labor Government. The loss of the family centre is devastating. It is incomprehensible what pleasure anyone could have in the total destruction of a community building. I put forward a suggestion that this Government urgently investigate alternative accommodation so that the children and families are not further burdened by this destruction. The family centre is surrounded by a large oval, and a marquee or a demountable building could be build urgently on the site to help the citizens of Marangaroo.

STATEMENT - MEMBER FOR WANNEROO

Marangaroo Family Centre

MR MacLEAN (Wanneroo) [12.52 pm]: I also raise my concern about the Marangaroo Family Centre. At 4.00 am I received a call saying that the Marangaroo Family Centre was on fire and that the damage was severe. I inspected the building this morning as best I could, because police were still on the scene. The structure is severely damaged. However, I made arrangements with Father Tom Gaine, the parish priest for Girrawheen, to house the kindergarten group for the next two days as an emergency measure. I have spoken to Family and Children's Services and the City of Wanneroo in order to find alternative accommodation. Although the member's suggestion that we build something is good, it is a little impractical. Because of the length of time it would take to build a temporary structure with toilet and sewerage facilities, it would take about the same time to refurbish and recondition the Marangaroo Family Centre, bearing in mind that the brick construction appears to be structurally sound. That will be reported on this afternoon. The necessary work can then be carried out. It is very distressing for the community that this has occurred, because it is one of the main Marangaroo centres and is a very bad loss for the community.

STATEMENT - MEMBER FOR THORNLIE

Ranford Road Bridge

MS McHALE (Thornlie) [12.54 pm]: Many residents in my electorate keep asking when the roadworks to duplicate Ranford Road bridge will be completed. I was told initially by Main Roads Western Australia that it would be in July 1997. Then in February 1997 the member for Southern River indicated to the community that it would be finished by January 1998. When I quizzed the Commissioner of Main Roads in the Estimates Committee he indicated that he was not sure when the extension would be completed. When he came back with a supplementary answer he said that it would be April. The residents of the southern suburbs have been waiting a number of years for this extension to be completed. In my opinion as the member for Thornlie it is not good enough that the residents in the southern suburbs are missing out again. The bridge is necessary in order to reduce traffic congestion along Ranford Road-South Street into the Kwinana Freeway and to increase road safety. It is not acceptable for construction to be delayed by another few months. I seek the support of the House to bring forward that completion time. It is not good enough for the southern suburbs.

STATEMENT - MEMBER FOR DAWESVILLE

Performing Arts Centre, Mandurah

MR MARSHALL (Dawesville - Parliamentary Secretary) [12.55 pm]: I congratulate the coalition Government for assisting the City of Mandurah to fund the new $16m cultural centre, the city's biggest ever civic complex. It is built

over the estuary and will be a fantastic civic centre for Mandurah. It has an 800 seat performing arts centre, a 150 seat smaller multipurpose theatre, a fully sprung dance floor, studio, music rooms and a beautiful art gallery. Outside is the town square and provision for a 150 seat restaurant and small shops.

The official opening black tie event last Saturday evening, was celebrated with search lights, laser beams and a fireworks display at the entrance, followed by a variety concert. It was as good as being at the Academy Awards in Los Angeles at the Dorothy Chandler Pavilion. The concert featured singers such as Steve Armstrong, David Heyhoe, the Danza Viva Dancers, the WA Ballet, comedian Paul Martell and the world's top trumpeter, James Morrison. He declared the acoustics of the theatre to be equal to anything in the world. The night was truly a memorable celebration. To all the players involved - the Western Australian Government, the City of Mandurah, Ian Johnston, Bob Shields, Stephen Goode, Geoff Clingin and Ray Adams - Mandurah community says, congratulations and thank you.

STATEMENT - MEMBER FOR ROCKINGHAM

Workplace Agreement - Rockingham Employer

MR McGOWAN (Rockingham) [12.57 pm]: It is my duty to bring to the attention of the House the case of a number of women in my electorate. A particularly unfortunate case was brought to my attention by Mrs Andrea McKeown about a workplace agreement she and six other women signed some time ago with an employer in Rockingham. A couple of months ago she was given a termination notice in breach of the workplace agreement. With the other five women she contacted the State Government's Wageline and asked what she could do about it. It advised her of her rights in relation to unfair dismissal. Wageline sent her and the five other women forms so they could submit a case for unfair dismissal. The forms indicated that she and the other women should take their case to the Industrial Relations Commission. That procedure was found to be incorrect. Under sections 52 and 50 of the Workplace Agreements Act they should have taken their case to the Industrial Magistrates Court. However, under the provisions of the Workplace Agreements Act, they have run out of time. It is a most unfortunate situation which they have suffered unfairly. It is time something was done about this unfair Act.

STATEMENT - MEMBER FOR JOONDALUP

Regional Economic Development Group

MR BAKER (Joondalup) [12.59 pm]: The Regional Economic Development Group is an incorporated voluntary non-profit, non-government organisation based in the Joondalup central business district within the City of Wanneroo. The group's operations are managed by a board comprising representatives of the key stakeholders in the area such as the City of Wanneroo, the Joondalup Business Association, Edith Cowan University, the Wanneroo Chamber of Commerce, the Department of Employment and Training and several other local and community groups. The RED Group works with the local community and assists in the creation of employment and attracting new businesses to the city of Joondalup and the north west metropolitan region. It also helps existing businesses within that region to expand. The RED Group enables each of the major stakeholders in the Joondalup region to pool their resources and expertise and develop one focused, effective strategy to enhance the economic and social development of this young, vibrant and rapidly expanding area.

The RED Group is seeking state or federal government funding to secure the employment of an economic development officer. The employment of an EDO will greatly assist the RED Group to achieve the objectives I mentioned earlier. His/her major role will be to encourage businesses to relocate into the north west metropolitan region and to encourage state and federal government departments and agencies to relocate offices to that region. One of the major problems is that only 18 per cent of the residents work in the region. The employment of an EDO will help turn around these figures and encourage more of the region's residents to purchase their goods and services locally and thereby help reduce the unemployment in the area, especially for our youth.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

STATEMENT - MEMBER FOR BELMONT

School Education Bill

MR RIPPER (Belmont - Deputy Leader of the Opposition) [2.39 pm]: This morning, the Minister for Education presented a ministerial statement about what he called a Green Bill, which is a draft Bill for a new Education Act. I support the process which the Minister has adopted with regard to a new Education Act. It is a good idea to present a draft Bill to stimulate debate and consultation in the community. That statement remains true provided that the Government is prepared to respond to the outcome of the consultation and to amend the draft Bill where necessary.

The Opposition will also consult the community before it determines its final position on many of the issues raised by this draft Bill.

The Minister should give some consideration to the way this Bill should be dealt with in the parliamentary process. It is an appropriate Bill to refer to a legislation committee of this House. It may also be an appropriate Bill to refer to a select committee or the Standing Committee on Legislation in the other place. Education Acts include issues of great interest to many people in the community. Many interest groups have advice to give the Parliament on these issues. A special committee process in this House, the other House or both Houses would be the appropriate way to deal with the legislation when the Government finalises its position.

The final impact of many of the clauses in this Bill will be dependent upon the regulations that will be drafted in time to accompany the legislation. The Government should give consideration to presenting a draft set of regulations to accompany this Bill. The regulations will make the difference for many people in the community when they decide whether to support a particular clause in the legislation. As is the case with so many issues, the devil is in the detail. Unfortunately the devil in this legislation will be in the regulations. People will not know whether they are happy or unhappy with aspects of this legislative package until they are able to read the regulations. I repeat that the Opposition's final position on this Bill will be determined after it has consulted the community and the various people who have an interest in the shape of education legislation.

Some provisions in the legislation deal with truancy. The Opposition supports a tough approach to truancy. This legislation includes fines which are only a punishment for, not the solution to the problem of, truancy. There is a place for fines in extreme cases; for example, when parents are deliberately or persistently negligent in ensuring that their children attend school. To combat truancy effectively, the Government should make an investment in two areas. Firstly, it should invest in the provision of more student welfare or truancy officers. There are not enough of these officers in the education system to investigate and act on the circumstances which, according to the TVW Telethon Institute for Child Health Research survey, result in 1 950 unexplained absences in the government school system each day. Secondly, the Government should invest in curriculum. A group of children are not succeeding at school for a variety of reasons and they feel alienated from, and hostile towards, school. Their needs are not being met. If children are not succeeding at school, if they are not interested in school and the curriculum does not address their needs, their propensity to truant is greater.

Fines have a place in combatting truancy, but not the primary place. The first thing the Government must do is to make those two investments by providing truancy or school welfare officers, and relevant curriculum that will address the needs of that group of students which is prone to chronic truancy. I am concerned that some of the penalties are right over the top. For example, a provision in the legislation requires parents, when a student is absent for medical reasons, to submit an explanation, in writing, to the principal within three days of the commencement of the absence. If a parent fails to do that, the penalty is $500. Many parents, including parents in this place, would fail to submit a sick note for their child within three days of the commencement of the absence. That provision is right over the top and completely unnecessary. If it were enforced, it would penalise many genuine parents who are interested in their children's education. I am concerned with the way this and other provisions relating to penalties for truancy might be administered.

The SPEAKER: Order! Several conversations are taking place in the Chamber and some members are standing in their places, and that is not acceptable practice in the House.

Mr RIPPER: I am concerned about the position of disadvantaged families. If people on low incomes were subjected to penalties for their children's truancy, the net result could be, if they did not have the money to pay the fine, that they would lose their driver's licence or be incarcerated. Neither of these eventualities will assist their children's education or attendance at school.

I am concerned about how these provisions will apply to Aboriginal communities. This system of penalties is inappropriate to the attendance circumstances in some of the remote Aboriginal communities.

Mr Barnett: I agree with that, but there have always been penalties in the education legislation. All state jurisdictions have such penalties.

Mr RIPPER: There is a place for penalties in extreme circumstances and we should adopt a tough approach to truancy. We certainly need an approach that will produce a better result than we have at the moment.

Clause 96 of the draft Bill refers to school fees and gives principals the authority to impose charges on materials, services and facilities available to students in the provision of the school program. These fees will be subject to a limit to be set by regulation. People must know what limit will be applied in the regulation. The overriding principle in the government school system should be that education is provided free.

Mr Barnett: It is.

Mr RIPPER: One of the reasons for having a State Government is that the community can enjoy quality services in education, health and other areas. We make provision for a State Government rather than pay for these services to make sure our children benefit from them.

Mr Barnett: Would you abolish charges?

Mr RIPPER: The level of charges should be debated because there is a risk that the principle of free education will be compromised. Already many families are experiencing financial difficulties. Many people are being condemned to part time or casual work because they cannot get full time, permanent jobs. State government taxes and charges have increased. The Federal Government has cut off unemployment benefits to 16 and 17 year olds and has either cut off or limited them to 18 to 20 year olds on the basis of parental income. Families are experiencing financial difficulties. We must take great care that schools are not adding to those difficulties and compromising the principle of free education.

I also want to address the complaints procedures that will be provided for parents. Clause 108 of the draft Bill states that regulations may be made providing the means by which complaints about the provision of education or the conduct of teachers in government schools may be dealt with. We will need to see the regulations before we can determine whether there is an improvement in the education legislation. A real difficulty exists with the operation of regulation 135 under the current Education Act. Parents can make a complaint against a teacher in writing. Once it is received by the Education Department a copy of that complaint is forwarded to the teacher for comments. Once the department has examined the teacher's response and decided to investigate the complaint it asks the parent to put the complaint in the form of a statutory declaration. If that declaration matches the original complaint only then will a proper investigation of the complaint occur. I am aware of cases where parents have made complaints against teachers, and as a result of the teacher receiving a copy of their complaint have been subjected to defamation suits. I do not think that parents making a complaint about the treatment of their children should suddenly find themselves dealing with an aggressive lawyer pursuing a defamation writ. It will be important to see the detail of the complaints regulations.

I note with approval that a subsequent part of clause 108 states that regulations may confer protection on persons in respect of statements made or information given. That will be important in the future. The other side to this argument is that teachers feel they are all too vulnerable to malicious complaints and to vendettas engaged in by parents, so adequate protection also needs to be given to teachers from that sort of action.

Clause 178 gives powers to the Minister to enter into sponsorship or advertising arrangements. Those powers will be delegated, so principals will be able to enter into sponsorship or advertising arrangements. The Opposition has grave reservations about this. We believe that corporations should be able to make gifts to schools and schools should be able to make modest and appropriate acknowledgments that corporations have made those donations. That is different from schools actively engaging in the selling of advertising or sponsorship activities. We must ensure that schools are not engaged in the business of selling advertising but in the courtesy of acknowledging in a modest way donations which have been made by corporations. The Opposition will be looking at that area closely as the consultation period proceeds and the legislation is debated in the Parliament.

Clause 119 of the draft Bill deals with the powers of school councils. It provides that with the approval of the Minister a school council may take part in the selection of a school principal. This is a further extension of the local hiring and firing of school staff. The Opposition regards centralised employment of principals and teachers as being an important buttress for equality of opportunity in our state school system. We are concerned that if that principle is eroded some schools will have the ability to hire the best qualified and talented staff, and other schools because of their location or lack of resources will lose out in the competition for quality staff. The Opposition would hate to see a two tiered education system develop within our public school system and some public schools able to attract quality teachers because of the local hiring and firing situation, while other schools miss out. Centralised hiring and firing of education administrators is an important buttress for equality of opportunity and the Opposition will address that issue as this Bill is debated.

HAIRDRESSERS REGISTRATION REPEAL BILL

Second Reading

Resumed from 8 April.

MR KOBELKE (Nollamara) [2.58 pm]: The Opposition will not support this repeal Bill. I will explain our reasons and where there is common ground. I hope the Government will understand why it should not proceed with this repeal Bill and will address the real issues that need to be fixed rather than follow the process of deregulation.

The Labor Party supported this Bill when it was introduced in the other place last year. Although I had great misgivings about that Bill the Opposition received an undertaking from the Government that it would consider putting in place a regulatory regime that would replace the repealed Act. The Government has not seriously taken that up, because we have seen no move to give any flesh to that vague undertaking that other provisions would be put in place. The Opposition would happily support the repeal of the Hairdressers Registration Board if there were something that would replace it.

Alternatively it may be that a proposition can be worked up that provides an amendment to this legislation. It would be moving too soon to repeal the legislation before we see what will replace it. Members will be aware of the important range of health and safety issues that must be considered in hairdressing, which is a very important service industry in Western Australia. Training is also important. They will also be aware of the high number of apprenticeships in the hairdressing industry which have been available to young people in this State. They would be undermined unless we have some form of registration, certification or licensing of hairdressers. Without a proper system of licensing or regulation it is possible that a major attack on the standards in the industry would occur.

We on this side of the House do not believe the current legislative regime is the best one possible. Clearly there are very good reasons for changing it and coming to a model that meets the needs of the 1990s and beyond. We do not believe we should repeal the current legislation without having a better model to put in its place. The Government is concerned about over-regulation. The last State Labor Government and Federal Labor Government were very conscious of the need to ensure regulations were not tying down industries in a way which is totally unproductive and did not meet the requirements of safety and the maintenance of standards. The general approach which led to a whole wave of changes across Australia created in the minds of some the idea that it was worth deregulating just for deregulation's sake. I am very strongly of the view that that whole deregulation push has simply gone too far. We must look at the merits of the case in each area and ensure the regulatory system that is in place is as efficient as possible and meets the needs of that industry. We should not be moving to deregulate as part of a fad, which I accept was initiated and driven by Labor Governments in the 1980s.

I will provide a brief history of this legislation and will draw heavily on the annual reports of the Hairdressers Registration Board. The Hairdressers Registration Act was proclaimed on 1 March 1948. The legislation was introduced to address the need for hygiene, cleanliness and supervision of hairdressing apparatus. It also sought to improve and maintain standards within the industry and to provide an appropriately skilled base for the ongoing training of apprentices. These needs still exist, even though this legislation was put in place nearly 50 years ago. There is no less need today to ensure standards in the industry are maintained. It is perhaps an even more important industry today than it was when the legislation was introduced. It has spread into a whole range of personal care services.

Mr Bloffwitch: The apprenticeships will not suffer.

Mr KOBELKE: I will come to that issue in a moment. I am happy to take that interjection, but I have a lot of material with me and I am trying to address it in an ordered way. The member has raised an important point; however, I will address that issue at what I feel is a more appropriate time. Initially the application of this Act applied within only 25 miles of the General Post Office in Perth. Jurisdiction under the legislation was extended to the Bunbury and Geraldton districts in 1966 and to Albany and Kalgoorlie in 1967. During 1971 the whole South West Land Division was proclaimed, and that remains in place today. Only a small percentage of Western Australia's population live in areas not covered by the Hairdressers Registration Act. We should look at extending that area.

Later I will turn to some arguments that suggest that if the legislation is not needed in one region, it is not needed anywhere else. That argument simply does not stand up. If the majority of people live in areas that are controlled by this legislation, both the general standards that apply in the industry and the standard and programs of training for apprenticeships are maintained. A pool of trained professionals in the area may move to parts of the State outside the control of the Act, but those people are most likely to practice at the same level of competency and to maintain the same standards.

With a few exceptions, amendments to the legislation and the role and functioning of the board have not changed significantly since the 1940s. I will give a brief description of the role and functions of the board. As indicated in the Act, the Hairdressers Registration Board is a statutory authority which comprises members and deputies nominated by the Government, from the Master Ladies Hairdressing Association of Western Australia, the Master Gentlemen's Hairdressers Association (Inc), and the Western Australian Hairdressers and Wigmakers Employees Union. It follows the old model of being representative of key players in the industry. Appointments to the board are considered following nomination by those relevant associations and are subject to the approval of the Governor on the recommendation of the Minister for Employment and Training.

Besides its administrative responsibilities, the role and functions of the board are to ensure that the public is serviced by qualified registered hairdressers; to ensure hairdressers are adequately supervised; to facilitate the assessment of overseas and interstate trained hairdressers to ensure their skills meet the prescribed standards of training and experience in Western Australia; and to provide a public record of registered hairdressers, together with their relevant status and class of registration.

To ensure compliance with the legislation is maintained, the board undertakes inspections of salons and deals with consumer complaints. In instances where a breach of the legislation is detected, offenders may be prosecuted through the Magistrate's Court. The Hairdressers Registration Board has powers to police legislation by both education and negotiation. This has proved successful, based on the evidence given to me by the many people to whom I have spoken when looking at the matters contained in the Bill. The board also has powers under the legislation to conduct formal hearings where it feels it is appropriate. It has the power to suspend or cancel a member's registration if it believes that person is not a fit and proper person to hold registration as a hairdresser.

Because of that regulatory system we have had a very low level of complaint against hairdressers in Western Australia. I thank the Minister for the briefings and cooperation that have been extended to members. Part of the information that was provided to me from those briefings was that 56 complaints had been received by the Hairdressers Registration Board during 1995 and 1996, the majority of which were about the service provided in the salon and the competence of the hairdresser. Given the hundreds of thousands of people who used the services of registered hairdressers in Western Australia, involving service delivery on millions of occasions during that time, 56 complaints indicates a fairly high level of satisfaction.

We all know about the serious incident of the young lady who had her scalp badly burned, which was covered extensively in the Press. I might return to that issue a little later because it seems that in her case the regulatory regime and the follow through to take up her case was not adequate. Perhaps that reflects some of the inadequacies that exist in the current regime, not that we should get rid of it. All the people to whom I have spoken in the industry mentioned that case and said that if we did not have some form of regulation or licensing, those sorts of issues would become much more common. We also had the incident in Geraldton a couple of years ago when a salon was set up with topless hairdressers. The board was able to take action in that case because the salon did not meet the requirements that had been set down. We can see that maintenance of standards covered by the legislation is able to be enforced.

Mr Osborne: The member for Geraldton never went there!

Mrs Edwardes: I heard a different story; the member for Geraldton does not need to go to a hairdresser.

Mr KOBELKE: The Minister is suggesting that the member for Geraldton was hair challenged!

Mr Bloffwitch: I go to a very economical barber.

Mr KOBELKE: The other body with which complaints are likely to be lodged is the Ministry of Fair Trading. During 1995-96, 30 written complaints were submitted to the Ministry of Fair Trading. The notes I was given from the Minister's office indicate that the majority were of a minor nature. Of those 30, 18 could be classified as dissatisfaction with the service, four were complaints about value for money they had paid, and the remainder were expressions of general dissatisfaction with salons. That level of complaint out of millions of services offered to customers in Western Australia over a period is low. The problem often occurs in official organisations that complaints are not reported. Comments I have received indicate that is the case, but that it is not a high level. People will make a complaint to Fair Trading and it is not registered. As I indicated, that number applied only to written complaints. I have had my attention drawn to complaints that were made to Fair Trading that were simply referred to the Master Ladies Hairdresser Association or to another organisation to take up. That is not satisfactory, but the level of complaint is low and the current system of registration is a major contributor to the general level of satisfaction with hairdressing in this State.

As part of the national approach, and the fact that the legislation had been around for many years, there was a move to review the legislation and the functioning of the Hairdressers Registration Board. In 1987 the then Minister for Employment and Training asked the board to take a more proactive role in addressing matters confronting the hairdressing sector and requested that a more cohesive and progressive approach be adopted to labour market issues. I will follow through what happened from that date in 1987 to today.

Both the industry and the Government appreciated there was a need to change the functioning of the Hairdressers Registration Board and the legislation. However, that change did not mean that the industry wanted deregulation. It was happy for change to occur - it could see the need for improvements - but there was never a groundswell calling for the removal of regulation altogether.

The general arguments against regulation relate to the fact that it inhibits competition or adds extra cost. I have seen no arguments mounted on either of those scores in support of the repeal of this legislation. I will take up some of the points in the Minister's speech but no case was made on either of those grounds. My view is that a strong form of regulation is required. It may be that through consultation the industry and the Government can agree on a low level of regulation. However, in my view there should be a strong measure of regulation in the hairdressing industry.

Following that review in 1987, the board submitted its recommendation to the then Labor Minister in 1988 that major amendments be made to the legislation. Those amendments were subsequently put aside because of the impending State Employment and Skills Development Authority legislation. The industry had responded to government, but the Government of the day simply did not pursue the matter. In 1991 the Hairdressers Registration Board undertook a comprehensive study of systems and procedures regulating hairdressers in other parts of Australia. As part of that study, representatives of the board, together with a member of the hairdressers' union, visited Victoria, South Australia and Tasmania. On their return the information gained was used to compile a detailed discussion paper on the future and functions of the Hairdressers Registration Board. That discussion paper was distributed to all registered hairdressers, apprentices and relevant industry organisations in Western Australia, with a request that they respond. One annual report suggests 6 351 copies were distributed. The board sought to gather information from the industry. As part of that it conducted two seminars with members in the industry to stimulate debate and obtain response from industry members. A total of 384 written submissions were received on the discussion paper, and there was an attendance of 87 at a seminar conducted in Perth and 120 at a function in Bunbury to discuss issues relating to that paper and the future role of the board.

The board submitted a comprehensive report based on that consultation to the Minister for Employment and Training in April 1992. The report reflected the areas of industry consensus about the future of hairdressing in Western Australia. The report recommended the abolition of the Hairdressers Registration Act and its replacement with new legislation requiring that persons who want to work as hairdressers in Western Australia must first possess a skill qualification issued by the state training authority that reflects the standards maintained by the industry. It recommended also that the Hairdressers Registration Board be replaced with a new tripartite body that administers the new legislation, with the administrative costs of the new body to be met from a levy paid by employers and employees in the industry. The new body was to have monitoring functions relating to the employment of skilled workers in the hairdressing industry.

There was support for repealing this legislation, but it was to put in place new legislation and a new body to replace the Hairdressers Registration Board. It was not about deregulation, but about improving the regulatory mechanisms that should be in place in Western Australia.

In July 1992 the then Minister for Employment and Training, Hon Kay Hallahan, responded to the report and advised of her intention to repeal the Hairdressers Registration Act and wind up the operations of the Hairdressers Registration Board. I am being full in my presentation. I admit that was the Labor Party's position. I had difficulty with the position at the time, but I would have voted for it if the then Government had put it forward. The push at that time for deregulation has not proved all that profitable and did not bear the fruits for which people had hoped. We must reconsider the system. That is what we on this side of the House have done. I admit we have changed our mind from being in favour of deregulation in a gung ho way in the 1980s, to two or three years ago saying we must take it on its merits and that if we do deregulate, we must be ready to put something in its place. Today we say that until the other regulatory system is ready to be put in place, we should not repeal the Act.

Mr Johnson: You have obviously managed to influence your party.

Mr KOBELKE: I have had open and frank debates, as I am sure occur in the Liberal Party from time to time.

Mr Johnson: You were opposed to it when Kay Hallahan wanted it. You have obviously done a good job in influencing your party's position.

Mr KOBELKE: I admit to the member that only last year the Labor Party supported this legislation. At that stage, it was reluctant support, but we have moved even further since last year.

I will continue with this brief resume about what has occurred with consultation and suggestions for change. On the Court Government's election in early 1993 it stated its intention to repeal the legislation, but did so subject to a review to be undertaken by the Standing Committee on Government Agencies in the other place. On 13 September 1994 a Green Bill, the Hairdressers Registration Repeal Bill, was tabled in Parliament and the standing committee commenced its investigation based on that Green Bill. The report of the Legislative Council's Government Agencies Committee was tabled in the Council as report No 37 in November 1995. Many people who support this Bill, including the Minister in her second reading speech, say that this report supports repeal. I will go through this report

because it does not make a recommendation for repeal of the Hairdressers Registration Act. The first page of the report is entitled "Reference" and under that heading is the only clear statement against regulation as follows -

> The committee commenced its inquiry by reviewing the conclusions of previous inquiries and discussing the history, role and functions of HRB with its officers. It was obvious from those discussions, later reinforced by others' submissions, that the HRB was seen as obsolete and that the ongoing discrete regulatory framework for the industry should be dismantled.

I challenge members to read the whole report. That is the strongest statement in favour of deregulation and I have not omitted any others. Such a statement is not included in the conclusions or the recommendations. That sits oddly with other statements in the report. In paragraph 3 under the heading "The stakeholders" is the following -

> Their interests are best served by a large, thriving, "bodycare" industry of which hairdressers form a considerable part. Their views are fairly summarized as:
>
> > there is a need for industry standards;
> >
> > the standards can be defined by the industry through its representative bodies;
> >
> > standards-enforcement should be "carrot and stick", ie, encourage development of professionalism with consequent emergence of loss of status among peers because of unprofessional conduct being sufficient to bring that person into line or to leave the industry;
> >
> > statutory support for the scheme may be needed in the short term.

That relates to people in the industry. It is a very clear statement in support of regulation. It contains nothing to suggest regulation should be abolished. In paragraph 7 under the heading "Regulation v Deregulation" are the following statements -

> The majority of individual witnesses held the clear opinion that total deregulation was an undesirable option not least because of the deleterious effect they saw deregulation could have on standards of skill and care.
>
> If some form of external regulation of hairdressing is to be retained, the obvious question relates to the nature and extent of that regulation. In this context, it is inaccurate to say that other States have "deregulated" the hairdressing industry.

It is a clear assumption that there will be some form of external regulation and that is the view of members of the industry. It may not be a registration board or a licensing system, but there will be regulatory systems. Further, in paragraph 7.1 under the heading "Training" is the following -

> Hairdressers and salon owners were well aware of the psychological and physical damage the untrained or careless in their number could wreak on the consumer. As a consequence, training was seen as fundamental to the maintenance of proper standards and in need of continuing, external regulation or monitoring.

Again, the whole area of training is underpinned by a regulatory system, and if that is abolished, there will no longer be an effective training system. It is stated in paragraph 7.2 under the heading "Health and Safety" -

> Witnesses also urged the committee to recommend that the HRB be retained for health and safety reasons.

I could go through each paragraph but instead I challenge members to read the whole report. It has a clear flavour throughout of supporting regulatory systems in the hairdressing industry. I turn now to paragraph 9 under the heading "Conclusion". No formal recommendations are made in the report, but one might assume the conclusion contains some form of recommendation. The first paragraph states -

> It is apparent to the committee that individuals within the industry are dedicated to observing and enhancing standards of professionalism and that the existence of a regulatory body is seen to underpin those standards.

It further states -

> Whatever form of regulation is finally adopted, it should be directed towards licensing both hairdressers and the working environment. The procedure should be administrative; the grant of a licence as of right if the criteria for registration are met, and revocation for wilful, persistent or gross breach of the licence conditions. In extreme cases, revocation would prevent a licensee from operating in the industry either for a defined period or permanently.

The reference to whatever form of regulation is finally adopted, clearly indicates that regulation is needed. The final paragraph of the report states -

> Whether or not a regulatory body is established, the committee is firmly of the view that the minister establish an advisory body, representative of all sectors of the industry, to enable the industry to express its views on matters affecting hairdressing whether it be in relation to training, accreditation, health and safety. The committee was left with the impression that hairdressers, despite the existence of HRB and the professional associations, lacked an effective voice and that new, more representative consultative mechanisms are required.

That final paragraph begins by referring to whether or not a regulatory body is established. The report contains no recommendation that regulation should be removed.

With regard to the Bill introduced last week, a submission was prepared and sent claiming to be supported by the following groups: Retail, Automotive and Associated Services Industry Training Council - Hairdressing Industry Taskforce; the Master Ladies Hairdressers Industrial Union of Employers of WA; the Master Gentlemen's Hairdressing Association; the Hairdressers and Wig Makers Employees Union of WA; the Hairdressing and Beauty Council of Australia; the Western Australian Council of Retail Associations; and the Taylor-Weir School of Hairdressing, a private training provider. That letter was signed by Les Marshall, Chair of the Hairdressing Industry Taskforce, Retail, Automotive and Associated Services ITC, and stated in part -

> The Industry Representatives are united and adamant that the repeal of the legislation and the abolition of the Board should not take place until it can be clearly demonstrated that adequate and appropriate measures are available to be implemented back to back with the repeal of the legislation.

It further states -

> The Industry agrees with the Government that reforms are required, in fact, they have been recommending changes to the Act since the early 1980's. The Act has not been changed due to the political agenda giving such a low priority to the Hairdressing Industry.

That criticism can be clearly levelled at this Government, as it can be at the previous Labor Government. It is not a party political matter. Hairdressing legislation has never been given priority. It cannot be said the industry is not willing to change or address the issues; rather, Governments have not been willing to put in place a better and reformed regulatory system.

In addition, I have received representations from a range of people who are totally opposed to the repeal of the Hairdressers Registration Act. I will give two examples. One is a letter from a person, whom I will not name because I do not have his permission to do so, who is the manager of a hairdressing salon. He feels the industry is not receiving support from the Government. He indicates he has been in the hairdressing industry for 12 years and during that time Governments have constantly talked of deregulation across a range of industries that affect small business. He writes in his letter -

> Governments are constantly talking of deregulation of many industries, which has done nothing to install confidence and progress into small business.

He further talks about the effect on employment as follows -

> In my first eight years in the industry I put through approx 24 apprentices. In the last four years I have only put through 4.

He is very worried about the decline of the industry and says deregulation is the nail in the coffin that will cause the industry to go downhill even faster. A constituent operates a small salon in a northern suburb, and she very strongly supports the maintenance of registration and sees no difficulties in the registration procedure and the annual fee. No-one likes paying the fee of about $30 a year, but this lady's view, one shared by many people to whom I have spoken, is that people are willing to contribute to the procedure to ensure the maintenance of standards in the industry. Some people forget to pay and are struck off the registration process, but the Act provides that they can be suspended and reinstated.

This constituent worked in Britain for a while where the hairdressing industry is deregulated, and she pointed out the problems involved. The deregulated industry is controlled by the marketplace so anyone can set up a hairdressing shop. If they are good, they survive. If they are bad, they go to the wall. This affects the entire industry, not just the individual operator. A good operator will find a new shop appearing for a short while which will steal some business, which has a financial impact. However, when the bad business goes to the wall because it is not good enough, it creates a negative view in the wider community about the hairdressing industry as consumers are ripped off or receive poor quality service. Under the British system, an unqualified operator can provide a service.

A general letter written by Sue Gillespie of the Hairdressing and Beauty Council of Australia on 24 September 1996 on the question of deregulation reads -

> At recent meetings it has become obvious that all states are concerned at the maintenance of standards within the industry. All states lacking in the regulation and registration of credentials in the hairdressing industry are actively pursuing occupational licensing or an equivalent to ensure standards.
>
> Those states who have lost all forms of registration are now suffering major problems in the areas of youth exploitation and unethical and/or illegal workplace procedures.
>
> Registration ensures that only those who have completed the proper training are recognised as hairdressers. Not only does this protect the interests of the apprentice, it also protects the consumer, as they know the hairdresser is qualified.
>
> In states where there is no longer registration, the industry would like to introduce self-regulation or licensing to protect both those who undergo training and those who use the services of hairdressers.
>
> The Hairdressing and Beauty Council of Australia acknowledges the government's desire for deregulation however believes there is a definite need for some form of occupational licencing in line with quality assurance practices.

That is a clear and concise letter. A major body representing the hairdressing and beauty industry across Australia indicates that it does not want deregulation; that is, it does not want this repeal Bill. We could certainly make changes to improve the system.

I now refer to a number of statements in the second reading speech, which contains some "Yes Minister" aspects. I suspect that the same aspects would have been included by those preparing this speech if it were for a Labor Minister a few years ago, as they support the Bill rather than provide an accurate argument and correct picture of the Hairdressing Registration Board and the repeal process. Regarding the report of the standing committee of the Legislative Council, the speech outlined -

> The report indicated that the standing committee saw no need for the continued existence of the legislation.

I have shown that to be an inaccurate representation as the report made no conclusions or recommendations. In fact, most of the statements contained in the report are supportive of continuing regulation. Therefore, that comment is not exactly untrue, but it implies that the report stated that regulation was not needed when it said no such thing.

Later the second reading speech indicated that this committee report was consistent with a review carried out under the previous Labor Government. It stated that the dismantling of regulations for occupations is in line with a national move which did away with registration where registration was not required across all States or Territories. In other words, if one State did not have registration, the move was for all States to remove registration. That agreement, about which I had concerns at the time, was made across Australia in 1992 and applied to a range of areas, not just hairdressers. That move has proved not to be of benefit to Australia. I will not debate that wholesale move to deregulation - later opportunity will no doubt arise - but I refer to some problems which have arisen: Members should consider what happened in the Victorian meat industry following changes to the regulatory regime. Major disasters have occurred which are not attributable only to the changes in the regulations, but they contributed. We have seen accidents in fairgrounds which are attributable, at least in part, to changes in the regime; safety regulations on equipment were loosened and people were injured, and in one case in New South Wales a young girl was killed. That deregulation process has gone too far.

The biggest change - and I do not criticise the other side of politics in this regard - was the deregulation of the financial sector. Benefits flowed from that change, but huge costs were paid by the ordinary people of Australia. The financial sector was deregulated, and new requirements for control and assurance in the industry were not put in place. The banks lost billions of dollars, paid for by ordinary people through increased interest rates on mortgages. We do not have a good record with deregulation; although it has achieved certain benefits, it has a very big downside.

We must be very careful to ensure that changes to the hairdressing industry do not lead to problems with health issues, a reduction in standards in the industry and the destruction of the training regime. We must provide efficient and appropriate licensing to control the industry. The Minister's speech continued as follows -

> The Act sets up regularity barrier for hairdressers, not only between Western Australia and other States and Territories, but also within the State.

That claim regarding the relationship between Western Australia and the States is not true, although it is true to some extent within WA. I have addressed that matter briefly already. The overwhelming majority of Western Australian

citizens live in areas in which the board sets a minimum standard, and people are used to working by this standard. If one moves to an area in the north of the State where regulations do not apply, it is likely people will operate in the industry who are trained and registered in Perth. Therefore, standards are maintained in a defacto arrangement in those areas.

One cannot argue about regulatory barriers between the States. Western Australia has a reciprocal arrangement with other States, Territories and New Zealand. Therefore, someone with a trade qualification from New Zealand, New South Wales or wherever simply fills out the form, pays the fee and is granted registration.

People from another country or another training program which is not recognised are not barred; they simply must show that they meet the standards. That is easily done. The figures show that the current system is not an impediment but an important part of ensuring the maintenance of minimum standards. The Hairdressers Registration Board 1995 annual report stated that in that year it had approved 296 new applications for registration. Of those applicants, only 86 were required to be candidates for some form of examination. Of those, 21 failed their initial assessment. The majority of those 21 people went on to pass supplementary assessments or were required to undertake further training and go back. Is that not what we want? Do we not want a system that helps people to get into the industry, get a job and provide a service, ensures that they meet a minimum standard and sends them off for further training, if they are not up to the standard? On the figures available in the report and the information which most of us could find by speaking to hairdressers in our areas, one cannot make a case for any impediment. There is no barrier for practitioners moving between States. The only barrier is the requirement of competence. Surely that is something we want to see.

The Minister said -

> Legislation for the registration of hairdressers is not in place in Queensland, Victoria, South Australia, the Northern Territory or the Australian Capital Territory.

I do not want to go over the wording. I said to the Minister that clearly the argument is put to try to make it sound as though the States do not have anything. Those States may not have registration in our form but they have regulatory mechanisms, particularly in South Australia. If someone does not have the required trade qualifications in South Australia, that person cannot practise. If someone tries to do that without a qualification, there is a $1 000 fine. If someone is caught a second time, there is a $4 000 fine. Clearly there is regulation. In Queensland and Victoria there is a much lower level of regulation. We have seen with some of the short training programs, such as the Pivot course, a great deal of concern about the quality of people coming through those programs. I will not speak on that because another of our members will do so in some detail. I will allude to the fact that I have been shown some correspondence which shows that the Minister in Queensland, a supposedly deregulated State, will not allow his system to recognise the Pivot course people coming out of Victoria. He does not believe they match up to the trade qualifications.

In her speech the Minister also said -

> The need to register hairdressers no longer exists as a number of broader and more appropriate legislative instruments regulate the operations of hairdressing salons. These include legislation relating to occupational health and safety, public health, fair trading and local government by-laws.

I will just go through a couple of those, starting with occupational health and safety. One cannot mount that argument at all. I will certainly accept the Minister's advice, if she can correct me. The only section of the Occupational Safety and Health Act that I can find that might apply here is section 21. It reads -

> (1) An employer or self-employed person shall -
>
> (a) take reasonable care to ensure his own safety and health at work; and
>
> (b) so far as is practicable, ensure that the safety or health of a person not being his employee is not adversely affected wholly or in part as a result of the work in which he or any of his employees is engaged.

That is clearly not designed to cover service industries where people have a client who could be injured because of chemicals or poor health procedures in a salon. The section says that if people are engaged in business, they had better put a red tape around it or seal it off so that other people do not wander into a work area and get hurt. That legislation is totally inappropriate and would be ineffective as a means of ensuring that clients have protection in the areas of health and safety. The Minister will direct me to another section if I am wrong, but nothing in the Occupational Safety and Health Act could effectively ensure we have policing of hairdressing businesses.

Ms MacTiernan: That is right. That is what the Government is relying on. It is completely inappropriate and is designed for third parties, not consumers.

Mr KOBELKE: Yes. The Minister also mentioned public health and local government. Most of the enforcement of public health in Western Australia is carried out by local government. I will put the two together. Unless a huge effort is to be made there, perhaps needing further legislation, they will not adequately cover this area. Queensland, which is almost totally deregulated, is complaining about backyard operators all over the place who are not meeting minimum health and safety standards and yet they are getting local government approval. We will have major problems if we think that public health through local government will have an adequate regulatory regime for hairdressers. We could put one in place, but we should have all that before us before we pass the Bill, so that we know it will be adequate. I have already briefly touched on fair trading. I do not believe the Ministry of Fair Trading is adequately resourced or that its legislation is fully appropriate to ensure that we can maintain standards. I have already alluded to the case, which received a fair amount of media attention, of the young lady from Spearwood who had a terrible accident with the application of chemicals to her head. She went to the Ministry of Fair Trading. The report I have is that she found it totally inadequate for her needs. She is hoping to take her own civil action through the courts to get some form of redress. That involved a registered salon, so I am not trying to use that in any way which is not honest and open. The fact is that we will get these accidents from time to time and we must ensure a regulatory regime which keeps such cases to a minimum and provides for effective action to be taken. As I have indicated, I do not believe the current regulatory system is as good as it should be. We must improve it to help deal with cases like that. To do away with it will simply make the situation far worse.

I will make some brief comments on health and safety issues. An article appeared in The *Australian Women's Forum* headed "Dyeing. Thousands of Australian women work long hours handling chemicals that can cause cancer, dermatitis and asthma". The report refers to the hairdressing industry. The article relates to a lady it has simply named Jane. Jane was a hairdresser for over 30 years. She had her bladder removed after tests revealed that it was full of cancerous tumours and contaminated with several chemicals used in hair care products. Because that injury related to her work as a hairdresser, she received workers' compensation. At the time the article was written she was going through civil proceedings to try to have the manufacturers of those hair care products held responsible, so that she could gain some measure of compensation. As I understand it from this article, only South Australia has moved in this area of controlling hazardous substances used in hairdressing. We should look at that to see if we can pick up on what has happened in South Australia, learn from it and, if it is working effectively, perhaps establish a uniform approach in Western Australia. The article reads -

> The implementation of recommendations -

They are recommendations relating to what is happening in South Australia.

> - is further hampered by the Federal Government keenness to de-regulate industry. Bill Johnston, Secretary of the WA branch of the Shop, Distributive and Allied Employees Association says, "We're dealing with a very fragmented industry. Salons often employ only one or two staff, while some hairdressers work alone. De-regulation will basically result in non-regulation." This isn't a good outlook for an industry dealing with hazardous goods.

The Minister said in his speech -

> Complementary to this legislative control is the state training system which supports training and provides for hairdressers' qualifications.

That is true. However, let us look at what the system does. We have a whole range of accredited courses and apprenticeships. However, if people do not need the qualification to get a job, who will undertake the courses? A regulatory system must be in place. Repealing the Act will not mean those systems will be displaced; but will they be adequate? Clearly they will not. Some private concerns, such as the Pivot course, provide short courses which are well below current standards. I spoke to one of the examiners who had experienced people coming through short programs such as Pivot. She found their level of expertise and ability to be inadequate; she would not qualify them to work as hairdressers. However, without a system such as this, people from Victoria will walk straight into jobs in the hairdressing industry. They are now required to pass an examination before they can do that.

If they were good learners and gained the maximum from one of those short courses and quickly came up to standard, they would be accepted. However, the experience is that many do not. That level of training is not adequate to bring their skills to the minimum standard required.

I cannot emphasise enough the importance of employment throughout the State, particularly among young people. We will all be well aware how popular hairdressing is for many young people when they leave school, particularly young women. It opens doors for them. It provides a formal training program which leads to both short and long

term employment. Many have families and return to the industry later. It is very important to employment in this State. I am convinced that as a result of deregulation, in the short term that apprenticeship scheme will be totally undermined. Employers will not be willing to train people because of the time involved and expense to the business when they know people can undertake a shorter course.

Some people will say their salon is at the top of the range and they must employ the best. However, business is competitive. If hairdressers down the road are employing less skilled people on lower wages they will be under real pressure to cut their costs. Hairdressers will reduce their costs by reducing their number of apprentices. In a very short time the hairdressing apprentice scheme will not be anywhere near the present level as a result of this Bill.

Mr Johnson: It is a funny trade. I know because I owned some salons for about 10 years. People will go to a shop if they are happy with a person who does their hair; they do not care whether they are qualified.

Mr KOBELKE: I appreciate that most people return to the same hairdresser because they are loyal to someone who does a good job. However, people change. As a result of a mobile population both clients and hairdressers move to different areas. There is also a high level of mobility.

The Hairdressing and Beauty Council of Australia held a meeting on 18 November 1996 at which a motion was passed which reads -

> HBCA is opposed to the deregulation and abolition of licensing within the hairdressing industry on a national basis. HBCA actively supports the retainment of regulation in those states and territories which still have it, and the reinstatement of regulation in the other states and territories.

That is a key industry council which is very much aware of the need for training. It has recorded a motion in support of regulation. Major changes are currently taking place with the Federal Government contributing a large amount of money to develop the various courses and qualifications in the hairdressing industry. A national transition program, Hairdressing Project, National Reference Group - a key national body which sets standards in training and hairdressing - held a meeting on 12 March this year. It passed the following motion -

> A recommendation was made that the status quo be retained in each State in particular the Hairdressers Registration Board in WA to be retained until the Training Package outcomes give clear direction as to where the industry is heading.

That key body, set up by the Federal Government with cooperation of the States, wants regulation to continue for training purposes. There is a shortage of training. The Government puts $4m into industry training councils, but it is not sufficient. This industry funds itself. It has money in a trust fund which could be used for training and the industry told me that it wants the money used for training. The registration process can sit very closely alongside the training process and it can help with coordination, upholding standards and a range of other issues.

The Minister also said -

> . . . the industry has associations that are well placed to make representations to other Ministers on issues such as occupational health and safety and fair trading. Therefore, adequate avenues are available for industry to communicate with government.

That is at variance with the upper House report. The last sentence in that report says -

> The committee was left with the impression that hairdressers, despite the existence of HRB and the professional associations, lacked an effective voice and that new, more representative consultative mechanisms are required.

That says quite the contrary to the Minister's statement that adequate avenues exist for industry to communicate with government. Hairdressers do not consider that to be the case. There is also concern about the Hairdressers Registration Board trust fund which contains approximately $800 000. It has been contributed to by the hairdressers, not government. The board would like to see that money spent on training and development in the industry. Although certain undertakings may be given by the Government, the board is very concerned that money will be taken from its control and will not flow back for the effective use of the industry to maintain standards and improve training.

A range of issues should be addressed. A regulatory regime may not take all these issues under its umbrella, but it is a mechanism to ensure these controls are maintained among other bodies in the industry. Some will sit under a regulatory body, such as consumer protection, on which I have commented. Quality assurance is relevant throughout all industries and hairdressing is no exception. We must be able to assure quality of service and adequate monitoring and evaluation of standards. The board does that; perhaps it should do it better. If that is taken away, who will

monitor and evaluate standards? How will skill recognition and evaluations be undertaken - currently responsibilities of the board.

The training organisations have a role to play, but without a central structure of regulation it will become disparate. It will not be drawn together to ensure it is effective. The training program under the modern Australian apprenticeship and traineeship system also fits clearly with this body and a need for a code of professional practice. Although not necessarily contained within the regulatory body, it will work with it. For these reasons and many more the Opposition opposes the repeal of the Bill.

MS WARNOCK (Perth) [3.58 pm]: I support my colleague the member for Nollamara. I have always believed that deregulating this industry will have dangers. I am pleased some of my colleagues persuaded the rest of our colleagues that this repeal is not a sound move. I now share my colleague's view that we need regulation in this important industry which affects so many of us as consumers and about which I have spoken to many hairdressers in Perth whom I know. My concerns are largely based on those of some people in the industry that although the present system is imperfect, it is unwise to repeal the Act without first putting something in its place. I have spoken to a number of hairdressers who have a variety of views about the effectiveness of the board. My colleague is right in saying that people have many reservations about its effectiveness. People are also concerned about deregulation, and that unqualified people may enter the industry if there are no controls. That is the basis of my concern.

Les Marshall, from the hairdressing industry task force and the Master Ladies Hairdressers Association, said that the Government's plan to scrap the Hairdressers Registration Board before deciding what sort of body should replace it was a recipe for disaster. I spoke to Les at the end of last year when the Bill was introduced, and again this week to see whether he still held that view, or whether he had changed his tack over the past few months. He has not. He is pleased that we are prepared to support his view that abolishing registration would allow unqualified hairdressers to handle the strong and hazardous chemicals used in the industry, which would be dangerous to the public. Although he agrees that the board could be more effective - not many people do not agree - and that policing standards of work is still problematic in the industry, the situation would be much worse without the current controls. Those controls at least ensure that qualified, well-trained people practise in the industry.

The view of the industry body is that repeal and abolition should not take place until it can be demonstrated clearly that an adequate and appropriate measure can be implemented back-to-back with the repeal of the legislation. The training agenda and the registration issue go hand in hand. Maintaining standards is as vital to the industry as it is to the consumer. We should be concerned that the current high hairdressing standards continue. Our hairdresser should be well qualified; we should be able to emerge from the salon feeling that we have had our money's worth and satisfied with the hairdresser's performance.

Some people say that the Hairdressers Registration Board is obsolete. That is a phrase I have seen more than once in various reports. People also say that the safeguards relating to standards of practice must remain. The view of the industry generally is that industry standards are needed and that the standards can be enforced by a carrot and stick policy; that is, by encouraging professional training and by loss of status for those who act unprofessionally, by putting in place some statutory support. That statutory support will disappear if we deregulate; that is the nub of our concern. Obviously there is reluctance to support the loss of the statutory structure until something is put in its place. That is understandable. People have a picture of unqualified people entering the industry; they are concerned about damage to their business and about their clients or potential clients.

The history of the issue goes back to 1989. A committee considered whether the 1946 Act - a fairly ancient Act by today's standards - should be repealed. Some will see that committee as having come to the conclusion that the Act should be repealed because it is no longer relevant to the industry. My colleague has the view that that was not the conclusion of the report, and that it was not universally supported by the industry. Many of the things I have read, subsequent to that first report, were a result of the rumbles in the local industry after the report was produced. Many people thought they should have been more widely consulted, and other people had strikingly different views from those in the official report.

A paper put out by the industry training council stated that repealing the Act and abolishing the board, without putting something in its place, would be ill-conceived, irresponsible and unacceptable. On reflection, that is my view. The industry is not saying that changes are not needed. From everything we have read and heard, changes are necessary. Many people feel the same way that some of us feel about our professional association: We pay our fees and do not get a lot in return. Some people in the hairdressing industry have told me that. Nonetheless they feel that some form of regulation is necessary.

The industry has been pushing for changes since the early 1980s. Industry representatives are adamant that some form of regulation and regulatory body is required to assure consumer protection, quality assurance, the monitoring

and evaluation of standards of skills, recognition of skills and a code of professional practice. I support all those aspects, as do my colleagues.

As I watch the news at night and read the newspapers I have reason to reflect on the effect of deregulation on various industries in recent years. In the case of the food industry in some parts of Australia, that has been disastrous. I do not suggest that the same sort of disaster might occur here, but the idea of deregulation involving the maintenance of standards of practice in an industry that affects many people as clients and involves the use of some dangerous products, is a cause of concern. The industry believes that with a name change, a restructuring and a change in some of the functions that the board carries out, the board could perhaps better fill its role. The board's supporters argue that it is self-supporting; it does not require any assistance from the taxpayers. My colleague has outlined the amount of money in the fund, which various people believe could be well spent on training. That is a very good reason to retain the board, but a strong case can be made for changing some of its functions to make it more effective. The board could implement the national training agenda, and protect consumers from unqualified operators using dangerous chemicals incorrectly.

A reason for retaining a board is that it already exists; it requires no further funding. Its funds are well established from the fees people pay every year. It does not require any further assistance. It simply requires a change in the way it operates to improve its activities. It would be very effective in maintaining controls over the industry. Rather than throwing the baby out with the bathwater, why not improve the board and require it to implement training reforms? The industry needs a strong, unified voice. Any industry needs that. The board can do that, operating more effectively. The industry is concerned to maintain standards and to ensure that only qualified people practise hairdressing in Western Australia.

I refer now to a letter to Les Marshall, which he has circulated to various members. It relates to the regulation of the hairdressing industry in Victoria, and was in reply to a letter from him in October last year when the issue was first likely to surface on the parliamentary agenda. I will refer to one or two matters from that letter. Mr Marshall's colleague in Victoria wrote saying that when the then Victorian Government deregulated the hairdressing industry in that State by repealing the Hairdressers Registration Act in early 1986 the Victorian industry was worried about the move, but it thought positively and believed it would create an opportunity for industry self-regulation and proceeded to see whether it could come up with a formula that would work. It also thought that it could raise some funds and promote standards in the industry to operate in an entirely different way. The letter goes on to say -

> Unfortunately, as members of the industry are not compelled to become involved in the process all attempts to have been singularly unsuccessful.

The letter says that very few people have been prepared to be involved in the process of drawing up this self-regulation and that whereas at one stage 18 000 hairdressers were registered in Victoria, now only 400 to 500 are prepared to seek some self-regulation.

There was a view at the time, the letter writer says, that market forces would determine the standards of the industry, that regulation was not necessary and that, basically, the baddies would drop out of the industry and would not get any business, and that would be that. The view, now, according to the letter writer, is that this view that the market forces would determine everything and that everything would be "all right, mate" overlooked the significant consequences which can arise when unqualified or poorly trained people operate in the industry. He goes on to refer to the fact that many clients might be unsatisfied with what they get and become very unhappy because perhaps inappropriate chemical products have been used, which have caused physical problems or damaged the hair, head or eyes.

The letter writer makes a further interesting point -

> Deregulation has also diminished hairdressing as a profession in the eyes of career aspirants. It is difficult to explain to someone that they need to enter a four year apprenticeship or spend $10,000 on a hairdressing course to enter a profession that does not require qualifications. As a result over the past ten years there has been a significant diminution in standards of people entering the industry and the quality of work being performed.

I do not know whether anybody has been to Victoria and had their hair done recently -

Ms MacTiernan: Who is the letter from?

Ms WARNOCK: It is from Wayne Gannon. I am not an expert on the hairdressing industry in Victoria, but certainly as someone who works in the business over there -

Mr Pendal interjected.

Ms WARNOCK: Most certainly. I am sure I will have an opportunity to repay you for those few kind words, which are always appreciated in this place.

I conclude by referring to the last paragraph of the letter from the Victorian Executive Director of the Hairdressing and Beauty Industry Association, to his Western Australian colleague, Les Marshall. He says -

> Les, I urge you to strive vigorously to convince the Western Australian Government to retain regulation of the industry, as it is clear from what I have mentioned above that the consumers in your state will ultimately receive a lower standard of hairdressing and in the worse case receive burns and injuries as a result of the improper use of chemicals.

In the abstract, philosophically I believe in regulation. Having watched as a mature adult the effects of deregulation in other Australian industries, such as the food industry, deregulation is a bad idea. We should retain these controls for the good reason that they improve the quality of practice in the industry.

MR PENDAL (South Perth) [4.15 pm]: It is a pity this Bill is before the House because in more than one respect it represents the Government's tokenism; it is pursuing a principle that was never valid, even at the time it was most popular.

If there were value in abolishing the Hairdressers Registration Board, a Bill which applies the principle across the board should have been introduced. Similarly, if there were value in the other legislation to which the Minister's refers in his second reading speech, those principles should have been applied across the board. We were told that other Statutes look after elements of the hairdressing registration process; for example, occupational health and safety conditions, public health and fair trading matters are catered for in other Acts.

The Minister also said that complementary to this legislative control is this state training system which supports the training and vocational qualifications of hairdressers. If that is valid, we should have an overarching Bill which abolishes the registration and regulatory processes of a range of trades and professions. However, I get the impression that we are acting a little like a schoolyard bully - we are picking on a little kid who does not have much clout - because there are no moves afoot to extend this principle of repeal or abolition to other occupations, trades or professions which might have learnt to use their political clout.

I have looked at only a random sample of Statutes in the Ministry of Fair Trading's annual report tabled in this Parliament not long ago, but when one looks at the registration boards, whether for trades or professions, a couple of underlying principles are revealed; for example, training is invariably mentioned. The maintenance of standards is often mentioned as a supplementary matter to training or education. In other cases educational or on-the-job training is not mentioned, but character becomes a major consideration, and one can understand that. The six or seven Statutes I examined, including the Debt Collectors Licensing Act, which licences debt collectors obviously, demand only that a person produce testimonials as to their character.

Those testimonials then go to the local clerk of courts and it shall be that person's task to assess that the person is of reputable character. One can understand that requirement for this field, because presumably society does not want people of ill-repute having powers to recover debts from others. That is one of the three criteria I mentioned demanded in registration processes generally, sometimes in combination. It does not appear that we intend to abolish the licensing and regulatory procedures for debt collectors.

Land valuers have their own licensing Statutes. The board concerned is allowed to grant a licence where a person shows that he or she is of good character and repute. However, the requirements go further than those applying to debt collectors and demand that a person must have not less than five years' satisfactory practical experience; that is, on-the-job experience. To my knowledge this Statute does not provide that a person must pass a particular course at night school or university. However, clearly it means something like an apprenticeship or traineeship, because the person concerned must not only be of good character but must also have completed five years' satisfactory service. I ask the rhetorical question: Are we seeking to abolish the licensing provisions for land valuers? The answer is no.

The real estate and business agents supervisory board that was set up under a Statute of this Parliament also applies the criteria to which I referred earlier. However, it does that a little differently and demands certain levels of knowledge and education; for example, section 8 of that Act provides that it is the board's function, among other things, to conduct and promote education and provide advisory services for people who are licensed or registered under the Act. Again one can see why those qualifications apply. Are we thinking of repealing the Real Estate and Business Agents Act or the supervisory board? I presume not, because we have seen no Bill to that effect.

The same applies if one wishes to be a finance broker in Western Australia. One must be a person of good character and repute and understand fully the duties and obligations imposed by the Act. So, one must have a body of knowledge before one will be licensed. In this case one must also have something which is not apparent in other

Statutes but which is obvious; that is, sufficient material and financial resources available to enable one to comply with the requirements of the Act. Are we being asked to abolish the processes? I think not.

The Painters Registration Board has the same requirements. One must be registered, but not until one obtains qualifications. The rationale is that in addition to having served an apprenticeship or acquiring painting skills through experience, a painter should have adequate business skills.

It is interesting that each group demands the right to have its own Statute; it clearly gives them group status. These groups also demand the right to regulate - that word has become dirty and it is time we unsullied it - and show skills that are peculiar to that profession or trade. If one is a painter, one is required to exhibit some business skills because most painters will be small businessmen. It is a way of providing the maximum chance of survival.

Similar conditions apply to builders' registration. The Act requires that one undertake a training course before one is registered. A board maintains a register of builders and it has the power to cancel or issue registration certificates. Are we thinking about a Bill to abolish builders' registration? I think not.

Members might say that that is good enough for trades and vocational pursuits, but what about the professions? The same applies. If one wishes to be an architect, a medical practitioner or a legal practitioner, one will be required to do more than pass a tertiary examination. Why? Because, in each case, an Act of this Parliament provides that there shall be a board and that board shall take into account a person's qualifications on leaving university. However, the boards maintain that that is not enough. An architect must not only be a person of good character and repute - that phrase again - but also have completed a course of study at a college, school or university approved by the board, and be a member of the prescribed institute. It is another variation of the same theme of a profession's saying that, prior to registration at law, a person must be good enough to belong to the appropriate professional body, in this case, the Royal Institute of Architects.

Much the same applies if one wishes to be a doctor. One must have recognised medical qualifications and have completed a period of internship. One must then negotiate the demands of the Medical Board. I do not think we will see a Bill demanding that we abolish the Medical Board.

Finally, the Minister will be well aware that, to become a legal practitioner in Western Australia, it was not good enough that he go to university and obtain a degree; he had to obtain such other qualifications as in the opinion of the board were substantially equivalent to that degree. That is a variation on the earlier -

Mr Prince: That is the five year articles.

Mr PENDAL: I was seeking to make the same argument, but it is different.

Mr Prince: It is a university degree with a 12-month period of articles. That is practical experience.

Mr PENDAL: All of it comes back to two or three principles. One must then ask why we are treating the vocation or trade of hairdressing as something different, inferior, or requiring an absence of standards. I have acknowledged, as the Minister did in the second reading speech, that modern day legislation has taken over some, but not all, of the functions in the Hairdressers Registration Act to which I have referred.

Section 7 of the Act which we are being asked to repeal, which I do not think we should do, states that subject to this Act the powers and duties of the board shall be, in respect of each prescribed class of hairdressing, to hold examinations and to submit to the Minister a panel of persons for appointment as examiners. That is the entree to saying that people must undergo a system of examinations before they are admitted to the trade of hairdressing.

Section 12 is headed "Who may be registered" and states, again interestingly, bearing in mind the trades and occupations that I have mentioned, that a person who applies to be registered as a hairdresser, must be a person of good character and must have completed the appropriate prescribed course of training, or must outside of Western Australia have completed an appropriate course of training.

Mr Deputy Speaker, I note that you took notice of the remark that I made during the member for Nollamara's speech, because you were a member of the committee which reported on the adoption of mutual recognition in Western Australia. You might also recall that the current Government did not want to have a bar of mutual recognition, but it accepted the recommendations of the Standing Committee on Uniform Legislation because that committee found merit in the notion of mutual recognition. It was not the case that the State was being forced into uniformity - I often object to that as being anathema to our being part of a federation - but that I began to see for the first time in my parliamentary life that mutual recognition was quite different from the notion of uniformity. It meant accepting without demur people from other States who had different levels of qualification because other States recognised our levels of qualification. That makes a nonsense out of the argument mounted by the Government in introducing this

Bill that we should abolish registration of hairdressers in Western Australia because many States of Australia do not register hairdressers.

Ms MacTiernan: That is not true anyhow.

Mr PENDAL: Even if that were true - I will be interested to hear the member comment further - that would mean that mutual recognition would apply, because we passed that Statute in this House two or three years ago as a result of a recommendation from the committee of which the Deputy Speaker was a member, and that we would, in effect, accept a person from a State which did not have a registration procedure. The member for Nollamara took up this point when he said that it would be a hold on qualification levels or standards within a particular profession or trade.

For those reasons, I oppose the Bill. It does not have anything to commend it. It does not apply the argument that what is good for the goose is good for the gander. In the absence of that argument, the Bill should not proceed unless the Government can tell us it will abolish all registration processes for other trades and occupations.

MS MacTIERNAN (Armadale) [4.35 pm]: I likewise do not support the deregulation of the hairdressing industry for two major reasons: Its consumer protection implications, and its impact on apprenticeship training. We do not regulate every occupation - we do not regulate cleaners or dressmakers - so it is incumbent upon those of us who are pro-regulation to point out the reasons that regulation is necessary. That has been done quite clearly by the members for Nollamara and South Perth.

The Minister for Employment and Training made the unfortunate comment when this matter was debated in another place that the difference between a good haircut and a bad haircut is a week.

Mr Cunningham interjected.

Ms MacTIERNAN: I understand the member for Girrawheen supports that view! One of the great advantages of having diversity of persons in the Parliament is that many people in this place, particularly some women, recognise that the implications of the treatment that one receives at the hands of a hairdresser may be more than simply waiting a week for a particularly bad No 1 haircut to grow to a reasonable No 2 haircut.

One of the key issues is that the application of chemicals both individually and in conjunction with each other may impact severely upon the health and welfare of consumers of hairdressing services. The member for Nollamara outlined a number of cases where considerable damage has been inflicted upon consumers by the inappropriate use of chemicals. Over the past few years a number of people have suffered second and third degree burns as a result of the application of chemicals.

The hygiene side of the story was, as the member for Nollamara pointed out, a consideration in 1946. Probably in those days lice was one of the concerns. In this day and age, we are even more concerned about maintaining hygiene standards in hairdressing salons because of the possibility of the transmission of HIV and AIDS.

Mr Prince: And hepatitis C.

Ms MacTIERNAN: Yes. Hairdressing salons use scissors and razors, and hair pulling implements, which have the potential to draw blood and pass on those infections.

Overlaying that is the effect of a bad haircut on the consumer. That probably impacts more severely on women than on men. We have received evidence from various groups that some consumers who have been devastated by a most unfortunate haircut or hair treatment have complained that it has not only a physical impact but also a psychological impact. Certainly, there is no denying the very real risks of physical harm that can occur if these chemicals are used by an untrained person. The member for Nollamara clearly pointed out the answer that this is being taken care of by the Occupational Safety and Health Act is a complete nonsense. Section 21 of that Act was never designed as a consumer protection measure; it was designed to protect third parties from the effects of the conduct of business. On top of that, members know that there are not enough WorkSafe inspectors to supervise hairdressers. The WorkSafe inspectors have a great deal of difficulty coping with their current workload. Unfortunately, there is a high level of death in the construction industry and that is due in part to insufficient numbers of Department of Occupational Health, Safety and Welfare inspectors. We cannot expect them to take on the hairdressing industry, which is a massive industry. In Australia today there are more hairdressers than metalworkers. It is not a small segment of industry by any means.

There is a strong case for regulation of the hairdressing industry. The member for Nollamara said that it is argued that it is okay because when one goes to Esperance there are seven salons in that town and all of them have qualified hairdressers. It is important to understand that most of those hairdressers have qualified in other parts of Western Australia. Where less than 10 per cent of the hairdressing population operates outside the regulated system, the majority sets the standard. Most of the people will come from areas where they have received formal training. That

is the way they enter the industry. Once we start unravelling the legislation, the majority will no longer be able to protect the standards of the minority.

This Bill is not about winding up the Hairdressers Registration Board; it is about totally deregulating the hairdressing industry. Hairdressers will no longer be required to undertake an apprenticeship or any formal training to be able to hang up their shingle. Some people will still do an apprenticeship, but other people will do the equivalent of quickie brickie courses - little Mickey Mouse courses - that will enable them to get an idea of how to cut a head of hair and how to apply chemicals. Members know that people who have absolutely no formal training will also be able to hang up their shingle.

In the first instance, the effects of this legislation will not be apparent. However, as the number of people trained through apprenticeships diminishes, there will be a downgrading of skills in this area. Members can look at certain sections of the building industry to see how this will happen. I use plastering as an example. Ninety per cent of the people in that industry have not been trained through an apprenticeship. The number of apprenticeships has been declining each year. A small percentage of the industry has gone through formal training. The figures from the Builders Registration Board indicate that the vast majority of complaints relate to faulty plastering work. I predict that a similar thing will happen in the hairdressing industry.

We will see a return to the eighteenth and nineteenth century practice whereby a person paid for an apprenticeship. Currently, 1 000 Western Australians are in an apprenticeship in the hairdressing industry. Under the proposed deregulation of the industry there will be a move towards private fee paying colleges and that is what happened in Victoria. Rather than young people being able to get an apprenticeship and be trained on the job, there will be a move towards the provision of training through private colleges. Currently, training by this means costs $10 000.

In advance of this legislation, as the Minister will know, a private college was established in Perth. I will outline what I consider to be a scandalous case involving 30 young women who were desperately seeking to gain trade training and re-enter or enter the hairdressing profession. The 30 young women have gone into debt to train at a newly established private institution. It is tragic that none of these women, having completed their training, has been able to gain employment. It appears that some Ministers of the Crown are unfortunately implicated in this sorry saga. My knowledge of this began some months ago when a group of three women in their thirties came to see me. They told me they represented a group of 30 women and produced a signed statement from those women setting out their case. The three women who came to see me were trying to re-enter the work force and the group they represented were a combination of women of their age as well as younger women, who were trying to either re-enter or enter the work force. These women had been told that if they attended the Lyn Gerovich School of Hair Design, they would achieve the status of a fully professional hairdresser within 12 months. They thought it was very positive. They were told by Ms Gerovich that the college had been accredited by the Western Australian Government and it was the only privately owned accredited college. That is a story in itself and the Opposition will refer to it later.

As I said, the women were told they would be professional hairdressers within 12 months. They were also told that on completion of the course, which was competency based, they would be able to go into any salon and work as a senior. At no time were they told that in addition to having to undertake this course they would be required to be indentured as apprentices. Theresa was one of the women who came to see me and she was told at a later stage that there was a slight technical hitch. Theresa had an 18 month old child and she wanted to operate from home. She asked Ms Gerovich whether she was sure that she would be able to operate from home as a hairdresser as soon as she had successfully completed the course. The reply was that there was a slight technical hitch because she would be required to be registered. Ms Gerovich told her not to worry because she had been reassured by the relevant government Ministers that the Hairdressers Registration Board would be abolished.

That statement was made in June 1995. Many of the 30 people who signed up for this first course were not aware of the technical glitch when they paid their $10 000. Of course, once they started the course and started to talk they all became aware of the technical glitch and as time went on they became more concerned about it. They went to Ms Gerovich in September-October asking about the technical glitch. She said that she had been working on it for years and that a few people were standing in her way. She told them that they were not to worry, that the legislation would be through by Christmas. This did not happen. Ms Gerovich's first representation was made in June 1995, and she said that had been assured about the legislation by the relevant Ministers. She made a similar statement in about October. Interestingly, the report of the Standing Committee on Government Agencies examining this issue was not handed down until November 1995. Ms Gerovich, through the relevant Ministers, was able to read the minds of the people on that committee, make an assertion before that committee had even reported about what it would report, and also predict how Parliament would take this up.

When the legislation was not through by Christmas the students went back to her. She said, "Don't worry, my friends in high places have told me that it will be around April or May." It did not happen then. Bearing in mind the 12

month course was coming up for completion in August, the students were worried. She said, "Don't worry, my friends in high places are working on it. You'll be okay." The course was completed in August 1996. Who presented the certificates at their graduation ceremony? It was none other than the Minister for Labour Relations on behalf of the Premier.

This was not the Minister's first contact with the Lyn Gerovich School of Hair Design. Some evidence suggests that the Minister for Labour Relations might be one of the friends in high places of whom Ms Gerovich spoke. In the early days Ms Gerovich had some difficulty obtaining accreditation for her college with the State Employment and Skills Development Authority - the state body that had the job of assessing the appropriateness and extensiveness of the training. SESDA was not moving in the way that Mr Kierath, the member for Riverton wanted. He wrote a letter to SESDA on 22 March 1993 - one month after he had been made a Minister. The member for Riverton put it clearly to SESDA that he was not happy with the way it was handling this matter, especially as he had played a major role in the SESDA legislation. That is an interesting document. I am not sure that it does not contain a veiled threat that if SESDA did not get a move on and do the right thing by the Lyn Gerovich School of Hair Design, it might be on the receiving end of some abolition legislation. That eventually occurred.

The Minister for Labour Relations is not the only Minister who has had some involvement with this. We have been told by these women that a visitor to the college during those days when negotiations were going on for the repeal of the registration board legislation was Mr Jim Thom. They were told that Mr Thom was the principal private secretary to none other than Hon Norman Moore, the then Minister for Training, who was the Minister responsible for this legislation. I have no way of verifying what I have been told. While at the college Mr Thom was engaged in photocopying confidential documents for the school.

Notwithstanding the involvement of these people in high places, the problem has not been sorted out. After completing this course and spending $10 000, these young women have found themselves without work. They were misled about the requirements to become a qualified hairdresser. It is true that the course was an approved course. However, that course gives them only the equivalent of the technical school component of their trade training. They have been told by the Hairdressers Registration Board that in order to become professionally recognised hairdressers they must do another 30 months' on the job training.

This legislation was obviously promised to the Lyn Gerovich School of Hair Design well before the Government Agencies Committee had reported. If the Government had been able to act on the promise that had been made to Ms Gerovich, this problem would have been solved in the short term. It would have enabled Ms Gerovich's students, at least, to hang out their shingle, because they would no longer be required to be properly trained hairdressers or to have any formal qualifications to become a hairdresser. However, that does not really resolve the problem.

An interesting point is that a number of these students have attempted another route and have sought accreditation through the recognition of prior learning provisions. These students have not passed that examination. Their skills were tested and found wanting. This is not an indictment of these women; it is an indictment of this training college. One of the alarming points is that these women were promised 2 000 hours of training. That was a vital part of the school's original SESDA accreditation. These students received only 1 600 hours of accredited training. They were short-changed of about one-fifth of their training; 400 hours of training. Is this really the brave new world of training that we want? Is this how we want our young people to be dealt with in future? Is this how we will progress training? Will we demand that young people pay $10 000 for training that was previously available through the apprenticeship system?

This Bill will replace a system that we all agree needs some modernisation and upgrading. However, the Government is replacing a well established apprenticeship system, which now has over 1 000 young people currently employed in apprenticeship training in this State, with a deregulated system where young men and women seeking to re-enter the work force will fall prey to shonky organisations that set up private colleges and charge $10 000 just for the privilege of learning to become a hairdresser, a privilege that one could formerly acquire in an on the job situation. It will not happen overnight. However, over the next five to 10 years apprenticeships will disappear and we will see a proliferation of these sorts of colleges.

This marks not only a downturn in consumer protection, but also a loss of opportunities for training many of our young people and women seeking to re-enter the work force. We are introducing a system that over time will see an apprenticeship system replaced with one where people must pay enormous, exorbitant fees to take on training that is of a very dubious quality and not overseen by objective government agencies, but rather is motivated by the generation of profits.

There have been complaints around Australia about the Pivot group, of which Lyn Gerovich School of Hair Design is a part. Concerns have been expressed in different parts of Australia about the quality of training that has been offered by that school. It has been found that the students who have been trained in Victoria under the Pivot system

have not been able to get accreditation in other States of Australia. This legislation is very wrong, and I would be surprised if it were to pass through the other place without amendment. I am particularly concerned about the position of those 30 or so young women who have been gypped of $10 000, who have not been able to get a job, nor their money back, notwithstanding representations made to a vast number of Ministers. I am also very concerned about the role that it appears some Ministers may have played in enabling the school to put these young women in this incredibly vulnerable position.

MRS EDWARDES (Kingsley - Minister for Employment and Training) [5.02 pm]: In response to this debate, I hope I can address many of the concerns that have been raised. The member for Armadale commented about the Lyn Gerovich School of Hair Design. That organisation was not accredited to deliver the full qualification in this industry. It provided the off the job component only. I was similarly very concerned. The whole question of representations made by the school to those women will be dealt with in another forum. I have been attempting to deal with the accreditation and the assessment of those women individually in an endeavour to get them into the work force. The subsequent assessments that have taken place up to date of three of the graduates has resulted in their being credited with between two and three and a half years of a four year apprenticeship. We will continue to work through this assessment process with the other graduates.

The concerns that have been raised revolve around three areas: Skill, care, health and safety; apprenticeships; and the award. It has been suggested that if the Hairdressers Registration Act is repealed, employers will no longer take on apprentices and will choose to employ non-apprenticed juniors under the workplace agreement legislation, if that is the path they wish to go down. In Western Australia employment of young people in all apprenticeship trades - except for hairdressing, plumbing, aircraft electricians and dental technicians - operates without any form of registration or licensing requirements set down in legislation. There is no legislative compulsion in either the Industrial Training Act or the Vocational Education and Training Act requiring employers to employ only apprentices in prescribed apprenticeship occupations. The training system has operated in this manner for over 22 years since the inception of the Industrial Training Act.

The Hairdressers Registration Board does not operate above the twenty-sixth parallel or 8 kilometres outside of Kalgoorlie. Employers have recognised their obligations and have taken on young people in apprenticeship trade areas and have indentured them under the training agreement. The work we are putting into apprenticeships and traineeships across the nation will continue to have an impact. Employers are well aware that they need a skilled work force and if they did not provide that the market would demand it. Apprentices must be trained to provide that necessary skilled labour.

Ms MacTiernan: That does not happen automatically. That is why the building and construction industry training fund has been a problem. It does not happen of itself.

Mrs EDWARDES: I will probably have a debate with the member later in the year about the building and construction industry training fund. If she had listened to what I was saying, she would realise that there is no compulsion in the legislation which requires employers to take on apprentices, yet they have been doing so in areas where there is no registration. This gets back to what this legislation is dealing with - the abolition of the registration board.

Members talked about the experiences in the Eastern States. The member for Perth read out a letter from one of the hairdressers from over east. There was strong opposition to the abolition of the Hairdressers Registration Board in some of those States. I refer to the situation in Victoria. Unlike the letter read out by the member for Perth, when discussing this issue with some of the industry players and some hairdressers, I found that whereas they did express concern when the legislation was going through, the years have proved that there has not been an adverse impact. I note what the member for Armadale says; namely, that some of these impacts may not be seen for five or 10 years. The legislation has been in place in Victoria for five years and the present indication is that there has not been any adverse impact.

Ms MacTiernan: What about in terms of apprenticeship numbers?

Mrs EDWARDES: I do not know about that. We must look at registration, as distinct from what the member is looking at. There has not been any adverse impact in the areas of skills, health and safety following the introduction of this legislation in Victoria. Comments were made that schools, such as the Lyn Gerovich School of Hair Design, will be the path that is taken in the future. In this State we have in place the State Training Board as well as the State Accreditation Council, the latter of which is responsible for accrediting training providers, particularly those who are outside the private provider system. A private provider must fulfil extensive criteria to be accredited to provide that level of training.

Controls will be put in place. If a company breaches the requirements in the accreditations, that is a different issue. People must be aware of the requirements so they can take action, such as removing the accreditation and the like. Comments have already been made about the State Training Board. The hairdressers wish to be involved in much more training, and I encourage that. A clause in the Bill talks about the trust fund going towards training. I have suggested to Les Marshall - I have offered him assistance to do this - that we form an advisory committee to work through the State Training Board. A much broader role and approach can be taken, and the hairdressers can play a large part in the training and expenditure of those funds which are presently in the trust account.

Ms MacTiernan: Where will young people get $10 000 to undertake trade training?

Mrs EDWARDES: The member is assuming that there will be only private providers. That is not the case. It will not be limited to private providers.

Ms MacTiernan: Have you seen the Victorian figures?

Mrs EDWARDES: No. As my time is limited, I wish to address other issues.

Ms MacTiernan: We will give you an extension of time; we do not want the guillotine.

Mrs EDWARDES: I wish to address other concerns, and I believe that another member would like to comment on another piece of legislation.

The award was not addressed during debate today. The state industry award system requires employers to employ apprentices in preference to unapprenticed juniors, because some awards contain only apprentice or adult classification pay rates. The state hairdressers award contains a restriction under clause 5, and that award applies throughout the State. Members may argue that the state Workplace Agreements Act overrides the state hairdressers award - and it does - and that young people could be employed as unapprenticed juniors under workplace agreements, but workplace agreements are subject to scrutiny by the office of the Commissioner of Workplace Agreements and must meet minimum conditions of employment. Since the enactment of the legislation some employers have entered workplace agreements with apprentices and those arrangements have operated fairly smoothly without any major problems. That award applies throughout the State; the Hairdressers Registration Act does not. However, employers statewide have accepted their obligations and have indentured young people to apprenticeship in hairdressing whether or not the Hairdressers Registration Act applies in a particular area. I presume that employers will continue to be mindful of their obligations under the Act.

The member for Nollamara spoke about health and safety. Section 21 of the Occupational Safety and Health Act covers the duties of employers and self-employed persons. Section 19 outlines the duties of employers to provide and maintain a work environment in which employees are not exposed to hazards. The member for Perth referred to people employed in the industry having the ability to take action under that section. Section 20 is very important. It covers the duties of employees. Section 21(a) and (b) states that an employee shall take reasonable care to avoid adversely affecting his safety or health or that of any other person through any act or omission at work. It provides some safeguards. In addition the Health Act regulations specifically apply to hairdressing. I do not have a copy of the regulations, so I cannot provide any further information.

Ms MacTiernan: They relate only to hygiene, not to the safe use of chemicals.

Mrs EDWARDES: The chemicals are available in retail outlets, and it could be unsafe for people to handle the chemicals at home.

Ms MacTiernan: That is why people go to hairdressers to get it done properly.

Mrs EDWARDES: I go to the hairdresser, but not only to get my hair done properly. We attend the hairdresser because we like what they do for us; we like the skill and the care they employ. If that skill and care is lost we will not go to that hairdresser any more.

Ms MacTiernan: So, market forces will prevail!

Mrs EDWARDES: Employers will be aware of that, as the changes are made.

The member for Nollamara referred to the report of the Government Agencies Committee. I do not know if he has read the section to which I am about to refer. The member for Perth paraphrased this part. At paragraph 5, consensus and disagreement, it reads -

> The committee is not critical of the positions that stakeholders have adopted; from varying perspectives, each position has its own logic and validity. However, the committee has been asked to recommend whether

> the green paper should become law. The committee has no hesitation in making a positive recommendation; the 1946 Act is no longer relevant to the operation of the hairdressing industry.

It is a matter of interpretation how widely or narrowly one accepts that comment about the abolition of the Hairdressers Registration Board. The Government Agencies Committee report continues -

> The committee believes that although, strictly, it could stop at that recommendation it should indicate what should happen after repeal and why it has the preference for the course of action it will recommend.

Mr Kobelke: It will not support deregulation. Repeal of the Bill is considered in the context of still having some form of regulation.

Mrs EDWARDES: We can disagree about how to interpret those comments. Perhaps when serving on select committees the member will learn that people read recommendations and try to interpret what they mean.

The member for Nollamara said that the industry was self-funding and spoke about industry training councils. The industry is not self-funding; currently it receives funds through the ITC network.

Mr Kobelke: I pointed out that most ITC funds are inadequate. The industry considers it appropriate to top up the trust fund from money provided by the Government to improve the quality of training. It is an excellent suggestion.

Mrs EDWARDES: I have expressed my willingness for the industry to be involved in consideration of how the trust funds will be used for training in the industry, and to work through the State Training Board, so that it is not left out of the process. No doubt that will help and support the industry in a better way than just having the Hairdressers Registration Board.

Mr Kobelke: There are two aspects to that: Firstly, what may or may not happen to the money in the trust fund if the Act were repealed; and, secondly, the maintenance of the current legislation and board needs a continuing inflow of funds from members each year. A proportion of that could be contributed to training, with approval and necessary requirements.

Mrs EDWARDES: The member also commented on registration and regulation of standards of skill and care. Registration does not set a standard. It is a very important distinction to make. Qualification is the basis of registration. Regulation does not provide an ongoing assessment of the standard of performance of a hairdresser. The industry should take on board that point. I note the comment by the member for Perth about the Victorian industry being self-regulatory. It takes a lot of expertise to pull together an industry which would like the support of others in a self-regulatory mould. The Ministry of Fair Trading is moving in that way in a number of areas, encouraging industries to come together and become self-regulatory. A format that has been particularly well established will be able to be utilised by the hairdressers. I have expressed a willingness to work with them in an endeavour to assist them in that regard.

The member for Armadale made a point about accreditation. Providers will be registered if they can demonstrate a capacity to deliver courses to industry standards, taking into account training facilities and the like. When accrediting courses, consideration will be given to the curriculum content and how it will result in the appropriate level of skill being attained. That will provide a safeguard for the appropriate skills to be employed.

Ms MacTiernan: It does not seem to have happened in this case.

Mrs EDWARDES: The member must look at what those people were accredited for and what they carried out.

Ms MacTiernan: They were accredited to provide the equivalent of the three year course.

Mrs EDWARDES: Only for the off the job component; not for the on the job component. The accreditation system cannot be blamed for what a company did or did not do.

Ms MacTiernan: It is a risk we run when an organisation is motivated by profit. The other issue is that it is not required any more. With deregulation, people will not need to have gone through any accredited training.

Mrs EDWARDES: To be a private provider and to get accreditation, they must go through the state accreditation system.

Ms MacTiernan: There would be nothing to prevent a person just setting up shop if he or she didn't want accreditation.

Mrs EDWARDES: If people do not want accreditation, they can just set up shop. That is not the case just in this area, but in a range of areas.

Ms MacTiernan: But because people no longer need any professional qualifications to be a hairdresser, the training organisations do not need to be accredited.

Mrs EDWARDES: That happens in a number of areas already, as the member indicated. The important thing is that people are aware of what they are paying for. That is particularly important for the representations that were made for the women to whom the member referred. That has nothing to do with the accreditation system. The Training Accreditation Council hopes to encourage the majority of private providers to seek accreditation because it will be to their advantage in a marketing sense to be able to say they are accredited. Those that are not accredited will be the Work Skill places in local communities that are doing work for young people to give them back some confidence. They will not necessarily go through the accreditation system. I have asked the accreditation council to employ a larger number of inspectors, particularly in the early years, to ensure that those who have received accreditation are doing the right thing by that accreditation process. The Government is conscious of having to ensure that the system does not fail. It is not something that has been done in just Western Australia; it is a national system that has been put in place.

Ms MacTiernan: That is something we have some doubt about. Do you believe all the other States are going down this route?

Mrs EDWARDES: Yes; that is part of the vocational education and training system.

Ms MacTiernan: Are you sure of that in the deregulation of the hairdressing industry?

Mrs EDWARDES: I said in my second reading speech that legislation for the registration of hairdressers is not in place in Queensland, Victoria, South Australia, the Northern Territory or the ACT.

Mr Kobelke: South Australia has a $1 000 fine, and $4 000 for a repeat offence, for practising as a hairdresser if you do not have the recognised trade qualifications. Although it is not registration, it is a form of regulation.

Mrs EDWARDES: The other States have different systems. I was talking generally about the state accreditation system, not just for this industry but for a number of industries. The Government wants to encourage private providers to seek accreditation. It will be to their marketing advantage to do so. Similarly, we must have sufficient inspectors to ensure that work is carried out to the level of the accreditation given. That is particularly important to ensure that people receive what they pay for and that standards do not slip. I hope I have addressed the concerns of members opposite. I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (26)

Mr Barnett	Dr Hames	Mrs Parker
Mr Barron-Sullivan	Mrs Holmes	Mr Prince
Mr Bloffwitch	Mr House	Mr Shave
Mr Board	Mr Johnson	Mr Sweetman
Mr Bradshaw	Mr MacLean	Dr Turnbull
Mr Court	Mr Marshall	Mrs van de Klashorst
Mr Cowan	Mr Masters	Mr Wiese
Mr Day	Mr Minson	Mr Osborne *(Teller)*
Mrs Edwardes	Mr Nicholls	

Noes (18)

Mr Brown	Mr Grill	Ms McHale
Mr Carpenter	Mr Kobelke	Mr Pendal
Dr Constable	Ms MacTiernan	Mr Riebeling
Dr Edwards	Mr Marlborough	Mr Ripper
Dr Gallop	Mr McGinty	Mrs Roberts
Mr Graham	Mr McGowan	Mr Cunningham *(Teller)*

Pairs

Mrs Hodson-Thomas	Mr Thomas
Mr Tubby	Ms Anwyl
Mr McNee	Ms Warnock

Question thus passed.

Bill read a second time.

The ACTING SPEAKER (Mr Baker): The time has arrived for completion of all remaining stages of this business. Under the sessional order every question necessary to complete the business must be put without further debate or amendment. The question is that I do now leave the Chair and the House resolve itself into a Committee of the Whole for consideration of this Bill.

Question put and passed.

Committee

The Deputy Chairman of Committees (Mr Baker) in the Chair; Mrs Edwardes (Minister for Employment and Training) in charge of the Bill.

The DEPUTY CHAIRMAN (Mr Baker): As the time has previously arrived to complete all remaining stages of this business, I am required under the sessional order to put every question necessary to complete the business without further debate or amendment. The question now is that clauses 1 to 11 and the title of the Bill stand as printed, and that I do now leave the Chair and report the Bill without amendment.

Question put and passed.

Report

The DEPUTY SPEAKER: The question is that the report be adopted.

Question put and a division taken with the following result -

Ayes (26)

Mr Baker	Dr Hames	Mrs Parker
Mr Barnett	Mrs Holmes	Mr Prince
Mr Barron-Sullivan	Mr House	Mr Shave
Mr Board	Mr Johnson	Mr Sweetman
Mr Bradshaw	Mr MacLean	Dr Turnbull
Mr Court	Mr Marshall	Mrs van de Klashorst
Mr Cowan	Mr Masters	Mr Wiese
Mr Day	Mr Minson	Mr Osborne *(Teller)*
Mrs Edwardes	Mr Nicholls	

Noes (18)

Mr Brown	Mr Grill	Ms McHale
Mr Carpenter	Mr Kobelke	Mr Pendal
Dr Constable	Ms MacTiernan	Mr Riebeling
Dr Edwards	Mr Marlborough	Mr Ripper
Dr Gallop	Mr McGinty	Mrs Roberts
Mr Graham	Mr McGowan	Mr Cunningham *(Teller)*

Pairs

Mrs Hodson-Thomas	Mr Thomas
Mr Tubby	Ms Anwyl
Mr McNee	Ms Warnock

Question thus passed; report adopted.

Third Reading

Question put and passed.

Bill read a third time and transmitted to the Council.

PROFESSIONAL STANDARDS BILL

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Baker) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

The DEPUTY CHAIRMAN (Mr Baker): The time has arrived for the completion of all remaining stages of this business. Under the sessional order every question necessary to complete the business must be put without further debate or amendment. The question is that clause 9 stand as printed.

Question put and passed.

The DEPUTY CHAIRMAN: The question is that clauses 10 to 58, schedules 1 to 4 and the title be agreed to, and that I do now leave the Chair and report the Bill without amendment.

Question put and passed.

Report

The DEPUTY SPEAKER: As the time has previously arrived for the completion of all remaining stages of this business, I am required under the sessional order to put every question necessary to complete the business without further debate or amendment. The question is that the report be adopted.

Question put and passed; report adopted.

Third Reading

Question put and passed.

Bill read a third time and transmitted to the Council.

BILLS (2) - RETURNED

1. Curriculum Council Bill.

   Bill returned from the Council with amendments.

2. Iron and Steel (Mid West) Agreement Bill.

   Bill returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr Barnett (Leader of the House), resolved -

That the House at its rising adjourn until Thursday, 26 June at 10.00 am.

House adjourned at 5.41 pm

QUESTIONS ON NOTICE

COMMITTEES AND BOARDS - MEMBERSHIP

Statistics

818. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) What boards, committees or the like in each portfolio under the Deputy Premier's control provide a sitting fee, or other payment, to board or committee members?

(2) What is the name of each board and/or committee?

(3) What are the names of the members of each board and/or committee?

(4) How much is each member of the board and/or committee paid for their services?

Mr COWAN replied:

Department of Commerce and Trade

(1)-(2) The Regional Development Council
Rural Women's Network Reference Group
Regional Headworks Development Scheme Advisory Panel

(3) Regional Development Council:

Chairman:	Mr Stuart Morgan - Chairman, South West Development Commission
Members:	Mr Ron Allen - Chairman, Mid West Development Commission
	Mr Harry Butler - Chairman, Pilbara Development Commission
	Mr Terry Cahill - Chairman, Gascoyne Development Commission
	Cr Kath Finlayson - Chairman, Goldfields-Esperance Development Commission
	Cr Peter McCumstie - Chairman, Kimberley Development Commission
	Dr John Parry - Chairman, Wheatbelt Development Commission
	Mr John Simpson - Chairman, Great Southern Development Commission
	Mr Owen Tuckey - Chairman, Peel Development Commission
	Mr Chris Fitzhardinge - Department of Commerce and Trade (Public Servant)

Rural Women's Network Reference Group

Chairperson:	Marg Agnew, Esperance
Members:	Sr Pat Rhatigan, Broome
	Ms Tanya Pannell, Yuna
	Ms Sheenagh Collins, Hyden
	Mr Mark Metternick-Jones, Bunbury
	Ms Felicity Peterson, Fremantle
	Ms Alison Woodman, Merredin
	Ms Beverley Gilbert, Kendenup
	Ms Annette Sellers, Northampton
	Ms Liz Guidera, East Katanning

Regional Headworks Development Scheme

Advisory Panel:	Mr Tony Overheu (Chairman)
	Mr Geoff Hay (Public Servant)
	Mayor Ron Yuryevich
	Mr Simon Skevington (Public Servant)

Small Business Development Corporation

(1)-(2) The Small Business Development Corporation Board

(3)	Mr John Garland	-	Chairman
	Ms Felicity Peterson	-	Board Member
	Mr Greg Johnson	-	Board Member
	Mr Peter Treleaven	-	Board Member
	Mr Steve Abbott	-	Board Member
	Mr George Etrelezis	-	Board Member (ex officio)
(4)	Chairman	-	$10 000 per annum
	Board Members	-	$ 5 000 per anum

International Centre for Application of Solar Energy (CASE)

(1)-(2) Three members of the CASE Board are paid for their services.

(3)-(4)	The Chairman	- Mr Peter Hopwood	$12 000 per annum
		- Mr Peter Booth	$ 4 800 per annum
		- Mr John Hall	$ 4 800 per annum

Technology Industry Advisory Council (TIAC)

(1)-(2) West Australian Technology and Industry Advisory Council

(3)	Mr John Thompson	-	Chairman
	Mr Tony Tate	-	Board Member
	Mr Rex Baker	-	Board Member
	Dr Lesley Borowitzka	-	Board Member
	Dr Mike Carroll	-	Board Member
	Dr Nigel Radford	-	Board Member
	Ms Leslie Chalmers	-	Board Member
	Prof John Maloney	-	Board Member
	Mr Rob Meecham	-	Board Member
	Mr Lloyd Zampatti	-	Board Member
	Mr Bruce Sutherland	-	Board Member(Public Servant)
	Ms Angela Frodsham	-	Board Member(Public Servant)

(4)	Chairman	-	$40 000 per annum
	Board Members	-	$800 per meeting attended (except Mr Tony Tate (public servant), Mr Rex Baker (private arrangement), Mr Bruce Sutherland (public servant), Ms Angela Frodsham (public servant))

Regional Development Commission Boards

(1)-(2) Gascoyne Development Commission Board

(3)	Terry Cahill	- Chairman
	Dave Richardson	- Deputy Chairman
	Margaret Day	- Member
	Gary Passmore	- Member
	John Craig	- Member
	Barry Edwards	- Member
	Kieran Kinsella	- Member

(1)-(2) Goldfields Esperance Development Commission Board of Management

(3) Kath Finlayson
Dick Thorpe
Tom Kendall
Ian Mickel
Patrick Hill
Esther Roadnight
Ron Yurevich
Peter Brown
David McSweeney
Rob Walster - Ex officio

(1)-(2) Great Southern Development Commission Board

(3)	John Simpson	- Chairman
	Doug Stoney	- Deputy Chairman
	Annette Knight	- Member
	Tony Smith	- Member
	Jan Savage	- Member
	Ian Bolto	- Member
	Peter Cook	- Member

(1)-(2) Kimberley Development Commission Board and Aquaculture Development Group Sub-Committee

(3) Kimberley Development Commission Board

P McCumstie	- Chairman
H Gardiner	- Deputy Chairman
R Calnan	- Member
W Dallachy	- Member
J Gooding	- Member

P Green - Member
R Johnston - Member
M Morgan - Member
T Brown - Member

(1)-(2) Mid West Development Commission Board of Management

(3) Ron Allen - Chairman
John Hutchinson - Deputy Chairman
Tom Ward - Member
Jim Cook - Member
Dianne Forsythe - Member
Lesley-Jane Campbell - Member
Kim Newbold - Member
William Mitchell - Member
Jamie Edwards - Member
Wayne Morgan - Member

(1)-(2) Peel Development Commission Board of Management

(3) Owen Tuckey - Chairman
Noel Nancarrow - Deputy Chairman
Mr John Tuckey
Mr John Collett
Cr Margaret Duthie
Cr Dave Haddow
Mr Malcolm Flett
Cr Jim Nelson
Mrs Pauline Beamond

(1)-(2) Pilbara Development Commission

(3) Harry Butler - Chairman
Geoff Blackman - Deputy Chairman
Ellis Robbins - Member
Paul Ausburn - Member
Kevin Richardson - Member
Graeme Rowley - Member
David Parker - Member
Pat Kopusar - Member
Richard Hay - Member
Graeme Stephens - Member

(1)-(2) South West Development Commission Board of Management and South West Development Commission Economic Advisory Committee

(3) South West Development Commission Board of Management
Stuart Morgan - Chairman
Danny Harris - Deputy Chairman
Alison Comparti - Member
Denise Jenkins - Member
Brain Kavanagh - Member
Doug Aberle - Member

South West Development Commission Economic Advisory Committee

Danny Harris - Chairman
Carolyn Nankervis
Vern Haley
Greg Kaeding
Burnard Morey
Barbara Della Patrona
Albert Haak
Eric Phillips
Steve Wright

(1)-(2) Wheatbelt Development Commission Board

(3) Dr John Parry - Chairman
Ted Rowley - Deputy Chairman
David Singe - Member
Bill Dinnie - Member
Colin Adams - Member
Sylvia Brandenburg - Member
Martin Morris - Member

Prof Murray McGregor - Member
Jillian Nalder - Member
Irene Hooper - Member

(4) For all Regional Development Commission Boards, the renumeration is:

Chairman: Annual fee of $5,000, plus $280 per day or $185 per half day for each meeting attended. An upper limit of $14,000 is to be applied on a combination of the annual fee and meeting attendance.

Deputy Chairman: Annual fee of $3,000, plus $233 per day or $154 per half day for each meeting attended. When the Deputy chairs commission meetings in the absence of the appointed chairman then the Chairman's rate should be paid.

Members: $186 per day or $123 per half day for attendance at meetings.

South West Development Commission Economic Advisory Committee: Board Members and Economic Advisory Committee Members receive an annual fee of $186 per day or $123 per half day (except for Doug Aberle and Carolyn Nankervis who are employed by the Public Sector)

Regional Development Council: The Regional Development Council Chairman receives an additional $2500 per annum to his Regional Development Commission stipend. Members other than public servants are entitled to receive a sitting fee of $280 per day or $185 per half day.

Rural Women's Network Reference Group: The members receive a sitting fee of $131 per day or $86 per half day. The Chairperson receives a sitting fee of $196 per day or $130 per half day.

Regional Headworks Development Scheme Advisory Panel: The Chairman receives $196 per day while sitting and members other than Public Servants receive $131 per day while sitting.

COMMITTEES AND BOARDS - MEMBERSHIP

Statistics

828. Mr BROWN to the Minister representing the Minister for Finance:

(1) What boards, committees or the like in each portfolio under the Minister's control provide a sitting fee, or other payment, to board or committee members?

(2) What is the name of each board and/or committee?

(3) What are the names of the members of each board and/or committee?

(4) How much is each member of the board and/or committee paid for their services?

Mr COURT replied:

The Minister for Finance has provided the following response -

I refer the member to my answer to Legislative Assembly question 223 with the following amendments -

Western Australian Exim Corporation
Western Australian Development Corporation

Mr G J Rolfe has now retired from the Public Service and will in future be receiving a sitting fee of $176 for a half day and $266 for a full day.

Land Valuation Tribunal

There has been an increase in the fee payable to the Chairman of the Land Valuation Tribunal from $150 to $200 per hour. The Chairman was appointed a QC which entitles him to a rate of $200 per hour. This rate for a QC was established in April 1990.

State Government Insurance Commission

With regard to the Board of the State Government Insurance Commission, Mr Peter Eastwood has been reappointed as Deputy Chairman until 23/5/2000, Mr G Reynolds has been reappointed as a member of the Board until 23/5/2000 and Mr F Daly, Mr F Merry and Mr G Bond have been reappointed as members of the Board until 19/7/2000.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

845. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

(1) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

between 1 July 1996 and 30 March 1997?

(2) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

between 1 April 1997 and 30 June 1997?

Mr KIERATH replied:

Department of Productivity and Labour Relations

(1) (a)-(b) Nil.
(c) Approximately $16,358

(2) (a) Approximately $171,106
(b) Approximately $42,072
(c) Approximately $173,804

Please note these figures are estimates. Some costs may be carried over to the 1997/98 financial year.

Commissioner of Workplace Agreements

(1) (a)-(b) Nil.
(c) $1,217

(2) (a) Nil.
(b) $299
(c) $2,289

WorkSafe Western Australia

(1) (a) $154,938
(b) $31,016
(c) $43,075

(2) (a) $80,577
(b) $18,000
(c) $2,516

Please note these figures relate only to advertising charges, they do not include production costs.

Western Australian Industrial Relations Commission, Department of the Registrar

(1) (a)-(b) Nil.
(c) $3,706.00

(2) (a)-(b) Nil.
(c) $700

WorkCover WA

(1) (a)-(b) Nil.
(c) $11,836

(2) (a)-(b) Nil.
(c) $1,927

Ministry for Planning

(1) (a)-(b) Nil.

(c) $47,414

(2) (a)-(c) Nil.

Western Australian Planning Commission

(1) (a) $24,083
(b) $23,707
(c) $94,717

(2) (a) $46,500
(b) $36,000
(c) $60,630

Office of the Minister for Planning (Appeals Office)

(1) (a)-(c) Nil.

(2) (a)-(b) Nil.
(c) $1,600

Heritage Council of Western Australia

(1) (a)-(b) Nil.
(c) $29,309

(2) (a)-(b) Nil.
(c) $7,100

East Perth Redevelopment Authority

(1) (a)-(b) Nil.
(c) $117,359

(2) (a)-(b) Nil.
(c) $35,000

Subiaco Redevelopment Authority

(1) (a)-(b) Nil.
(c) $16,861

(2) (a)-(b) Nil.
(c) Approximately $23,000

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

848. Mr BROWN to the Minister for Local Government; Disability Services:

(1) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

between 1 July 1996 and 30 March 1997?

(2) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

between 1 April 1997 and 30 June 1997?

Mr OMODEI replied:

Disability Services Commission

(1) (a)-(b) Nil.
(c) $30 079

(2) (a)-(b) Nil.

(c) $8 000

Keep Australia Beautiful Council

(1) (a) $138 618
(b) $25 968
(c) $23 745

(2) (a) $2 741
(b)-(c) Nil.

Fremantle Cemetery Board

(1) (a)-(b) Nil.
(c) $1 574

(2) (a)-(b) Nil.
(c) $500

Metropolitan Cemeteries Board

(1) (a) Nil.
(b) $1 600
(c) $7 033

(2) (a)-(b) Nil.
(c) $1 100

Department of Local Government

(1) (a)-(b) Nil.
(c) $14 790.68

(2) (a)-(b) Nil.
(c) $1 680

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

866. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

(1) How much did each department and agency under the Minister's control spend on advertising in the 1995-96 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1995-96 financial year?

Mr KIERATH replied:

Department of Productivity and Labour Relations

(1) Approximately $307,001

(2) (a) $170,485
(b) Nil.
(c) $24,183

Commissioner of Workplace Agreements

(1) $4,088

(2) (a)-(b) Nil.
(c) $4,088

WorkSafe Western Australia

(1) $164,087

(2) (a) Nil.

(b) $61,873
(c) $79,762

Please note the difference between (1) and the sum of (2)(a) and (2)(c) constitutes billboard and magazine advertising. The above figures relate only to advertising charges, they do not include production costs.

Western Australian Industrial Relations Commission, Department of the Registrar

(1) $30,439

(2) (a)-(b) Nil.
(c) $30,439

WorkCover WA

(1) $104,432

(2) (a) $98,052
(b) Nil.
(c) $6,380

Ministry for Planning

(1) $43,730
(2) (a)-(b) Nil.
(c) $43,730

Western Australian Planning Commission

(1) $105,119

(2) (a) $16,312
(b) $21,461
(c) $67,346

Office of the Minister for Planning (Appeals Office)

(1) $144.80

(2) (a)-(c) Nil.

Heritage Council of Western Australia

(1) $29,592

(2) (a)-(b) Nil.
(c) $29,592

East Perth Redevelopment Authority

(1) $159,311

(2) (a)-(b) Nil.
(c) $158,431

Subiaco Redevelopment Authority

(1) $5,102

(2) (a)-(b) Nil.
(c) $5,102

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

869. Mr BROWN to the Minister for Local Government; Disability Services:

(1) How much did each department and agency under the Minister's control spend on advertising in the 1995-96 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1995-96 financial year?

Mr OMODEI replied:

Disability Services Commission

(1) $16 780

(2) (a)-(b) Nil.
(c) $16 780

Keep Australia Beautiful Council

(1) $269 627

(2) (a) $161 648
(b) $54 169
(c) $5 593
Note: $48 217 cinema advertising

Metropolitan Cemeteries Board

(1) $20 357.43

(2) (a) Nil.
(b) $185
(c) $20 172.43

Fremantle Cemeteries Board

(1) $1 868

(2) (a)-(b) Nil.
(c) $1 868

Department of Local Government

(1) $8 267.75

(2) (a)-(b) Nil.
(c) $6 221.73

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

871. Mr BROWN to the Minister representing the Minister for Finance:

(1) How much did each department and agency under the Minister's control spend on advertising in the 1995-96 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1995-96 financial year?

Mr COURT replied:

The Minister for Finance has provided the following response -

State Revenue Department

(1) $15,221

(2) (a)-(b) Nil.
(c) $15,221

State Government Insurance Commission

(1) $276,820

(2) (a) $213,411
(b) Nil.
(c) $5,547

Valuer General's Office

(1) $3,749

(2) (a)-(b) Nil.
(c) $3,749

Government Employees Superannuation Board

(1) $21,869

(2) (a)-(b) Nil.
(c) $21,869

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

873. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) How much did each department and agency under the Minister's control spend on advertising in the 1995-96 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1995-96 financial year?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

Office of Racing, Gaming and Liquor - includes Betting Control Board and Gaming Commission

(1) $14,474

(2) (a)-(b) Nil.
(c) $14,474

Totalisator Agency Board

(1) $1,401,242

(2) (a) $748,613
(b) $243,287
(c) $409,342

Burswood Park Board

(1) $7,900

(2) (a)-(b) Nil.
(c) $7,900

WA Greyhound Racing Association

(1) $290,702

(2) (a) $193,662
(b) $46,955
(c) $50,085

Lotteries Commission

(1) $4,195,014.

(2) (a) $2,493,452
(b) $401,570
(c) $1,299,992

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Allocation

887. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

(1) How much has each department and agency under the Minister's control allocated to advertising in the 1997-98 financial year?

(2) What is the purpose of the advertising?

Mr KIERATH replied:

Department of Productivity and Labour Relations

(1) Approximately $96,000

(2) Continuation of information campaign on the Labour Relations Legislation Amendment Act.

Commissioner of Workplace Agreements

(1) $5,000

(2) Advertising of vacant positions and the attendance of the Commissioner of Workplace Agreements' staff at various expos.

WorkSafe Western Australia

(1) $404,000. This figure relates only to advertising charges, it does not include production costs.

(2) The majority of the advertising budget has been allocated to the Government's ThinkSafe campaign which promotes the development of a 24 hours a day, seven days a week, safety culture in industry and the community in Western Australia. The campaign is a fundamental element in WorkSafe Western Australia's efforts to achieve the Government's WorkSafe WA 2000 Vision of halving the rates of occupational fatalities, injury and disease by the year 2000. The remainder of the advertising budget is allocated to activities such as promotion of WorkSafe Week '97, promotion of occupational safety and health for young persons, and advertising to increase public awareness of the availability of departmental preventive information, including information delivered via the Internet.

Western Australian Industrial Relations Commission, Department of the Registrar

(1) $6,000

(2) To meet job advertisement and Industrial Relations Act requirements.

WorkCover WA

(1) $24,800

(2) To provide the community with information on education campaign concerning proposed amendments to the Workers' Compensation and Rehabilitation Act and compliance matters, Injury Management Week and administrative issues.

Ministry for Planning

(1) $37,500

(2) Advertising of staff vacancies

Western Australian Planning Commission

(1) $221,000

(2) Advising of current publications or other items, submissions on amendments to the Metropolitan Regional Scheme, the Peel Region Scheme, greater Bunbury and promotion of Whiteman Park's activities by way of television, radio and newspaper advertising.

Office of the Minister for Planning (Appeals Office)

(1) $300

(2) Announcement of appointment of members to the Town Planning Appeal Committee in the *Government Gazette* and for staff vacancies.

Heritage Council of Western Australia

(1) $38,000

(2) Recruitment of staff/consultancies and to comply with the requirements of the Act in respect of providing public notice of registration of places of cultural heritage value.

East Perth Redevelopment Authority

(1) $336,000

(2) To promote land sales.

Subiaco Redevelopment Authority

(1) $102,000

(2) To advertise land sales, tenders, expressions of interest, statutory planning notices and general information on the Subiaco Redevelopment project.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Allocation

890. Mr BROWN to the Minister for Local Government; Disability Services:

(1) How much has each department and agency under the Minister's control allocated to advertising in the 1997-98 financial year?

(2) What is the purpose of the advertising?

Mr OMODEI replied:

Fremantle Cemetery Board

(1) $2,500

(2) Public Notice and staff requirements.

Metropolitan Cemeteries Board

(1) $11,000

(2) Sale of Mausoleum crypts.
Advertising for Mothers Day and Fathers Day plus feature articles for new developments within the cemeteries.

Disability Services Commission

(1) $38,000

(2) Advertising of vacancies, accommodation funding support available to people with disabilities, advertising of contracts and other services.

Keep Australia Beautiful Council

(1) $208,000

(2) Advertising serves the mission of the Council through:

- Community education regarding correct disposal of litter;
- Promotion of Litter Law Enforcement;

- Promotion of recycling and coastal care;
- Promotion of Tidy Towns Program;
- Promotion of Schools and other community programs.

Department of Local Government

(1) $4,000

(2) *Government Gazette*
Newspaper
Staff Vacancies

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Allocation

892. Mr BROWN to the Minister representing the Minister for Finance:

(1) How much has each department and agency under the Minister's control allocated to advertising in the 1997-98 financial year?

(2) What is the purpose of the advertising?

Mr COURT replied:

The Minister for Finance has provided the following response -

State Revenue Department

(1) $5,000

(2) Staff Vacancies
Legislative Changes

Valuer General's Office

(1) $7,000

(2) $7,000 in newspapers for advertising staff vacancies, gazettals of valuations.

State Government Insurance Commission

(1) The SGIC's budget for road safety and accident prevention initiatives allows for the promotion of road safety messages; however, there is no definitive amount allocated within the road safety and accident prevention budget for this purpose.

(2) Promotion of road safety messages. Advertising of staff vacancies.

Government Employees Superannuation Board

(1) 1997/98 budget has not yet been approved by the Board.

(2) Not yet finalised but likely to include the advertising of relevant vacant positions and possible advertising of retirement seminars for members.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Allocation

894. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) How much has each department and agency under the Minister's control allocated to advertising in the 1997-98 financial year?

(2) What is the purpose of the advertising?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

Office of Racing, Gaming and Liquor (includes Betting Control Board and Gaming Commission)

(1) $12,000

(2) Advertising summary of liquor licence applications, and regulations etc in the *Government Gazette*, staff vacancies in the InterSector and *The West Australian*.

Totalisator Agency Board

(1) $1,200,000

(2) Alert TAB customers to main events eg Melbourne Cup, Jackpots.
Education, eg how to fill out betting tickets.
Operation information eg. daily press advertisement listing meetings to be covered and opening times.
Staff vacancies.
Tender and contract services.

Burswood Park Board

(1) $3,500

(2) Advertising the Burswood Park Public Golf Course and park events, - eg Carols in the Park, concerts in the Park, Volunteer Tour Guide recruitment. Advertising of staff vacancies.

WA Greyhound Racing Association

(1) $305,000

(2) Create awareness and enhance the profile of the greyhound racing, especially as a venue offering entertainment and greyhound racing. This main message is being communicated through electronic media whilst individual media strategies (eg for print) will exist to answer specific objectives such as encouraging visitation on-course and retailing specific events. Advertising of staff vacancies.

Lotteries Commission

(1) $4,207,200.

(2) To communicate to lotteries players and the general public the ways in which Lotteries funds are used in the community.

To maximize sales of Instant Lotteries through promotional activity; game launch press advertising; and maintain purchase levels of the product through Scratch'n'Win branded television advertising.

To promote Lotto jackpots and special Bonus Draws to regular and irregular players in order to maximise incremental sales during these draws.

To ensure a high awareness of Lotto as a product.

To ensure players are aware of Lotto and Instant Ticket winners.

To provide timely results information to players after the draw as required under the game rules.

To advertise for tenders and quotations for various supply requirements.

To advertise for all human resource appointments.

GOVERNMENT INSTRUMENTALITIES - POLLING AND MARKET RESEARCH

Statistics

913. Mr BROWN to the Minister representing the Minister for Finance:

(1) How much has been allocated by each department and agency under the Minister's control for -

(a) public opinion polling;
(b) market research;
(c) customer research; and
(d) stakeholder research,

in the 1997-98 financial year?

(2) What is the precise nature of the polling and/or research that will be undertaken by each department and agency?

Mr COURT replied:

The Minister for Finance has provided the following response -

State Revenue Department

(1) Nil.

(2) Not applicable.

Valuer General's Office

(1) Nil.

(2) Not applicable.

State Government Insurance Commission

(1) (a)-(b) Nil.
(c) $50,000
(d) Nil.

(2) To evaluate customer satisfaction and perceptions relating to the SGIC's services and staff.

Government Employees Superannuation Board

(1) The 1997/98 budget has not yet been approved by the Board.

(2) Not yet finalised but likely to include customer satisfaction/awareness research.

GOVERNMENT INSTRUMENTALITIES - POLLING AND MARKET RESEARCH

Statistics

915. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) How much has been allocated by each department and agency under the Minister's control for -

(a) public opinion polling;
(b) market research;
(c) customer research; and
(d) stakeholder research,

in the 1997-98 financial year?

(2) What is the precise nature of the polling and/or research that will be undertaken by each department and agency?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

Office of Racing, Gaming and Liquor (includes Betting Control Board and Gaming Commission)

(1) (a)-(d) Nil.

(2) Not applicable.

Totalisator Agency Board

(1) (a) Nil.
(b) $50,000
(c) $70,000
(d) Nil.

(2) Market Research

Tracking of consumer attitudes and behaviour with regards to gaming and entertainment.

Reaction to sports betting.

Customer Research

Mystery shopper reports - Agencies, account centre.

Specific customer reaction to TAB sales, operation and marketing initiatives, eg reaction to format and content of TABform, Racing Radio etc.

Burswood Park Board

(1) (a)-(b) Nil.
(c) $500
(d) Nil.

(2) To collect and assess the attitudes of park visitors and golfers towards the services and facilities provided by the Burswood Park Board in respect of the park and the golf course.

WA Greyhound Racing Association

(1) (a)-(d) Nil.

(2) Not applicable.

Lotteries Commission

(1) The following applies in 1997/98:

(a) Nil
(b) $296,000
(c)-(d) Nil.

(2) A range of market research using normal market research methodology will be undertaken. The topics planned at this stage include:

. Consumer response to advertising strategy
. Consumer response to game variations
. Community funding public awareness
. Retailers needs survey
. Some consultation with stakeholders may be included as part of the review of the Lotteries Commission legislation. No specific budget allocation has been provided for this purpose.

GOVERNMENT VEHICLES - LEASING

Payments

998. Mr BROWN to the Minister representing the Minister for Finance:

(1) In each department and agency under the Minister's control which leases motor vehicles, does the lease provide for any payments other than the monthly payment?

(2) What payment does each department and agency have to make for each vehicle other than the monthly payment?

(3) What is total cost of those payments for each department and agency?

Mr COURT replied:

The Minister for Finance has provided the following response -

State Revenue Department

(1) No.

(2) Running Costs
Sales Tax
Motor Vehicle Insurance

(3)

Running Costs	22,720
Sales Tax	9,545
Motor Vehicle Insurance	5,000
Total	$37,265

State Government Insurance Commission

(1)-(3) Not applicable to the State Government Insurance Commission

Valuer General's Office

(1) No.

(2) (a) Insurance
(b) Repairs and maintenance, other than those covered by the lease, i.e. tyres and windscreens

(3) Appoximately for 41 vehicles
(a) $23,000 per annum
(b) $ 8,000 per annum

Government Employees Superannuation Board

(1) No.

(2) Additional payments over and above leasing costs are -

- fleet management costs (including fuel, maintenance and repairs, licence etc)
- sales tax (on private plated vehicles only)
- ad hoc repairs (windscreens, tyres etc)
- insurance

(3) Total costs -

- fleet management $18,480 pa
- sales tax - nil to date
- ad hoc repairs - nil to date
- insurance $2,800 pa

NB
Motor Vehicles provided to departments and agencies are leased on a similar basis to those vehicles provided by the Salaries and Allowances Tribunal for Members of Parliament since 1989.

GOVERNMENT VEHICLES - LEASING

Payments

1000. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) In each department and agency under the Minister's control which leases motor vehicles, does the lease provide for any payments other than the monthly payment?

(2) What payment does each department and agency have to make for each vehicle other than the monthly payment?

(3) What is total cost of those payments for each department and agency?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

Office of Racing, Gaming and Liquor (ORGL)

(1) No.

(2)-(3) Monthly payment for maintenance, registration, fuel and a management fee is $2,529 for ORGL's 9 vehicles, and $662 for the Gaming Commission's 3 vehicles.

WA Greyhound Racing Association

(1)-(3) Not applicable. The WA Greyhound Racing Association does not lease motor vehicles.

Burswood Park Board

(1) No.

(2)-(3) Monthly payment for maintenance, registration, fuel and management fee is $1,187 for 4 vehicles.

Totalisator Agency Board

(1) No.

(2)-(3) Monthly payment for maintenance, registration, fuel and management fee for May is $6,955 for 23 vehicles.

Lotteries Commission

(1) The Lotteries Commission's vehicle lease does not provide for any payments other than the monthly payment.

(2) (a) Sales tax where applicable.

(b) Through the management agency -

operating costs (licence, fuel, maintenance)
car washing
vehicle transport
mobile phone transfers
repairs

(c) Insurance.

(3) (a) Lease Plan Australia - licence, fuel etc $6715 month
- other (average) $ 150 month

(b) Insurance $1000 month

(c) Sales tax (average 4 cars x $4,500 pa) $1500 month

NB
Motor Vehicles provided to departments and agencies are leased on a similar basis to those vehicles provided by the Salaries and Allowances Tribunal for Members of Parliament since 1989.

CINEMA COMPLEXES - JOONDALUP

Government's Involvement - Justification

1127. Mr PENDAL to the Premier:

(1) I refer to the Government's decision to go into the picture theatre business at Joondalup and ask, what is the justification for such a decision against a background of privatisation, including State Print, State Ships and the Midland workshops?

(2) What is the justification of such a decision against a background of the 1980s during which the then Opposition expressed anger over the Labor Government's foray into private business ventures?

(3) Why was it necessary for the Government to enter into an agreement with the private sector for a theatre complex, given that other localities in the metropolitan area have seen the establishment of picture theatres without Government equity or involvement?

(4) Can the Premier outline what other business ventures are currently being planned by the Government in fields that are traditionally those of the private sector?

Mr COURT replied:

(1)-(3) Planned as the focus for services and employment for an ultimate corridor population in excess of 500 000, Joondalup City is a major State urban development initiative that has been on the drawing boards since the mid-1970s. The retail component is a key factor to the success of the project. This has underpinned the Government's involvement through LandCorp as a 50 percent joint venture partner in the retail Centre development.

As with many modern retail complexes, cinemas are an integral component of the Joondalup Centre development. Retail activity today is portrayed more broadly as also involving a recreational and leisure component. Joondalup City Centre has benefited from bipartisan Government support since its inception during the mid 1970s. It has also had the full support of the local authority during that time. Involvement of Government in providing land, infrastructure and key facilities is considered crucial in the delivery of the Joondalup project in the early stages. The involvement of Government in the delivery of the Lakeside Joondalup Shopping City as a component in the overall Joondalup City is for three reasons -

(a) To ensure that proper planning occurs within the Joondalup City Centre and interface between the Shopping Centre and the Central Business District is of a high standard.

(b) In order that the timing of the delivery of the Joondalup City Centre occurs at the earliest opportunity and investment in land and full added value for infrastructure investment is achieved.

(c) At the appropriate time the half share of the Shopping Centre asset will be disposed of and a commercial dividend achieved.

(4) The Government is undertaking numerous business activities related to development in Western Australia which fall within its legislative mandate. If the member can specify which particular areas of concern he has, I would be happy to respond to them.

GOVERNMENT INSTRUMENTALITIES - COMMERCIAL ACTIVITIES

Investment and Financial Statements

1156. Mr PENDAL to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Will the Minister list each Government department or agency under his control which is involved in any commercial or business venture by way of invested capital, or partnerships with the private sector on which the department/agency seeks a return?

(2) Will the Minister indicate the level of investment in each case?

(3) Will the Minister indicate whether such departments/agencies table their financial statements in Parliament?

(4) If they do not, will the Minister arrange for such tabling?

Dr HAMES replied:

Government Employees Housing Authority

(1) The Government Employees Housing Authority is not involved in any commercial or business venture by way of invested capital, or partnerships with the private sector on which the Authority seeks a return.

(2)-(4) Not applicable.

Rural Housing Authority

(1) Nil.

(2)-(4) Not applicable.

Homeswest;

(1) Joint Venture between the State Housing Commission of Western Australia and SANWA Vines Pty Ltd for the development of land at Ellenbrook.

(2) The State Housing Commission share of equity in the joint venture is 47.138%. This equates to an investment to date of $24.124m, made up of $10.128m in land and $13.996m in development costs (as at 30 April 1997).

(3) The State Housing Commission's equity share in the joint venture is declared in the notes of Homeswest's Financial Statements as published in the Annual Report, which is presented to State Parliament on an annual basis.

(4) Not applicable.

Aboriginal Affairs

(1) The Aboriginal Affairs Department is not involved in any commercial or business venture by way of invested capital with the private sector on which it seeks a return.

(2)-(4) Not applicable

Water and Rivers Commission including the Swan River Trust

(1) Denmark Catchment
Wellington Catchment

(2) Denmark Catchment — $170,500 capital to form partnerships with farms for commercial and non-commercial tree plantings (CALM is the agent for the Water and Rivers Commission).

Wellington Catchment — Approximately 1100 ha of land for commercial tree plantings by Bunnings Treefarms and Hansol Australia Pty Ltd.

(3)-(4) Yes.

Water Corporation

(1) The Water Corporation is currently not involved in any commercial or business venture by way of invested capital or partnerships with the private sector on which it seeks a return.

(2)-(4) Not applicable.

Office of Water Regulation

(1) The Office of Water Regulation is not involved in any commercial or business venture by way of invested capital, or partnerships with the private sector on which it seeks a return.

(2)-(4) Not applicable.

PREMIER'S AWARD - CRITERIA

1191. Mr GRAHAM to the Premier:

(1) What is the Premier's Award?

(2) When was it introduced?

(3) How are the winners of the award decided?

(4) What are the categories for the award?

(5) What are the criteria for winning the award?

(6) What does the winner receive?

(7) What is the annual cost of the award?

Mr COURT replied:

(1) An award to publicly recognise and reward the achievements of excellence in the public sector including those relating to improved relationships with the community. The award also aims to further stimulate the achievement of excellence and innovation by our public sector employees.

(2) 1996.

(3) Last year's judging panel comprised representatives from the wider community, including regional Western Australia, academe, not for profit organisations, the private sector, local government and the ethnic community. No public servant had a voting role on the judging panel.

(4) The 1996 categories included: Provision for the Future of Western Australia; Service Design and Delivery; Provision of Services to Regional Western Australia; Provision of Services to Diverse Groups; Strategic Resource Management; Human Resource Management and Change Management.

(5) The winner of the Premier's award was selected from the winners in the above seven categories on the basis of overall merit and excellence in providing services to the Western Australian community.

(6) The winner receives a trophy, and I make a personal visit to their workplace.

(7) $60 000.

MIGRANTS - COMMITTEES AND BOARDS

Membership

1203. Ms WARNOCK to the Minister for the Environment; Employment and Training:

(1) Is the Minister aware of any government policy encouraging people of migrant or "ethnic" background to serve on government boards and committees?

(2) How many boards and committees within the Minister's portfolio area have members from such backgrounds?

Mrs EDWARDES replied:

(1) "WA ONE" Multicultural Policy released in 1995 includes a pledge to "encourage all Western Australians to contribute to, and participate in, all levels of public life and the decisions which directly affect them".

(2) The Register of Boards and Committees does not include information on ethnic background.

MIGRANTS - COMMITTEES AND BOARDS

Membership

1211. Ms WARNOCK to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) Is the Minister aware of any government policy encouraging people of migrant or "ethnic" background to serve on government boards and committees?

(2) How many boards and committees within the Minister's portfolio area have members from such backgrounds?

Mr BOARD replied:

(1) The "WA ONE" multicultural policy released in 1995 includes a pledge to "Encourage all Western Australians to contribute to, and participate in, all levels of public life and the decisions which directly affect them".

(2) The Register of Boards and Committees does not include information on ethnic background.

FORESTS AND FORESTRY - STATE FORESTS

Privatisation - Study

1269. Mr BROWN to the Minister for the Environment:

(1) Has the Government given any consideration to the partial or complete sale of some or all of the State forests?

(2) Has the Government agreed to make a contribution towards a study to be carried out by the Centre for International Economics into the privatisation of Australian forests?

(3) Has the Government given support for such a study to be undertaken?

(4) How much is the Government contributing towards this study?

Mrs EDWARDES replied:

(1) No.

(2) No. A study proposal is expected to be on the agenda for consideration at the next Ministerial Council on Fisheries, Forestry and Aquaculture in Adelaide at the end of July.

(3)-(4) Not applicable.

GOVERNMENT CONTRACTS - COMPUTER SERVICES

Savings

1272. Dr GALLOP to the Minister for Public Sector Management:

(1) A key achievement under Budget Statements 1997-98, Program 3.0 (Public Sector Management page 777) has been to "contract out the combined mainframe computer centres and major computer services of 11 agencies in the 'BIPAC' consortium. Tender evaluation and contract negotiation processes are being completed. To commence operation in July 1997, this contract will have a value of approximately $100m over five years and is expected to deliver significant savings". Which 11 agencies have had their combined mainframe computer centres and major computer services contracted out?

(2) What consultation has taken place in relation to the proposed contracting out?

(3) What cost benefit analysis has been done on contracting out of mainframe computer centres and major computer services?

(4) What will be the savings to Government from this initiative?

(5) Have tenders for this contract been evaluated?

(6) If so, who was the successful tenderer?

(7) How much saving is the Government expecting to make over the 5 year period?

(8) How have savings been calculated?

Mr COURT replied:

(1) The following 11 agencies are working together to contract out their computer centres and services, but are still in the process of business case analysis and contract negotiation -

Education Department*	Homeswest
Minerals & Energy	TAB
MetroBus*	Valuer Generals Office*
State Revenue Department*	Electoral Commission*
Westrail*	Treasury Department*

(* serviced through CAMS which operates the Government Computer Bureau)

(2) The 11 agencies work together at both management and technical levels, with consultation also by Human Resources Management. Staff in all agencies have been kept informed of the process and progress, and have had presentations and subsequent interviews with the preferred tenderer. The State Supply Commission and the Information Policy Council have been kept informed and approved the procurement plan and the tender processes. Consultation with the industry and interested companies was undertaken in preparing the Request for Tenders.

(3) The detailed cost-benefit analysis of "BIPAC" is not complete as negotiations with the selected preferred tenderer are still in progress - this will take account of improved services where required. The past experience with the "BDMW" consortium, in which four government agencies contracted-out their computer centres and services to Ferntree Computer company in a similar initiative has proven to be cost-beneficial. The BDMW consortium anticipates cost savings of approximately 12 per cent (net present value) over the first three years of that contract, after transition costs have been paid. At the end of the first year of that contract the costs are on target, the four agencies are pleased with the level of service provided, staff who transferred to Ferntree have remained with the company, and a significant commercial data-processing and support centre has been created.

(4) Savings from BIPAC are not yet identified as the Tender processes are not complete.

(5) Tenders have been evaluated and one Tenderer has been selected as the preferred Tenderer to commence negotiations.

(6) The preferred Tenderer with which negotiations are proceeding is Computer Sciences Corporation (CSC). This company Tendered in a consortium with local companies Scitec, and Winthrop Technology (now part of Alphawest).

(7) Not available until business case and negotiations are completed. Savings in the range of 10 to 15 per cent of annual operating costs are anticipated.

(8) See (7) above. Savings will be calculated using the guidelines established by Treasury Department, and with an independent consultant to assist agencies ensure all relevant costs are included consistently. The BIPAC consortium also undertakes formal due diligence to support contract negotiation - BIPAC has engaged KPMG to do this work.

GOVERNMENT CONTRACTS - COMPUTER SERVICES

Confidentiality

1273. Dr GALLOP to the Minister for Public Sector Management:

(1) A key achievement under Budget Statements 1997-98 Program 3.0 (Public Sector Management page 777) has been to "contract out the combined mainframe computer centres and major computer services of 11 agencies in the 'BIPAC' consortium. Tender evaluation and contract negotiation processes are being completed. To commence operation in July 1997, this contract will have a value of approximately $100m over five years and is expected to deliver significant savings." How will the Government guarantee the protection of privacy in relation to the vast amounts of personal information stored in Government departments?

(2) How will the Government guarantee the protection of an individual's privacy in relation to the vast amounts of personal information stored in Government departments in the event that the contractor goes out of business?

Mr COURT replied:

(1) The provision of computing services through this contract does not absolve agencies from responsibility for protection of privacy and confidentiality, etc. under the Public Sector Management Act and other relevant Acts. The contract makes provision for the relevant government officers, including the Auditor General, to have access to the Contractor's books, records and equipment. The contract to be established between the successful contractor and the State Government will provide comprehensive protection for the privacy of information held within computer systems to be supported and delivered by the contractor. These provisions are modelled on the "Outsourcing and Privacy Guidelines" produced by the Commonwealth Privacy Commissioner and in summary provide that -

* the Contractor shall not, without the prior written approval of the Customer, make public or disclose to any person any confidential Information. Confidential information in this context is fully defined to include information relating to government business and to clients of or suppliers to the public sector agencies which are party to this contract; and

* the Contractor will arrange for its employees, agents and sub-contractors to execute a Deed of Confidentiality.

(2) The contractor will be required to agree, and to ensure their employees and sub-contractors comply, not to disclose personal information without the written authority of the customer except for the purposes of fulfilling its obligations under this contract. The contractor shall immediately notify the customer where it becomes aware that a disclosure of personal information may be required by law. The contractor will also agree not to transfer personal information outside Western Australia, or allow parties outside Western Australia to have access to it, without the prior approval of the customer. The ownership of data held in information systems which are the subject of this contract will be retained by the Government. The Contractor is not permitted to cause any lien or encumbrance of a third party to be placed on such data.

In the event of the contractor failing the contract requires all information to be returned to the Government in a machine readable form.

PUBLIC SERVICE - RATIONALISATION

1281. Dr GALLOP to the Minister for Public Sector Management:

(1) A key achievement under Budget Statement 1997-98, Program 3.0 (Public Sector Management - page 777) is to "develop strategic options for rationalising the structure and functions of the public sector." Can the Government give an indication of where the proposed rationalisation might occur?

(2) Can the Government give an indication of where public sector functions might be expanded or reduced?

Mr COURT replied:

(1)-(2) It is well established that the public sector in Western Australia is the most complex and fragmented of all jurisdictions in this country. With nearly 50 departments of State, more than 60 statutory authorities and other agencies employing staff and delivering services - and over 900 boards, committees, tribunals and similar bodies - it remains a priority for the Government to pursue opportunities to simplify the structure of government so that the community can access better quality services and information with greater ease. Work is under way in bringing together agencies in the Arts portfolio, in order to more effectively integrate activities in that area, just as past efforts in the Agriculture and Transport portfolios have done.

The functions of government agencies will be under constant review and evaluation as a routine expression of best practice in management. All agencies will be required to continually examine options for achieving the greatest value for money in delivering services and accessing corporate support.

PUBLIC SERVICE - DEPARTMENTS

Amalgamation

1282. Dr GALLOP to the Minister for Public Sector Management:

(1) Which existing departments will be amalgamated to create a "super department"?

(2) Within what time frame will departments be amalgamated?

(3) How many public servants are likely to lose their jobs as a result of the proposed amalgamations?

Mr COURT replied:

(1)-(3) The Government has no plans to cut the public sector through the creation of super departments as suggested in the member's question. The Government will, however, continue to review the structure of the public sector to improve efficiency and accountability and deliver the policy outcomes the Government was elected to achieve.

PRISONS - PRIVATISATION

Security Risks

1285. Dr GALLOP to the Minister for Public Sector Management:

(1) Does the Government intend to privatise existing or proposed prison complexes or services and, if so, which existing or proposed prison complexes or services will be privatised?

(2) Who has been consulted or with whom have negotiations occurred?

(3) Can a guarantee be given that privatisation of the State's prisons will not result in reduced levels of security placing the public at risk?

Mr COURT replied:

(1)-(3) Cabinet is yet to consider these issues and therefore no details are available at this time.

GOVERNMENT CONTRACTS - EMPLOYER ORGANISATIONS

Details

1361. Mr KOBELKE to the Minister representing the Minister for Finance:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies established or controlled by an employer organisation?

(2) If yes, then what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr COURT replied:

The Minister for Finance has provided the following response -

(1)-(2) Not applicable to the departments and agencies within the portfolio of the Minister for Finance.

GOVERNMENT CONTRACTS - EMPLOYER ORGANISATIONS

Details

1362. Mr KOBELKE to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies established or controlled by an employer organisation?

(2) If yes, then what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr BOARD replied:

STATE SUPPLY COMMISSION

(1) The State Supply Commission has not let or made any contracts, or grants, however a secondment was arranged with the Industrial Supplies Office WA for the Fremantle Port Authority, from July 1996 to May 1997.

(2) (a) Fremantle Port Authority to Industrial Supplies Office WA.

(b) Colin Brandis.

(c) Professional development experience for the officer concerned, i.e. Colin Brandis in providing government purchasing expertise to the Industrial Supplies Office WA.

(d) Value $74,000 - (inclusive of salary and overheads) paid by Commonwealth Grant to Industrial Supplies Office WA.

OFFICE OF MULTICULTURAL INTERESTS

(1) The Office of Multicultural Interests has not let or made contracts, grants or secondments, since 1 July 1995 to the Western Australian Chamber of Commerce and Industry, or any other employee organisations established or controlled by an employer organisation.

(2) Not applicable.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

(1) Yes.

(2) (a) Department of Contract and Management Services lets contracts on behalf of many other government agencies. The contract is administered by Family and Children's Services.

(b) Chamber of Commerce and Industry.

(c) Community Services Industry - Industrial Information and Advisory Services.

(d) $614,946.00

OFFICE OF YOUTH AFFAIRS

(1) The Office of Youth Affairs has not let or made contracts, grants or secondments, since 1 July 1995 to the Western Australian Chamber of Commerce and Industry, or any other employee organisations established or controlled by an employer organisation.

(2) Not applicable.

GOVERNMENT CONTRACTS - EMPLOYER ORGANISATIONS

Details

1363. Mr KOBELKE to the Minister representing the Minister for Racing and Gaming:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies established or controlled by an employer organisation?

(2) If yes, then what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

(1) Yes.

(2) (a) Lotteries Commission.

(b) Albany Chamber of Commerce and Industry Inc.

(c) A grant towards video projector hire and venue rental for the inaugural Festival of Albany to take place during 18-25 April 1997.

(d) $2,347.

GOVERNMENT CONTRACTS - EMPLOYEE ORGANISATIONS

Details

1383. Mr KOBELKE to the Minister representing the Minister for Finance:

(1) Have any departments or agencies, within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Trades and Labour Council, or any union or bodies established or controlled by an employee organisation?

(2) If yes, then what are the details of each case including -

(a) the department or agency involved;

(b) the recipient of the contract, grant or secondment;

(c) a description of the purpose of the contract, grant or secondment;

(d) the value or cost of the contract, grant or secondment?

Mr COURT replied:

The Minister for Finance has provided the following response -

(1)-(2) Not applicable to the departments and agencies within the portfolio of the Minister for Finance.

GOVERNMENT CONTRACTS - EMPLOYEE ORGANISATIONS

Details

1384. Mr KOBELKE to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) Have any departments or agencies, within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Trades and Labour Council, or any union or bodies established or controlled by an employee organisation?

(2) If yes, then what are the details of each case including -

(a) the department or agency involved;

(b) the recipient of the contract, grant or secondment;

(c) a description of the purpose of the contract, grant or secondment;

(d) the value or cost of the contract, grant or secondment?

Mr BOARD replied:

(1) No.

(2) Not applicable.

GOVERNMENT CONTRACTS - EMPLOYEE ORGANISATIONS

Details

1385. Mr KOBELKE to the Minister representing the Minister for Racing and Gaming:

(1) Have any departments or agencies, within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Trades and Labour Council, or any union or bodies established or controlled by an employee organisation?

(2) If yes, then what are the details of each case including -

(a) the department or agency involved;

(b) the recipient of the contract, grant or secondment;

(c) a description of the purpose of the contract, grant or secondment;

(d) the value or cost of the contract, grant or secondment?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

(1)-(2) Not applicable to the departments and agencies within the portfolio of the Minister for Racing and Gaming.

PLANNING - ACHIEVEMENTS FOR 1997-98

1394. Dr EDWARDS to the Minister for Planning:

Will the Minister table a list of future planned achievements for 1997-98 for -

(a) the Ministry for Planning;
(b) the Western Australian Planning Commission?

Mr KIERATH replied:

See paper No 482 for the summary lists the planned major achievements for 1997-98 for the Ministry for Planning and the Western Australian Planning Commission.

RACING - THOROUGHBRED BREEDERS

Incentive Schemes

1406. Ms WARNOCK to the Minister representing the Minister for Racing and Gaming:

(1) Is the Minister aware of State Government incentive schemes for thoroughbred breeders in Victoria, South Australia and Queensland?

(2) If so, will the Minister consider such a scheme for this State?

(3) If not, why not?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

(1) There are no State Government incentive schemes for the thoroughbred breeders operating in Victoria and Queensland. The Victorian Owners' Breeders Incentive Scheme is fully funded by the Victorian Racing Club from moneys received from TABCORP. The Queensland Racing Incentive Scheme is also fully funded by the industry from TAB funds allocated to the Racecourse Development Fund.

In South Australia, the Racing Industry Development Authority (RIDA) has agreed to provide funds over a three year period to assist a breeders' incentive scheme on the condition that breeders contribute to the scheme on a 60 (RIDA):40 (breeders) basis. However, it should be noted that RIDA funding is sourced from unclaimed dividends and 50 per cent of TAB fractions paid to the South Australian Government, whereas in Western Australia all unclaimed dividends and fractions are returned to the industry.

(2)-(3) It is not appropriate for the State Government to sponsor an incentive scheme for thoroughbred breeders given the additional $7 million thoroughbred racing receives from the Government's generous tax relief package.

YOUTH - EMPLOYMENT

Government Initiatives

1451. Mr BROWN to the Minister for Youth:

(1) Did the Minister issue a joint media statement on 25 March 1997 in which he said that one of the priority issues he had identified as the Minister for Youth was employment?

(2) What initiatives does the Minister intend to take to stimulate employment opportunities for young people?

Mr BOARD replied:

(1) Yes.

(2) A range of programs and initiatives is being developed including a Youth Entrepreneur Scheme and Carer Cadets, which will provide opportunities for young people to develop skills and gain practical experience that will assist them in securing worthwhile employment. Details of these programs and others to be developed will be available in the near future.

YOUTH - YOUTH MINISTER'S ADVISORY COUNCIL

Consultations

1452. Mr BROWN to the Minister for Youth:

(1) Has the Youth Minister's Advisory Council and the Minister commenced consultations with young people in Western Australia?

(2) If so, what issues have young people identified as being of concern?

(3) What initiatives does the Minister intend to take in respect of those issues?

Mr BOARD replied:

(1) Yes.

(2)-(3) A wide range of issues was identified. I was impressed by the breadth of issues and concerns shown by young people. A predominant theme is the concern by young people about the negative image so often portrayed. Reports are being prepared on the consultations. I am sending the member separately copies of the reports on the pilot consultations undertaken last year and the Aboriginal Youth Consultation which was organised jointly by the Office of Youth Affairs and the Aboriginal Affairs Department early this year.

The issues will be referred to the Youth Minister's Advisory Council, the Office of Youth Affairs and relevant government agencies for consideration as part of the ongoing youth policy development process.

GOVERNMENT CONTRACTS - TENDER No 161A1996

1500. Dr CONSTABLE to the Minister for Works:

(1) In relation to tender number 161A1996, who was the successful tenderer?

(2) Does that company have quality assurance?

(3) If no to (2) above, is it the Government's policy to award tenders to companies which do not have quality assurance?

(4) Who previously held the contract, for what period of time, and did that company have quality assurance?

(5) Do any provisions of the tender relate to the tenderer employing people with disabilities and, if so, what are the terms of those provisions?

(6) Did the previous company employ people with disabilities?

(7) Does the successful tenderer employ people with disabilities?

Mr BOARD replied:

(1) No tender was issued under No 161A1996.

(2)-(7) Not applicable.

HEALTH - FOOD CONTAMINATION

Diesel Exhaust Fumes

1542. Mr McGINTY to the Minister for Health:

(1) Is the Minister aware of public concern about possible poisoning of fresh foods, frozen foods, animals and other cargoes caused by the diesel exhaust fumes from trucks carrying such cargoes?

(2) Is there a public health issue arising out of spraying these goods with exhaust fumes?

(3) How are goods tested to ensure they are not contaminated by diesel exhaust fumes?

(4) Is there any regulation of truck diesel exhausts to prevent contamination of cargoes?

Mr PRINCE replied:

(1) No knowledge of any public concern about such a possibility. No member of the public has raised the issue directly through correspondence with the Minister. There have been no consumer complaints to the department nor to local government.

(2) The transport of most fresh or frozen food requires the food to be packaged or protected from contamination or to be transported within a covered or refrigerated container. Certain foods, such as fruits and vegetables, may be transported uncovered on an open truck and may come into contact with diesel exhaust fumes. However, this is not considered to be a health or safety issue as fruits and vegetables are either peeled, washed, cooked or cleaned before consumption. The risk posed by the potential contamination of fruits and vegetables from diesel exhaust is far less than the health risks posed by the presence of manures, dirt, insects and bacteria.

(3) Goods are not routinely tested. However, should testing be required the carbon and diesoline from combustion can be detected by using gas chromatography techniques. [The Chemistry Centre advises that this would cost in the order of $100 per sample].

(4) Yes. The Food Hygiene Regulations require that all food is adequately protected at all times from contamination by persons, dust, vermin, animals, offensive fumes, foul odours or any other thing. In addition, perishable or frozen food is required to be transported in insulated or refrigerated vehicles.

QUESTIONS WITHOUT NOTICE

TRANSPORT - CONCESSIONAL FARES

Increase - Effect on Pensioners

474. Dr GALLOP to the Premier:

(1) Is the Premier aware that his decision to abolish public transport concessions for pensioners travelling on buses and trains between 7.15 am and 9.00 am has forced a number of pensioners to quit their unpaid voluntary work at Royal Perth Rehabilitation Hospital because they cannot afford to pay full adult fares?

(2) Will the Premier give a commitment to urgently examine the devastating impact that public transport fare increases have had on pensioners?

(3) Does the Premier agree with the Minister for Disability Services that pensioners deserve to pay full fares because they have been rorting the system for too long?

Mr COURT replied:

(1)-(3) The Leader of the Opposition should get the facts straight. I am not aware of the cases to which he has referred. Our policy on concession fares has been spelt out clearly in recent weeks in this Parliament.

CORRUPTION - ANTI-CORRUPTION COMMISSION

Act - Breaches

475. Mrs ROBERTS to the Minister for Police:

(1) What legal advice has the Minister sought in relation to possible breaches of the secrecy provisions of the Anti-Corruption Commission Act by the Premier and the Police Commissioner, and from whom did he seek that advice?

(2) Who determines whether offences have been committed under section 54 of the Act?

(3) What gives the Minister the right to be judge and jury on such matters?

Mr DAY replied:

(1)-(3) I do not claim to be judge and jury on these matters. It is the Opposition that seeks to express a range of opinions on these matters. The Government has given the Anti-Corruption Commission responsibility to investigate such allegations. It is time for the ACC to get on and do the job. My advice came from Deirdre Willmott, a general counsel in the office of the Ministry of the Premier and Cabinet. As I indicated to *The West Australian* last night, I believe the matter needs some clarification. I am prepared to take that up with the Anti-Corruption Commission and the Crown Solicitor's Office.

ROADS - ROAD SAFETY

Drug Impaired Drivers - Roadside Test

476. Mr BAKER to the Minister for Police:

Will the Minister investigate the merits of introducing a roadside drug test, in appropriate form, to assist in the detection and apprehension of drug affected drivers?

Mr DAY replied:

Having visited North America with the former Select Committee on Road Safety, I am aware of a potential significant problem with combining drugs other than alcohol with driving, and to some extent that may be a hidden problem in the community. In the Los Angeles police district I was interested to observe a scheme involving approximately 300 officers who have received specialised training in recognising people affected by drugs other than alcohol and categorising the drugs into one of seven categories, based on observation. The Western Australia Police Service tests and prosecutes people who are suspected of driving under the influence of drugs other than alcohol. I am sure that much more can be done in that area. I am advised by the Police Service that two officers attached to the breath analysis section are undertaking drug related studies for the Alcohol and Drug Authority, in preparation for commencing studies in drug recognition expert programs. I am further advised that the Police Service is currently investigating the detection of drug impaired drivers, in conjunction with the drink driving task force. Part of that investigation includes roadside screening of drivers for the presence of drugs.

SCHOOLS - PRIMARY

Male Teachers - Number

477. Mr MARSHALL to the Minister for Education:

A local constituent alleges there is a lack of male teachers in the state primary school system.

(1) Is it true that some schools have only a handful of male teachers?

(2) What is the percentage of male teachers in the state primary school system?

(3) What is the percentage of male trainees at the teachers' university campus?

Mr BARNETT replied:

(1)-(3) This is an important issue in primary schools. I thank the member for some notice of the question because it has allowed me to check the figures. In primary schools 21 per cent of teachers are males. About 27 per cent of students undertaking teacher training are males. The problem is to attain a balance in primary schools.

Since taking over this portfolio, one of the first primary schools I visited was in Kalgoorlie. The member for Kalgoorlie will be aware that it is not uncommon for the entire staff at some schools - that is, 26 to 30 staff - to be female. That presents some practical problems with discipline of boys and other matters. We are trying to encourage more young males to take up teaching as a profession. It is an important issue, and we would like to seek more balance in that regard.

POLICE - CORRUPTION

Drug Squad - Legal Advice by Minister

478. Mrs ROBERTS to the Minister for Police:

(1) Will the Minister be seeking legal advice regarding -

(a) the conduct of the member for Avon who said in *The Australian* on 5 June in relation to an allegation against drug squad officers in his electorate that "money may have changed hands between the man and police so I've referred the whole thing to the Anti-Corruption Commission"; and

(b) the conduct of Assistant Commissioner Jack Mackaay, whom *The West Australian* reported on 31 May as saying "revealed that the Anti-Corruption Commission was also part of the inquiry" into allegations of drug squad officers stealing money?

(2) If not, why not?

Mr DAY replied:

(1)-(2) I am the Minister for Police. It is not my role to provide legal advice to the Government or to seek legal advice. Legal advice can be sought as necessary. It is not my intention to seek legal advice along those lines.

HEALTH - KALBARRI HEALTH CENTRE

Construction - Local Content

479. Mr MINSON to the Minister for Works:

Work has just started on a new $3m multipurpose health centre in Kalbarri. However, some subcontractors in the mid west region have expressed concern about the amount of local work that will be employed onsite. What work, if any, will local-based subcontractors be eligible to bid for in the construction of this most worthwhile community project for Kalbarri?

Mr BOARD replied:

The construction of the Kalbarri multipurpose health centre is another example of contracting from the Health Department which uses the private sector to create a better result for the community and the taxpayer.

Yes, the construction project with a budget of nearly $3m was won by Jackson Construction and started last month and will take between eight and 10 months to complete. I am pleased to announce that every small business contractor in the area is eligible to contract for that work. In fact, at least six Geraldton subcontractors and six Kalbarri contractors have already won work on that construction, and it is envisaged that over half of the contracting of that $3m project will go to local businesses. In fact, under the Government's regional preference policy, where local contractors receive a 5 per cent financial preference, it is likely that they will win even more of that work.

Mr Minson: Perhaps 100 per cent.

Mr BOARD: That would be nice, but I think Jackson Construction would like a slice of the cake.

I recently visited Dongara, which also has a multipurpose health facility nearing completion with a $3.5m construction budget. Almost 50 per cent of that work has gone to local businessmen.

I congratulate the Health Department on the way the contracting process is working, not only in delivering business to local businesspeople but for coming in under budget and returning a better project to the community.

TOURISM - ELLE RACING

Funding - Money Owing by Government

480. Mr BROWN to the Premier:

Given that the Premier authorised the funding deal with Elle Racing without Cabinet consent, is it true, as John Harvey claimed on 6PR last night, that the Government still owes Elle Racing $160 000 regardless of whether it enters a yacht in the Whitbread Race?

Mr COURT replied:

I thank the member for some notice of this question. I have contacted the Tourism Commission but it has not been able to provide an answer to the question because it is currently in the middle of negotiations with that syndicate. It is seeking legal advice on the amount of money the member mentioned. It is news to us, but when I get that legal advice I will give it to the member.

TOURISM - ELLE RACING

Purchase of Second-hand Yacht

481. Mr BROWN to the Premier:

Mr Harvey also revealed last night that he may be forced to purchase a second-hand yacht to enter the Whitbread Race.

The SPEAKER: Order! I rule that supplementary question out of order. The member for Bassendean has not asked a question, but is rather making a lead-in statement.

HEALTH - NARCAN

Use by Ambulance Staff

482. Mr BAKER to the Minister for Health:

(1) Does the Government support equipping Western Australian ambulance staff with the drug antidote Narcan?

(2) If so, what steps has the Government initiated in this regard?

(3) What concerns does the Minister have about the behaviour of persons who have overdosed on heroin once revived by Narcan?

Mr PRINCE replied:

I thank the member for some notice of this question.

The Western Australian Ambulance Service is run by St John Ambulance Australia, and has been working in partnership for some time with Curtin University of Technology on a project called the Western Australian Pre-Hospital Care Research Unit.

Mr McGinty: We announced this yesterday. Weren't you listening? The Minister sitting next to you said she didn't approve of Narcan being used in ambulances.

Mr PRINCE: No. That unit has done a considerable amount of research into narcotic overdose patients who are attended by ambulances in Western Australia and the results of that research have taken some time. The WA Ambulance Service attends about 1.6 narcotic overdose patients a day. Of that number, 10 per cent are dead when the ambulance arrives; 20 per cent refuse treatment or help from ambulance paramedics; and of the remaining 70 per cent, some two-thirds need to be ventilated by paramedics. Of that two-thirds a further quarter will still need ventilation upon arrival at hospital. The situation with the ambulance service is simple. No patient who was alive on the arrival of the ambulance subsequently died during transport to hospital.

The aim of allowing ambulance officers to carry Narcan, which has a technically longer name, is to reduce the number of patients who need ventilation. In other words, it has a very limited use, but it is probably a good thing to carry. This conclusion was reached not by the Government but by the people who did considerable research into the uses of the drug.

Mr Marlborough: If they want to use it, why haven't they got it in the ambulances today?

Mr PRINCE: Because St John Ambulance, not the Government, decides what to carry in its ambulances. It is carried in varying dosages by various ambulance staff around Australia, but not all. Narcan will be available in all ambulances staffed by paid St John Ambulance paramedics in this State in the near future.

We do not know its effect because the biggest problem ambulance officers face upon resuscitating a person who has had an overdose is that the person more often than not wants to walk away or go away with friends. The ambulance officers do not have any power to compel their transport to hospital. That is a matter which has concerned ambulance paramedics for some time and which is unresolved at present. Narcan can help to revive some -

Ms MacTiernan interjected.

Mr PRINCE: No-one who has been found alive has died in transport to hospital, so Narcan may assist them. There is no problem with that, if that is what they want to do and they have made that decision.

Mr McGinty: That is not true. People have died in hospital.

The SPEAKER: Order! Perhaps the Minister will bring his answer to a close.

Mr PRINCE: The problem is that the person who is revived often does not want to go with the ambulance, for whatever reason. That is not a matter that the ambulance officers can overcome with a drug.

TOURISM - ELLE RACING

Purchase of Second-hand Yacht

483. Mr BROWN to the Premier:

I refer to my previous question, and also to the interview last night on 6PR of Mr Harvey.

(1) Does the Premier also know that Mr Harvey indicated in that interview that he may be forced to purchase a second-hand yacht to enter the race?

(2) Would the purchase of a second-hand yacht be acceptable to the Government under its sponsorship deal with Elle Racing and would Mr Harvey then be entitled to a further $400 000 of taxpayers' money?

Mr COURT replied:

If it is competitive, I would not see a problem.

BUNBURY TOWER - OCCUPATION RATE

484. Mr BARRON-SULLIVAN to the Premier:

I refer the Premier to an answer he provided in the Estimates Committee proceedings, specifically that the occupation rate at the Bunbury Tower is 38 square metres per employee, or full time equivalent.

(1) Is it correct that the benchmark figure for office space is 17 square metres per FTE?

(2) If so, why is the allocation of office space at the Bunbury Tower more than 120 per cent above the benchmark and what is being done to address this problem?

Mr COURT replied:

(1)-(2) It is correct that the benchmark figure for office space is 17 square metres per FTE. The former Labor Government agreed in 1986 to lease the Bunbury Tower for 25 years. Since that time the building has never been fully occupied and an equivalent of two floors has never been occupied. Occupation rates per FTE are so high that approximately 38 square metres is available because of the amount of space. As the Government is committed to pay rent on the building whether it is vacant or not, there is no pressure on individual agencies in the building to rationalise their space.

The Government Property Office has the vacant space listed with a local real estate agent, but there is no demand for accommodation in the building at that price. The lease rental paid by the Government is significantly greater than -

Dr Gallop interjected.

Mr COURT: The lease rental paid by the Government is almost double the current Bunbury rental for similar standard office space -

Several members interjected.

Mr COURT: This is a very interesting lease deal because, in addition to the high rents, the Government is responsible for much of the maintenance of the building.

PRISONS - DRUGS

Offences - Number

485. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

Some notice of this question has been given.

(1) How many drug offences have been reported in Western Australian prisons in the past 12 months?

(2) How many of those offences involved the possession or use of heroin?

(3) How many prisoners have been charged with drug offences in the past 12 months?

(4) How many prisoners have overdosed on drugs in the past 12 months?

(5) How many prisoners have undergone tests for drugs in the past 12 months, and how many have tested positive?

(6) Are all prisoners found to be in possession of drugs charged under the Misuse of Drugs Act and, if not, why not?

The SPEAKER: Most members in this place go to some trouble to disguise multifaceted questions. I remind members that there is nothing wrong with asking two questions with three parts; they will get the call. I will allow the question.

Mrs van de KLASHORST replied:

I thank the member for some notice of this question. The Minister has advised that it will take considerable time and research to gather the information. I request that the member put the question on notice.

HEALTH - PEEL HEALTH CAMPUS

Health Solutions

486. Mr MARSHALL to the Minister for Health:

Can the Minister advise the status of negotiations with Health Solutions (WA) for the operation of the new Peel Health Campus for the next 20 years?

Mr PRINCE replied:

I am delighted to announce, as I did in a press release yesterday, that the service agreement with Health Solutions was signed yesterday. That finalises the negotiation phase of the operation of the new health campus and the hospital process for the new Mandurah hospital. As I have done in the past with matters of this nature, I will table the documents. I did so in relation to both Joondalup and Bunbury.

I remind the House, particularly members opposite, that the Government promised a new hospital in Mandurah. It is under construction and will be completed next year. It will have a 20-day placement hospital, inpatient rehabilitation, two alternative birthing suites, an additional entry and link, a creche, additional community health services and 110 beds. It will be three times the size of the present hospital, which was far too small when it was built. We promised it; we have delivered it; and it will be open next year.

POLICE - BIKIE GANGS

South West - New Initiatives

487. Mrs ROBERTS to the Minister for Police:

(1) Will the Minister confirm that recently a Bunbury region officer called off the police group shadowing a bikie group because the Bunbury region would be billed for the cost?

(2) Will the Minister advise whether any new initiative or significant action is planned against outlaw bikie gangs, which under the Delta program have gone from strength to strength?

Mr DAY replied:

This issue received some coverage a month or two ago and members opposite seem to think it is smart to raise it again. I am aware of a claim by an inspector in the Bunbury district who misunderstood the nature of police operations and who believed that funds would not be available for a particular operation. That matter has now been clarified; I dealt with it a month ago. I am aware that the Police Service is giving the bikie fraternity a great deal of attention. In the Bunbury district, in particular, we have the low tolerance operation introduced by Superintendent Tom Watson, who is doing an extremely good job in that area, along with his officers.

Mr Court: With no support from Labor members because there is none.

Mr DAY: Exactly. Bikies in the Bunbury district have been subject to very close scrutiny such as road blocks, random breath testing and so on. That is entirely appropriate and I have full confidence in the Police Service, and particularly the police officers dealing with this difficult problem in the community. I will not tolerate slurs cast upon every member of the Police Service in this State; those officers are doing their job properly.

Several members interjected.

The SPEAKER: We were going along famously and we have now had this outburst of interjections, which have prevented the member for Swan Hills asking a question.

HEALTH - ALCOHOL

Pilot Program - Local Government Involvement

487. Mrs van de KLASHORST to the Minister for Health:

Some notice of this question has been given.

I believe that a number of local government authorities are participating in a pilot program in collaboration with the Health Department. This program is aimed at reducing the harm and disruption associated with excessive alcohol consumption. Will the Minister provide details of this positive pilot?

Mr PRINCE replied:

The Health Department has initiated a program entitled "Alcohol and other drugs". The department has been developing this pilot program in collaboration with two metropolitan and two country municipalities. I congratulate those municipalities: The Shire of Broome; the City of Kalgoorlie-Boulder; the Town of Kwinana; and the Town of Victoria Park. The members for those areas will be particularly interested.

Local government is recognised as having a particular role to play in reducing harm and social disruption caused by excessive consumption of alcohol in a number of different ways. Those participating have recognised that prevention and reduction are the best way to go. A Canadian study along similar lines shows that alcohol policies involving local government lead to a significant reduction in alcohol related problems, for example, under-age drinking, fighting, vandalism and other incidents that require police to attend and/or result in public complaints.

The pilot policy statement covers town planning, environmental health issues, consumption of alcohol on local government properties - street drinking - safety and availability issues, liquor licensing issues related to local government, alcohol accords and so on. It is the totality, but involving local government for the first time in this State. I congratulate those municipalities for taking the initiative in joining the department in developing these programs. They are pilot programs - two in the country in different areas and two in the city, also in different areas. After the trial and evaluation, it might be worthwhile replicating the program more widely across the State, which is the holistic way to approach alcohol abuse in society.

POLICE - VEHICLES

Custom Fleet Sponsorship - Conflict of Interest

488. Ms MacTIERNAN to the Minister for Police:

On 28 September 1995, the then Minister for Police, when questioned about the propriety of Custom Fleet's sponsorship of 70 police vehicles given police investigations into Custom Credit Corporation Ltd, denied a conflict of interest, saying Custom Fleet was a totally separate organisation from Custom Credit.

In light of the controversy about this sponsorship deal, has the Minister investigated the links between Custom Credit and Custom Fleet; and, in particular, is the Minister aware that both companies are wholly owned subsidiaries of National Australia Bank Ltd and that National Australia Bank stands to obtain more than $10m in insurance claims if the fraud squad's investigation into Custom Credit results in convictions? Does the Minister now appreciate this conflict of interest?

Mr DAY replied:

I thank the member for Armadale for notice of this question. It is my understanding that National Australia Bank Ltd owns both Custom Fleet and Custom Credit Corporation Ltd, and also that both are independent operations within that overall company structure. I am not aware of any conflict of interest between the Police Service and any other organisation.

Several members interjected.

The SPEAKER: Order!

Mr DAY: As far as the legal situation is concerned, I am aware that a preliminary hearing with regard to the allegations arising out of the Custom Credit Corporation Ltd investigation has been completed and that the matters have been committed for trial in the District Court to a date to be set in 1998. Responsibility for the prosecution of those matters is vested in the Director of Public Prosecutions. The matters raised in this question are now in the course of trial in the court system and are, therefore, sub judice, and any further comment is inappropriate.

FAIR TRADING - CONTRACTS

Payments - Legislation

489. Mr BAKER to the Minister for Fair Trading:

Will the Minister consider supporting a proposal to enact legislation to secure the payment of the contract price between contractors and owners and subcontractors and contractors; if so, will the Minister arrange for the proposal to be examined by his department's staff?

Mr SHAVE replied:

I thank the member for Joondalup for the question. On behalf of the Government, I congratulate the member for Joondalup for putting forward this proposal, because it reflects the member's commitment to the small business sector, and particularly the people of Joondalup.

Mr Carpenter: Another government-owned cinema there!

Mr SHAVE: The member for Willagee may not like the fact that the member for Joondalup supports his local community, but the people of Joondalup do.

Dr Gallop: I want one too!

Mr SHAVE: I thought the Leader of the Opposition was building his cinema at Mandurah; that is what he said in his last policy speech.

Mr Court: That was a few months ago!

Mr SHAVE: Yes; things change.

Several members interjected.

The SPEAKER: Order! Perhaps the Minister would answer the question.

Mr SHAVE: Many small business people, particularly in the member's area, are concerned about this issue. In principle, I fully support the request of the member for Joondalup and I have asked the Executive Director of the Ministry of Fair Trading to look into this issue. I hope the member for Joondalup will let constituents in his area know that that is the situation.

INDUSTRIAL RELATIONS - MINIMUM WAGE

Cabinet Submission

490. Mr KOBELKE to the Premier:

(1) Did the full Cabinet consider and determine the submission to be made on behalf of the State Government in the June 1997 state wage case?

(2) If yes, on what date did Cabinet decide on its submission; and was this wage case submission on the formal Cabinet agenda?

Mr COURT replied:

I thank the member for some notice of this question.

(1)-(2) The matter was considered by full Cabinet on 9 June 1997.

HERITAGE - NATURAL HERITAGE TRUST

Assessment Panel

491. Mr MASTERS to the Minister for Regional Development:

The application period for funding grants under the Natural Heritage Trust has now closed and applications are currently being assessed by regional assessment panels.

(1) Who are the members of the state assessment panel and what are their affiliations?

(2) When is the state assessment panel expected to complete its assessment and prepare a list of the projects recommended for funding?

(3) Does the Minister have any role in providing advice to the Federal Government on the state assessment panel's recommendations?

Mr COWAN replied:

I thank the member for some notice of this question.

(1) The members of the state assessment panel are Mr Alex Campbell, chairman; Ms Rachel Siewert from the Conservation Council of Western Australia; Mr Graham Slessar from Alcoa of Australia Ltd; Mr Ian Purse from the Farm Forestry Development Group; Mr Garry English from the Western Australian Farmers

Federation; Mr Larry Pitman from the Pastoralists and Graziers Association of Western Australia Inc; Mr Rex Edmondson from the Soil and Land Conservation Council; Mr Ross Donald from the Rural Adjustment and Finance Corporation; Mr Noel Robbins from the Water and Rivers Commission; Mr Ray Steedman from the Environmental Protection Authority; Mr Tom Day from the National Parks and Nature Conservation Authority; Mr Ian Burston from the Water and Rivers Commission; and Mr Leon Watt from the Land and Forest Commission. An additional two members whose names have not yet been confirmed are Mr Ken Pech, who is President of the Western Australian Municipal Association and who has been nominated as a representative of community groups, and an Aboriginal representative.

(2) The state assessment panel is expected to complete its assessment and prepare a list of projects by the end of July 1997.

(3) I do not have a direct role in providing advice to the Federal Government, other than advice which indicates support not only from me but from all members of the ministerial subcommittee dealing with issues of this nature and, indeed, from the whole Government.

FAIR TRADING - DEPARTMENT

Complaints against Real Estate Agents - Backlog

492. Ms MacTIERNAN to the Minister for Fair Trading:

(1) Is the Minister aware that his department is writing to consumers who lodge complaints against real estate agents to advise that the backlog of complaints cannot be dealt with until more resources become available?

(2) Does the Minister know how many complaints are outstanding and how long it takes to resolve complaints?

(3) If the department is not coping with the current level of complaints, how will it deal with the additional complaints that will flow from the Minister's planned deregulation of commission fees?

Mr SHAVE replied:

(1)-(3) The issue raised by the member has not been raised with me.

Ms MacTiernan: It is a pretty basic issue to your portfolio.

Mr SHAVE: It may be basic, but it is an issue that has not been raised with me.

Ms MacTiernan: The department did not tell you that it is writing to consumers that it cannot deal with any complaints until it gets more resources?

Mr SHAVE: It has not advised me of that, and while the member makes that comment to me, I am not aware of the circumstances involved or what has been written to the people involved; but I am happy to look into and consider the issue.
