

Legislative Council

Thursday, 30 November 1995

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

BILLS (3) - ASSENT

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

1. Bunbury Treefarm Project Agreement Bill
2. Acts Amendment and Repeal (Native Title) Bill
3. Mutual Recognition (Western Australia) Bill

PETITION - SCHOOL CLEANING, CONTRACTING OUT

Hon Tom Stephens presented a petition from 28 residents of Western Australia opposing the State Government's decision to contract out school cleaning and requesting the Legislative Council to call on the Government to reverse the decision to contract out school cleaning and release the Arthur Andersen report.

A similar petition was presented by Hon John Halden (Leader of the Opposition) (219 signatures).

[See papers Nos 961 and 962.]

PETITION - REMNANT BUSHLAND ON CORNER OF STOCK-SUDLOW ROADS NEAR COOLBELLUP, REHABILITATION

Hon J.A. Scott presented the following petition bearing the signatures of 105 persons -

To: The Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia oppose the use of remnant bushland on the corner of Stock and Sudlow Roads, near Coolbellup, for urban development because we believe it will deplete the quality of life of residents, devalue a valuable educational scientific resource, threaten valuable flora and fauna, remove a buffer zone for local residents, and damage an environmental and social asset which is an educational and recreational amenity for schools and the local community.

Your petitioners therefore humbly pray that the Legislative Council request the Government to consult the local community and council to plan and implement the rehabilitation of the bushland so that it remains a valuable community asset.

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

[See paper No 963.]

MOTION - URGENCY

Warwick Primary School and Other Buildings, Maintenance and Repair Contracts

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter addressed to me -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1995 for the purpose of discussing the grave concerns about the irregularities in the granting and supervision of

maintenance and repair contracts for Warwick Primary School and other government buildings.

Yours sincerely

Alannah MacTiernan MLC

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

[At least four members rose in their places.]

HON A.J.G. MacTIERNAN (East Metropolitan) [2.40 pm]: I move -

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

In the long run this issue may be known as Warwick-gate. It bears a great deal of resemblance to the infamous Watergate. The Government has sought to cover up some very dodgy practices. I will take members through in some detail what has happened with Warwick-gate, so they will be able to draw their own conclusions about the matters that I raise.

Hon P.R. Lightfoot: Pardon us if we test the veracity of the argument.

Hon A.J.G. MacTIERNAN: I would be more than happy for Hon Ross Lightfoot to test the veracity of the arguments. We are obviously operating with some disability, because of the iron curtain that has been brought down by the Minister for Education and the Minister for Finance.

Hon N.F. Moore: The member has all the answers to all the questions she asked.

Hon A.J.G. MacTIERNAN: The Minister has not answered all the questions. He has systematically refused to answer questions. He has systematically asked that questions, to which the Minister clearly had the answers, be placed on notice.

Hon N.F. Moore: The answer came one day later, when Hon Alannah MacTiernan asked the proper Minister.

Hon A.J.G. MacTIERNAN: The Minister has not answered those questions. I will go through the questions that the Minister for Education and the Minister for Finance have refused to answer. There was a fire at the Warwick Primary School on a Saturday night in August.

The PRESIDENT: Order! Let us get it straight. I understand that members tend to get a bit tired and cannot remember what the rules are. I remind members that they are not allowed to interject. At least let us start out with members looking as though they will conform to the rules. If members do not like what Hon Alannah MacTiernan has to say, they can wait until she finishes and then tell her.

Hon A.J.G. MacTIERNAN: I can understand the embarrassment of the other side. It is not a pretty picture that we are painting here, and no doubt they are keen to ensure that this story does not come out.

There was a fire at the Warwick Primary School in August this year that affected one cluster of buildings, a single unit of some five classrooms. The Building Management Authority was called to the site in the manner set down in the procedures for such emergencies. The BMA officer attending the site called a number of contractors. He was not able to get through to the first two contractors, although the Minister in his answers has said that he did. Finally, the third contractor on the approved panel for dealing with fires of this nature was called. It is important to remember that this school, like many schools in Western Australia, was partially of asbestos construction, and a limited number of firms have been approved to deal with the removal or repair of asbestos buildings.

The fire occurred. It was a matter of emergency, and it was important to secure the site. The Opposition does not have a particular problem with the processes that were followed on that day. However the following day is a different matter. The site was secured, and the following morning the BMA arrived on site together with representatives of the

Education Department and the principal of the school. They discussed what should happen to the site. At the same time, interestingly enough, the contractor who had been involved in the limited project to erect a perimeter fence and secure the site also happened to be on site. Interestingly, none of the other four members of the panel was invited to be present during these discussions.

It was suggested by a BMA officer that the building should be demolished. Our first concern is the decision to demolish the building. On the Sunday when this same BMA officer, Mario Byrne, had indicated that he wanted the building demolished he had met with some resistance from other BMA staff who had said they did not believe there was any necessity to demolish the building. Clearly a great deal of the superstructure was still of value. These fires are not infrequent; in the past year there have been five to six fires of this nature. These types of school buildings have steel frames and steel framed roofs, which are perhaps the most expensive parts of the construction. Those components were still in good order and not affected by the fire. The fire was not too intense; in fact, a great deal of the furniture in the building was recovered.

Hon N.F. Moore: Did you look at it?

Hon A.J.G. MacTIERNAN: No, I did not.

Hon N.F. Moore: So this is second hand or third hand advice that the member is providing to the House.

Hon A.J.G. MacTIERNAN: It is not possible for me to look at it, because it has been demolished.

Hon N.F. Moore: Whose advice is the member using to say it could have been demolished?

Hon A.J.G. MacTIERNAN: On this matter I am merely raising a question.

Hon Mark Nevill: She does not have a big black car and driver to take her there.

Hon A.J.G. MacTIERNAN: The question I am raising concerns the dispute as to whether the building needed to be demolished. Some concern was raised that in other cases, where we have had similar fires, the buildings were not demolished.

Hon N.F. Moore: Concern among whom?

Hon A.J.G. MacTIERNAN: We understand that a decision was subsequently made to demolish the building - presumably by the BMA in conference with members of the Education Department. How was that decision arrived at, and what processes were followed? It does not appear that any processes were followed. It happens that Brookes Maintenance was invited to the site. Brookes Maintenance, which had been the company engaged to secure the perimeter fence, was handed this contract. None of the other four contractors on the panel was given any opportunity whatever to participate in this arrangement.

The Minister, hiding behind the director of his department, has said that it was an emergency and something had to be done quickly. Certainly, that is true of the events of the Sunday morning. The site was secured, so there was no huge hurry and there certainly was no greater need for action than there had been on any of the other fire sites involving education buildings over the past year. No-one is talking about advertising and putting out tenders, because we have a limited group of people who have been approved. The standard procedure that has been adopted by the BMA in the past is that the other people on the panel are telephoned. We can ask the Minister for Transport; he knows how to go about this process of telephoning people to take tenders. He will be a bit of an expert on it.

Point of Order

Hon E.J. CHARLTON: That is a misleading statement that the member has made about my telephoning people as part of gaining tenders. It is not right, and I ask her to withdraw it.

The PRESIDENT: Order! The member should withdraw the statement if she made it. I did not hear what was said. If you said it, withdraw it; if you did not, tell me. Did you say it?

Hon A.J.G. MacTIERNAN: I certainly did not.

The PRESIDENT: If you did not say it, we will stop the proceedings while Hansard provides me with a record of what was said. I have asked you whether you said it, and you have said that you did not say it. Hansard will produce for me a copy of the record. I am fed up with people trying to be smart and to defy the rules of this House.

Hon A.J.G. MacTIERNAN: May I explain what I think I said -

The PRESIDENT: Order! No. The *Hansard* record will tell me exactly what the member said.

Hon John Halden: Mr President, are we adjourning while we await the *Hansard* transcript or are we to continue?

The PRESIDENT: We will continue after I have obtained the transcript from the Hansard reporter. Having checked with the reporter, there is no doubt that what the member said was to the effect that the Minister for Transport was an expert on the telephone in relation to tenders. While I await the *Hansard* transcript, I am not certain whether there is a point of order to the extent that the member should withdraw her remark. In the meantime, members need to understand that in such situations members should not be oversensitive as that is unacceptable. I ask Hon Alannah MacTiernan to continue with her comments and I will make a ruling after I have had an opportunity to see the *Hansard* transcript.

Debate Resumed

Hon A.J.G. MacTIERNAN: Thank you, Mr President. No telephone calls were made, as would normally be the case with a job of this nature. Therefore, Brookes Maintenance Service, which had the good fortune to be on the site at the time discussing the matter with the officers, was handed the contract. How was the price determined in the absence of even an informal tendering process? How was it decided what to pay Brookes Maintenance Service for the project? Did the company submit a price for the job? No, no price was given. The contract was issued on a do and charge basis. Basically, a blank cheque was handed to Brookes Maintenance Service to demolish that cluster of buildings at Warwick Primary School.

The story becomes even more extraordinary. It appears that there was no supervision of that job by the Building Management Authority. I am informed that generally with projects of that type, a BMA officer would be on site for virtually the whole time so that there could be an independent assessment of the hours that the contractor had put in and what work it had done. However, that did not occur on the site.

We have ended up with an account for slightly in excess of \$196 000. That has outraged the other contractors on the panel and the staff at the BMA. It has also outraged members of the public who have some knowledge of the operation that took place. It is claimed that there could not have been in excess of 1 000 hours work as was claimed. There is also a great deal of doubt about the hire charges which were levied. The hire charges relate to a range of equipment including a tracked excavator, a mini excavator, a bobcat, a six wheeled tipper and a front-end loader. There is also an all in price for equipment hire. The cost of the equipment hire is roughly \$30 000, but we do not have a single receipt for that hire.

We are concerned about the 1 000 hours work which were claimed. Interestingly, the prices claimed involved \$42 an hour for ordinary hours of work and \$63 an hour for overtime. That involves labour charges. Interestingly, half the work is claimed to be on overtime. It appears that Brookes Maintenance Service paid only \$25 an hour to the employees. It has therefore placed a massive charge on the standard practice among the operators on the panel. That amounts to a 10 per cent surcharge.

As I have said, we do not have a single receipt to support the expenditure on hired plant.

The third point which has raised concern relates to the tipping fees. The tipping charge amounts to \$100 000. Many people have said that that is the biggest rort of all in the transaction. The contractor claims that he paid \$123 a tonne for tipping at the Atlas site. We have checked with that site and the fee for a minimal amount is \$100 per tonne. There is no doubt that a much lower price would have been charged for the volume which was supposedly transacted through the facility.

Even if we accept that the material should have been dumped on the Atlas site, and even if we accept the tonnage that was dumped, there has been a rip-off of \$20 000 in relation to the contract. Atlas has never charged \$123 a tonne. I asked the Minister to table the receipts which were supposed to accompany that and we received only one receipt and that was from Atlas. That interesting invoice does not contain a price. It merely refers to the tonnage. Therefore, there is no support for the contractor's claim that it cost \$123 a tonne to tip the material. That job cost a minimum of \$20 000.

Hon P.R. Lightfoot: Is that fraudulent?

Hon A.J.G. MacTIERNAN: I will ask members to draw their own conclusions about that. The matter is of even greater concern in the context of the BMA contracting out all its work. To date, BMA maintenance work has been shared among hundreds of small contractors who rely on the BMA as the base for their companies. The Government will now be handing over to three contractors in the metropolitan area total responsibility for facility management. One of those companies just happens to be Brookes Maintenance Service. Clearly on the basis of the contract that I have described, that company has ripped off the Western Australian public and the Government. The Government has been a willing party to this transaction.

How could members possibly grant a contract of that kind without even the minimal informal tendering process? Having granted such a contract, how could they have put no price constraints on it? How could they possibly pay the invoices that have been lodged without the provision of any supporting documentation as to price? We have attempted to clear up this matter in questions, but questions have not been answered by the Minister, or they have been wrongly answered, or they have been asked to be put on notice. I know that the Minister has documentation, but those questions will not be answered.

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.00 pm]: I have followed the discussion closely. Hon Alannah MacTiernan made a number of wild statements. I agree that she gave a lot of facts and figures which confirm the information I have with me. Sometimes, decisions must be made quickly. As members know, a company has loss of profits insurance consequential on fire. A loss assessor is brought in, and so on. However, when a school burns down, the Building Management Authority must fix the problem. There is no insurance cover for it - the building is valued at less than \$4m. One of the key things is to clean up the site, and in this case an important job was to clear asbestos from the roof. As Hon Alannah MacTiernan correctly said, only some contractors are skilled or registered to handle asbestos on sites. Such firms telephoned that day. Asbestos was exposed all over the place. I remember that as a young boy in the scouts we used to throw asbestos into fires. We loved the way it exploded. Mr President nods his head. I am still alive, thank God, but I do not know what that activity did for us. Asbestos is something that we must watch out for these days.

Hon Kim Chance: It was a lot of fun, by the sound of it.

Hon MAX EVANS: It was. The fire went everywhere. It had something to do with the moisture. On this occasion Hon Alannah MacTiernan is quite right. A fence was put up, cleaning up was started on the Sunday, and they moved on the Monday to get the place cleaned up. A decision was made. In hindsight, we can query whether it was the right person, the wrong person or the right cost. Looking at the figures, I do not disagree; they need some examination. There was talk about the Gosnells tip; there could have been a lower price there. However, it is a longer distance from Warwick to Gosnells.

Hon A.J.G. MacTiernan: There is also Mindarie, which is also \$21 a tonne.

Hon MAX EVANS: There was a query in *The West Australian* regarding the Gosnells tip and the tonnage there. The hours per day can be confirmed, but the important thing is that the school was back in business on the Wednesday. The fire occurred in the early hours of Sunday morning. Three firms were telephoned. Brookes Maintenance came along on Sunday morning.

Hon A.J.G. MacTiernan: Did they ring three people on Sunday morning?

Hon MAX EVANS: There is a diary entry about telephoning Brookes, McAlister and McAlister, and Midcity.

Hon A.J.G. MacTiernan: On the Sunday morning?

Hon MAX EVANS: Yes. It started off with Brookes. It was the only one to answer the call. The MBA started them on the job. One of them had done that sort of job before; it was not a one-off. If my building foreman were okay, I would say, "You have come in, you have cleaned a certain amount, so let's get on and do it." Hon Alannah MacTiernan shakes her head, but one wants to get the school up and running. It all comes back to cost - tonnage, site charges and so on. Hon Alannah MacTiernan has a letter showing figures. I will do some further checking of the figures that she has given. That is in hindsight. They had to get the school cleaned up by Tuesday.

Hon Alannah MacTiernan is quite right. It was a single storey building. In effect, the area was more than 3 000 square metres. That is about three-quarters of an acre or three housing blocks on my old scale, or five blocks on the present scale. Asbestos had to be cleaned up, otherwise children would not have been allowed to go there. They took away the soil. There was a comment about whether they took away too much soil. That decision can also be made in hindsight. A lot of soil had to be put back in to replace what had been removed. The estimated cost was about \$80 000 based on similar repairs. This matter exceeded that figure. Hon Alannah MacTiernan has the same costing sheet as I have.

I will have a further look to see what the costs are, but they are broken down into labour, materials, plant hire and so on. Plant hire on those days and at those rates seems to be reasonable, bearing in mind the size of the operation. The tip fee is the big one - it depends on the number of tonnes and the number of bins that were carried to the dump. Some 640 cubic metres of sand replaced what had been taken out and sent to the dump. Hon Alannah MacTiernan seems to be worried about the firm that did the work and future work under maintenance contracts. It is up to the BMA to consider that based on the evidence. I rely on it and the Minister to make the decision.

As for tipping costs, I have a letter saying that Mindarie Keys was not even mentioned; Hon Alannah MacTiernan has only just mentioned it now. Asbestos had to be removed quickly. The work was well managed and it included full consultation with the Education Department and the community. No health related concerns were raised at the time and none has been raised since. The due process was followed. Overall, the cost appears to be reasonable subject to the tipping fees. In hindsight, we could have asked, "Will we get some quotes beforehand, and what cubic capacity will we take?" Hon Alannah MacTiernan says that for a larger volume there should be a better price. The school resumed normal operations. There was a minimum of two days' delay. The fire was on the Sunday and the school reopened on the Wednesday.

HON KIM CHANCE (Agricultural) [3.07 pm]: I did not have an opportunity to speak to Hon Alannah MacTiernan to any extent before she raised these matters. Although I understood the broad nature of the debate, I certainly had not been made aware of the facts. I am extremely concerned about some issues that Hon Alannah MacTiernan has raised. I am gratified that the Minister for Finance has undertaken to check them out - that is the very purpose of raising the matter in this forum.

On occasions, I have been directed to examples of other non-compliance with specifications in respect of contracts let by the Building Management Authority. The motion provides an opportunity to bring forward just one of those cases. It was raised

with me by an unsuccessful tenderer for works on a TAFE campus in a country town. Having tendered on a price regime which was set in accordance with the standards established in the contract, the builder who raised the matter with me was understandably upset not so much that he was beaten by another builder but that he was beaten by an unregistered builder whose work when completed fell substantially below quality standards and, more important in an objective sense, below specific provisions of the contract.

Hon N.F. Moore: I hope that Hon Kim Chance will tell me quietly some time which one it is so that it can be fixed.

Hon KIM CHANCE: I have already made a formal approach and I was satisfied with what happened.

Hon N.F. Moore: I thought that Hon Kim Chance would leave a smell in the air, just as Hon Alannah MacTiernan did on this matter.

Hon KIM CHANCE: If the Minister will let me finish, he will know what I mean. The performance of the work fell substantially below the contract specifications. Presumably the successful bidder, whose work was substandard, did not go on to win too many further bids. However, apart from those matters that the Minister for Education has raised, the important point is that that was no consolation to the tenderer, who having done the right thing and tendered according to the specifications quite properly and actually badly needed the job at that time, suffered a financial loss. That was his concern and it remains my concern rather than the actions of the successful tenderer.

The practice of breaking up contracts into segments that have a lower dollar value than the threshold value, which is determined for tenders, is also a concern to me. I think the threshold figure is about \$10 000. I have been quoted the example of a \$45 000 project - again in a TAFE centre - that never went to tender. It was broken up into five different contracts of \$9 000 each and consequently it fell below the threshold figure. While one could argue that in a couple of instances it could be reasonable to break up such a contract into different trades, and indeed that might provide local tradesmen with more opportunities to bid - and I certainly have no difficulty with that - this project was broken up in such a contrived manner that it was clearly done for no other reason but to circumvent the tender requirement.

I have been told that this is quite a common practice in order to get around the need for formal tendering processes. The project is simply split into its components and quotes are invited from various contractors, which is still a requirement, rather than going to the additional extent of calling for formal tenders. That issue was touched on by Hon Alannah MacTiernan. However, the problem is that the practice circumvents the regulations that have been put in place for a purpose.

To get back to the point raised by the Minister for Education, in the end, as a result of my inquiries with the Building Management Authority and my own investigations, I was satisfied in the case that I have raised that there was no corrupt outcome and that the matter was handled properly. I was going to say that anyway, regardless of whether the Minister raised the matter. I was concerned with the principle, but in that case I was satisfied that there was no need for further action beyond that which had already been put in place by the Building Management Authority, and I was satisfied with the outcome.

The principle remains: The purpose of the regulations is to give the public a protection from corruption. There was no corruption involved in this case, but every time we subvert the regulations and every time we try to find a way to drive around them, we make it easier for the next person who comes along with an intent to defraud to get away with that attempt, because the practice becomes masked by what is industry practice. If it becomes practice in the building industry to find a way of driving around the Building Management Authority regulations for a criminal purpose people will become confident that they will not be discovered so easily because that event will be just one of many. That is the principle with which I am concerned.

With respect to the issues raised by Hon Alannah MacTiernan and commented upon by

the Minister for Finance regarding the Warwick Primary School, again I think we have an example on a much larger scale of what I have been talking about. At the end of the day it is our responsibility to ensure that people adhere to these regulations. When we have reason to believe that they may not have been adhered to then it is quite proper to raise the issue here. There was some criticism of Hon Alannah MacTiernan for bringing into this place evidence that was claimed to have been second-hand. If that is the best we can get then unfortunately we have to do that.

Hon N.F. Moore: There was no criticism; it was a request to know the source of the information.

Hon KIM CHANCE: There was an implied criticism by interjection from another member, not the Minister. In other circumstances that might be a quite proper criticism.

Hon Mark Nevill: If the Minister lets you go through his files you will have it first-hand.

Hon KIM CHANCE: In this case Hon Alannah MacTiernan has been trying to get first-hand information from the most available resource she has - the Minister. He is the first person to whom she should go for that information. If she had been having trouble getting it then I think it is quite fair that she raised the matter in the way that she did. In any case, I believe that the Government now accepts that what she has brought forward is something that needs to be checked out. If that is the case then that is a good outcome.

I quite accept two of the principal matters raised by the Minister for Finance. First, there was clearly a need to get on with what was a fairly unusual situation quickly. I accept that sometimes one has to do things differently in order to get a job done so that the children can get back to school. I also accept that there is very likely to be a limited number of firms that are competent to carry out that type of work. For that reason, the formal tender process is probably not appropriate in those circumstances. When we do that - for whatever reason we may want to change the processes - it does not matter how good the reasons are, it leaves us with an even greater responsibility to ensure that what we do following that is completely open and is properly tabulated. We must know every detail. The more we short-cut regulations for good reasons, the greater the responsibility on us to ensure that we can answer questions such as those raised by Hon Alannah MacTiernan so that everyone can have confidence that, even though there may have been a good reason to short-cut the regulations, there was absolutely nothing wrong with the outcome. When we have regulations for a purpose, we cannot short-cut those regulations and then expect everyone to say that there was a good reason and therefore we can get away with whatever we like.

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [3.17 pm]: I was very interested to hear Hon Alannah MacTiernan's allegations and her attempt somehow to escalate this issue into something approximating Watergate. What will members opposite do when they get a real issue on their hands? What will they call it? They have overused "Inc" and "Gate". They come into the House and start telling us a story and I sought by interjection information as to where the member had obtained the story. The member did not say, but clearly she did not go to the site of the school.

Hon A.J.G. MacTiernan: The school has been demolished.

Hon N.F. MOORE: Even though the member told us in her speech that the building should not have been demolished -

Hon A.J.G. MacTiernan: No, I said a question was raised.

Hon N.F. MOORE: Perhaps the member might tell us who raised the question.

Hon A.J.G. MacTiernan: I said that.

Hon N.F. MOORE: Was it a disgruntled contractor who did not get the job? Was it someone from the BMA or someone from the Education Department? Was it a school principal or someone in the Labor Party? Was it someone who actually went to the site and had a look and who had the expertise to make the decision on the spot about whether it should have been demolished?

Hon A.J.G. MacTiernan: I suggest that the Minister read *Hansard* because I did actually say -

Hon N.F. MOORE: Did the member? Perhaps the member could tell me and save me the effort of looking it up. The member came into the House claiming to have some story to tell that was equivalent to Watergate; it was an outrageous example of corruption!

Hon Tom Helm: With your Government it probably is.

Hon N.F. MOORE: It is extraordinary that a person like Hon Tom Helm could make a comment like that, his having been a member of the last Government, which had a royal commission that found out all sorts of things about his Government.

Hon Kim Chance: And he is an extremely honourable member at that.

Hon N.F. MOORE: Hon Alannah MacTiernan told us that a number of things had been done in an improper way in respect of this incident. She suggested that Brookes Maintenance Service had ripped off the WA Government and that the Government had been hiding information on this issue. That is not correct. I have answered questions asked by the member. My answers were based on the advice provided to me by the people involved in the situation.

Hon A.J.G. MacTiernan: Why did you then stop asking questions?

Hon N.F. MOORE: The member asks detailed questions about contracts and invoices which are the prerogative of the Minister for Works, and the Building Management Authority was running this matter. It is not a matter of hiding anything. I asked that the question be addressed to the Minister for Works. The next day the member received the answer. I do not know what she is going on about. The Minister for Works is responsible for this matter. He, not I, will take responsibility for his answers. If this work had not been done quickly and in a way which would remove the concern about asbestos in a school, the member would be the first person to complain about it. She would say that we are exposing children to the unnecessary risk of exposure to asbestos.

Hon A.J.G. MacTiernan: I don't think so.

Hon N.F. MOORE: Of course the member would be. If we had a fire in a school where asbestos was exposed and children were to go back on the site for school purposes, and we had not done anything about getting rid of the asbestos, what would be the complaint, Mr President? You have been here long enough to know exactly what the complaint would be. The question would be why are we exposing children to unnecessary risks. The member would say that it is a Watergate situation because children had been exposed to asbestos fibres. The Building Management Authority in consultation with the Education Department sought to resolve the problem as quickly as possible. A school being burnt down is a very traumatic experience for a school community. The member said that it was a brush fire, when the advice I have is that the school was severely damaged and asbestos contamination was cause for concern. They went through the process of getting it fixed. The member tells us today that somehow that process was not proper. I do not know. All I know is what I have been told. I will find out from the BMA and the Education Department what happened, in detail, so that I can respond to the questions raised by the member today.

Hon A.J.G. MacTiernan: That is why we gave some notice.

Hon N.F. MOORE: Instead of saying today that she has found some evidence of corruption, why did she not write to the Minister for Works or to me?

Hon A.J.G. MacTiernan: We gave the Minister notice.

Hon N.F. MOORE: The member should wait a moment. She could write a letter and say that there seems to be some discrepancy. She could ask the Minister to inform her about the situation. She could raise her allegations in that way. However, she comes to this place with an urgency motion saying that there is corruption of a monumental magnitude equivalent to Watergate, which was corruption of monumental significance. She has tried to align the situation with the Watergate situation. She has made allegations and left

a smell in the air about Brookes Maintenance Service. I do not know who that is. I had not heard of that firm until this matter was first referred to. If the member thinks that she has an allegation, we can sit down and work through it. I share her view that we must go through the processes properly and in accordance with the regulations and requirements to ensure there are no allegations of improper behaviour by anyone.

Hon A.J.G. MacTiernan: Give me the answers to the questions, or if your ministerial colleague is prepared to answer -

Hon N.F. MOORE: I do not know which questions the member wants answered.

The PRESIDENT: Order! The Minister should stop having discussions with the member.

Hon N.F. MOORE: The member has said that she has not been given answers to questions. Again, I would like her to tell me - in writing or verbally - what questions have not been answered. I will provide the answers or my ministerial colleague will. That is the way to go.

Hon A.J.G. MacTiernan: We have tried that way.

Hon N.F. MOORE: To come into this House with a half-baked proposition that corruption is in the air without being able to identify and specify the situation surrounding the allegations, to leave that smell in the air, is a misuse of this debate.

Hon Mark Nevill: That is what we often do and we do not get a response from the Government.

Hon N.F. MOORE: It would have been easier to come to me or the Minister for Works and say that the member believes that the company has ripped off the Government. She could say that she believes the company should have charged only \$100 a tonne for tipping at Atlas tip, when it was \$123 a tonne. It would be easy to find out which figure is correct. I did not know that the member had a concern about this issue. I will find out the figure, whether it is \$100 or \$123. That will not be a problem. Instead of making allegations -

Hon A.J.G. MacTiernan: Did you tell Brian Burke that you had concerns about him?

The PRESIDENT: Order!

Hon N.F. MOORE: I did not say a word about him. It is a pity that on such an issue where there may be some legitimate explanations for what happened, Hon Alannah MacTiernan has alleged corruption or a variation of corruption. It is a pity she did not give us a chance to explain what happened. I share her concern. If someone acted outside his jurisdiction or improperly I would be as keen as the member to do something about it. I will be investigating the matter thoroughly.

I return to the point I made at the beginning: The clean-up was done to try to avoid any suggestion that children were being exposed to asbestos. The clean-up was done as quickly as possible, as Hon Max Evans said. In two days the place was cleaned up. The threat of any asbestos problem was moved as quickly as possible. If we had not done that the member would be the first to criticise us. If in the process of seeking to achieve that situation some of the rules were bent or not complied with, I will find out.

Hon Mark Nevill: You should be the next Minister for Police.

Hon N.F. MOORE: The member never knows his luck.

Hon Mark Nevill: I would support that move.

Hon N.F. MOORE: It would be very easy for us to sort out the problem if, instead of Hon Alannah MacTiernan trying to sensationalise the issue, she had come to us and pointed to the questions that she has asked, and to the answers she has received. She could have said that it does not add up, and she could have outlined what she thinks was wrong. I would have given the member an absolute assurance that it would be investigated thoroughly. If she still did not like the information I would try to work out where the problems lie.

The member should not come in here and say that there is corruption in the air; that Brookes Maintenance Services ripped off the Government, insinuating that an inside deal was done with the BMA. It was a suggestion that somehow that company got the contract when it should not. My advice is that it was the third firm contacted on the Sunday, but the first one which could do the job. That advice was provided to me by the person who made the telephone call. Perhaps that person has it wrong. Perhaps he does not remember. Perhaps the member remembers better than he does. There are some discrepancies between what the member has said and what I have been told happened - by the people who did it. The member might be right and other people wrong. Let us sort it out once and for all. The member should outline her allegations, put them in writing, or tell me verbally, and I will give a guarantee that the matter will be investigated. It is a pity that the member has had to use this House for these purposes.

HON A.J.G. MacTIERNAN (East Metropolitan) [3.28 pm]: This is precisely the purpose for which we should be using an urgency motion. I tried in a painstaking way to garner information on this matter before I brought it to the House. It was only when I met a brick wall that I decided to take this matter down the route of an urgency motion. I made sure that in framing the urgency motion I specifically mentioned the Warwick Primary School with the hope, in the intervening hours that the Minister had, he could have got his officers -

Hon N.F. Moore: I had half an hour.

Hon A.J.G. MacTIERNAN: That is not our fault. We put in the motion a couple of hours ago. We hoped that the Minister would have the opportunity to answer these questions. Perhaps I overstated the matter by describing it as "Warwickgate". Perhaps it was an attempt at some humour.

Hon N.F. Moore: It was a typical attempt to hit the headlines.

Hon A.J.G. MacTIERNAN: At this point I have not alleged corruption. I said that I thought we may see, in the fullness of time, if we got information, circumstances which would be even more alarming. No-one is suggesting that the procedures that were adopted on the Sunday were in any way irregular. There had to be an immediate securing of the site. We do not have a problem with that. We are talking about the demolition contract that was granted. The issue needed urgent action. There have been approximately five such fires in schools in the metropolitan area this year. It is not an unusual event. In all instances the entire panel has been given an opportunity of tendering for the work. It has been an informal tender process, not one involving written tenders. There has been a tender price, and people have had an opportunity of putting in a price. Not only is it proper to put all the business people in the arena on a level playing field but also it would ensure a decent price result for the Government.

I am very concerned that the Minister for Finance does not believe that this is irregular, and that it constitutes due process to have a contract that will be somewhere in the order of \$200 000 handed to one person in the form of a blank cheque. It is not, "I will do this work for you for this price." It is, "You go and do the work and charge us whatever you like. You tell us how many hours you have worked; we will not have anyone checking on you."

[Motion lapsed, pursuant to Standing Order No 72.]

RULING - PRESIDENT

Point of Order Raised by Hon Eric Charlton

THE PRESIDENT (Hon Clive Griffiths): During the debate just concluded Hon Eric Charlton raised a point of order. When I asked him what it was, he said -

That is a misleading statement that the member has made about my telephoning people as part of gaining tenders. It is not right, and I ask her to withdraw it.

I asked Hon Alannah MacTiernan whether she said that. She said that she did not. I then said that I would get the Hansard office to produce a copy of the comment. The Hansard

reporter looked at the printout of the gadget that she uses and read to me her interpretation of the marks it makes. I have now been given a typewritten transcript. According to this transcript, Hon Alannah MacTiernan said -

No-one is talking about advertising and putting out tenders, because we have a limited group of people who have been approved. The standard procedure that has been adopted by the BMA in the past is that the other people on the panel are telephoned. We can ask the Minister for Transport; he knows how to go about this process of telephoning people to make tenders. He will be a bit of an expert on it.

At that point, Hon Eric Charlton raised the point of order. Having read the transcript, I consider there was no point of order. The member misunderstood what Hon Alannah MacTiernan was saying.

REAL ESTATE LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 16 November.

HON A.J.G. MacTIERNAN (East Metropolitan) [3.34 pm]: The Opposition is happy to support this Bill with the amendments that have been agreed between the Government and the Opposition. Those amendments appear on Supplementary Notice Paper No 23. Following our success with the consumer credit legislation, we have engaged in some constructive dialogue with the Minister for Fair Trading and ended up with a win-win result for both sides. Although these positive transactions in the Parliament do not often get publicity and are generally not the subject of press releases, it is important to recognise that just occasionally we can reach an accommodation and an agreement on matters that are important to our various constituencies. Once again, I compliment the Minister for Fair Trading on his preparedness to discuss these matters and to adopt the amendments we have proposed. I also pay tribute to the members of his advisory staff, who were of great assistance in fast-tracking this process and very helpful and proactive in ensuring this accommodation.

We have agreed that we will keep this debate fairly short, but I will make a couple of comments on the Bill. In part the legislation provides the opportunity for changes to the scale of fees set for real estate agents. At the moment a scale of maximum fees is ordained by the Real Estate and Business Agents Supervisory Board. This legislation will enable the governing board to determine whether real estate agents will set maximum fees. It opens the way for deregulation of real estate agents' fees, be they commissions on sale or on management of property.

We think this is a good move and we are prepared to support it, because it is confined to the commercial arena. We would be concerned if this were extended to the residential arena. From time to time we have said that many people who engage in real estate transactions do so only a very limited number of times in their life and do not have the opportunity to develop a great deal of commercial sophistication. Therefore, they are not in a position to know the level at which the fees should be set. For those dealing in commercial properties the reverse is the case. We may get a much more interesting range of services developing for commercial management property as a result of this deregulation.

A number of amendments deal with modernising the processes of trust funds, but I do not intend to go into those, bearing in mind the time limits set for this debate. I note that one change in the legislation affects real estate agents and settlement agents not only in commercial transactions but also in dealing with residential bonds; that is, a proposal to broaden the range of financial institutions to include, along with building societies and banks, credit unions, the third limb of the provision of financial services within our economy. They have as much right as banks do to be the recipients and holders of such funds. It is important to understand that credit unions are subject to the same prudential standards as building societies. At the end of the day there is no logical reason that credit

unions should not be granted the same status under the legislation as are banks and building societies. I am pleased to see the Minister has agreed to that and a number of amendments are designed to achieve that.

There are some alterations to the Residential Tenancies Act. That Act was introduced by Labor in 1987. Having been part of the process of drafting that Bill I realise how entrenched are the interests of property. It took us many years of agitation behind the scenes in the Labor movement to see the legislation enacted in this State, although other States had managed to achieve it at least a decade before. Concerns have been expressed to the Government and to the agency reviewing the legislation about the difficulties that landlords have in recovering rent; indeed, they were told that, given the processes set down in the legislation, by the time a landlord obtained a court order against a recalcitrant tenant, the entire extent of the bond had already been gobbled up. It was then suggested that certain changes be made to accommodate that. Although we on this side of the House recognise that some tenants do not take their responsibilities seriously and that it is not necessarily just a question of lack of resources, but that some people have a complete indifference to their obligations, at the same time we also note that many people find themselves in difficult financial circumstances. A low wage person earning perhaps a basic metal trades award rate of \$340 gross will not have a large bank balance to enable him to sustain a period of unemployment. If he became unemployed it would certainly take at the very minimum two to three weeks before he was entitled to any unemployment benefit payments. During that period a person, no matter how good his endeavours or honest his intentions, may well find himself unable to pay rent. Therefore, we have been very hesitant to see the provision that cuts the length of time before a person can be evicted for non-payment of rent.

We agree with the recommendation of the review that it is proper that landlords be given the opportunity to commence the process immediately there have been arrears. At the moment one must wait until the arrears is of seven days' duration. Under this legislation it will be possible to see a notice issued on the day after the breach has occurred. We do not have a particular difficulty with that; we think it is probably not a bad idea to let tenants know of their breach immediately. It was proposed to have two tracks of enforcement of a notice of arrears. One would provide that a termination notice could be issued seven days after the issuing of the breach notice, and seven days after that termination notice a court application could be made. The difficulty we have with that process is that after the serving of the breach notice there would be only a seven day gap until the termination notice was given, and the termination notice could be final. The fact that it might not proceed to court for another seven days and perhaps not be heard for another month would not allow the tenant enough time to get the money together because the termination notice would still take effect, notwithstanding the fact that the person might be able to pay before the court proceedings began. We understand that that could always be waived by the landlord, but we have to ensure that the legislation provides proper protection and is not based on the largesse of a landlord.

We have spoken to the Minister and asked whether that period between the issuing of the breach notice and the issuing of the termination notice could be extended to 14 days. That still does not leave the average low income tenant with a great deal of protection, but at least it gives him a greater time in which to try to rectify the arrears.

[Continued next page.]

[Questions without notice taken.]

SELECT COMMITTEE OF PRIVILEGE INTO DOCUMENTS OBTAINED AND RETAINED BY THE ROYAL COMMISSION INTO USE OF EXECUTIVE POWER

Report Tabling, Extension of Time

Hon Kim Chance reported that the Select Committee of Privilege inquiring into documents obtained and retained by the Royal Commission Into Use of Executive Power

had requested that the date fixed for presentation of its report be extended from Thursday, 30 November 1995 until Thursday, 7 December 1995, and on his motion it was resolved -

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

[See paper No 966.]

REAL ESTATE LEGISLATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.37 pm]: Before question time I was explaining the concerns of the Opposition about the proposal to contract the period before a rent termination notice can be issued to a tenant who has fallen into arrears in his rent. As I pointed out, many people in our community - a disproportionate number of those will be people who rent properties - by virtue of the level of their income do not have an asset backup that enables them to sustain a period of unemployment. Quite frequently even the most well intentioned tenant finds himself in arrears. I explained that the amendment we negotiated in alternative 1 is now available for landlords seeking to take action on unpaid rent. The minimum period before termination can occur for unpaid rent is now 14 days, a rather short time, although the proposal in the Bill was for seven days.

The Government has agreed to support an extension back to 14 days. This legislation introduces a second process, an alternative 2. If rent is not paid, rather than issue a termination notice seven days after the issuing of the eviction notice - that is, the notice that can now be sent on the day after breach - a landlord will be able to file a court application immediately. The difference is that, with alternative 2, although the process allows the landlord to move more quickly towards taking court action, it is open to the tenants to pay the arrears at any time until the hearing of that court action and the action will thereby be answered.

In alternative 1, once the termination notice is issued it is up to the landlord to decide whether he will accept payment of arrears of the rent as satisfaction of the matter. In alternative 2 it is a procedure which fast tracks towards a court application in a mere seven days. The Minister and his advisers said there was no way a person would arrive in court a mere seven days after the issuing of an application because delays always occur in getting a listing. In the majority of cases that is true; it is highly unlikely, certainly in the metropolitan area, that one would get a listing in under 21 days. In reality, in most cases we will probably see a period of approximately 21 to 28 days pass between a person falling into arrears and an action being taken in the court, perhaps even more, given the backlog that often happens in the Local Court. However, we were disturbed when the Tenants Advice Service said that from its experience occasions arise when these matters are brought on more quickly, particularly in country areas. In many instances those lengthy delays do not occur. In some instances, cases drop out and it is possible that an action might be brought on early. A landlord might be lucky and be able to jag a very short notice of hearing.

Again, our concern is that there would be far too little time for a tenant to put his affairs in order and pay his arrears without suffering that very severe penalty of being booted out of his home. This very real concern was put to us by the Tenants Advice Service Inc and was compounded when I recently received in the mail a document from The Real Estate Institute of WA Inc. The document is called "Market Monitor", and under the heading which states that REIWA welcomes reforms to real estate legislation, it says that the Bill introduces two alternative methods to deal with tenants who are not paying rent; that the proposed new methods provide for notice periods that are reduced by up to 14 days; and that it is expected that agents will be able to list matters in the court in as little as eight days. I suppose the interpretation of that turns on what one means by "list matters", but certainly our concern is that there may well be circumstances in which an application to the court could be followed very shortly by a hearing. We put to the Minister that if that

was not the intention and that the time period for application was based on the belief that it would take 21 to 28 days to obtain a listing, there should be no difficulty in inserting a minimum into the legislation. Therefore, the procedures could commence the day after a breach with an eviction notice, and seven days after that there could be a court application. We have recommended, and the Minister has agreed, that the caveat be placed that a hearing of an application under section 71 shall take place not less than 21 days after the notice is given. Therefore, if the second alternative is followed, a tenant has a minimum of 21 days in which to put his affairs in order. We think that is a very great improvement on the original proposal. It allows the landlords to get things cracking but provides a decent amount of time for tenants to find the money to pay their arrears.

We were also concerned that there may be situations in which a very good tenant has fallen into arrears, perhaps due to unemployment, and has difficulty paying within the 14 or 21 day period before the matter goes to court. Most reasonable landlords with a good tenant would be prepared to negotiate. If a person put up a proposition whereby he could pay, I think the majority of landlords would be prepared to negotiate. However, some landlords are far more savage in their approach. Often there are circumstances in which a landlord in the midst of a tenancy decides that he wishes to change his investment portfolio and might for one reason or another want to sell the property and would be looking for ways to get rid of the tenant. It is unfair that a tenant who has simply fallen behind in rent on one occasion in circumstances beyond his control should have his tenancy terminated after such a short period of arrears. A court has the capacity to consider what is described in the legislation as "the circumstances". We were concerned that those circumstances might be read quite narrowly to take into account only the technical procedures laid down in the legislation and that the circumstances that the magistrate could consider would be those which went to whether the proper forms had been issued and properly served and that the tenant had not paid. A number of magistrates in Perth take a broader interpretation, and we welcome that. However, as we have often said in this place, the magistracy in this State is very uneven in quality, and quite likely some magistrates would take a much more restrictive approach in interpreting the legislation. We asked for that matter to be put beyond doubt. The Minister has agreed to a modest amendment that changes the words "the circumstances of the case" to the words "all the circumstances"; so making it clear, though perhaps not quite as clear as I had hoped, that it is not simply the very limited technical requirements of the legislation that need to be considered when determining whether a tenancy should be terminated.

Another amendment, in which we had no part, provides the real estate board with an additional role of providing advisory services. I will be interested to hear from the Minister what sort of services it is envisaged that the board might provide, to whom, and whether those services will be in substitution for some of the other private organisations, such as Shelter WA and the Tenants' Advice Service or whether it relates to quite different advice. With those comments I thank the Minister in his capacity as Minister for Fair Trading for being prepared to entertain our concerns and being prepared to act upon them. As I have said before, it makes one think that once in a while there is some point in coming to this place and putting forward arguments.

HON PETER FOSS (East Metropolitan - Minister for Fair Trading) [4.49 pm]: I thank the member for her helpful contribution. I agree with her; it has been a very positive and useful discussion. I also pay tribute to the officers involved. I think they have acted in a very professional way as strictly public servants. They have been useful to both Government and Opposition. I am pleased that this legislation will be going forward, and I am happy to deal with other matters during the Committee stage.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Peter Foss (Minister for Fair Trading) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 4 amended -

Hon PETER FOSS: I move -

Page 3, line 11 - To insert after "Auditor General" the words "building society".

Page 3, lines 15 to 23 - To delete the lines.

Page 4, after line 9 - To insert the following -

"society" means a society or foreign society within the meaning of the Financial Institutions (Western Australia) Code;

These amendments give effect to the inclusion of credit unions.

Hon A.J.G. MacTIERNAN: I support these amendments. The same prudential standards apply to credit unions as to building societies and there is no reason credit unions should not be on an equal footing and have an equal ability to participate in these real estate transactions.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 5: Section 8A inserted -

Hon PETER FOSS: I move -

Page 4, line 28 - To insert after the word "education" the words "and provide advisory services".

Hon Alannah MacTiernan referred to this amendment in the second reading stage. People now regularly ring the board to seek advice. We believe it is useful that the board is selected as a source of information and it should continue to give information to people who go to it to seek such information.

Hon A.J.G. MacTIERNAN: I understand what the Minister is saying. I have some concern that we might see some of the resources that accumulate in the trust fund going to the board for this purpose. Is there any prospect that this might mean it would be more, or less, difficult for agencies, such as the Tenants Advice Service, to compete for those funds?

Hon PETER FOSS: No. It is not expected to be an extension of the current service; it is merely intended that the service be funded. Because of the changes being made, considerably more funds will be available than was previously the case.

Hon A.J.G. MacTiernan: Is the Minister suggesting that funds will be directed to the board for that purpose?

Hon PETER FOSS: Yes, but it is not expected to be an expansion of the current activity. This amendment authorises the board to provide the advice it is giving now and authorises that it can be part of the services that are funded. I do not expect any change in the situation where people call the board asking for advice and are then given that advice; nor do I see any competition for the funds because there will be considerably more funds than would be absorbed by supporting this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 11 put and passed.

Clause 12: Section 67 amended -

Hon PETER FOSS: I move -

Page 10, line 23 - To delete the word "building".

Page 10, line 28 - To delete the word "building".

Page 11, line 7 - To delete the word "building".

These are consequential amendments due to the alteration made earlier. They allow the use of credit unions.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 13 to 27 put and passed.

Clause 28: Section 131A amended -

Hon PETER FOSS: I move -

Page 26, line 15 - To delete the word "building".

This is a further consequential amendment as a result of the earlier change.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 29 to 39 put and passed.

Clause 40: Various references to "bank or building society" changed -

Hon PETER FOSS: I move -

Page 32, line 29 - To delete the word "building".

This is a further consequential amendment to the earlier change.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 41 to 49 put and passed.

Clause 50: Section 62 amended -

Hon PETER FOSS: I move -

Page 45, line 10 - To delete the figure "7" and substitute "14".

Page 45, line 29 - To delete the word "and".

Page 46, line 6 - To delete the line and substitute the following lines -

hearing of application; and

- (c) the hearing of an application under section 71 shall take place not less than 21 days after notice is given.

These amendments are to give effect to the changes requested by Hon Alannah MacTiernan where the time is raised from seven to 14 days and the hearing is to take place not less than 21 days after the notice is given.

Hon A.J.G. MacTIERNAN: As explained more fully during the second reading debate, we requested these amendments because of our concern that without them it would be possible for persons to have their tenancies terminated in seven to eight days. We believe that is simply not fair in the circumstances in which many people find themselves. Basically this returns to the status quo the length of time between falling into arrears and when a termination notice can be issued. We are totally supportive of these amendments.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 51: Section 71 amended -

Hon PETER FOSS: I move -

Page 46, after line 17 - To insert the following subclause -

- (2) Section 71(2)(b) of the principal Act is amended by deleting "the circumstances of the case" and substituting "all the circumstances".

This meets a further request made by Hon Alannah MacTiernan about the matters to be taken into account by the magistrate in determining whether to issue an order of eviction.

Hon A.J.G. MacTIERNAN: As stated more fully in the second reading debate, we requested this amendment to ensure that the magistrate, in determining an application for an eviction, can take into account a broad range of matters and not simply the technical requirements leading to the issue of a termination notice or a rental eviction notice. It is important that it is clear that the full range of circumstances, including the history of the tenant, the length of the tenancy and the circumstances that have led to the tenant's falling into arrears can be taken into account by the magistrate in determining whether to grant the landlord's application for eviction.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 52 and 53 put and passed.

Clause 54: Schedule 1 amended and savings -

Hon PETER FOSS: I move -

Page 47, line 11 - To delete the word "building".

Page 47, lines 20 to 25 - To delete the lines and substitute the following lines -

"society" means a society or foreign society within the meaning of the Financial Institutions (Western Australia) Code.

Hon PETER FOSS: This is to carry into effect the extension to credit unions.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 55 to 57 put and passed.

Clause 58: Section 3 amended -

Hon PETER FOSS: I move -

Page 54, line 10 - To insert after the words "definitions of" the words "building society".

Page 55, lines 1 to 9 - To delete the lines.

Page 55, after line 19 - To insert the following -

"society" means a society or foreign society within the meaning of the Financial Institutions (Western Australia) Code;

This is also to allow the extension to credit unions.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 59 put and passed.

Clause 60: Section 8 amended -

Hon PETER FOSS: I move -

Page 56, line 4 - To insert after the word "education" the words "and provide advisory services".

The amendment is for a similar purpose to that which was moved in respect of the Real Estate and Business Agents Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 61: Section 11 repealed and a section substituted -

Hon PETER FOSS: I move -

Page 56, line 26 - To insert after the word "paid" the words "from moneys standing to the credit of the General Purpose Fund".

Counsel discovered a drafting inconsistency between the Settlement Agents Act and the Real Estate and Business Agents Act. The amendment is to remedy that inconsistency.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 62 to 65 put and passed.

Clause 66: Section 48 amended -

Hon PETER FOSS: I move -

Page 62, line 7 - To delete the word "building".

Page 62, line 12 - To delete the word "building".

Page 62, line 19 - To delete the word "building".

Again, it is to extend the provisions to credit unions.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 67 to 83 put and passed.

Clause 84: Various references to "bank or building society" changed -

Hon PETER FOSS: I move -

Page 78, line 12 - To delete the word "building".

This is another amendment to extend the provisions to credit unions.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 85 to 88 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

HON PETER FOSS (East Metropolitan - Minister for Fair Trading) [3.07 pm]: I move -

That the Bill be now read a third time.

I thank the Opposition for its cooperation in this matter.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

UNLEADED PETROL REPEAL BILL

Returned

Bill returned from the Assembly without amendment.

WATER CORPORATION BILL

Second Reading

Resumed from 21 November.

HON SAM PIANTADOSI (North Metropolitan) [5.08 pm]: The Opposition opposes the Bill, and for very good reasons. We are talking about a utility that is not only the best

in Australia but whose expertise is well respected in South East Asia. In recent years, many South East Asian countries have looked at the technology of water utilities in Australia, especially in Western Australia, and it stands in good stead. I believe, and I think the Minister can confirm, that some companies in Western Australia are already looking at contracts in South East Asia.

I said earlier this year in this place that the expertise in the Water Authority of Western Australia, especially in relation to construction, was well recognised. After a farcical attempt by a group of contractors to complete a project, authorities in Victoria saw fit to bring a crew from Western Australia to take over. That crew was housed in a hotel for some time. It did the work and completed it to an excellent standard. Notwithstanding the expense of flying the crew to Victoria and paying for accommodation, the cost of the exercise was less than it would have been had the Victorian crew completed it.

This Bill is an attempt by the Government to ensure that Western Australia's water supply heads along a path towards privatisation. The Minister handling this Bill in the other place was tackled about this issue and he made the position very clear. If the Minister handling this Bill in this place, Hon Peter Foss, were to check *Hansard* he would see that the Minister in the other place guaranteed that the Water Authority would not be privatised before 2000. Basically, the Government is looking at the medium to long term in its effort to deal with privatisation. This is a carve up of utilities, and the profitable sections are being put aside. There are some positive aspects to the Bill, but in the main it is gearing the Water Authority for privatisation.

Members of the Opposition had a briefing about four weeks ago. At that briefing I raised a number of concerns. Unfortunately there was insufficient time to deal with all the issues. Out of the blue, I received a call from Peter Jones asking me whether I would like a briefing from his officers. I was somewhat mystified as to why the offer had been made. I had attended a briefing for all members of the Opposition and all of a sudden this offer was made.

Hon Peter Foss: I asked him to because you were the person handling the Bill in this place. We wanted you to have as much information as you required.

Hon SAM PIANTADOSI: That is welcomed.

Hon Peter Foss: Your companion Hon Nick Griffiths suggested that I provide you with assistance.

Hon SAM PIANTADOSI: I am not knocking it. I just wonder why.

Hon Peter Foss: It is because I asked them to provide it. I asked them to give you as many briefings as you wanted.

Hon SAM PIANTADOSI: I welcome the Minister's cooperation in this matter. However, there was a couple of areas that I raised at the original briefing, and at this next briefing I touched on those areas. I found the situation somewhat questionable and wondered about the motives, because basically the officers were targeting two areas of concern that I had raised. I was concerned about the amount of information and some of the questions. I was offered this briefing, but the two gentlemen were not in a position to give me the information I required. I asked myself what was going on. Was the briefing to be specifically about the information that they wanted to pass on to me or was it to be a clarification of the information I was seeking in respect of the different aspects of this proposal? I am not normally a suspicious person.

Hon Peter Foss: I hope you are.

Hon SAM PIANTADOSI: The Minister is not listening. He should pay attention and if he did he would understand the point that I am making. The Minister's problem is that he has his point of view and when he does not like someone else's point of view he attacks them.

Hon Peter Foss: I am offering you any assistance that you require.

Hon SAM PIANTADOSI: I am sure that the Minister will have ample opportunity - he is making notes - to respond to what I have said. When we get to the Committee stage

there will be ample time for us to canvass other issues. If the Minister wants to continue to interject, I have no problem with that. I do not mind interjections at all.

The PRESIDENT: I do not want the Minister to interject because he is using up the member's time.

Hon SAM PIANTADOSI: I believe that I have unlimited time in which to speak.

The PRESIDENT: I do not know why the member would believe that.

Hon SAM PIANTADOSI: I am handling the Bill on behalf of the Opposition.

The PRESIDENT: The member obviously did not hear my ruling yesterday.

Hon SAM PIANTADOSI: I was not here.

The PRESIDENT: I cannot help that. The member is still using up his time.

Hon Max Evans: There was a ruling on this yesterday.

Hon SAM PIANTADOSI: I understood that I had unlimited time.

The PRESIDENT: Unless at the beginning of the speech the member indicates that the Leader of the Opposition has handed over his role to him -

Hon SAM PIANTADOSI: That has been indicated also by the Minister. He was aware of that and that is why I was offered the extra briefing by his officers - it was acknowledged that I was handling the Bill on behalf of the Opposition.

The PRESIDENT: I will not strictly enforce that ruling if the member genuinely was not aware of that. I did make a ruling yesterday and I am happy to ask the Clerk to turn off the clock as long as the Leader does not come back later and say he wants to use his time.

Hon SAM PIANTADOSI: If he does I can assure the House that there will be a new leader in the camp.

The PRESIDENT: I am happy to turn off the clock.

Several members interjected.

Hon SAM PIANTADOSI: That was just a suggestion. I do not go around threatening people. I do have some very powerful friends. Perhaps I could ask Mr Lightfoot.

Hon P.R. Lightfoot: They are closer than friends.

The PRESIDENT: Order! My offer to the member does not give him licence to dilly-dally.

Hon SAM PIANTADOSI: If the Minister has any questions he would like to ask of me, he has the opportunity to do so. That is no problem. I am aware that a related Bill is to be introduced but that it is not quite ready. That is another difficulty, because one would have thought that these pieces of legislation would have been introduced together.

Hon Peter Foss: I ask for this to be a cognate debate.

Hon SAM PIANTADOSI: I am referring to the plumbing Bill.

Hon Peter Foss: It is set in many ways.

Hon SAM PIANTADOSI: So are the Bills before us now.

Hon Peter Foss: No. The plumbing Bill can stand on its own.

Hon SAM PIANTADOSI: I have not seen the plumbing Bill so I cannot comment. I will have some difficulty if some part of that Bill, owing to some decision -

Hon Peter Foss: I will provide a briefing on that.

Hon SAM PIANTADOSI: Some opposition members in the other place unfortunately had the same problem because it was not ready.

Hon Peter Foss: I will make sure you are briefed.

Hon SAM PIANTADOSI: I thought it would all be done together. There was ample time.

Hon Peter Foss interjected.

Hon SAM PIANTADOSI: If that was the Minister's preference why not wait until it was written?

Hon Peter Foss: Because the time frame does not permit it.

The PRESIDENT: Order! I suggest that the member get on with it. Because I have turned off the clock does not mean he can have a general conversation with the Minister.

Hon SAM PIANTADOSI: It is unfortunate that that must happen, because of the things that have occurred. We have been presented with four Bills. Another is on its way. We are not sure about that one. It is fairly important because we have been asked to consider different areas but we do not know whether there is any connection. The Minister assures us there is not. He says the Bill can stand on its own, but strange things have happened in the past when assurances have been given. Mr President, you probably know more than anyone else, because you have been here longer than anyone else, that promises and assurances are often given but at the end of the day they count for nothing because changes have been made.

Hon Peter Foss: Please do not rely on my assurance. I will make sure that a briefing is provided.

Hon SAM PIANTADOSI: I do not intend to rely on the Minister's assurance. His past performance indicates certain things. When he was in opposition he set himself a certain standard. We can both read *Hansard* to find out about his code of conduct.

The PRESIDENT: Order! I think I have been very tolerant. I have turned off the clock. I suggest that the honourable member devote some of his time to saying whether he likes the Bill. He should accept the fact that the Minister has given an undertaking to provide some briefings. If the member continues talking about other things we will be here all night before he touches on the Bill.

Hon SAM PIANTADOSI: I have been talking about the Bill -

The PRESIDENT: With fleeting reference.

Hon SAM PIANTADOSI: Without being offensive, Mr President, for the last 15 minutes I have been suggesting that people are not fully aware of the contents of the Bill. My only reflection may have been about assurances. We are told that the Bill was motivated by the need for change for certain reasons. The structure of our water facility is about to be changed, but one part of that restructure has not been presented. That is a relevant point because, no matter how we look at it, the next Bill is relevant to the Water Authority.

The explanation by the adviser sent out by the Minister, through Mr Peter Jones, is that this legislation is to do with the Federal Government's instructions and the Hilmer report. One of the interesting factors which the adviser, Mr Ferguson, spoke about was the carrot being dangled by the Federal Government to change these government instrumentalities. At the end of the day the State Government could gain about \$100m if the changes are made. Different examples were provided relating to not only Australia but also other countries where such changes have been introduced.

Which State in Australia - not worldwide - has water problems similar to those in Western Australia? New South Wales and Victoria are markedly different. Tasmania is very different. I guess possibly the only State comparable with Western Australia is South Australia, in the sense that it is dry and does not have a good mountain range which can be a water source. South Australia draws most of its water from the Murray River and the pollution and salinity of the river has led to increasing problems with its water supply.

We accept the fact that Western Australia is different. However, with this proposed corporatisation of the authority, the examples offered relate to the United Kingdom and France. Western Australia is probably eight times the size of the United Kingdom and probably four times the size of France. Those two countries have certain geographical

features such as large mountain ranges to provide alternative water sources which we do not have. Those countries have a number of large cities, and the population of the United Kingdom is close to 60 million or 70 million -

Hon P.R. Lightfoot: It is 60 million.

Hon SAM PIANTADOSI: The population of France is about the same. Those countries have a number of well placed cities around the countryside with populations of more than half a million, so they have scope for a number of authorities to compete. The distances between those heavily populated cities cannot be compared with the situation in Western Australia. It is possible in those countries for private companies to compete in this industry. They have tried that. We are all aware of what happened with privatisation in the United Kingdom when guarantees were given on price control but promises were broken, and prices have increased considerably since privatisation took place. Later, I will give some figures about the real percentage increase in price. It is clear that we cannot look merely at overseas models before deciding what we should do in this State. One place in the world at which we can look for an example is the southern States of the United States of America - California, Arizona and Nevada. Those States are in very dry areas of that continent and are very similar to Western Australia. However, not far away from those States are the Rocky Mountains. Nevada is also very close to the States of Arizona and New Mexico, which are close to the United States-Mexico border. Those States are blessed with a good mountain range nearby, but we do not have that in Western Australia. The best that we have in Western Australia is Mt Bruce, near Tom Price, which is about 4 000 feet high. However, Mt Bruce is a long distance from the south west and the metropolitan area.

Hon M.D. Nixon: Not much rain up there!

Hon SAM PIANTADOSI: No. The facilities in the only other place in the world which we can compare with Western Australia are still government controlled. The reason they are government controlled is that the situation of those States is unique within the United States and the Governments of those States believe that it warrants special attention. They believe that those facilities cannot be privatised because they can entice people to live in those remote areas only if they provide those services and offer some subsidies.

It is obvious from what the Minister said in his second reading speech - it was confirmed by Hon Colin Barnett in the other place - that the abolition of subsidies has been considered in this proposal to corporatise the Water Authority. The first group of people who will lose the subsidy they receive currently are pensioners. The Government has calculated that if subsidies cost some \$30m a year, that amount will be taken out of the new corporatised body and put into the consolidated fund, and the Government will then calculate whether it should give pensioners a subsidy or some other form of welfare benefit. There is no guarantee that pensioners will continue to receive a subsidy of, I think, \$22 per household, per annum as a concession for the service fee. Every member in this place knows that once a benefit is removed, the chances of getting it back are very slim. Therefore, this group of people will be the losers.

I turn now to what has happened in the United Kingdom since privatisation. In the last five years, the average water bill has increased from £110 a year to £182 a year, or an increase of about 60 per cent. At the same time, the shareholders of North West Water, the private company which was established, received a dividend of £269m, which was a massive increase on the dividend of £44.3m that they received before NWW was privatised, so the company's profit was six times greater. It is most interesting that one of the beneficiaries of that increase was the chief executive officer, whose salary was increased to £360 000 a year, when the person who had occupied the equivalent position before privatisation earned £50 000 a year. That was a 70 per cent increase.

Hon B.K. Donaldson: A 700 per cent increase.

Hon SAM PIANTADOSI: Yes. That is the picture with the 10 privatised water authorities that operate in the United Kingdom. In the case of Thames Water, the average water bill increased by 60 per cent from £101 to £162, and profits increased from

£207m to £242m. The chief executive officer was paid £181 000 before privatisation, but after privatisation his salary was increased to £317 000. The shareholders were clearly the beneficiaries of that privatisation exercise. The increase in tariffs subsidised those profits. I do not think too many businesses in either the United Kingdom or any other country in the world could boast a 12 per cent a year increase in profits for five consecutive years. That is not bad. A monopoly, whether it is in the UK or in Western Australia, can achieve those sorts of figures. It would be in anyone's interests to try to get his hands on this baby, because it will be the goose that lays the golden eggs.

I could become very suspicious when I see who is the chairman of the committee reporting on this structure - it is a former Liberal Government Minister - and I could pose a few questions: Where is he heading? Does he look like continuing in this role as chief executive and chairman of the board of this new structure? What are the affiliations of the people who will comprise this new board? Only yesterday I read a few proposals in the federal *Hansard* put forward by a former member of the Liberal Party. The groundwork for the structure of the new corporatised Water Authority does not look too healthy.

Hon B.K. Donaldson: If there is a change of Government Hon Sam Piantadosi might become the chairman.

Hon SAM PIANTADOSI: I can assure Hon Bruce Donaldson that as I have already been involved in public life for 21 years, once I leave this place I will be devoting my time to my family and friends. None of those positions will fall my way.

We need answers to those questions. The strict accountability that the Minister refers to in his second reading speech is not in place; the Minister is not correct. The Minister talks about opening the door for competition; however, the corporation will have a monopoly on the water supply. Where will these competitors come from, and how will they fit in with this new structure? We have seen the fun and games in the telecommunications industry between Telstra and Optus. It has been difficult for Optus to break into the marketplace, where Telstra has had a monopoly for a long time. Optus was able to gain a bit of ground for a short time, and its peak was about 12 per cent of the market; however, I do not think it has improved its position much since then. A marketing war is going on and over the past two or three weeks both companies have been offering incentive packages to attract customers from one to the other. Even with all the money that Optus is using to break into and secure a share of the Australian market, it has only 12 per cent of the market and its market share has not improved over the past 12 months. Some of the packages that are now on offer to attract more and more clients are ludicrous.

In his second reading speech the Minister states that he wants to make the market more competitive, which goes hand in hand with accountability. How can the Minister ensure the principle of competitive neutrality when there is a monopoly, and there is no way that any other competitor can break that monopoly? Water is the only resource and in the metropolitan marketplace there is only one delivery system. The Minister can talk about competitors getting into the system. I cannot see how. I use the example of Telstra and Optus. Optus must rely on utilising the existing resources of Telstra until it is able to get its own system. It is only now starting to get its own system into the different States by laying its own lines and cables. Once that is achieved in each State it will be able to compete on a more even keel with Telstra.

The water proposal is more difficult because the corporation will have a monopoly. I do not think the Water Corporation will allow anyone to tap into its pipes to sell water. It has the monopoly, so why should it? How can the Minister say that the principle is competitive neutrality? Where there is a monopoly, there is no competition. All I can assume is that the talk about competitive neutrality is a furphy. We have the company and its mates. Yesterday Hon Nick Griffiths and I talked about what was happening in the northern suburbs, and a few more things might ring true in the future. We do not have to worry about jobs for the boys with this Government; it is just monopolies for the boys and whether there could be a cut in there for the conservative parties. The

Government cannot talk about competition and competitive neutrality when we have only one source of supply. Who will have the opportunity to compete?

A further example has just come to mind. Some time ago I asked the Minister a question about the tenders which were put out for sewage treatment in the areas of Perth north and Perth south. The Perth south agreement has just been finalised. Has the Perth north agreement been finalised Minister? The Minister does not want to answer.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): The Minister is not refusing to answer; he cannot answer.

Hon SAM PLANTADOSI: The Minister is obviously so dedicated to the Bill that he is not even worried about it. He does not want to interject or correct anything that I might say because he is not in his seat.

Hon George Cash: Hon Peter Foss said that he had better come and sit here so that he would not be thrown out for interjecting.

Hon SAM PLANTADOSI: We can always arrange for that to happen. I understand that the process that was started some time ago in relation to South Perth is about to be finalised. However, there are problems with North Perth. They are having difficulty attracting people to the new options.

We must consider maintenance of the utility and what happened in relation to the sewerage infill program. We all remember what the member for Scarborough, George Strickland, had to say about the standard set by the infill contractors. In the face of the adverse publicity about the sewerage infill program, the Minister remained silent. The member for Scarborough was vocal in chastising the Minister and castigating the Government about that program. Many of those contractors carried out their work fraudulently and some householders faced rampant destruction.

The Minister will be aware of what happened as a result of letters that he received and because of letters that I passed on to him which he maintained he never received. It is amazing that after those people had complained for six months, the day after the letter was received, the Minister got on to it and the fence was repaired. That fence was six inches out of the ground and the contractors told the householder that that was the way it would have to be. The contractor then simply used a saw to level the fence off at the top while cats and dogs could come and go as they pleased at the bottom.

The member for Scarborough clearly stated the level of service that people were receiving in relation to the sewerage infill program. I am concerned about the bad workmanship because if I were in government and I knew that in about 15 years a lot of that work would have to be dug up again, I would want to sell it off and privatise it. I would get the money for consolidated revenue and it would then become someone else's problem. That is what is happening.

I am concerned about the quality of work in several services. I accept that the Minister may not have had time to visit other countries to witness the systems operating there. However, as a result of some contacts, I visited Germany. I can assure the Minister that, if he were to make inquiries, he would discover that German technology is the best in Europe, if not the world. I visited a firm of sewerage engineering design consultants in Dusseldorf called Pecher and Co. Anyone in Europe would praise the standard and quality of the service that Pecher and Co delivers.

Mr Pecher visited Western Australia and he checked out our systems and compared them with the systems in Germany. When I was in Germany, I was fortunate enough to see the systems operating in Dusseldorf. They are of a very high standard. The difference between the cost of the plant and the service delivered in Dusseldorf and that delivered in Cologne, which is only about 60 kilometres away, has to be seen to be believed. One of those services was provided by a private company while the other was provided by the local authority. The standards were completely different.

We support competition, but we must consider these matters very carefully. In his second reading speech, the Minister said that factors such as competitive neutrality and

accountability were essential to the corporatisation of the service. However, it will be hard to achieve that when there is no competitor. Where will we find the competitors? The Minister proposes a model and says that the service will not be privatised or sold. However, there will be a board of management and Hon Kim Chance and I clearly understand what the next step will be.

Hon Kim Chance: We need only consider what has happened in Great Britain.

Hon SAM PIANTADOSI: That is right. Members will be aware that the current chairman of the board is none other than Peter Jones. Will the Minister guarantee that he will not be the next chairman of the board? He cannot guarantee that. He already has the nod and he is enjoying \$61 000 a year. I suggest that there are bigger benefits to come in future for Mr Jones.

Hon Kim Chance: The Minister in the other House was also unable to give another guarantee.

Hon SAM PIANTADOSI: Exactly. We will canvass some of those issues as there is plenty of time to go through them. However, at this stage, I seek leave to continue my remarks at the next sitting of the House.

[Leave granted for speech to be continued.]

Debate adjourned, on motion by Hon George Cash (Leader of the House).

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.59 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Dairy Industry Authority of Western Australia Annual Report

HON KIM CHANCE (Agricultural) [6.00 pm]: In a standing committee of this place earlier today, I said that I would raise a matter which is drawn from the annual report of the Dairy Industry Authority of Western Australia. Rather than let the Deputy President down, I thought that I should raise the point now. Table 14 on page 47 of that annual report lists some financial statistics for the dairy industry. I will run through one or two of those figures and ask members to cast their minds back to debate on the Dairy Industry Amendment Act.

Hon B.K. Donaldson: It was a fairly emotive sort of debate.

Hon KIM CHANCE: It had an extremely emotive outcome. The amending legislation provided the manner in which milk vendors had their livelihood taken away with inadequate compensation. One of the reasons given by the Dairy Industry Authority and also the Government at the time for the need to remove the licensing rights of those milk vendors was efficiency. It was argued by the authority, in particular, and also by the dairies and the Government that the distribution arrangements were less efficient than they might be. The line item of the annual report I will take members through relates to milk vendors.

In December 1994, a time when admittedly the new arrangements were already in place and would not necessarily reflect the old arrangements, the cost in cents a litre allocated to the dollar the consumer pays for a litre of milk was 26.5. In percentage terms that is 23.45 per cent of the total price. The argument was that the new arrangements would reduce costs in this area and ultimately result in reduced costs to consumers. However, table 14 states that the price to consumers has increased, not decreased, from 113¢ a litre to 118¢ a litre; and the amount paid to milk vendors has increased from 26.5¢ a litre to 27.3¢ a litre. That is not a reduction; there were no efficiencies. The situation is precisely what the Opposition, supported by some members on the other side of this House, predicted. In fact, the likelihood was that once the dairies had a virtual monopoly over the distribution of milk and milk products, and once the enterprise and competition the former milk vendors - the private enterprise milk vendors - brought to the industry

were taken out, the costs would increase. Costs have increased. If efficiencies have occurred as a result of changes, those efficiencies have been expressed as profits for the people who remain in the business, and presumably also for the dairies that were keen for those changes. I ask members to look at the Dairy Industry Association's annual report even if to place only in their own minds the facts compared with what they were told in the argument in support of that part of the legislation. As I remember, the Opposition was 99 per cent supportive of the legislation; it was only that clause relating to licensing arrangements that it opposed.

We can do nothing about what has happened; I recognise and accept that. However, in the future, particularly as we start debating matters that relate to so-called efficiency theories, including matters such as the Hilmer principles, whenever we are told that things will get cheaper as a result of efficiencies and that the changes are justified by the efficiencies, we should hark back to the arguments we used in debate on the Dairy Industry Amendment Act and the facts that are projected in the outcomes in the DIA's annual report.

Question put and passed.

House adjourned at 6.05 pm

QUESTIONS ON NOTICE

MINISTERIAL PORTFOLIOS - SAVINGS

464. Hon TOM STEPHENS to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) What departments and agencies within the Minister for Aboriginal Affairs' portfolio areas have effected savings to government in areas of expenditure since February 1993?
- (2) What was the precise cash value of savings involved?
- (3) What policy change brought about these savings?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1)-(3) The amalgamation and relocation of the three originating agencies into single floor accommodation as the Aboriginal Affairs Department has produced a number of efficiencies in areas covering customer contact, purchasing and office services. These efficiencies have arisen from more effective work methods and have not produced a cash saving.

MINISTERIAL PORTFOLIOS - CONSULTANTS EXPENDITURE

750. Hon TOM STEPHENS to the Minister for Education representing the Minister for Aboriginal Affairs:

What funds have been expended up until 28 March 1995 to engage consultants within the Minister for Aboriginal Affairs' portfolio area since February 1993?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

I refer the member to my answer to question 498.

MINISTERIAL OFFICES - CONTRACTS FOR SERVICES OR OFFICERS

1003. Hon TOM STEPHENS to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) What number of individuals performed services for the Minister for Aboriginal Affairs' office either as an officer or under a contract for service as at 29 March 1995?
- (2) What is their -
 - (a) name;
 - (b) qualifications;
 - (c) position held or title of the position set out in the contract; and
 - (d) function and duty as detailed in any job description document for the position held by the person or the nature of services to be provided and described in the contract?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

This information has previously been provided. If the member has a specific question I will endeavour to provide a response.

ARTHUR ANDERSEN - GOVERNMENT CONTRACT

1835. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Local Government:

Since 16 February 1993, with respect to the Minister for Local Government's department and each of the bodies administered within that department -

- (1) Has any contract been entered into with Arthur Andersen & Co?
- (2) If yes, in each case -
 - (a) what is the date of the contract;
 - (b) what is the cost to the Government of the contract;
 - (c) what goods and/or services are to be provided pursuant to the contract;
 - (d) were the matters, the subject of the contract, put out to tender before the contract was awarded and if so when, what process was employed and if not, why not;
 - (e) had the matters, the subject of the contract, been formerly carried out by someone else, who was that person and why was that former arrangement discontinued;
 - (f) were the matters, the subject of the contract, formerly carried out in part, or in whole, by the public sector; and
 - (g) how many full time equivalents have left the public sector as a result of the awarding of the contract?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply - .

- (1)-(2) I am not prepared to devote the considerable resources which would be required to provide the information sought. If the member has a specific question about a particular consultancy I will endeavour to provide the information. In addition, the Government recently released its report on consultants engaged by government for the six months ended 31 December 1994. This report will be now prepared on a six monthly basis and will provide the member with the readily available information on consultancies.

DIRECTOR OF PUBLIC PROSECUTIONS - NOLLE PROSEQUI, NUMBERS ENTERED; CASES

3347. Hon MARK NEVILL to the Minister for the Environment representing the Attorney General:

How many nolle prosequi have been entered by the Director of Public Prosecutions -

- (a) since 1 July 1995; and
 - (b) between 1 July 1994 and 30 June 1995,
- and in which cases?

The answer was tabled.

[See paper No 967.]

POLICE - JUVENILES CHARGED WITH STEALING AS A SERVANT *Police Cautions; Juvenile Panel Appearances; Children's Court Hearings*

3439. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) In each of the last three years, how many juveniles have been charged with stealing as a servant?
- (2) How many cases were dealt with by the issuing of a police caution in each of the last three years?
- (3) How many offenders in each of the last three years were required to appear before the juvenile panel?

(4) How many were dealt with in the Children's Court?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Commissioner of Police has provided the following advice -

(1),(4) 1992-93 21
1993-94 29
1994-95 16

(2) 1992-93 2 478
1993-94 2 652
1994-95 2 552

The caution system only provides for offences to fall into eight broad categories. "Stealing as a Servant" is categorised under "Property Offences". This also includes offences such as graffiti, stealing, damage, receiving and burglary. The figures provided, therefore, do not accurately represent the number of cautions in respect of "Stealing as a Servant".

(3) 1992-93 12
1993-94 11
1994-95 20

POLICE - JUVENILES CHARGED WITH SHOPLIFTING OR THEFT

3440. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) In each of the last three years, how many juveniles charged with shoplifting or theft to a value in excess of \$100 were dealt with by a police caution?
- (2) How many in each year were required to face a juvenile panel?
- (3) How many were dealt with by the Children's Court?
- (4) How many offenders in each of the listed categories were first offenders?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Commissioner of Police has provided the following advice -

- (1) The caution system provides for offences to fall into eight broad categories. "Theft or Shoplifting" is categorised under "Property Offences". This also includes offences such as graffiti, stealing, damage, burglary and receiving. The value of property is not recorded and, therefore, figures cannot be provided.
- (2) Juvenile panel figures do not show a value for property stolen and includes all types of thefts. A figure, therefore, cannot be provided.
- (3) To answer the specific question, a manual search of microfiche records of individual criminal histories will be required. The value of property may or may not be recorded on microfilm. A search of microfilm records of all juveniles convicted of stealing offences to ascertain property value is physically impossible.
- (4)
 - (i) This information is not specifically recorded on the caution system.
 - (ii) All offenders appearing before a panel are first offenders. However, property values are not recorded.
 - (iii) This information is not specifically recorded. (Information may possibly be provided by the Children's Court).

POLICE - JUVENILES CHARGED WITH SHOPLIFTING OR THEFT

3441. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) In each of the last three years, how many juveniles have been charged with theft or shoplifting?
- (2) How many were dealt with by a police caution?
- (3) How many faced a juvenile panel?
- (4) How many were dealt with by the Children's Court?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Commissioner of Police has provided the following advice -

(1),(4)	1992-93	1 868
	1993-94	1 562
	1994-95	1 228

(2)	1992-93	2 478
	1993-94	2 652
	1994-95	2 552

The caution system only provides for offences to fall into eight broad categories. "Theft or Shoplifting" is categorised under "Property Offences". This also includes offences such as graffiti, stealing, damage, receiving and burglary. The figures provided, therefore, do not accurately represent the number of cautions in respect of "Theft or Shoplifting".

(3)	1992-93	883
	1993-94	1 096
	1994-95	915

1994-95 includes referrals to juvenile justice teams and includes all types of theft including shoplifting.

POLICE - JUVENILES CHARGED WITH RECEIVING STOLEN GOODS

3442. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) In each of the last three years, how many juveniles have been charged with receiving stolen goods?
- (2) In each of the last three years, how many offenders in the above category were dealt with by way of a caution?
- (3) How many faced a juvenile panel?
- (4) How many were dealt with in the Children's Court?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Commissioner of Police has provided the following advice -

(1),(4)	1992-93	225
	1993-94	272
	1994-95	209

(2)	1992-93	2 478
	1993-94	2 652
	1994-95	2 552

The caution system only provides for offences to fall into eight broad categories. "Receiving Stolen Goods" is categorised under "Property

Offences". This also includes offences such as graffiti, stealing, damage, receiving and burglary. The figures provided, therefore, do not accurately represent the number of cautions in respect of "Receiving Stolen Goods".

- | | | |
|-----|---------|-----|
| (3) | 1992-93 | 73 |
| | 1993-94 | 111 |
| | 1994-95 | 39 |

EDUCATION DEPARTMENT - DEVOLUTION
Staffing, Allocation System; Formula

3563. Hon JOHN HALDEN to the Minister for Education:

- (1) With regard to the devolution process -
 - (a) has the Director General of Education investigated the principle of allocation of teaching staff on a points system, in place of the current system based on full time equivalents;
 - (b) has the application of any formula used to determine the allocation of non-teaching staff to schools, resulted in an allocation of dollars, and not full time equivalents;
 - (c) can the principal, with the approval of the school council (or board) now elect to seek from the director general, approval for a two-line budget covering teaching staff and contingencies;
 - (d) is the principal now accountable to the school council (or board) for implementing the school development plan according to the director general for proper observance of the statutory controls required for the Education Department's schools under the Financial Administration and Audit Act 1985; and
 - (e) does the director general now assure training and support commensurate with the needs of schools to manage additional budgetary powers?
- (2) If not -
 - (a) why not; and
 - (b) when will these occur?
- (3) If yes to (1) -
 - (a) when did this occur; and
 - (b) will the Minister provide details of how these have been achieved?

Hon N.F. MOORE replied:

- (1)-(2) (a) Yes, as part of the Hoffman report - recommendation 25 - considerations.
- (b)-(c) No.
- (d) The question is incomplete and does not make sense. However, the principal is accountable to the Director General of Education for all aspects of school operations.
- (e) Not applicable.
- (3) (a) Investigations were carried out late in 1994.
- (b) Not applicable.

DIRECTOR OF PUBLIC PROSECUTIONS - TRAVEL, OVERSEAS TRIPS

3968. Hon MARK NEVILL to the Minister for the Environment representing the Attorney General:

- (1) How many official overseas trips has the Director of Public Prosecutions undertaken in each financial year since 1 July 1992?

- (2) What was the purpose of each trip?
- (3) What countries were visited?
- (4) On what dates did the DPP travel?
- (5) What expenses were reimbursed by the Government in relation to -
 - (a) accommodation; and
 - (b) other?

Hon PETER FOSS replied:

- (1)
 - (a) 1992-93 1
 - (b) 1993-94 1
 - (c) 1994-95 1
 - (d) 1995-96 1
- (2)
 - (a) Heads of prosecuting agencies conference and operational R v Connell.
 - (b) Operational R v Connell.
 - (c) Operational R v Fisher.
 - (d) HOPAC.
- (3)
 - (a) Hong Kong; Canada; USA; Italy; Jersey; England
 - (b) England; Ireland
 - (c) England
 - (d) England.
- (4)
 - (a) 19 June 1993-22 July 1993
 - (b) 6 December 1993-12 June 1993
 - (c) 17 April 1995-22 April 1995
 - (d) 1 September 1995-8 September 1995.
- (5)

(a)	Accom and meals:	\$4 455 approx;	other:	\$10 494
(b)	"	\$1 596 approx;	other:	\$4 889 approx
(c)	"	\$732 approx;	other:	\$7 581 approx
(d)	"	\$2 749 approx;	other:	\$5 316 approx

**MINING INDUSTRY - KALGOORLIE CONSOLIDATED GOLD MINES
PTY LTD**

Oroya Tailings Dam Affecting Holders of Prospecting Licences P26-1848, P26-1858

4102. Hon J.A. SCOTT to the Minister for Mines:

- (1) Is the operator of Kalgoorlie Consolidated Gold Mines Pty Ltd Oroya tailings dam affecting the holders of prospecting licences P26/1848 and P26/1858 through either high ground water levels or pollution?
- (2) If yes, will the Government take action against KCGM for breaching the Mining Act 1978?
- (3) If not, why not?
- (4) How long in months has the operator of the Oroya tailings dam been affecting the holders of prospecting licences P26/1848 and P26/1858 since it was first reported to the Minister's department?
- (5) Has KCGM's Oroya tailings dam, through discharging large amounts of saline, alkaline, cyanide constituents, caused inconvenience in the last two years to the holders of prospecting licences P26/1848 and P26/1858?
- (6) If yes, how long has KCGM caused inconvenience to the holders of prospecting licences P26/1848 and P26/1858?
- (7) Will the Government take action against KCGM for breaching the Mining Act 1978 by causing inconvenience to the adjoining tenement holders?

(8) If not, why not?

Hon GEORGE CASH replied:

(1) As at 23 November 1995 there was no apparent impact of KCGM on the holders of prospecting licences P26/1848 and P26/1858 attributable to the Oroya tailings dam.

(2)-(3) Not applicable.

(4) As there is no apparent impact at present it is not certain what this question refers to.

(5) I am advised that no report of inconvenience occurring in the last two years on the prospecting licences in question has been received by the department.

(6)-(8) Not applicable.

**DEATHS - MESOTHELIOMA; ASBESTOSIS; LUNG CANCER CAUSED BY
ASBESTOS EXPOSURE; WITTENOOM**

4109. Hon MARK NEVILL to the Minister for the Environment representing the Minister for Health:

(1) In the month of March 1995, how many people died in Western Australia from -

(a) mesothelioma;

(b) asbestosis; and

(c) lung cancer caused by asbestos exposure?

(2) How many persons in each category in (1) were occupationally exposed to asbestos at Wittenoom?

(3) How many persons in each category in (1) were occupationally exposed to asbestos in transporting asbestos from Wittenoom to Port Samson or in loading asbestos at Port Samson?

(4) How many persons in each category were environmentally exposed to asbestos at Wittenoom?

Hon PETER FOSS replied:

The questions have been answered as completely as possible on the basis of deaths registered in Western Australia to August 1995; a proportion of all deaths occurring in March will have been registered in a later month, and information is subject to review.

(1) (a) The number of persons known to have died in Western Australia in March 1995 with a stated cause including "mesothelioma" is four.

(b) Asbestosis was not mentioned in the written cause of death for any person in this month.

(c) The available information does not allow an assessment of the cause of a fatal lung cancer in the vast majority of cases; smoking is the most frequently mentioned cause - eight out of 44 cases in January 1995. There was no mention of asbestos in the cause of death information for any case of lung cancer related death.

(2) (a) One of the four persons who died in March 1995 of mesothelioma is known to have been occupationally exposed to asbestos at Wittenoom.

(b) There were no known asbestosis related deaths in March 1995.

(c) Available information does not link any known March 1995 lung cancer related deaths to work at Wittenoom.

- (3) Available information shows that one of the persons who died of mesothelioma in March 1995 had been employed in transporting raw asbestos in the Roebourne/Point Samson areas.
- (4) No person who died of mesothelioma in March 1995 is thought to have had significant non-occupational asbestos exposure while living in Wittenoom.

**DEATHS - MESOTHELIOMA; ASBESTOSIS; LUNG CANCER CAUSED BY
ASBESTOS EXPOSURE; WITTENOOM**

4110. Hon MARK NEVILL to the Minister for the Environment representing the Minister for Health:

- (1) In the month of February 1995, how many people died in Western Australia from -
 - (a) mesothelioma;
 - (b) asbestosis; and
 - (c) lung cancer caused by asbestos exposure?
- (2) How many persons in each category in (1) were occupationally exposed to asbestos at Wittenoom?
- (3) How many persons in each category in (1) were occupationally exposed to asbestos in transporting asbestos from Wittenoom to Port Samson or in loading asbestos at Port Samson?
- (4) How many persons in each category were environmentally exposed to asbestos at Wittenoom?

Hon PETER FOSS replied:

The questions have been answered as completely as possible on the basis of deaths registered in Western Australia to August 1995; a proportion of all deaths occurring in February will have been registered in a later month, and information is subject to review.

- (1) (a) The number of persons known to have died in Western Australia in February 1995 with a stated cause including "mesothelioma" is two.
- (b) Asbestosis was mentioned in the written cause of death for one person in this month.
- (c) The available information does not allow an assessment of the cause of a fatal lung cancer in the vast majority of cases; smoking is the most frequently mentioned cause - eight out of 44 cases in January 1995. There was a mention of asbestos in the cause of death information for a single case of lung cancer related death.
- (2) (a) One of the two persons who died in February 1995 of mesothelioma is known to have been occupationally exposed to asbestos at Wittenoom.
- (b) There is no information available regarding the source of asbestos exposure for the single asbestosis related death.
- (c) Available information does not link any known February 1995 lung cancer related deaths to work at Wittenoom.
- (3) Available information does not link any known February 1995 lung cancer, asbestosis or mesothelioma related deaths to work in the asbestos transport industry at Point Samson.
- (4) No person who died of mesothelioma in February 1995 is thought to have had significant non-occupational asbestos exposure while living in Wittenoom.

DEATHS - WORK-RELATED FATAL ACCIDENTS

4118. Hon A.J.G. MacTIERNAN to the Minister for the Environment representing the Minister for Labour Relations:

Could the Minister for Labour Relations provide a list of all work-related fatal accidents which occurred in the financial year 1994-95?

Hon PETER FOSS replied:

WorkSafe Western Australia records indicate there were 31 work related fatal accidents in 1994-95.

Date	Description
26.7.94	Workers were using a crane to lift a diverter from a drill hole when the swivel fell and hit the deceased on the back of the head.
4.8.94	Deceased was killed when the Haulpak she was driving rolled over.
19.9.94	Deceased was caught in the paddle mechanism of a conveyor during maintenance work.
12.11.94	Deceased splashed approximately 100 millilitres of 70 per cent hydrofluoric acid onto his legs, resulting in toxemia which caused his death.
16.11.94	Deceased was unloading a skid steer loader off the back of a truck when the bucket fell and crushed the operator.
2.12.94	Deceased was trapped between a rope drum and a swivel motor of a mechanical shovel.
7.12.94	Deceased was lifting a bale on the front end of a tractor when it toppled over and crushed him.
12.1.95	Deceased was diving when taken by a shark.
27.1.95	Deceased was electrocuted when an electric drill pierced an active light switch cable.
1.2.95	Operator crushed in a rock fall underground.
25.2.95	Four crew members of the fishing trawler <i>Harmony</i> which was sunk at sea during cyclone Bobby.
25.2.95	Three crew members of the fishing trawler <i>Pamela</i> which was sunk at sea during cyclone Bobby.
7.3.95	Deceased was carrying out an inspection at a delicatessen when he was shot during an attempted armed hold-up.
17.4.95	Deceased was struck by a falling branch while working in a forest.
28.4.95	Deceased was operating mobile rock crusher when he was caught in the conveyor system.
10.5.95	Deceased was electrocuted while replacing a faulty tilt switch in a control box.
12.5.95	Deceased fell 30 metres down an underground accessway.
13.5.95	Deceased was crushed when a suspension strut collapsed on a truck on which he was working.
14.5.95	Deceased was operating a loader when he was crushed between the loader and a wall.
28.1.95	Deceased was struck by a falling tree while working in a forest.
16.5.95	Deceased was struck by a falling branch while working on a farm property.

- 18.5.95 Deceased was electrocuted while using a generator mounted in the rear of a panel van.
- 12.6.95 Deceased was killed when a truck on a minesite rolled over.
- 16.6.95 Deceased was working on a drill rig when his clothing became entangled on the rotating drill rod and he was pulled down onto the floor of the rig.
- 30.6.95 Deceased was struck by falling branch while working in a forest.

QUESTIONS WITHOUT NOTICE

LAND - CAVERSHAM ALLOTMENTS, OWNED BY STATE HOUSING COMMISSION; SALE DETAILS

1051. Hon J.A. COWDELL to the Minister for Lands:

- (1) Have any of the following land allotments been in government hands over the past three years, and if so, which ones -
 - (a) Lots 101 and 102 Bennett Street, Caversham;
 - (b) Lots 99 and 100 Patricia Street, Caversham;
 - (c) Lots 133 and 134 Lord Street, Caversham?
- (2) For each of the allotments that have been owned by the Government -
 - (a) Which government department was involved?
 - (b) When did the lot change hands?
 - (c) Why did the sale take place?
 - (d) What was the sale price of each lot?
 - (e) When did each sale occur?
 - (f) Who purchased each lot?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1) Yes, all have.
- (2) (a) All were owned by the State Housing Commission.
- (b) All on 10 May 1994 in transfer F544878.
- (c) The Department of Land Administration is unable to advise the reason for the sale as such information is not provided in the transfer document.
- (d)-(e) It is impossible to determine the sale price of each lot because all parcels, as well as some other parcels not referred to in the question, were transferred in a single transfer document numbered F544878. Only the total consideration of \$2 625 000 for all the lands contained in the transfer is therefore stated.
- (f) Gardenvale Nominees Pty Ltd ACN 063 524 961 purchased all lots.

Although this information comes from the DOLA records, the Minister for Housing may be able to provide some of the other information that would not necessarily be available to DOLA.

PESTICIDES - SPRAY DRIFT CONTROL LEGISLATION

1052. Hon J.A. SCOTT to the Minister representing the Minister for Health:

- (1) What legislation is current or proposed to control unsafe pesticide drift emissions from spraying equipment applying scheduled poisons?

- (2) What is regarded by the Health Department as the acceptable safe level of drift emissions from spraying equipment applying scheduled poisons?
- (3) What action is taken by the Health Department to ensure that operators of pesticide spraying equipment comply with scheduled poisons minimum drift emissions?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No regulations under the Health (Pesticide) Regulations specifically control spray drift. However, regulation 20(1) states that no person shall use a pesticide in any manner, place or circumstance which is dangerous, harmful or injurious to health. I understand that legislation controlled by the Minister for Agriculture specifically addresses spray drift.

- (2)-(3) Not applicable.

POLLUTION - NATIONAL POLLUTANTS INVENTORY

1053. Hon J.A. SCOTT to the Minister for the Environment:

- (1) When will the Minister introduce legislation for uniform pollution controls in Western Australia in line with the proposed national pollution inventory?
- (2) Which States have already agreed to be part of the national pollution inventory?
- (3) What steps are necessary to put a national pollution inventory in place?

Hon PETER FOSS replied:

- (1)-(3) At the recent Australian and New Zealand Environment Council meeting and at the Ministers' forum that took place before it the Ministers agreed that the National Environment Protection Council would be used as the basis for the bringing in of a national pollutants inventory. The proposal will be dealt with at a meeting of the NEPC. I cannot predict what the precise outcome of that will be. As I announced on the day of ANZEC, it has been agreed between the States and the Commonwealth. The Commonwealth requires certain preconditions to that, to which the Ministers present agreed. All States were represented, but not all States were represented by Ministers. An NEPM will be brought down. Under the terms of the NEPC, that NEPM will be given effect to by state legislation. Nobody currently has a national pollutants inventory. Various records are kept by individual States, and they will continue to be kept by the individual States. That was one of the important factors required. They will be kept in a uniform manner and there will be a central repository of that information.

STEPHENSON AND WARD INCINERATOR SITE, WELSHPOOL - CLEAN-UP, GOVERNMENT ASSISTANCE

1054. Hon J.A. COWDELL to the Minister for the Environment:

Regarding the Minister's announced \$1.4m allocation to clean up the Stephenson and Ward incinerator site in Welshpool -

- (1) From which departments' budgets will this money come?
- (2) How much will be provided by each department?
- (3) From which programs in each department will the money be provided?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The funds for the Government's costs to manage the clean up of this site will be allocated to the Department of Environmental Protection over the 1995-96 and 1996-97 financial years as additional funds to the department's consolidated fund budget.
- (2) It is expected that the cost of the operation will be up to \$1.4m over the two financial years. This will be funded through the Department of Environmental Protection as described in part (1) of this answer. The revenue coming from the company's contribution of \$100 000 will be credited to the consolidated fund for the department, making a net cost of \$1.3m to the State.
- (3) I understand that funds will be allocated through the waste management subprogram of the department's budget, although this is yet to be formally undertaken.

EDUCATION DEPARTMENT - SCHOOL BUDGETS

Percentage Made from Fees and Levies; Student-Parent Fundraising

1055. Hon JOHN HALDEN to the Minister for Education:

In Victoria, school fees and levies make up approximately 11 per cent of a school's total budget, with a further 6 per cent coming from the fundraising efforts of the student/parent body. On average, what percentage of school budgets in Western Australia is made up of -

- (1) fees and levies; and
- (2) student/parent fundraising?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) 2.52 per cent.
- (2) 0.42 per cent.

MINERAL SANDS (BEENUP) AGREEMENT ACT - DREDGED POND WATER NOT TO BE PUMPED INTO RIVER SYSTEM

1056. Hon GRAHAM EDWARDS to the Minister for Mines :

I refer the Minister to the debate on the Mineral Sands (Beenup) Agreement Act on 27 June this year, and in particular to his statement reported at page 5800 of *Hansard* that the company does not intend to pump any water from the dredge pond into the river system. Will the Minister explain his reassurance to the House that this pumping will not occur in the light of the comment in today's *The West Australian* from a BHP spokesman that dredged pond water would be channelled into the river system?

Hon GEORGE CASH replied:

I thank the member for some notice of the question. I have read page 5800 of *Hansard* and am aware of the comments I made.

Hon Graham Edwards: I am not implying that you misled the House.

Hon GEORGE CASH: No, I read *Hansard* and confirmed that that is an accurate reflection of what was said during the debate.

This afternoon I attempted to speak to a senior officer from the Department of Minerals and Energy to try to gather further information, in view of the comments by a BHP spokesman to which Hon Graham Edwards referred and which appeared in this morning's *The West Australian*. As yet I have been unsuccessful in eliciting that response. However, tomorrow I will again address the matter and I hope to have a satisfactory answer for the member next Tuesday.

GINGIN LANDCARE GROUP - LAND CARE FUNDING; PLANS

1057. Hon M.J. CRIDDLE to the Minister representing the Minister for Primary Industry:

I understand that today the Minister met with the Gingin Landcare Group and the Shire of Gingin to present a cheque on behalf of the Minister for Primary Industry for land care. What is planned for land care in that area?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. I was invited to meet with the Shire of Gingin and the Gingin Landcare Group this morning. I handed over a cheque for \$5 000 as part of this State's contribution to land care in that region. Hon Peter Foss has referred to this initiative in some detail in recent days. The money will be used to conduct a study into the lower reaches of the Moore River and, subsequent to that, a plan will be implemented for salinity control and the protection of the habitat of species in that area. I was informed this morning that the group is attempting to set up a Moore River authority which will comprise the 12 shire councils in the region stretching as far north as Carnamah and Perenjori and as far east as Dalwallinu. I think it is a very good initiative. I was informed that annually over \$200m worth of products come out of the Gingin catchment area and about \$500m out of the 12 shire council areas in that region. It will be of enormous value if that authority can be established. It was interesting to learn of these plans and it is something which both State and Federal Governments should support. I will table a document which indicates the shires and the catchment areas involved. [See paper No 964.]

EDUCATION DEPARTMENT - SCHOOL FEES AND LEVIES

1058. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister aware that the average school fees and levies in Western Australian schools in 1994 was \$209 for primary students and \$415 for secondary students? Added to these fees, where applicable, were charges for textbooks and subject levies. For example, in years 11 and 12 the fees and levies varied between \$250 and \$600, depending on subject choice.
- (2) Will the Minister confirm that Western Australian parents pay more by way of levies and fees to educate their children than parents in any other State or Territory in this country?

Hon N.F. MOORE replied:

- (1)-(2) I do not know from where the member obtained his figures. They are news to me.

Hon John Halden: They have been published.

Hon N.F. MOORE: If the member is prepared to give me a copy of the published figures I am prepared to look at them and to answer his question based on the information. Since this Government came to office there has basically been no change to the fees. If Western Australian parents are paying more than the rest of Australia, as the member alleges, the previous Government put this situation in train. I am sure the member does not expect me to carry the figures around in my head. If he can provide me with evidence to suggest that the fees are the highest in Australia, he might like to explain to me why his Government put this in train.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF -
ENVIRONMENTAL CONSULTANTS EMPLOYMENT**

1059. Hon J.A. COWDELL to the Minister for the Environment:

- (1) Is the Department of Environmental Protection establishing a pool of private environmental consultants to assess projects for environmental approval?

- (2) If yes, can the Minister explain why this pool is being established?
- (3) When will the Minister be releasing details of this move?

Hon PETER FOSS replied:

- (1)-(3) I thank the member for some notice of this question. The Department of Environmental Protection has advertised for expressions of interest from environmental consultants to submit relevant skills and abilities of personnel and services and relevant commercial charge out rates. The purpose for this is to establish, through proper and accountable processes under the requirements of the State Supply Commission's operating procedures, a panel of outside expertise which can be drawn upon at short notice to assist in the environmental assessment of new development proposals.

Outside consultants will augment the resources of the Department of Environmental Protection in providing services to the Environmental Protection Authority for environmental impact assessment in a cost effective way. This approach is consistent with the Government's environment policy, the details of which were published on 13 January 1993 prior to the last election. Information received from the Department of Resources Development indicates that a huge number of developments are in the offing, principally arising out of the Government's decision to deregulate the North West Shelf gas. It may very well be that further resources will need to be called upon by the department to meet that heavy workload owing to the success of the Government's encouraging investment in Western Australia.

HOSPITALS - BUNBURY REGIONAL *Budget Allocations and Expenditure*

1060. Hon TOM HELM to the Minister representing the Minister for Health:

Some notice of this question has been given. This question refers to question 1036 which was asked yesterday about budget allocations and expenditure at the Bunbury Regional Hospital.

- (1) Can the Minister confirm that the hospital has a debt of \$326 000 which is repayable over five years?
- (2) Did he give a commitment which was quoted in the *South Western Times* on 7 September 1995 that this debt would be wiped out?
- (3) If yes, will the Minister explain the change in policy?
- (4) What is the level of expenditure of the current budget of the Bunbury Regional Hospital?

Hon PETER FOSS replied:

Despite having some notice of this question I am afraid I was unable to obtain the information within the given time. I ask the member to put the question on notice.

FRUIT INDUSTRY - PUBLIC SECTOR MANAGEMENT OFFICE INQUIRIES AND FINDINGS

1061. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

I refer to the conclusive findings of the Public Sector Management Office, after its inquiries into allegations made by a fruit industry delegation.

- (1) Has the Minister seen a copy of the conclusive findings?
- (2) Has he been given a copy by the chief executive officer of Agriculture Western Australia?

- (3) Has he been briefed on the conclusive findings by either the CEO or the Public Sector Management Office?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1)-(2) No.

- (3) The CEO has provided the Minister with an overview of the investigations and findings.

HOWARD SMITH LTD - WINDING DOWN SHIPPING OPERATIONS

1062. Hon B.K. DONALDSON to the Minister for Transport:

I refer to a media statement which was released by Howard Smith Ltd yesterday.

- (1) Is it true that Howard Smith Ltd is relinquishing all its shipping interests?
(2) If so, does it have anything to do with the lack of commitment by the Federal Labor Government to reform in maritime operations?

Point of Order

Hon KIM CHANCE: The member is asking the Minister to express an opinion.

The PRESIDENT: The question is in order.

Questions without Notice Resumed

Hon E.J. CHARLTON replied:

- (1)-(2) Yesterday I was advised by Howard Smith Ltd, which currently operates 16 vessels in the Australian market, including two 94 000 tonne oil tankers, that it will be winding down its operations. It has given a number of reasons for that. The prime reason given, in the discussions I have had, is that the significant increase in industrial disputation in its maritime operations over matters not related to its business during the last 14 months and a lack of real commitment to ongoing reform by industry participants, makes the industry look even less attractive as an investment option.

I understand Howard Smith Ltd has been in the industry for 141 years as an Australian shipping company, and it has indicated it will do everything in its power to look after customers, employees and shareholders. It is a significant decision to move out of the shipping industry for those reasons. That must be considered along with the Federal Government's decision to get out of the Australian National Line for the same reason - it is not profitable. Stateships' operation has now ceased. Additional information to my office indicates that international shippers refuse to increase the number of operations in Australian waters because of this disputation, and one wonders when the Maritime Union of Australia will realise the damage it is doing to itself as well as the rest of the nation. It must take appropriate action and get its house in order. It must do what all other Australian workers are doing; that is, give the best performance for the benefit of themselves and the nation as a whole.

ABALONE - RECREATIONAL FISHING SEASON, EXTENSION REQUEST

1063. Hon GRAHAM EDWARDS to the Minister representing the Minister for Fisheries:

- (1) Given the general compliance with abalone recreational fishing regulations, coupled with -
(a) standing enforcement and educational strategies;
(b) good stock levels; and

- (c) inclement weather during gazetted fishing times which have limited access to stock,

will the Minister permit a reasonable extension of the current recreational abalone season?

- (2) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question which he asked yesterday. The Minister for Fisheries has not been able to provide any details and cannot confirm the information which follows is correct. I will give the answer but I indicate, as the Minister representing, that further information may be more definitive.

- (1) Consideration will be given to extending the season if research indicates there is sufficient stock to enable that to occur.
- (2) Not applicable.

**PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF -
CRABBE, SELENA, ALLEGED UNDERPAYMENT OF WAGES CLAIM**

1064. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

Further to question without notice 1041 -

- (1) Does the Department of Productivity and Labour Relations acknowledge that Ms Selina Crabbe told the interviewing officer that she had been advised by the Department of Employment, Education and Training that as her apprenticeship papers were never lodged, she was deemed not to be employed as an apprentice?
- (2) Why did the Department of Productivity and Labour Relations decide, notwithstanding section 31(1) of the Industrial Training Act which stipulates that a person shall be deemed not to be employed as an apprentice in a trade unless the apprenticeship entered into by that person is registered as required under this Act, that it would treat Ms Crabbe as an apprentice and not pursue her claim for underpayment of wages?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Previous decisions of the Industrial Magistrate have ruled that where it was the intention of the parties to enter an apprenticeship arrangement, failure to register the apprenticeship does not require the payment of rates other than apprenticeship rates. The interviewing officer, in consultation with senior officers, considered there was sufficient evidence to suggest there was a genuine intention to enter into an apprenticeship arrangement.

**HOSPITALS - MANDURAH DISTRICT
*Budget Expenditure Running over Estimate***

1065. Hon J.A. COWDELL to the Minister representing the Minister for Health:

In response to a question I asked on 28 November relating to the Mandurah District Hospital, the Minister said expenditure of the 1995-96 budget was not running according to estimates. I ask -

- (1) Is the expenditure running over the budget estimate?
- (2) If yes, to what extent?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) Yes, to the extent that the apportionment of the hospital's 1995-96 budget for the period 1 July to 31 October 1995, as against actual expenditure incurred for this period, is at variance by \$23 400.

**LAW REFORM COMMISSION - LIMITATION AND NOTICE OF ACTIONS
REPORT; LIMITATION ACT AMENDMENT**

1066. Hon A.J.G. MacTIERNAN to the Minister representing the Attorney General:

Given that the Western Australian Law Reform Commission in 1982 recommended that all limitations in relation to personal injuries actions be subject to overriding discretion of the court to allow an extension of time, and given that the commission endorsed those recommendations in a 1992 report, does the Government propose to introduce legislation to amend the Limitation Act along those lines?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The 1992 document of the WA Law Reform Commission is not a report but a working or discussion paper on limitation and notice of actions, which examines the law relating to the limitation and notice of civil actions, and incidental matters. It is not restricted in scope to latent disease and personal injury, as was the case with the 1982 report. I am advised that the final report will be completed by the end of 1995, and the Attorney General will consider any recommendations to amend the Limitation Act 1935 at that time. I draw to the attention of the member a report of a select committee of this House dealing with professional and occupational liability. That also contained recommendations with regard to limitation periods, which are not consistent with those in the working paper of the WA Law Reform Commission. I hope the recommendations of that select committee will also be considered by the Attorney General for legislation.

**HEALTH DEPARTMENT - CONTRACTS BETWEEN HOSPITAL BOARDS
AND PROVIDERS OF NON-CLINICAL SERVICES, DECISION RESPONSIBILITY**

1067. Hon KIM CHANCE to the Minister representing the Minister for Health:

With regard to contracts between hospital boards and providers of non-clinical services, following evaluation of tenders will the ultimate decision on whether to proceed with committing to a contract be made by -

- (a) the hospital board - or district council if applicable - in all cases; or
- (b) the Minister?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The decision to proceed will be made by the hospital board, in consultation with the Commissioner of Health.

**FRUIT INDUSTRY - PUBLIC SECTOR MANAGEMENT OFFICE
INQUIRIES AND FINDINGS**

1068. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

With regard to the conclusive findings made by the Public Sector Management Office following an investigation into allegations by a fruit industry delegation -

- (1) Did the findings indicate that specific offences, other than those that would normally be dealt with by public sector disciplinary procedures, had occurred, or required further investigation?
- (2) If so, what were those offences?

Hon E.J. CHARLTON replied:

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

- (1)-(2) The information sought by the member is a matter for the chief executive officer of Agriculture Western Australia. If the member would care to put the question on notice, the CEO will be consulted and the answer provided.

SCHOOLS - ST JOSEPH'S CATHOLIC
Boarding Provided at Albany Residential College

1069. Hon JOHN HALDEN to the Minister for Education:

Can the Minister confirm that after years of accepting students from St Joseph's Catholic School, the Country High School Hostel in Albany will not be available to these students next year?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Albany Residential College is a boarding facility for isolated students enrolled at government schools. If not all places are required by such students, they can be provided to isolated students enrolled at St Joseph's or any other non-government school. As such, the availability of board to non-government school students at Albany Residential College can be only on a year to year basis. I have been advised that between 23 and 26 students enrolled at St Joseph's will be provided with board in 1996.

EDUCATION DEPARTMENT - JAPANESE LANGUAGE CLASSES
Tom Price High School; Teachers Qualified to Teach Asian Languages

1070. Hon JOHN HALDEN to the Minister for Education:

Following the decision at Tom Price High School to cancel Japanese language classes through Telematics to years 11 and 12 students owing to lack of funds and the availability of a suitably qualified teacher, I ask -

- (1) How many teachers in the Education Department are qualified to teach -
 - (a) Japanese; and,
 - (b) other Asian languages?
- (2) How many will be required by 2000 to implement the Government's recently announced second languages program?
- (3) What will be the cost of implementing that program?

Hon N.F. MOORE replied:

I am not certain about the preamble to the question which suggests that the Tom Price program has been cancelled, let alone cancelled owing to lack of funds.

Hon John Halden: Do you not have the series of letters?

Hon N.F. MOORE: If that were a reason, I could understand the issue of a suitably qualified teacher arising in a place such as Tom Price. I will check to see whether the preamble is correct before I acknowledge that. However, the question does not relate to the preamble it relates to other matters as follows -

- (1) (a) 78
(b) 39.
- (2) 200 full time equivalent teachers.
- (3) \$35m.

FIRE BRIGADES - KENSINGTON FIRE STATION
New Ladder not in Operation; Allowances; New Vehicle

1071. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Emergency Services:

- (1) Will the Minister explain to the House why the new ladder for the Kensington fire station is not in operation despite the fact that the fire officers there have been trained to use it?

- (2) Is it not the case that refusal of the Fire Brigade to negotiate allowances already paid at other stations lies behind the delay?
- (3) If not, why is there a delay?
- (4) When will the residents of Kensington and surrounding suburbs be guaranteed access to this new state of the art equipment?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. I am advised by the Minister for Emergency Services in the following terms -

- (1) A new ladder was recently delivered and is undergoing final preparations prior to its being put into service.
- (2) In parallel with commissioning of the new vehicle, discussions over allowances are taking place with the United Fire Fighters Union, which has imposed a ban on its use.
- (3) Not applicable.
- (4) The new vehicle will come into service when commissioning is complete and appropriate remuneration provisions are determined. In the meantime the people of Perth continue to be well protected by existing aerial appliances.

**BUILDING MANAGEMENT AUTHORITY - WARWICK PRIMARY
SCHOOL**

Demolition Work; Firms Contacted

1072. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Works:

On 22 November 1995 the Minister claimed in answer to a question without notice in this House that McAlister and McAlister 1955 Pty Ltd and Midcity Building and Maintenance had been contacted before the contract to demolish the fire damaged building at Warwick Primary School was awarded.

- (1) Why was the Minister unable or unwilling to answer a question on the following day seeking to establish the date of the alleged contract?
- (2) When will the Minister provide an answer to that question?
- (3) Will the Minister table the file notes recording the alleged contacts?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) I asked that the question be placed on notice as I was unable to finalise a response in time. I am not unwilling to answer the question and will provide an answer as soon as possible.
- (3)-(4) Although I am not aware of any file notes recording contracts, I understand diary notes were made by the employer at the time. I seek leave to table those diary notes.

Leave granted. [See paper No 965.]
