



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Tuesday, 27 August 1996

Legislative Assembly

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THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

VISITORS AND GUESTS- HYOGO GOVERNMENT AND FLOATING UNIVERSITY REPRESENTATIVES

THE SPEAKER (Mr Clarko): Members will be aware that Western Australia has a sister state relationship with the Hyogo Prefecture in Japan. Many members will know that we regularly receive visits from people from the floating university at Hyogo on which the joint summer session at sea is conducted. On this occasion five Western Australian students are included in the session. Present in the Speaker's Gallery today are representatives of the Government of Hyogo and others associated with the floating university. On behalf of all members of the Legislative Assembly I warmly welcome them to the Parliament of Western Australia.

[Applause.]

PETITION- CONCRETE BATCHING PLANT, EAST PERTH, PROPOSAL

MS WARNOCK (Perth) [2.04 pm]: I present two petitions, both of which read as follows -

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

We, the undersigned call on the State Government to abandon the proposed siting of a concrete batching plant at 100 Summers St. East Perth.

We submit that such a plant will produce unacceptable levels of noise, air and visual pollution and it is inappropriate to locate this facility in such close proximity to a primarily residential area.

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

The petitions bear 405 and 95 signatures and I certify that they conform to the standing orders of the Legislative Assembly.

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

[See petition No 115.]

STATEMENT- SPEAKER

Weekly Hansard, Publication Delay

THE SPEAKER (Mr Clarko): I advise that due to difficulties in the implementation of a new system for the production and publishing of *Hansard*, each weekly *Hansard* will be delayed for about a week for the next few sitting weeks. The uncorrected daily *Hansard* is unaffected, and in the meantime copies of corrected speeches and debates may be obtained from the Hansard office.

MINISTERIAL STATEMENT - MINISTER FOR PLANNING

Jandakot Mound, Dames & Moore Report Tabling

MR LEWIS (Applecross - Minister for Planning) [2.08 pm]: Last week when I answered a question on a new zone in the metropolitan region scheme relating to the protection of ground water I was asked to table a report by Dames & Moore Pty Ltd, as though it were a secret document that the Government was keeping under the covers. It gives me pleasure to table the "Review of Groundwater Protection Priority Area Boundaries, Jandakot Mound".

[See paper No 449.]

MINISTERIAL STATEMENT - PREMIER

Swan Building Society Collapse 1987, Settlement Agreements

MR COURT (Nedlands - Premier) [2.10 pm]: Following the collapse of Swan Building Society in 1987, the then Labor Government entered into an arrangement with Home Building Society to manage Swan's affairs. This involved enabling depositors, shareholders and investors to recover their funds or transfer to another financial institution and also to liquidate, sell or transfer the total loan portfolio. The Government agreed to meet Swan's losses and to indemnify Home Building Society against any losses it incurred as a result of Swan's operations.

On 3 May 1991, following advice from Home that action had been completed with respect to the transfer of the depositors, shareholders and investors and the realisation of the "saleable" loans had been completed, the Government

released Home Building Society from the agreement. An administrator was appointed under the Building Societies Act to finalise the collection of the balance of outstanding loans, where possible, which were unlikely to realise their full value and ultimately add to the losses of Swan.

In July 1991, Swan commenced action against its former auditors, claiming negligence and breach of contract in the exercise of their duties with regard to Swan's 1985 and 1986 audits. At the same time, Swan commenced action against its directors at the time of its collapse, except for one director who was appointed only on 11 May 1987. This action claimed that the directors had failed to exercise reasonable care and diligence in the exercise of their duties.

In June 1993, action was commenced by the current Government against the former auditors on the grounds of negligence in providing information and advice to the Government in and after June 1987 concerning Swan's bad and doubtful debts and possible losses.

Following protracted appearances before the Supreme Court, the various parties were directed to enter into formal mediation with the view to negotiating a settlement without commencing a costly trial. Mediation discussions with all parties commenced on 20 November 1995 and were finalised, in principle, in June this year with all parties agreeing to a settlement of the order of \$10m.

Members will recall that provision was made in the 1996-97 Budget estimates for receipt of \$10m in respect of Swan, and I am now able to confirm that relevant legal documentation has been completed which will result in the State's receiving, in total, an amount of \$10 170 000 during the 1996-97 financial year.

Because of a confidentiality clause in the agreements, I am unable to disclose the breakdown of the individual contributions from the respective parties, but I can say that all parties have contributed to the payment. While this payment is welcome, it should be noted by members that it does not fully reimburse the State for its losses in this matter, which prior to this settlement were in the order of \$20m.

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Occupational Safety and Health Improvements

MR KIERATH (Riverton - Minister for Labour Relations) [2.15 pm]: I rise to make a ministerial statement on improvements this Government has made, and continues to make, in occupational safety and health. Last Wednesday I launched the biggest occupational safety and health campaign ever run in Western Australia. Its theme is simple - ThinkSafe WorkSafe. This campaign coincides with Occupational Safety and Health Week - this week - and the promotion of all aspects of safety and health in the workplace, something that this Government has made a priority.

In 1993 I set a goal to cut work-related injury by 10 per cent over four years. We achieved 7.5 per cent in the first year, so I raised the high bar and we are now out to cut workplace death and injury by 50 per cent over the next four years. We are on target to have 10 000 safety and health representatives in Western Australian workplaces by October 1997.

Through a public awareness campaign, which includes the support of Eagles footballer Glen Jakovich, we are making a cultural change in the minds of Western Australians. Safety is a 24 hour, seven day a week consideration. Our workplace safety campaign is all about ensuring that the 30 people who leave home each year never to return because they are killed at work do get home. It is all about improving work practices so that 30 000 people each year are not injured or suffer some disease that stops them working. It is all about ensuring we give the proper training so that at least one young Western Australian does not suffer an amputation each week on the job. Stopping that enormous emotional loss as well as the \$1b a year in lost productivity is what our program is all about. Workers and employers have a joint responsibility to ensure workplaces are safer environments.

Under new occupational safety and health regulations due for release next month, all employers will be required to introduce hazard identification, risk assessment and risk control procedures in their workplaces. I want this State's workplaces to be the safest in the world. We are well on the way to halving the number of workplace deaths, disease and injuries by the year 2000.

I encourage the Opposition to join us to achieve this goal because it benefits all Western Australians and every person that would be killed, injured or maimed had we not done something about it. The improvements we have made so far are satisfying but more needs to be done because the cost in economic and personal terms is too great to leave this job undone.

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - MINISTER FOR POLICE CONDEMNED OVER DISPUTE BETWEEN TWO MOST SENIOR POLICE OFFICERS

THE SPEAKER (Mr Clarko): Today I received within the prescribed time a letter from the member for Balcatta in the following terms -

Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.

That this House:

1. Condemns the Minister for Police for his lack of leadership and his reluctance to accept his accountability in the face of the public brawling between the State's two most senior police officers which is harming police morale and distracting the police service from its prime responsibility to protect the public from crime; and
2. Calls on the Minister to make a detailed statement to the House about these events and to table the FBIS and Australian Federal Police reports which relate to them.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes in total to the Independent members, should they seek the call.

MR CATANIA (Balcatta) [2.50 pm]: I move the motion.

What an indictment this situation is of the Government and this ostrich of a Minister for Police, who buries his head in the sand and does nothing. The Minister has known about the ill feeling and bad blood between the Commissioner of Police and the former Deputy Commissioner of Police for months. On 4 December 1995 the Deputy Commissioner of Police went to the Minister's office at Dumas House and advised that things were not going well with the Commissioner of Police. Their weekly discussion on that occasion centred on the Argyle case and the reports of Forensic Behavioural Investigative Services and the Australian Federal Police. The deputy commissioner advised he was not happy about the investigation. He told the Minister that his relationship with the Commissioner of Police was very distant and that the commissioner was "by-passing" him on operational matters. The Deputy Commissioner of Police advised the Minister on 4 December 1995 that he would not be the whipping boy in the Police Service and that he was thinking of taking his long service leave and then resigning.

What was the reaction of the Minister for Police when told that the Deputy Commissioner of Police was considering resigning after 30 years' service? The Minister for Police told the Deputy Commissioner of Police that many things were happening in the Police Service that he did not know about, but he hoped the deputy would stay because the Minister wanted another 18 months' service from him. To this day the Minister for Police has not spoken another word to the former Deputy Commissioner of Police. I would have liked to ask this question of the Premier but, in his absence, I ask the Deputy Premier whether that is the reaction of a responsible Minister for Police who is trying to protect the fading reputation of the Police Service in Western Australia?

I draw to members' attention a similar case that occurred in 1989, known as the Bull-Peters affair, whereby the then Commissioner of Police had the assistant commissioner's office bugged. It received extensive publicity and was the subject of much debate in this House and in the other place. I quote from page 4549 of *Hansard* for Wednesday, 15 November 1989, which reports the Leader of the National Party, now the Deputy Premier, as saying -

I will draw a parallel between the situation today where the Commissioner of Police has caused an inquiry into one of his deputies and a similar situation involving the Premier. Can members imagine the public confidence that would generate in the Police Force?

On 7 December 1989, the Leader of the National Party stated in connection with this matter -

Where are we going when two senior officers of the Police Force who have that degree of animosity towards each other allow this type of situation to develop?

On 15 November 1989 the member for Wagin, now the Minister for Police, was reported at page 4570 of *Hansard* as follows -

The National Party and the Opposition as a whole have not in this debate sought to attack the Commissioner of Police or the Police Force. What we have sought to do is try to alleviate a great source of concern to everyone in the community; that is, what is actually going on within the Police Force in Western Australia. It would appear the Government was not happy to do that and that it was happy to let the matter lie and to let the accusations, the counter accusations and the media investigations continue to the detriment of the police and of the individuals involved. That is not a satisfactory situation.

I ask the Leader of the National Party and the Minister for Police whether they have now changed their minds. The statements made in 1989 compared with their actions today indicate that they are hypocrites. The Minister for Police has known about this problem for months and yet he has done nothing about it. In his normal fashion he just allowed

it to fester. He is the proverbial ostrich. He did not bother to act on the concerns expressed directly to him by the former Deputy Commissioner of Police.

The Argyle Diamonds case and the conflict between the commissioner and his deputy have been the subject of 70 articles in the local Press since 3 October 1995. That is the extent of the community interest in, and sensitivity of, the matter. During that time the Minister, knowing of the deputy commissioner's concerns - although he denied that on a radio program yesterday and said he had not been advised of the deputy commissioner's concerns - did nothing about it. He did not bother to establish the truth. He did not bother to ensure that the reputation and morale of the Police Service of Western Australia were protected by his intervening to nip this public feud in the bud. Is the Minister for Police now prepared to establish the truth to ensure this feud does not continue and further damage the morale and reputation of the Police Service in Western Australia? When will the Minister table the reports of FBIS and the Australian Federal Police? Although the Minister has said he will table a sanitised version of the report from the Australian Federal Police, he has not indicated his willingness to reveal to the public of Western Australia the contents of the FBIS report. It has been reported to me that the report of Forensic Behavioural Investigative Services indicates that corruption exists in the Police Service at the highest level. I believe the Police Commissioner has two copies of that report, although it was paid for and commissioned by the Argyle Diamonds company. He obtained that report as a result of the police resources given to FBIS to help with its compilation. Yesterday the Minister stated that he was unaware that police resources had been devoted to that inquiry. Senior Sergeant John Langdon was assigned to the case by the Commissioner of Police. Police records and documents were taken out of police security and delivered to FBIS outside police premises. This State has a pecuniary interest in, and a caveat on, that report. Not only police resources but also information was provided to assist in its preparation. How long must we wait for that report to be tabled? Of the two copies given to the Police Commissioner, I believe one was given to him because of the resources he supplied FBIS and one was given to him by Argyle Diamonds because it did not want that report to be subpoenaed during the Roddan trials. I ask the Minister again when that report will be tabled. It contains vital information on this sordid Argyle affair. The public of Western Australia needs to know that the report will be tabled and its contents made public. I am sure that the hardworking members of the Police Service of Western Australia also want the report to be tabled to be certain that their reputations are not sullied by its contents.

The Police Minister has stated that the report cost the Police Service only \$438 000. I believe that up to December or January of this year, \$980 000 had been paid to the Federal Police for its investigation. The next payment, which was a month later, amounted to \$1.2m. I have been advised that the cost of that report was \$1.78m.

Mr Wiese: Will you table -

Mr CATANIA: I have been advised that the amount paid in December-January to the Federal Police was \$980 000. The next month it was due to receive \$1.2m.

Mr Wiese interjected.

Mr CATANIA: I am not surprised the Minister does not know these figures, because he does not know very much about the Police Service. They are the Minister's own words. I am told that the Federal Police report cost a total of \$1.78m, excluding the cost of the other two ongoing reports. The Minister should find out whether that is the actual cost. Police officers have been named in that report. The Minister should compare his words in the Bull-Peters affair and its consequences with the Argyle Diamonds case, in which many millions of dollars worth of diamonds have disappeared. Three people are on criminal charges and three separate police inquiries as well as the FBIS and Federal Police inquiries have been undertaken which cost \$1.78m.

Despite that, this Minister indicates that everything is rosy and that he is not concerned about the very public brawling of his most senior officer with the retired Deputy Commissioner of Police. He obviously is not concerned about the effect that will have on the morale and enthusiasm of the hardworking police officers of this State. The Minister has sat on his hands since 4 December 1995. He has not lifted a hand to investigate a very serious situation in the Police Service. The Minister had the capacity to intervene and ensure that the public brawling did not take place, but he has done nothing.

The ministerial role he has adopted is an indication that he is not prepared to take the initiative or to ensure that his Police Service does not have its reputation sullied by, in his own words, accusations, counter accusations and investigations by the Press. He is not trying to protect and uphold the reputation of police, which is in danger of being sullied by the continual public brawling of those two officers. When can we expect a statement? When can Western Australia expect the truth about the Argyle Diamonds case? When can Western Australia see the contents of the two very important reports, one stating that there is corruption at the highest level of the Western Australia Police Service and the other stating that the three investigations by the internal affairs unit of the Police Service were inept and did not meet the standards expected of the Police Service? When can we expect a statement from the Minister and some indication of when these reports will be tabled so that this Chamber can scrutinise them and the public of Western Australia be aware of their contents?

The Opposition condemns the Minister's inaction in this case. He has prolonged and helped fuel this public brawling which is the result of a feud between Commissioner Falconer and ex-Deputy Commissioner Ayton. The Minister should be condemned and the Government and the Premier should be admonished by the whole of the Western Australian public for doing nothing. We have not seen an inkling of a statement or of any proposed action by this Minister to ensure that this feud is put to rest as soon as possible. I conclude by requesting that the Minister make appropriate statements regarding tabling the reports to ensure that the community of Western Australia learns the truth of the Argyle Diamonds affair.

MR RIPPER (Belmont) [3.09 pm]: I second the motion moved by my colleague the member for Balcatta. I refer to the *Hansard* of 15 November 1989, page 4471. It reads as follows -

The main purpose of moving this motion is to deal with the question of public confidence in the Police Force of this State.

If this matter is not addressed urgently by the Parliament, there will be a continuing breakdown in public confidence in the Western Australia Police Force, and that in itself may continue to erode the fabric of law and order in this State. I put it to the House that it is a matter of utmost urgency which should be dealt with without delay.

Who does the Deputy Premier think said that?

Mr Cowan: I could guess, but I will let you have the satisfaction of telling the House.

Mr RIPPER: It was said by the then Leader of the Opposition in the other place, Hon George Cash, when debating an incident which was eerily similar to the event about which we are talking today - a serious dispute between the State's two most senior police officers - and he said the Government had a responsibility to be accountable to the Parliament with regard to that issue. The Opposition is seeking today to hold this coalition Government to its own standards - to the principles and demands it enunciated when in opposition. We believe that the Minister has failed to honour his responsibility to show leadership in the face of difficulties within his agency, and to be accountable to the Parliament and the public by explaining what is occurring within his agency and what he is doing about it.

I turn now to a quote from former Deputy Commissioner Les Ayton, but that does not mean that the Opposition is partisan with regard to this issue. Mr Ayton's comment sums up the Minister's performance very accurately. He was quoted on the front page of *The West Australian* of 26 August as follows -

Former deputy commissioner Les Ayton has branded Police Minister Bob Wiese as ineffective for failing to address the long-running rift between WA's two most senior policemen.

"I would have thought, if I was the Minister, I'd want to sort the problem out," Mr Ayton said yesterday.

That is precisely what this Minister should have been doing. He should have been trying to sort out this problem. Instead, he has been behaving like some sort of constitutional monarch: Above the fray; not involved with the day to day issues of government or of politics; a symbol only. King Bob is not much of a symbol. He is not a symbol of unity, order and legitimacy. He is a hapless Minister. He is a symbol of helplessness. He resembles, if I had to choose a monarch, King Ludwig of Bavaria. He is a nice enough bloke; he has a wonderful country estate. He has not much of a grip on reality and has not been very effective; he lives in a fairytale castle with regard to this issue.

There is a mess in the Minister's portfolio. It is on the front pages of the newspaper every second day. Does the Minister accept ministerial responsibility for this mess? That is pretty typical: There is a dead silence from the Minister. It is a basic obligation of a Minister to accept ministerial responsibility for issues like this in agencies for which he or she is responsible. The Minister is not accepting his responsibility to the Parliament and the public. He should have made, without prompting from the Opposition, a detailed statement to the Parliament about these events as soon as it was possible for him to do so. We have seen no statement and no accountability to this Parliament. The Minister should have tabled the report from Forensic Behavioural Investigative Services and the report from the Australian Federal Police. The Minister's excuse for not tabling the FBIS report is that it does not belong to the Government. However, special privileges were given to FBIS. It was given access to confidential police information. If FBIS was given access to information which belongs, in the end, to the public, then the public should know the outcome of that report. The Minister owes it to this Parliament to table that report and also the Australian Federal Police report, and he has not done so yet, although he has promised to table half of the report from the Australian Federal Police.

The Minister must take responsibility. This Government appointed the Commissioner of Police and the former deputy commissioner. This Government appointed those two street fighters. What is it doing about the mess which they are creating? What is it doing about the loss of morale in the Police Force? What is it doing about the fact that the Police Force must inevitably be distracted from its primary duty to defend the public from crime? The Minister has a responsibility to exercise leadership and to show accountability to this House and to the public, and he has failed to meet that responsibility.

The context of this matter is that out in our suburbs, people are experiencing a horrendous rate of burglary. This State has a burglary rate of 3 524.1 per 100 000 people. The national average is 2 131.9 per 100 000 people. Therefore, Western Australians experience a rate of burglary that is more than 50 per cent greater than the national average, while our senior police officers are squabbling with each other, while factional brawling continues within the Police Force, and while the Minister is sitting on his hands. This State has had the worst rate of burglary of any State for three years in a row. The Minister should exercise some leadership and show some accountability.

MR WIESE (Wagin - Minister for Police) [3.16 pm]: I find the comments that have been made by the two previous speakers quite extraordinary. The member for Balcatta said that in the last 12 months there have been 70 articles in the newspapers about the Argyle Diamonds matter. Has the member for Balcatta, or anyone on the other side of the House, asked himself when and where this sorry saga commenced? This sorry saga commenced seven years ago in 1989, when a previous investigation under the previous Government turned out to be a total disaster: It did not do the job properly, it did not reach any conclusions, and it went nowhere. That was followed by another investigation in early 1992, with similar results. In fact, that investigation, under the control and direction of the previous Government and the previous Minister for Police, was terminated early and it was found that undue influence had been exercised with regard to the conduct of that investigation. The third investigation into the Argyle Diamonds matter, again not a very satisfactory investigation, but an investigation which finally brought some people to justice, was carried out during 1993.

Subsequently, Argyle Diamonds, and many people within the Western Australia Police Service, expressed severe concerns about the manner in which not just the third investigation but the whole series of investigations had been carried out. Those matters ultimately surfaced when the Australian Broadcasting Corporation ran a program, which was shown in the Eastern States but not in Western Australia at that stage, about the whole sad and sorry saga of the Argyle Diamonds inquiries that had occurred over the previous six or seven years. In that program, the Australian Broadcasting Corporation made allegations of corruption in the Police Service. Those are the allegations which members opposite referred to as coming to the surface during the Forensic Behavioural Investigative Services inquiry.

As a background to the events I provide the following information: On 1 May 1995 the ABC program "Four Corners" was run. On 9 May 1995, FBIS contacted Argyle Diamonds after viewing the program and offered its services. On 11 June officers from FBIS arrived in Perth and commenced a review on behalf of Argyle Diamonds. On 31 August FBIS provided a copy of its assessment report to Commissioner Falconer. On 8 September an agreement was reached between Commissioner Falconer on behalf of the WA Police Service, and Commissioner Palmer of the Australian Federal Police, that the AFP would conduct inquiries into the issues raised by the FBIS inquiry. On 13 September the joint AFP/WA Police Service investigation provided briefings regarding those matters and the federal police investigation.

The investigation commenced in October. Its mission was to investigate thoroughly alleged police corruption and mismanagement contained in the FBIS report and any related issues that arose during the investigations. Recommendations and, where appropriate, briefs of evidence could be provided to the Western Australian Commissioner of Police. On 16 October the joint operation between the AFP and the WA Police Service was set in place to investigate civilians who had been identified in the FBIS review of the Argyle Diamonds theft inquiries. By 5 June 1996 the joint investigation was completed. On 10 July the AFP report was completed. All reports were provided to the Official Corruption Commission. Also, as indicated in an answer to a question earlier today, briefings were provided to the OCC throughout the process of those investigations. The Director of Public Prosecutions and the Ombudsman were also provided with copies of the reports in July. About 10 days ago the Solicitor General was also provided with copies of the reports. That is the background to the events which are the subject of this motion.

The motion indicates a lack of faith in the Minister for Police. It condemns the Minister for Police for his lack of leadership. Throughout the whole process I have completely supported the steps put in place by the Commissioner of Police. Anyone in this Parliament would agree that the Argyle Diamonds issues and the three previous investigations must be fully investigated, and that those matters needed to be concluded and brought into the public arena. I had not seen any copies of any of the reports. However, once the reports became available I had lengthy discussions with the Commissioner of Police. I indicated to him my belief that the report should be tabled in this Parliament. The commissioner agreed to that, and the process is under way. In the process of that tabling, there had to be consultations with the Director of Public Prosecutions who obviously had cases due to come before the courts relating to Argyle matters. The process also included consultation with the OCC, under whose wing the whole investigation was carried out, as well as the Ombudsman, who was provided with a copy of the report because ultimately he has responsibility for investigating complaints against police. The whole issue constituted complaints against the police and it was very appropriate that he receive those copies. About 10 days ago the Solicitor General also received a copy of the AFP report. I am awaiting his advice regarding which contents of the report can be tabled. I desire that that shall be done. I assure this House that it will be done. The only thing that will stop that from happening is if the Solicitor General indicates that I cannot table the report. The indications at this stage are that he believes a great deal of the report can be and should be tabled. That will be done.

As to the leadership issue, the Commissioner of Police agreed that the federal police investigation be carried out. I have taken the lead by ensuring that the report is made available to this Parliament, as it appropriately should be.

Mr Catania: What about the terms of reference?

Mr WIESE: I have provided the mission of the Australian Federal Police, which was to investigate thoroughly the police corruption and mismanagement alleged in the FBIS report. I have placed that on the record. The FBIS report was commissioned and paid for by Argyle Diamonds. The report was provided to Argyle Diamonds. It is Argyle Diamonds' property. I am not in a position, nor should I be, to table that report, because it is the property of Argyle Diamonds. I hope that Argyle Diamonds will comment about that issue at some stage today.

Argyle Diamonds and FBIS have indicated that it is not their intention to make the reports public. The reports are their property. They contain confidential and commercial material, and it would not be appropriate to make them public, under those circumstances. All matters arising from the FBIS inquiry have been investigated by the Australian Federal Police. Every part of the report that can be made available will be made available to the Parliament.

I would like to spend some time on matters now the subject of discussion in the media between the Commissioner of Police and ex-Deputy Commissioner Ayton. My memory of the meeting in December with former Deputy Commissioner Ayton are as I have indicated in public previously. That is, former Deputy Commissioner Ayton was fairly upset. He certainly indicated to me that he was upset because he had had to undergo 12 hours of discussion with the Australian Federal Police involved in the follow-up investigation of all the Argyle Diamonds matters. He intimated to me that he did not believe it was proper that he, as a deputy commissioner, should be subject to that sort of investigation. I have said publicly before that if an investigation were to be done in relation to Argyle Diamonds and all the matters that came from the FBIS report, Deputy Commissioner Ayton had to be spoken to. We had no alternative. If Deputy Commissioner Ayton were somehow excluded from questioning, we would be slipping back to the old practices where officers at the top of the Police Service were not subject to questioning regarding their operations, motives and actions. That is not something I believe should occur. In the early stages Deputy Commissioner Ayton indicated his support for the Australian Federal Police - that is, an independent outside body - carrying out this investigation into Argyle Diamonds. Those matters are now history; however, that is the background.

That was the only meeting I had with Deputy Commissioner Ayton while he was acting commissioner. I went on a break for about a week and a half from Christmas. The Commissioner of Police came back and Mr Ayton carried on with the running of the Western Australia Police Service. Obviously at some stage in that month, from the middle of January to the middle of February, discussions took place between Commissioner Falconer and Deputy Commissioner Ayton. As a result of those discussions, to which I was not privy, Deputy Commissioner Ayton made -

Mr Catania: Did you feel that you did not have to intervene?

Mr WIESE: The running of the Police Service and like matters are the responsibility of the Commissioner of Police. I believe those matters were dealt with appropriately by the commissioner. Deputy Commissioner Ayton made his own decision to take his leave with no consultation with me. He gave notice that he would leave the Police Service when he attained his fifty-fifth birthday, which occurred last Friday. That is a decision he made with no pushing from Commissioner Falconer, as I understand it, and certainly with no discussion with or pushing from me.

Much misinformation has been circulated by the member for Balcatta. He has called for both reports to be tabled. He alleges that Forensic Behavioural Investigative Services' report is taxpayer funded.

Mr Catania: There has been a contribution by the Police Department through staff, resources and information. It has its records open to it.

Mr WIESE: Members have heard the member for Balcatta make that statement. I will quote from an interview that took place yesterday between Mr Kennedy from the ABC and the member for Balcatta in which the member states -

... those reports, which are taxpayer-funded by the way, need to be brought out in the open, they need to be tabled so that we can scrutinise them.

Mr Deputy Speaker, you have heard the member for Balcatta's denial of that.

Mr Catania interjected.

Mr Cowan interjected.

The DEPUTY SPEAKER: Order! I have allowed interjections from the member for Balcatta because under the circumstances he wants to put a point of view, and the Minister quietened down and effectively was prepared to accept those interjections. There is no problem with that. However, the Deputy Premier is the third person who is trying to get in on the act. If he interjects, we will have more interjections, and that would be unacceptable.

Mr WIESE: I am sure the member for Balcatta is simply getting it wrong. I am sure he is not deliberately trying to mislead the public. Another comment from the same radio interview shows the extraordinary attitude adopted by the member for Balcatta to this matter. Mr Kennedy asks -

You don't think that the early tabling of those reports might prejudice some investigations - internal investigations being conducted within the force itself?

The member for Balcatta says in response -

Okay, it may be the case but the bigger picture, I think, has emerged now where the actual standing and the, if you like, the proper functioning of the police service is at stake.

The clear implication of that is that the member for Balcatta is prepared to see not just an inquiry by the Police Service prejudiced by the tabling of the report, but the court cases prejudiced. He could not care two hoots about what happens in those matters, as long as the report, which he thinks contains some political mileage for the Opposition, is tabled. That is an appalling attitude to take.

Mr Catania interjected.

The DEPUTY SPEAKER: Order! I have given the member for Balcatta a lot of leniency and allowed many interjections, but so many interjections are coming from him that it is difficult for people to hear the Minister, and the Minister is entitled to be heard. Although the member might not like to hear some of those comments, the Parliament is entitled to hear them. I caution the member for Balcatta: The Minister will be heard.

Mr WIESE: Quotations have been read into *Hansard* today from the parliamentary debate that occurred in November 1989. My belief is that it was not appropriate for me to interfere in matters between the commissioner and deputy commissioner. Those matters were not acrimonious debates and discussions. Mr Ayton never made it clear to me that he believed I should intervene; in fact, he has indicated in some of his comments in the past couple of days that he did not either want me to do that or believe that I should interfere in those matters. Other comments were made in that debate in November 1989 that must also be read into the record. They are pretty fair comments by the then Minister for Police, Mr Taylor. The first is revealing. Mr Taylor states -

I often see members opposite at events when I am with the commissioner. They pat him on the back and tell him what a good job he is doing. However, this motion proves that when it comes to the crunch, the Opposition is not prepared to back him.

I see exactly the same sorts of things. The Opposition says on a regular basis, "It is good to know you, commissioner." However, when the crunch comes they attack the Commissioner of Police and the Western Australia Police Service as hard as they can. The then Minister for Police says further -

The Minister for Police and Emergency Service does not run the Police Force in this State. I do not tell the Commissioner of Police what to do and I accept his advice . . . It is not the responsibility of the Minister for Police and Emergency Services to interfere in the sorts of operations raised in the motion.

That is exactly what he was talking about: A public feud between the two leading police persons in the Police Force in 1989. He says also -

The Minister for Police and Emergency Services is responsible for policy matters pertaining to the Police Force. There is no doubt, in a legal sense, that that is exactly the situation.

I believe also that is the situation. Further on, about comments made previously by Mr Hassell, who was the opposition spokesman and I think the Leader of the Opposition at that stage, he states -

He is asking for a situation where the Minister for Police and Emergency Services is directly involved in the running of the Police Force. As the Minister for Police and Emergency Services I will not be involved in the direct running of the Police Force in this State. This operation is directly and properly the responsibility of the Commissioner of Police.

I believe Mr Taylor got it absolutely correct then. That is the proper situation and that is the one with which we are confronted today. I totally reject the allegations made in this motion. It is time the Opposition got totally behind the Commissioner of Police and the executive of the Western Australia Police Service. They are doing a top job in this State. The Commissioner of Police deserves, and should expect, full support from the Opposition in this Parliament. He is not getting that.

Mr Catania: They are not getting any support from you.

The DEPUTY SPEAKER: I formally call the member for Balcatta to order for the first time.

Mr WIESE: The standing, the status, of the Western Australia Police Service is very high, not just among its members in Western Australia but worldwide. That has been indicated in the comments made by Prof Tim Rohl, and

Alex Marnock, the previous commissioner of the London Metropolitan Police, who has been watching the changes that are taking place within the Western Australia Police Service. Those people believe the changes being put in place in the Western Australia Police Service, both under me as Minister and under Commissioner of Police Bob Falconer, are fundamental, momentous, long overdue changes that are transforming this Police Service into one that will serve Western Australia well for many years.

MR COWAN (Merredin - Deputy Premier) [3.45 pm]: Mr Deputy Speaker -

Mr Catania: Do you agree with your statements in 1989? You called for a royal commission?

The DEPUTY SPEAKER: Order! I formally call the member for Balcatta to order for the second time.

Mr COWAN: It seems to me that the member for Balcatta wants to try to cover for his inadequacy when he is on his feet by continually interjecting. It is about time he recognised that just as he has a right to be heard in this place, so too do other people. He must learn how to sit there and take it when it is his turn to cop it.

Government members were quite incredulous when we saw this matter of public interest sent to us, for the simple reason that it demonstrates the ineptitude of the member for Balcatta. We could not believe the member for Balcatta would be so foolish as to bring before the Parliament a motion that contained so many errors of fact. However, he has done that.

Mr Catania: Give me your facts.

Mr COWAN: I will go into those later. We then find that not only has he made the mistake of giving the Parliament a motion that contains errors of fact, but also he went back and quoted a 1989 incident and used it to substantiate one of the reasons for the motion.

Let us make some comparisons. Let us talk about reality, about the 1989 issue. In 1989 the then commissioner, Commissioner Bull, decided he would have a clandestine investigation into the activities of one of his deputies. He was doing that for one reason; that is, he wanted to be sure he could find some valid claim that would substantiate his desire not to have Mr Peters succeed him as the Commissioner of Police. This is a completely different situation.

Mr Catania: The conflict is the same.

Mr COWAN: In this situation there has been on the surface conflict between the commissioner and his deputy. Let us look at the activities of those people. In this case Deputy Commissioner Ayton took long service leave and indicated he would resign when he reached the age of 55 years. I now come back to the errors of fact contained in the motion. It talks about accountability in the face of the public brawling between the State's two most senior police officers. There has certainly been a difference, but no public brawling. However, we have seen speculation that when the Deputy Commissioner was to resign his position, he would make some comment. A lot of fuel has been fed to this situation.

Now that Mr Ayton is a civilian, he is entitled to say exactly what he likes. This is not a police state. Mr Ayton is perfectly entitled to make some comments. One assumes the commissioner is also, equally, entitled to make some remarks in his own defence. As far as I am concerned, that is the first error of fact. The second is that the member for Balcatta - as has been clearly indicated by the Minister for Police - keeps on referring to the FBIS report as a matter of state property. It is not; it is the property of Argyle Diamonds. It always has been. It was the responsibility of the Police Service to assist in that inquiry by providing the information it did. However, providing the information does not make that report the property of the Western Australia Police Service. All it was required to do was to assist and provide the information, which it did.

It appears to me that the Minister for Police has indicated to the public, and he will continue to do so, that the report of the Australian Federal Police that is the property of the Western Australian Police Service will certainly be tabled to the greatest extent that it can be, bearing in mind that we have a consciousness and a responsibility to ensure that we do not pre-empt, jeopardise or prejudice certain court actions that might be taken. This motion is a nonsense. The Opposition has erred in fact, and the motion deserves to be thrown out of this Parliament.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [3.48 pm]: I will draw an analogy from another human activity, that is, the sport of cricket. I refer to the Pakistani cricket team.

Mr Cowan: If the member for Balcatta were one of the bowlers, he would be sending down wides all the time.

Dr GALLOP: It is my view that man for man the Pakistani cricket team is the best in the world. It has the best fast bowling attack; probably the second-best leg spin bowler in the world; and clearly some of the most enterprising and best batsmen in the world. However, it is interesting that it never wins any test matches. The reason is that at the top level of Pakistani cricket, through the Pakistani cricket board, the level and degree of leadership necessary to break through and deal with the personality conflicts that exist within that cricket team are not offered. The factual

and personal conflict within that team has not been dealt with at the highest level and, as a result, they do not win cricket matches.

The role of the Minister for Police should be placed on the record in Parliament today. His role is to be part manager, part Ombudsman and part conduit, and the Minister has failed in each of those aspects. It is the role of the Minister for Police to deal as a manager when substantial conflicts arise at the top level of the department which cannot be dealt with internally. He cannot absolve himself of those responsibilities by calling the matters in question operational, as the member for Balcatta clearly established. The Minister for Police is part Ombudsman. He is a point of reference for some of the problems and grievances in the Police Department. Finally, he is a conduit from the department to the public through this Parliament.

Let us look at those three aspects. First, we had no intervention in the major problem at the top of the department. Second, he is not a person who can be consulted when conflicts occur within the department, and he did not resolve those conflicts by establishing proper procedures for dealing with them. Third, he does not provide information to this Parliament and, therefore, the public of Western Australia about what is taking place. As a result, as the member for Belmont said, we have the highest burglary rate in the country.

Question put and a division taken with the following result -

Ayes (21)

Ms Anwyl
Mr M. Barnett
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Kobelke
Mr Marlborough
Mr McGinty
Mr Riebeling

Mr Ripper
Mrs Roberts
Mr D.L. Smith
Mr Thomas
Dr Watson
Ms Warnock (*Teller*)

Noes (31)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames

Mr House
Mr Johnson
Mr Lewis
Mr Marshall
Mr McNee
Mr Minson
Mr Nicholls
Mr Omodei
Mr Osborne
Mrs Parker

Mr Pendal
Mr Prince
Mr Shave
Mr W. Smith
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Pair

Mr Leahy

Mr Kierath

Question thus negatived.

MOTION - TIME MANAGEMENT SESSIONAL ORDER (GUILLOTINE)

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.56 pm]: I move -

That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 29 August 1996 -

1. Vocational Education and Training Bill - all remaining stages;
2. Curtin University of Technology Amendment Bill - all remaining stages;
3. Competition Policy Reform (Western Australia) Bill - all remaining stages;
4. Competition Policy Reform (Taxing) Bill - all remaining stages; and
5. Westpac Banking Corporation (Challenge Bank) Bill- all remaining stages.

Five Bills are proposed for time management this week, two of which relate to the competition policy reform package. I hope these Bills can be dealt with as a cognate debate. The Westpac Banking Corporation (Challenge Bank) Bill is a relatively minor piece of legislation, and this is a very achievable program.

I give notice that the Government has an extensive legislative program, for which it will try to ensure that momentum is maintained. I seek to ensure that the rush of legislation in the last two or three weeks of the sitting does not occur, a situation successfully avoided in the past couple of years.

MR BROWN (Morley) [3.59 pm]: The Opposition opposes the guillotine motion for all the reasons previously enunciated.

Mr Cowan: Will you give an undertaking that should you ever return to government, you will not use time management?

Mr BROWN: The Deputy Premier can be assured that next year -

Mr Cowan: I think it will take a little longer than that!

Mr BROWN: - we in government will deal with members opposite in opposition more kindly and gently than they have dealt with us; that simply reflects our caring and sharing compared with the Government's mean and pernicious attitude!

The SPEAKER: Order!

Mr BROWN: We oppose the motion for all the reasons previously outlined, particularly in view of the legislation to be dealt with this week. The guillotine motion includes the Vocational Education and Training Bill, and the last time a Bill on this matter came before Parliament debate almost filled about three weekly *Hansards* - debate ensued at great length. I know that the Government considers that it introduces perfect legislation, and that when members on this side of the House are in government, all legislation introduced is hopeless.

In its arrogance, that is the Government's view. It does not wish to give sufficient time for Bills to be scrutinised. We have repeatedly seen the appalling way in which Bills are rushed through the House, only to come back to the Parliament for amendment. Last week we had to deal with the appalling rubbish in the Criminal Law Amendment Bill dealing with work camps.

What has the Parliament spent time so far dealing with? The second session of 1994 dealt with the issue of work camps, and the debate on that issue was guillotined in this place, and the Bill spent a lot of time with the Legislation Committee in the other place before that debate was also guillotined. Last week we had another debate which was guillotined.

Mr Cowan: No, it was not.

Mr BROWN: Let me stand corrected: The debate finished about three minutes before the guillotine applied. We spent all that time on this one piece of tremendous legislation which this Government thought up in its great wisdom, and what did we see this morning? *The West Australian* revealed that the Government is about to scrap it. The Government wasted hours of the time of this place with its phoney, inept and stupid legislation and now, just before the election, it finally admits that it was a bad mistake to get it off the political agenda.

If the Government had allowed more time and opened its mind to the arguments that were raised in this place, and been prepared to take on the legitimate views put by this side, it would not have wasted the time of this House and the resources of the taxpayers of this State to send half a dozen detainees to Laverton. We would have got on with the job.

That happened because of the impertinence and high-handedness of the Government and its determination in saying that it got it correct in every sense. It believes it does not need the Parliament. It will decide the legislation over at the Capita Centre and bring it here for rubber stamping! To make sure that not too many views are put forward on legislation, it has decided to guillotine legislation each week because it does not care. It believes the Parliament should be relegated to second position behind the Capita Centre.

The Opposition opposes, and will continue to oppose, the guillotine motions for all those very pertinent reasons. If the Government wants to consider differences in performance between the last government and this, it should look at the volumes of *Hansard* that contain the debate on the vocational education legislation. However, this time the Government wants to rush it through in two full sitting days. It is appalling and I oppose the motion.

Question put and a division taken with the following result -

Ayes (27)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Bloffwitch
Mr Board
Mr Bradshaw
Mr Court
Mr Cowan
Mr Day

Mrs Edwardes
Mr House
Mr Johnson
Mr Lewis
Mr McNee
Mr Nicholls
Mr Omodei
Mr Osborne
Mrs Parker

Mr Prince
Mr Shave
Mr W. Smith
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Marshall (*Teller*)

Noes (22)

Ms Anwyl
Mr M. Barnett
Mr Brown
Mr Catania
Dr Constable
Mr Cunningham
Dr Edwards
Dr Gallop

Mr Graham
Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Kobelke
Mr Marlborough
Mr McGinty

Mr Riebeling
Mr Ripper
Mrs Roberts
Mr D.L. Smith
Mr Thomas
Dr Watson
Ms Warnock (*Teller*)

Pair

Mr Kierath

Mr Leahy

Question thus passed.

CRIMINAL CODE AMENDMENT BILL*Second Reading*

MR PRINCE (Albany - Minister for Health) [4.06 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to amend the Criminal Code explicitly to include Ministers of the Crown, Parliamentary Secretaries and members of Parliament in the definition of "public officer"; and amend section 81 so that it remains an offence for a person to disclose information or documents after the person has left the Public Service. This Bill is also part of the Government's package of anticorruption measures.

Public Officer: In the second reading speech for the Statutory Corporations (Liability of Directors) Bill, I shall refer to advice dated 16 June 1995 from the Director of Public Prosecutions received by the former Attorney General. In that advice the Director of Public Prosecutions reported that the royal commission prosecution division had examined various transactions that were not offences under the law as it then stood. Those transactions involved persons who were in positions of executive authority in respect of government, semigovernment agencies and, in some cases, Ministers of the Crown. The DPP reported that many of the transactions had occurred prior to the amendment to the Criminal Code in 1988 when Bill No 70 of 1988 inserted section 83, which states -

Corruption

83. Any public officer who, without lawful authority or a reasonable excuse -

- (a) acts upon any knowledge or information obtained by reason of his office of employment;
- (b) acts in any matter, in the performance or discharge of the functions of his office or employment, in relation to which he has, directly or indirectly, any pecuniary interest; or
- (c) acts corruptly in the performance or discharge of the functions of his office or employment, so as to gain a benefit, whether pecuniary or otherwise, for any person, or so as to cause a detriment, whether pecuniary or otherwise, to any person, is guilty of a crime and is liable to imprisonment for 3 years.

At the same time the definition of "public officer" was expanded and now reads -

The term "public officer" means a person exercising authority under a written law, and includes -

- (a) a police officer;
- (b) a person authorized under a written law to execute or serve any process of a court or tribunal;

- (c) a public service officer within the meaning of the Public Sector Management Act 1994;
- (d) a member, officer or employee of any authority, board, corporation, commission, municipality, council or committee or similar body established under written law; or
- (e) any other person holding office under, or employed by, the State of Western Australia, whether for remuneration or not.

The DPP advised it was an open question whether paragraph (e) includes Ministers of the Crown. In his opinion, none of the sections includes members of Parliament. He recommended that consideration be given by government to amending the definition of "public officer" to explicitly include members of Parliament and Ministers of the Crown. This amendment will ensure that Ministers of the Crown, Parliamentary Secretaries and members of Parliament are brought within the terms of section 83 and other provisions of the Criminal Code that apply to "public officers". It will also ensure that these persons are within the jurisdiction of the Official Corruption Commission under the Official Corruption Commission Act, which the Government is also amending as a part of its anticorruption package.

Section 81: In 1982 Mr M.J. Murray QC, as His Honour then was, reviewed the Criminal Code and in his report he recommended that section 81 be amended to cover the case of a person who has been an officer and in that capacity gained knowledge of any fact or possession of any document which the officer was under a duty to keep secret. In Mr Murray's view, that individual should not be able to publish indiscriminately without authority, material he would not have been able to publish without authority while he was a public officer.

Clause 5 of the Bill amends section 81 in terms similar to those of the equivalent provision in section 70 of the commonwealth Crimes Act, which has been part of that law for many years. The proposed amendment includes a defence of lawful authority or excuse as is found in section 70 of the Crimes Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

STATUTORY CORPORATIONS (LIABILITY OF DIRECTORS) BILL

Second Reading

MR PRINCE (Albany - Minister for Health) [4.09 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to declare that members of government corporations owe to the corporation the same duties that a director of a company under the Corporations Law owes to that company and to impose on the directors of government corporations responsible for business activities specific duties to act honestly, to exercise reasonable care and diligence and not to make improper use of information or position. The latter duties will carry criminal penalties.

This Bill forms part of the Government's package of anticorruption measures announced on 12 March 1996. It is also very similar to three Bills which the present Attorney General introduced when this Government was in opposition. It is indeed most unfortunate that the Government of the day did not accept those Bills.

In November 1992 the Royal Commission into Commercial Activities of Government and Other Matters, otherwise known as the WA Inc royal commission, delivered its report. The royal commission spent considerable time looking into the activities of the board members of certain statutory agencies and the State Government. The royal commission concluded that some of the actions of those who were at the time board members of the State Government Insurance Commission and the State Superannuation Board and its successor, the Government Employees' Superannuation Board, were subject to question. In particular, those agencies entered into arrangements with "friends of Government" who were not financially responsible. The commission said of those agencies -

The city property transactions have cost SGIC and GESB dearly. The SGIC became involved in the first place as a consequence of its support for Rothwells arranged by the Government through Mr Burke at the time of the rescue of that company. Thereafter, it engaged in a succession of hazardous transactions involving a disproportionate share of its investment portfolio . . .

The Superannuation Board became involved in the central city properties at a much earlier stage. It ought not to have done through an interposed trust what it could not do directly. The investments in 1985 were also hazardous. These projects were far too large, having regard to the Superannuation Board's portfolio and the need of the Board to ensure diversity and suitability of the investments made.

In 1994 losses stemming from WA Inc related deals of the SGIC and the GESB were calculated to be \$492m and \$139m respectively. It is hard on any view to believe the directors of those agencies at the relevant times were properly mindful of their fiduciary duties. The taxpayers, government employee superannuants, and motorists of this

State have a legitimate complaint that they were not well served. Each and every board member at the relevant times should at least be embarrassed at their service.

Early in our term of government we established a royal commission task force under the control of the Director of Public Prosecutions to assess those actions uncovered by the royal commission and to determine if any actions of board members warranted sanction. It was considered prudent to await the outcome of the task force's deliberations prior to examining the royal commission's recommendations in part II of its report. The task force completed its work in early 1995. On 16 June 1995 the DPP wrote to the then Attorney General recommending that -

... attention should be given to reviewing Government trading and other corporations with a view to incorporating appropriate provisions from the Corporations Law in terms of liability of director. For example, s. 232 of the Corporations Law makes an officer liable to act honestly in the exercise of the powers and discharge of duties and to use reasonable care and diligence, not to use inside information, not to improperly use position. There seems no reason in principle why a person who accepts paid remuneration as a member of a Government corporation should not exercise like duties under some, not necessarily criminal, sanctions.

The then Attorney General brought forward to Cabinet a minute requesting permission to draft changes to the law following the recommendation of the DPP. This recommendation has led to the present Bill, together with the Criminal Code Amendment Bill which I have introduced today. In part II, page 3-30 of its report, the Royal Commission into Commercial Activities of Government and Other Matters said -

The members of a board should be required to meet the same standards of probity and integrity that are expected of persons occupying positions of trust. Quite apart from the provisions of the Criminal Code governing official corruption, and because of their fiduciary status in the particular corporation to which they have been appointed, all must be subjected at least to the same fiduciary related standards, the same conflict of interest and other regulation, and the same civil and criminal liabilities for fiduciary wrongdoing as are imposed on directors by the common law and by corporations legislation. Insofar as directors of State-owned companies are concerned, this should be made explicit in the proposed State-Owned Companies Act. In the case of members of statutory authorities, it should be provided for expressly either in the legislation creating the authority or in a general statute applicable to all statutory authorities.

The royal commission referred to the "fiduciary status" of the members of a board. What is a fiduciary status? A director is said to be in a fiduciary relationship to a company. A fiduciary relationship arises where a party is appointed to act or assumes to act for the benefit of another whose appointment carries powers that could be exercised to the detriment of that other. This is set out at page 487 of the sixth edition of a textbook by H.A.J. Ford and R.P. Austin, *Ford's Principles of Corporations Law*.

The best known example of a fiduciary relationship is the relationship between a trustee and a beneficiary. Other fiduciary relationships include agent and principal, promoter and company, solicitor and client, stockbroker and client, and partners and partners. In the *Hospital Products Ltd v United States Surgical Corporation* case, reported at 1984 156 CLR 41, the High Court of Australia considered the nature of fiduciary duties. At pages 96 and 97, Mason J, as he then was, held -

The accepted fiduciary relationships are sometimes referred to as relationships of trust and confidence or confidential relations (cf, *Phipps v Boardman* 25), viz. trustee and beneficiary, agent and principal, solicitor and client, employee and employer, director and company, and partners and partners. The critical feature of these relationships is that the fiduciary undertakes or agrees to act for or on behalf of, or in the interests of another person in the exercise of a power or discretion which will affect the interests of that person in a legal or practical sense. The relationship between the parties is therefore one which gives the fiduciary a special opportunity to exercise the power or discretion to the detriment of that other person who is accordingly vulnerable to abuse by the fiduciary of his position. The expressions 'for', 'on behalf of', and 'in the interests of' signify that the fiduciary acts in a 'representative' character in the exercise of his responsibility, to adopt an expression used by the Court of Appeal.

The Ford text states that a director, as a fiduciary, is subject to broad duties - to act in good faith, and to act with reasonable care and diligence.

Scheme of the Bill: The Bill is divided into four parts. Part 1 deals with preliminary matters. Part 2 sets out the duties that are owed by all directors of government corporations to those corporations. It also states the law in relation to ministerial directions. Part 3 establishes duties similar to those contained in the Corporations Law to apply to members of boards of government corporations which are carrying on business. Those corporations are listed in the schedule to the Bill. Part 3 also sets out provisions in relation to ministerial directions made to those corporations mentioned in the schedule. Part 4 establishes provisions to relieve directors from liability in certain circumstances.

I now turn to the particular provisions. Clause 4 sets out the interpretation of the words "corporation" and "director" as used in part 2. The term "corporation" is defined to mean any body corporate established for a public purpose by a written law. Part 2 is intended to apply to only those corporations established by a written law, as opposed to those that are established under or pursuant to a written law. The term "director" is defined to mean -

- (a) a member of the governing board of a corporation;
- (b) if the affairs of the corporation are managed by its members, a member of the corporation; or
- (c) where a corporation consists of one person, that person.

Clause 5(1) declares that a director of a corporation has, firstly, the same fiduciary relationship with the corporation; and, secondly, the same duties to the corporation to act with loyalty and in good faith as a director of a company incorporated under the Corporations Law has with and to the company. The provision is intended to be declaratory in that it does, I believe, truly state the law as it presently stands; but in any event, it puts the law beyond doubt as to a minimum standard. The role of declaratory Statutes is well known in our law, but has not been greatly used in recent years.

There is no doubt that directors of corporations have a fiduciary relationship with the corporations. This should already be known to those directors through their own knowledge, advice provided to them by advisers to their corporation or by government advice which is freely available. The office of the Auditor General has published a pamphlet entitled "Roles and Responsibilities of Members of Governing Bodies of State Government Agencies". At page 5 under the heading "Fulfilling Your Obligations" is the following advice -

Governing bodies are established to provide general direction and control of, and to take overall responsibility for, the operations of agencies. They do not manage agencies - this is the role of management. Rather they oversee the management of agencies.

When appointed to governing bodies, members undertake a solemn obligation to carry out their duties in a fair, open, honest and accountable way to the benefit of the agency and the community it serves. These are called fiduciary responsibilities.

Members may also have legal responsibilities imposed by the various legislation that applies to the agency, including enabling legislation which establishes the agency.

Overall, members' responsibilities are similar to those of directors of public companies to their shareholders and other stakeholders. Fiduciary responsibilities are onerous, particularly because in many cases members are responsible for the expenditure of taxpayers' money and the custody and control of public assets.

Clause 5(2) establishes a mechanism for the enforcement of the declared duties -

- (a) by the Minister who is responsible for administration of the Act under which the director holds or held his or her position;
- (b) if the Act under which the director held his position has been repealed and replaced by another Act, by the Minister who is responsible for the administration of that other Act; or
- (c) in any case by the Attorney General.

Clause 5(3) provides that a written law may relieve a director of liability arising from a breach of the duties referred to in subsection (1).

Many Acts protect directors from liability for any act or omission done or made in good faith. This provision ensures that protection is preserved. Clause 6 again declares what is most certainly the law. The experience of the WA Inc years, however, demonstrated that some government boards were prepared to act on a direction from a Minister without giving any consideration to the fundamental question of whether the body, itself, had power to comply with that direction. This clause is designed to put all Ministers and directors of government corporations on notice that a Minister's power of direction does not enable the Minister to direct the corporation to do something it could not otherwise do, or not to do something it is obliged to do or is unlawful for some other reason. The commercial activities referred to above are clear examples where directors of corporations did things that were not in the interests of the corporation in the mistaken belief that the wishes of the Government overcame legal difficulties.

Clause 7 is the interpretation clause for part 3. In part 3 corporation means those bodies listed in the first column in schedule 1, and director means a person who holds a position described in the second column in schedule 1. The bodies listed in schedule 1 are all categorised as government trading enterprises. In relation to the members of boards of government trading enterprises, at page 3-30 of its report the royal commission said -

All boards of authorities and companies responsible for business activities of any variety must be expected to exercise reasonable care and diligence in the exercise of their powers. Entrusted with the management

of public property, they cannot be permitted to put that property at risk without being held to the same standard of care and diligence required of directors in the private sector in their management of privately owned property. Their potential liability in this will necessarily be qualified where they are acting under the lawful directions of their Minister or in accordance with such obligation as they have to put governmental policies into effect. But there can be no place today in the management of public property for board members who do not have the level of competence appropriate to discharge the responsibilities entrusted to them.

By clause 8 the Governor may by regulation amend schedule 1. Clauses 9 to 12 set out the duties imposed by part 3. These are the duties to act honestly, to exercise reasonable care and diligence, not to make improper use of information and not to make improper use of position. Each of the duties carries a penalty for breach. The duties stated are similar to those of officers of corporations contained in section 232(2), (4), (5) and (6) of the Corporations Law. These are the same duties as those for directors set out in division 2 of schedule 2 of the Electricity Corporation Act 1994, the Gas Corporation Act 1994 and the Water Corporation Act 1995.

The penalties contained in this Act are the same as those contained in each of the three Acts just mentioned. Although the Corporations Law has been amended by the Corporate Law Reform Act to decriminalise the duties of directors and officers by imposing civil sanctions as well as criminal sanctions, it has been decided that in the case of government corporations, criminal sanctions remain appropriate. This is in keeping with the provisions of the Criminal Code governing corruption and the recommendations of the royal commission made before the Corporate Law Reform Act. They will also fall within the area of inquiry of the Anti-Corruption Commission under amendments contained in other parts of the Government's anticorruption package.

Clause 13 provides that where a person is convicted of an offence for a contravention of section 9, 10, 11, or 12 and the court is satisfied the corporation has suffered loss or damage as a result of the act or omission that constituted the offence, the court may, in addition to imposing a penalty, order the convicted person to pay compensation to the corporation.

Clause 14 provides that where a person contravenes section 10, 11, 12 or 19, the corporation may, whether or not the person has been convicted of an offence in respect of that contravention, recover from the person as a debt due to the corporation an amount equal to any profit made by the person as a result of the contravention and an amount equal to any loss or damage suffered by the corporation as a result of the contravention.

Clause 15 allows corporations, with the approval of the responsible Minister, to pay for insurance policies to insure a person against liability to the corporation for breaching the duty to exercise reasonable care and diligence, unless the breach was wilful. This provision will ensure that where there has been such a breach, the corporation will be able to recover its losses.

Clause 17 is an interpretation provision for division 4, part 3, governing ministerial directions. The purpose of this division is to provide a mechanism for the directors of government corporations to question a ministerial direction where the governing body determines that complying with a direction would not be in the interests of a corporation, or the direction is unlawful. In those circumstances, the governing body is to notify the responsible Minister in writing within seven days of receipt of the direction of its determination and the reasons for it. Where a governing body gives such a notice to the responsible Minister, the Minister is either to cancel the direction or confirm it and state his or her reasons for doing so. Such confirmation will, however, have no effect if the direction is unlawful. Otherwise, if the direction is confirmed, the corporation is required to give effect to it.

Clause 19 provides that a corporation has standing to apply to a court for relief against a direction that the corporation considers to be unlawful. This provision is necessary to overcome uncertainties as to the issue of who has the right to bring an action. Clause 20 provides protection for directors who comply with a direction but that protection does not extend to the manner in which a thing is done or omitted, if it is done or omitted in a manner that breaches section 9 or 10 and the direction did not require it to be done in that manner.

Clause 21 provides that the court may relieve a person either wholly or partly from liability under section 5, 13, or 14 if it appears the person who is, or may be, liable under that section has acted honestly and should fairly be excused, having regard for all the circumstances of the case, including those connected with the person's appointment. Clause 22 will enable a person who has reason to believe any claim will or might be used against him under section 5, 13 or 14 to apply to the Supreme Court for relief. Clause 23 provides for a case to be withdrawn from a jury where a judge is satisfied that a person should be relieved from liability.

In conclusion, there has long been a need for this Act. This Government has had the task of considering matters relating to government boards that arose out of the report of the WA Inc royal commission. This has been done, making it now appropriate to bring forward this important legislation. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

VOCATIONAL EDUCATION AND TRAINING BILL*Second Reading*

Resumed from 2 May.

MR KOBELKE (Nollamara) [4.30 pm]: The Opposition cannot support this Bill. There is clearly a need for change in the area of training and the provision of courses, but this Bill does not go in the right direction. It contains more problems than positive answers in relation to the range of issues that must be addressed. We know that the whole training system needs revamping - it has undergone change for some years. The member for Morley recently referred to the lengthy debate that took place in this House when major changes were made, including the establishment of the State Employment and Skills Development Authority.

These changes are being driven by a whole range of factors. Changes in technology and industries mean that we now require people to have a whole range of new skills. We must also ensure that we are nationally competitive and have people skilled in the various new technologies to a level where our products can compete in the international marketplace. The new national coalition Government unfortunately does not seem to have much understanding of that. A whole range of cuts have been announced this week and in the weeks prior to the bringing down of the Budget which mean that we will have trouble maintaining competitiveness through the skills of our work force. I will not have time to address that at this stage. It does, however, indicate that some specific aspects of this legislation may have been overtaken by the changes taking place on the national scene. I cannot see any that are fundamental to the Bill, but a number of areas will be affected by the changes taking place as a result of the policies promoted by the Howard coalition Government.

Before I refer to a list of reasons one cannot support this legislation, I will address the lack of consultation in the preparation of this Bill. I turn to the Minister's second reading speech, in which reference is made to the Vickery report that was released in 1993. This Bill does not mirror that report - one can pick out bits and pieces, but this is not the fulfilment of that report. Many of the recommendations have already been put in place, but there are gaps between them and what is in the Bill.

The Minister's second reading speech then makes mention of the changes announced in September 1993 to the area of technical and further education. We have seen the establishment of the Department of Training and the bypassing of the State Employment and Skills Development Authority. Some commentators see that as having gone outside the requirements of the legislation. This legislation will at least regularise from a legislative point of view some of the things that the Government has already done. Reference is also made to the McCarrey report and the ministerial statement of October 1994, which was entitled "An Autonomous College Network for Western Australia; Local Control - Statewide Quality". There seems to be a lack of logic between that statement and the Bill. On the road to this Bill there has been a range of reports and statements. However, the speech makes no connection between the key elements in this Bill and those in the statements and reports.

At that stage in the speech, the Parliamentary Secretary quoted the Minister as follows -

The statement clearly illustrated that system-wide functions will be subject to the direction of the Minister through the auspices of the department. The Minister will set the directions and strategically manage the system in line with the Government's economic, industrial and social priorities.

What we see is the Minister's taking the power unto himself to lay out the system and to manage it. That is not mentioned in the various documents, other than in the statement by the Minister prior to the introduction of this Bill. There is not the basis to support the major thrust of this legislation, which is to centralise power with the Minister and the central bureaucracy.

This legislation has been formulated without consultation. I have a couple letters from various industry groups in which they state that they are very concerned that this Bill did not go through a process of consultation with industry and unions to ensure that the package would improve the whole platform for employment and training in this State. Many of the errors that we see in this legislation relate to that lack of consultation and that unwillingness to try to improve the system cooperatively with the many people who have a part to play and who have a keen interest in training in this State.

In two different Governor's speeches we have had the promise that legislation would be brought forward to deal with this issue. Finally we see it. It is not as though this has popped out of the woodwork; the Government has been working on it for quite some time. However, during that process it has not offered any real opportunity for consultation.

I will now outline six major failings in the legislation. I will mention them briefly now and then go back and present some argument in support of what I am saying. As I have already indicated, my first objection to the legislation is the extent to which it gives power to the Minister. This legislation, more than any other that I have looked at closely, indicates that the Minister is trying to take all power unto himself. Secondly, this legislation removes any real

autonomy from the colleges. The Minister's speech refers to autonomous colleges, but this does exactly the opposite. It simply brings them all under the control of a central bureaucracy and removes any vestige of autonomy that currently exists. Thirdly, the Minister's claim is that this will free up the system, make it simpler and work more easily. I fear that there is a very real potential that this system will be a victim of strangulation by regulation. For the whole system to function, a plethora of regulations will be needed, and we cannot see them in the legislation. Perhaps the Bill should deal with some of these matters rather than leaving so much to regulations. I understand that this Bill has a lot in common with the Victorian legislation. That State ended up with a very complicated and unwieldy system and that is a real fear in relation to this Bill.

The fourth area of objection is that this Bill seems to open up a real possibility for revisiting the WA Inc scene of the 1980s. If this legislation had been brought forward by a Labor Government, the current Government would have rejected it outright. It contains many clauses that provide potential for the Minister to do business deals. I will refer later to the areas of the Bill that provide that potential. A Government that is concerned with accountability and proper processes would not be introducing this form of legislation relating to commercial activities of the Minister directly involved with companies. The second reading explanation just presented by the Minister detailed controls over corporations. Yet, this Bill makes the Minister himself the corporation as well as the Minister responsible for the corporation. I will certainly be coming back to the Minister with the Statutory Corporations (Liability of Directors) Bill to see how it picks up a case such as that in this piece of legislation. Fifthly, I believe this legislation will establish a training arrangement which is less responsive to industry. That is totally contrary to the claim made in the Minister's speech. I believe we have here a centralised bureaucratic power, which is completely the opposite of having a system which is responsive to industry. It will be driven and controlled by centralised bureaucracy. It may end up serving the purpose of bureaucracy and not industry which it purports to serve. Because it changes the structure in such a drastic way, it will destroy many of the current cooperative arrangements. They are not perfect but they are working. They start with cooperation between employers and employees. One can see how that works through the whole of the training system. It seems that the strength of the present system will be done away with by this legislation.

The sixth and final reason the legislation is bad is that it will allow standards in training to slip. The guarantees and mechanisms to try to ensure quality in our training programs are done away with. Presumably through regulations some form of control by Government will be put in place, but we will have to wait for the regulations. Given the record of this Government in other areas, I do not believe those regulations will be as good as our present means of ensuring that standards are maintained. The standards apply not only to programs but also to looking after the welfare of the trainees, particularly if they are young people who are very open to exploitation by unscrupulous employers and providers of training programs. We must ensure that we have proper measures to control training programs so that the quality is maintained and they are clearly run for the benefit of the trainees and not simply for someone out to make a fast buck or to exploit the trainees.

I will now make a case on these six points of objections to this legislation. The first is the way this legislation seeks to gather all power to the Minister. The legislation contains 72 clauses, nearly half of which refer to powers to be given to the Minister or in which the Minister is involved. Thirty of the clauses specifically give powers to the Minister. There are a lot, but I will go through them quickly. Clause 7 makes the Minister a body corporate for the purpose of the Bill. Clause 8 outlines the functions of the Minister, which are to control, direct and coordinate the state training system; to approve state training profiles from time to time; to promote the development of a competitive training market; to facilitate commercial activities that are authorised by or under this Bill; and to enter into commercial activities both within Australia and overseas, to generate revenue for, and otherwise benefit, the state training system. That is a pretty wide ambit. As I have indicated, it gives the Minister the role of wheeler and dealer in the commercial arena. Clause 9 outlines the powers of the Minister. They cover two full pages; I will not go through them but will return to them later when I will make another point. Clause 11 gives the Minister power to give directions. Clause 12 gives the Minister power to give directions to secondary schools and universities that are providing education and training programs. Clause 13 allows the Minister to issue guidelines. Clause 14 will enable the Minister to have access to information. Clause 17 allows the Minister to lend money.

We then move to part 3 and to the State Training Board. In clause 19 the Minister is given power to appoint the State Training Board. Schedule 1 gives him the power also to terminate membership at his whim. He can appoint members and dismiss them summarily. In clause 21 we find that the Minister has to approve the state training profile. A subclause states that the Minister may give approval to any other matters directed to him within the confines of the Bill.

Part 4 relates to the Training Accreditation Council. In clause 25 we find the Minister is given power to appoint the members of the council and again under schedule 1 the Minister can also dismiss the members of the council. They are there at the favour of the Minister. Part 5 deals with the establishment of colleges. Under clause 35 the Minister can establish, amalgamate, close, name or rename colleges. This is not done by the Government. The independent colleges are at present established by an Act of Parliament. This will not be done by Parliament or even by Government through the Executive Council. The Minister will now control the power.

Mr C.J. Barnett: It is common in legislation for the authority to be in the name of the Minister which, in practical terms, as the member will know, means the Government of the day. If the Minister did such things, they would require going through Cabinet.

Mr KOBELKE: Some legislation refers to "by order of Executive Council". We are not dealing with that. Currently some of these colleges have their own Acts of Parliament. That is being done away with and the Minister will have all these functions. I accept what the Minister for Education is saying about a number of these provisions being contained in other legislation. The point I am making in going through them all is that the Minister seems to be grabbing every power he can and putting it into the legislation for his own benefit. This is more than is required for the machinery for the department to work well. In clause 37 we find the functions of the colleges are in part to be authorised by the Minister - not just by the Statute, but by the Minister's direct intervention. Under clause 38 the Minister will be able to publish vacation periods. This is another example of what the Minister has said. I do not see any problem with that. However, when we start to add them all up, we find the Minister has a finger in every little bit of the legislation. Under clause 39 the governing council is appointed by the Minister. Again, in schedule 1 we find that the Minister can summarily dismiss any of the members of the governing council.

Clause 41 relates to the Minister's powers to appoint an interim governing council. Clause 42 relates to the Minister's role in approving the college training profile, which must be submitted to him. Clause 43 relates to the powers of the governing council. In various parts of the clause the Minister is required to approve various matters required for the governing council. Clause 44 relates to making by-laws, which again give a role to the Minister. Clause 53 gives the Minister power to direct the transfer of funds. He can simply take them out of one college and put them into another. Again, no reason need be given. Under clause 55 the Minister may take action against a governing council if, in the opinion of the Minister, the council has failed or is failing. Clause 56 gives the Minister power to follow through and seek compliance if he has taken action under 56. Under clause 57 the Minister may exercise power to establish a college or any other vocational education and training institution in conformity with this legislation. Under clause 58 the Minister may establish training schemes. Under clause 59 the Minister has power under regulations. In clause 63 we find that the Minister will set the remuneration of members of boards and councils.

I have not referred to all the clauses, but I have gone through them in some detail to try to give a picture of how much power the Minister is attempting to take to himself with this legislation.

I now move to the second major problem with the legislation, which is the removal of the autonomy of a number of established colleges. This Bill repeals the Colleges Act which established the Hedland, Karratha, Kalgoorlie and Pundulmurra colleges; therefore, the autonomy of these colleges will be removed. It is a joke for the Minister to suggest the colleges will continue to be autonomous. It may be pseudo autonomy simply because the Minister said they have autonomy, but the fact is that it will be to the contrary. The Minister may wish to call "black" white, but the public will not be fooled - the colleges' autonomy will be removed by this legislation. The power will lie with the Minister and the central, strong bureaucracy, through the Department of Training, to dictate, in fine detail, the way in which these colleges will fulfill their obligations under this legislation.

Clause 35 of the Bill gives the Minister the power to establish these colleges. I indicated earlier that the colleges will no longer be established by an Act of Parliament or even with the approval of Executive Council. The power is vested solely in the Minister. Some Ministers for Employment and Training might have a collaborative style and seek Cabinet approval. Unfortunately, not all Ministers operate that way and, unless there is a strong Premier to pull them into line, they will make the decisions.

Mr Tubby: How does the member think a TAFE college is established now?

Mr KOBELKE: I am talking about the whole structure and the power of the Minister to set up and arrange colleges in any way that suits him.

Mr Tubby: He has always had that power.

Mr KOBELKE: I am sure the member would find that decisions which bring about major changes go to Cabinet.

Mr Tubby: Under the Education Act the Minister has always had the power to establish or close colleges.

Mr KOBELKE: By himself or by Executive Council?

Mr Tubby: I think you will find, by himself.

Mr KOBELKE: In his contribution to this debate the Parliamentary Secretary can advise whether that is right. Independent colleges are established by Acts of this Parliament, but under this legislation those Acts will be repealed and the colleges will no longer be autonomous.

The language used in this Bill is rather interesting. It is not about establishing a criterion of need. Clause 35 of the Bill gives the Minister the power to establish such colleges as he considers necessary or desirable. It does not refer to the establishment of a need; but to a decision by the Minister, as the guiding principle behind the setting up of colleges.

Clause 37 outlines the functions of a college. Colleges must provide vocational education and training consistent with a college training profile referred to in clause 42(2)(a). Under that clause, the Minister must approve the college training profile. In other words, he actually sets the college training profile.

Mr Tubby: Don't you think the Minister has the responsibility to do that?

Mr KOBELKE: Some of these matters clearly rest with the Minister. I am going through this in detail to outline how the Minister carpets the whole floor with his powers. The total approach to this legislation is a failure. Clause 37(1)(b) refers to training programs as authorised by the Minister. Again in paragraph (g) reference is made to the activities of the college as may be authorised by the Minister. Also in paragraph (h) reference is made to "approved by the Minister". Paragraph (i) refers to any other function conferred on a college by this Act or by the Minister. Bearing in mind that I am referring to the functions of a college, subclause (4) states that the Minister may, from time to time, by order published in the *Government Gazette*, confer on colleges other functions not inconsistent with this legislation.

If the colleges are to have any vestige of autonomy, as suggested in the Parliamentary Secretary's second reading speech, the college council must be seen to have some form of independence. Clause 39 states that the chairperson and members of governing councils must be appointed by the Minister. In other words, they hold office per favour of the Minister. Under schedule 1 they can be sacked from their positions at the whim of the Minister. It is hard to acknowledge that it is an independent council when its members do not represent any of the key players in training, do not hold their positions on a recommendation from industry or unions or are not elected as staff members. They are simply appointed and dispensed with by the Minister. That type of arrangement for a college council is not likely to give it any independence or autonomy.

Clause 2 of schedule 1 could be referred to as the "mates' clause". Having appointed these people to the board, the Minister has the power to grant leave of absence to a member on such terms and conditions as he determines. If someone is not fulfilling his responsibility, the Minister can make arrangements so that the person, even though he retains his position on the board, is not an active member of the board during the time determined by the Minister.

Under clause 42 of the Bill, the governing council has the role of preparing the training profile. Not only must that profile be submitted to the Minister for approval, but also it must be submitted when required by the Minister. I am sure the Minister for Planning, with whom I have had some differences from time to time, would like that provision in the planning legislation with respect to the renewal of town planning schemes. He would like it to be done at a time required by the Minister instead of waiting to review the scheme in either five years' time or annually. It gives the Minister power to dictate at any moment that he requires the college training profile to be prepared for his approval.

Mr Tubby: Do you understand why that must be the case?

Mr KOBELKE: When the Parliamentary Secretary has his turn in this debate I would appreciate hearing why that is the case. The Minister has the power in other areas pertaining to the governing councils. Under section 43 of the Bill, which refers to the powers of the governing council, the Minister has a role to play in those powers. The making of college by-laws requires the approval of the Minister. If the Minister does not have the people he wants on the council working exactly as he requires, he has the power to remove funds from the college trust fund. There are no controls over that; the Minister can take funds from one college trust fund and deposit them in another.

The Minister's second reading speech suggests that there is autonomy in the college structure, but that is a total nonsense. I do not know whether one should read it as deceit or high farce. Under this Bill there will not be one vestige of real autonomy in these colleges. It actually destroys the autonomous structure which currently exists in a number of the colleges which have been established under Acts of this Parliament.

The next major problem with this legislation is the lack of confidence in the undertaking that it is a simpler structure than that which exists. It is simple, in that it is a single Statute. However, in its operations and the range of provisions that must be in play around it, there is good reason to believe this will be a more complicated structure, not a simpler structure. Currently, the Statutes which have coverage in this area include the State Employment and Skills Development Authority Act, the Colleges Act, the Education Act and the Industrial Training Act. It makes sense to replace those with a single Statute. However, this Bill does not provide a lot of the detail, which is to be left to regulation. The power to make regulations rests within different parts of the structure. The State Training Board, the Training Accreditation Council, and the governing councils of colleges have powers under the Bill for the establishment of by-laws and regulations. Fees and charges can be established by regulation, and training schemes can have regulations attached to them. If this is not managed carefully it has the potential to get out of control and we would have a complex tangle of regulations.

I am not just grabbing something out of the air, because I am advised that in Victoria, which has taken up a similar structure, the complexity of regulations has become a major problem. Given that this legislation has a number of

parallels with the Victorian legislation, there is ground for believing that if the process is not handled carefully the use of regulations could make the system far more complex than that which already exists.

I turn to the fear I have about the commercial activities that will be involved in this area. We have seen this in a range of government activities which have been contracted out. The Government has not been able to put in place a sufficient level of control and oversight to ensure that problems which are occurring with contracting out, do not occur. That is a major problem to which the Auditor General has referred. A whole area will be opened up to contracting and for the involvement of Government with commercial enterprise. I am not saying we should not have that; however, the structure in place in this Bill leaves the control largely to the Minister and the central bureaucracy. There is a real potential for the whole issue to become unstuck, for all sorts of rorts to be pulled and for this State to manage training and the contracting out of that training in an inefficient way.

In the second reading speech the Minister said that the legislation allows the Minister to guide the development of a more open, responsive and diverse training market by allowing for business arrangements and commercial activity relating to the delivery of vocational education and training. That is contained largely in clause 8. I have already alluded to clause 8 where the Minister is given the function not only of promoting the development of a competitive training market and facilitating commercial activities, but also of entering into commercial activity within Australia and overseas in order to generate revenue and in other ways to benefit the state training system.

Clause 9 defines the powers of the Minister relating to a range of commercial activities. I will accept what might come as an interjection from the Parliamentary Secretary or other government members that there is a need for any Minister in this situation to have some role in this area. However, we find a raft of powers given to the Minister, making the Minister directly involved in commercial activities. I do not think that is appropriate in the 1990s. I thought we might have learnt the lessons flowing from the Royal Commission into Commercial Activities of Government and Other Matters. Clause 9(2)(c) provides that the Minister can acquire, hold, improve, develop, dispose of land and other property of any kind for and on account of the State for the purpose of this Act. The Minister can also enter into contracts, grant funds, enter into arrangements for products and consultancies, which are arrangements incidental to the provision of vocational education and training.

Subclause (2)(k) provides that the Minister can perform functions to assist the development of industry and commerce and the community in relation to the application of new technology related to vocational education and the training, skills and knowledge needed for that application. That gives the Minister the power to set up a range of operations that may not relate primarily to training. Those operations clearly must have a training component; however, already a number of our training institutions offer services to industry on a user pays basis and return a good profit to the institution. There is nothing wrong with that; that is part of the way that training institutions function. It ensures they are close to the industries that they are training people to go into.

However, the Minister can directly assist the development of an industry by allocating money to establish a plant, officially for the purposes of providing training programs for that plant; but it may mean that 90 per cent of the activity in that plant is productive for a particular outside industry. The training component could be quite small. That could be a problem, whatever legislation we have. I am not saying it is something we see only in this legislation. However, it is a problem that must be looked at very carefully. We need to achieve a balance and to put in place controls so we have that balance rather than a situation where the Minister is running an industry from which some friend or acquaintance may be picking up quite a benefit.

The last part of clause 9(2) gives the power to the Minister, on terms and conditions approved by the Treasurer, to participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to a business arrangement. Subclause (4) defines a "business arrangement" as a company, a partnership, a trust, a joint venture, or an arrangement for sharing profit. The definition of "participate" includes form, promote, establish, enter, manage, dissolve, wind up, and do anything incidental to participating in a business arrangement. Members can make a judgment as to how far reaching are those definitions. Any action taken in this area by the Minister must be seen to be a part of promoting training. However, the substance of the project may mean that training is only a small component of the system, and the Minister is really involved in promoting an industry. I thought this had gone out with the Royal Commission into Commercial Activities of Government and Other Matters. However, all these powers are not being given just to an agency, but to the Minister, who is a body corporate under this Bill.

Mr Tubby: I will give the member for Nollamara an example of when that power will be utilised. The South Metropolitan College of TAFE has a multimillion dollar contract with the Navy to provide training for the personnel on Collins class submarines.

Mr KOBELKE: I accept the contribution by the Parliamentary Secretary, for whom I have great respect. I am not taking issue with that point because there are many examples of it already. I understand the Kalgoorlie School of Mines is offering an analytical service to the mining industry. It helps in the training process and is a benefit to the college because it returns a profit. A major woodworking shop was set up at the college at Balga about six years ago at a cost of \$14m. The machinery is an industry leader, and not many furniture manufacturing companies in Perth can afford the capital outlay to buy that machinery. Industry is able to use that machinery on a contractual basis. The

college is a productive enterprise being used by industry. There is nothing wrong with that. However, this Bill gives the Minister the power to put in place a number of business arrangements. It does not just provide that a college with some equipment can contract its services, while benefiting on the training side. That is what it should be about. I am talking about the ambit of the Bill before the Parliament. It not only allows for that situation but also, if abused, it would allow for much more. The provision is open to abuse.

Mr Tubby: It is necessary to word the legislation so that it will cover all the possibilities that the department or one of the colleges may wish to consider. The safeguard is that it must be controlled and under the approval of the Treasurer.

Mr KOBELKE: I acknowledge that the Treasurer is involved. I return again to the second reading speech, which states -

A number of safeguards will apply to the use of the powers to enter into business arrangements. These powers are subject to the approval of the Treasurer and management processes that are to be certified by the State Supply Commission.

It further states -

In the development of this Bill there has been close consultation with the State Supply Commission to ensure that business arrangements adhere closely to government policies and procedures.

I place on the record that I do not believe the legislation is tight enough. It sounds good but, when dealing with commercial development it holds these safeguards at arm's length. The State Supply Commission and the Treasurer will set the guidelines and policies, but the day to day management will not be under the scrutiny of the State Supply Commission or the Treasurer. Of course, the Treasurer may have some control in relation to the payment of money.

Mr Tubby: You are talking about contracting out of training courses, and the State Supply Commission does not have the expertise in the educational arena.

Mr KOBELKE: I am not talking about training courses, and that is the problem. This Bill has loopholes that would allow people to behave improperly. A truck could be driven through some of those loopholes. I am not arguing with the intent of the legislation, and I accept the need for flexibility in commercial arrangements. However, the provisions in this Bill enable a particular operation to go well beyond that. I ask the Parliamentary Secretary to read the Bill.

Mr Tubby: It relates directly to training services which are contracted out.

Mr KOBELKE: It might be only 5 per cent of the total cost component of the operation. That is the difficulty.

Mr Tubby: The guidelines are set down by the State Supply Commission.

Mr KOBELKE: There is real cause for concern in that area. There must be better oversight from the State Supply Commission than is provided for in the current legislation.

I move now to my concern about the lack of responsiveness to industry reflected in this Bill. Minimal or no consultation took place with the major players in training in Western Australia. This Bill will centralise power. The Department of Training, as the arm of the Minister, is provided with incredible power. It is fairly meaningless to talk of autonomy for the colleges. Under the existing structure and the State Employment and Skills Development Authority, the employees and employers were involved in a cooperative approach. It was more than that because decisions required cross-sector support from all three participants - the Government, employers and employees. No two of those groups could put anything across the third group. I recall that when the SESDA legislation went through the other place, Hon Norman Moore moved the amendment that ensured a cooperative approach. However, that provision will be removed because those three sectors will not be formally represented in the process for approval of courses. Industry training councils will be abolished. The legislation provides for a hybrid of those councils which will play part of their role. The existing system requires colleges to obtain the support of industry in order to run their courses. The training programs must be approved and must go through the tripartite arrangement. At the moment, with the central bureaucracy not being so strong, the Department of Training can arrange for courses to be run at the colleges to meet the needs of the department. We all know how government works with regard to such matters as commonwealth funding. At times bureaucrats must meet certain criteria to obtain funding. They are not always driven by the needs of industry or the clients they serve. This State needs a system that maximises the benefits to the clients; that is, the people undertaking the training and the industries that need the trained personnel. If too much power is given to a central bureaucracy, it can run to its own agenda. There were examples of that in the past whereby a particular program was introduced because it was more cost effective for the college. The fact that the training did not provide people with the skills required by industry was not a significant consideration for the colleges. This Bill will reinforce that and take from the unions and employers the power to give direct feedback about what industry requires.

Mr Tubby: The colleges are governed by the councils which are represented by the industries within their draw area.

Mr KOBELKE: They may be, but the Bill does not require that to be in place. Should the Minister get it wrong, that representation will not be forthcoming. The Opposition hopes that it will, but the Bill does not guarantee that it will.

Mr Tubby: When you read the criteria for the people to be appointed to the council, it is clear they will dictate that it will be.

Mr KOBELKE: They will give advice with respect to the matter but the legislation does not set out requirements for the Minister.

Mr Graham: In fact, the exact opposite is said in the second reading speech.

Mr KOBELKE: The representatives will not be sectional based.

Mr Tubby: They will not necessarily represent the union, although they may belong to the union movement. They will be experts in their field.

Mr KOBELKE: The Parliamentary Secretary raised a very important point about the members of the college councils. Under the current system members of the training councils represent industry and the unions. They have a commitment to training and some expertise in the area. They are employed by the employer group or union to make sure they understand what is good for their interests. An arrangement is in place whereby they must work cooperatively - which they largely do - but they understand the needs of the people they represent. In that way it is far more democratic and representative of the needs for training. What will happen if the Government's mates are appointed to these positions? What interest would they have in representing a sectional group that relied on the training programs? Another important matter is whether they would have the necessary expertise. These are ongoing matters, involving a huge volume of paper work.

I am not suggesting that the people who are appointed to these councils will not have the best of intentions, but if they do not have a background in training and do not have the time to keep up with and understand all of the changes that are taking place, inferior judgments will be made by those college councils. It is difficult to know what will be the effect of the decisions of those college councils, given that they will be dominated largely by the central bureaucracy and it is highly unlikely that they will be given the autonomy that they have currently. To give an example, in a few hours the Minister for Education will bring on for debate another Bill whereby the School of Mines in Kalgoorlie and Kalgoorlie College will become part of Curtin University, so it will lose autonomy. However, that Bill makes a real effort to ensure that the local council in Kalgoorlie will work. That is totally different from what we have in this Bill. I suggest that this Bill is not intended to work in any real or autonomous way.

My next concern is that standards will not be maintained and we will find greater exploitation of young people who are undertaking training programs. This Bill will abolish the conditions which apply to apprenticeships and traineeships under the Industrial Training Act. That will not happen immediately; there are transitional provisions so that people can be transferred to this new scheme. We assume that certain guidelines and controls will be put in place by regulation, but this Bill does not indicate what they will be. The word "apprenticeship" is used in the Bill, but we may find that the regulations are a world away from the current meaning of that word, so we may be looking at a totally new scheme.

We have already seen examples of young people being offered training programs which are rorts. It costs \$10 000 for young people to get into one program which has been brought to my attention. The parents of children who have been unemployed for a couple of years may be so desperate to get job opportunities for their children that they will pay a private provider thousands of dollars. However, it is very difficult for them to know whether that training provider is worth that amount of money. There are certainly examples of training providers who have not delivered anywhere near the quality of training that should be provided for the amount of money that is paid. I do not want to cast aspersions on the many good private training providers, but the whole system can come off the rails because of what the bad providers can do. It is a competitive market, and the changes are increasing that competition, so the good providers may not be able to provide the quality service that is required.

To give an example, I am involved with Northside SkillShare, which missed out on a job club application some months ago. Northside SkillShare has reasonable accommodation, with a nice purpose-built building - not posh, just brick walls - that is carpeted, and that has proper seats and computers. The person who won that tender is working out of a near derelict shopfront with no equipment, but he could quote at a lower price, so he won the tender. That is what will happen with training providers if we do not have proper regulations.

Another example came to my notice a while ago and concerned a young apprentice chef whose father came to see me because he was concerned that his son could not get his apprenticeship papers signed by his employer. Under the current system, when an investigation reveals that a rort is being perpetrated, action can be taken. That person had to leave that employment because his employer had no intention of employing him as an apprentice. He was

simply employing him on apprentice wages as a cheap kitchen hand. The restaurant owner kept saying that there was a problem with the papers and they would get them next month, but he was just leading them on. This Bill will give unscrupulous employers and trainers open slather to take advantage of the many young people who are desperate to get some training so that they can get a job. The Government has said that we can rely on the regulations. Can we really rely on this Government to look after the interests of young people?

Mr Tubby: Do you know what percentage of training programs is covered by apprenticeships?

Mr KOBELKE: I just gave that as an example. The same will apply to a range of training programs: If we do not have proper controls and if we do not employ people who are able to follow up on these complaints, we will not be able to stop that exploitation.

This matter is of further concern because of what the Commonwealth Government is currently doing in closing down its department of training. It will give employers money to provide training programs, albeit greatly reduced from what they received in the past, but without any adequate level of oversight from the Commonwealth, and seemingly without any adequate level of oversight from this Bill. The Parliamentary Secretary may say that that oversight will be provided in the regulations. It is no good his making these vague promises. This Bill should provide some measure of security for young people who undergo training.

This Government introduced workplace agreements legislation, which clearly has been a mechanism for the exploitation of young people. The Federal Government is now moving to reduce youth wages. When we see on all these fronts the rights of young people and the protections which have been put in the system for young people being watered down or swept aside, how can we have any confidence that the Government will put in place regulations to look after the interests of young people who undertake training programs?

This issue goes well beyond the interests of these young people. Our society relies heavily on the use of modern technology. We need people who can perform at the standard required. Plumbing is a fundamental trade and is perhaps the single most important element in maintaining quality of health in our community; if plumbers do not do their work properly, it will have huge ramifications for the quality of life in our community. We saw an example in the media just a few weeks ago where a young woman who wanted to have her hair coloured had her scalp burnt because her hairdresser had obviously done the wrong thing. If practitioners in a range of areas are not skilled to use that technology, the consequences for the general community will be horrific. We are not talking about a Bill that is primarily aimed at saving a few dollars and making the system more flexible and efficient. We are talking about a system that underpins training and, therefore, standards in the work force for our society. It cannot be left simply to regulation by a centralised bureaucracy. The legislation should provide clear safeguards for a range of important issues on which it does not even touch.

In closing I will make a brief comment on the definition of vocational education and training in the Bill. It is not something with which I will take issue. It is an extremely broad definition - and it must be broad. It states -

"vocational education and training" means post-compulsory education, instruction, training or experience that encompasses the development of skills, knowledge and attitudes in any vocation, or in any academic or practical discipline relevant to a particular occupation, business, employment or trade, but, subject to section 6, does not include education, instruction, training or experience provided by a secondary school or a university.

Clause 6 states that those institutions can have specific vocational education and training programs, but they must be delineated from the primary educative role of schools and universities. The Commonwealth Government has a slash and burn approach to training and a range of work force programs. A structure is being put in place that was designed at a time when the Commonwealth Government was committed to training. We now have a Commonwealth Government that does not believe in training. That will have huge implications on this legislation. We on this side cannot support this Bill. We hope the Government will give it a serious rethink.

MR GRAHAM (Pilbara) [5.30 pm]: If there is one Bill that spells out and demonstrates the ineptitude of this Government, it is this legislation. Twice the Government has promised this legislation. This Bill is about the third draft of such legislation. It has received enormous opposition from the vocational education and training sector. That is not to say that there are not some problems in that sector that must be addressed - there are. In the area I represent those problems were outlined five or six years ago in the Pilbara 21 study. I will go through those in a minute.

Country Western Australia has three independent colleges - Hedland College, Karratha College and Pundulmurra College. Kalgoorlie College is being merged into the Curtin University of Technology and ironically will receive a degree of protection and local autonomy under the relevant legislation that the local colleges in the Pilbara will not be afforded under this legislation.

One of the issues in education and training in the north west is access to university level courses. Questions have been raised about the efficient and cost effective delivery of training in the region. There are serious concerns about the development of skills training. I will have more to say on that later. A number of matters relate to the entry levels

people require to be accepted into training programs. Many issues have been raised in the Pilbara region about skilled workers and their ongoing training to meet the needs of industry. Real concerns were expressed about a ballooning of the administrative costs in the independent colleges. There were and are major concerns about the regional needs of industry. There were and are particular concerns about the soft options the colleges provide in the remote areas of the State. There were and are concerns for Aboriginal people throughout the north west, not just in the Pilbara, about the particular Aboriginality that Pundulmurra College looks after. There were and are issues relating to access to federal funds for colleges. Those issues have become more complex and more interesting as a consequence of the federal budget changes. This Government had to confront a large number of issues in regional Western Australia about which it could and should have done something.

The Pilbara 21 report put together a series of recommendations on colleges. The first draft recommended the amalgamation of Hedland, Karratha and Pundulmurra Colleges.

Mr Tubby: Was that well received?

Mr GRAHAM: I will come to that. As the Parliamentary Secretary knows, one of the reasons for drafts is that Governments can dip a toe in the water and see what will occur. We will have a chat about how that report was received and what the Parliamentary Secretary's leaders and parliamentary party viewed and views as the way forward for the Pilbara. I suspect that by the time I finish talking about the views of the member's party he will not want to raise the draft strategy of Pilbara 21 again.

The Pilbara 21 draft study recommended an amalgamation. That study was released in the middle of a by-election. That was unavoidable. The timetable for the Pilbara 21 study was set out two and a half years before the draft report was published, and the report was in the hands of the Leader of the Opposition of the day a year before the by-election. Therefore, it is difficult to argue that the Labor Party manoeuvred events for the by-election, although the then Leader of the Opposition tried to argue that. It simply was not true then and it is not true now.

It is interesting to see what the then major players in the coalition had to say about the then Government's draft report. None of the spokespeople on behalf of the Liberal or National Parties suggested that the Pilbara 21 study had the issues wrong. In fact, they all went to great lengths to agree with it and said that it had accurately identified the real issues and needs in the Pilbara but had come up with the wrong answer. One of those needs I outlined was the skills of workers and how colleges and educational institutions were used to build skills for industries in the region. This Government has failed to act on that need in regional Western Australia.

I have given speeches on this matter before. That is not simply my view; it is now the view of industry in Western Australia. The major players in industry in Western Australia, the institutions run by this Government, are critical of the Government's ability to turn out skilled workers anywhere in the State, let alone in regional Western Australia. The Western Australian Chamber of Commerce and Industry has been critical of the State Government along exactly the same lines. Probably the ultimate irony is that the Deputy Premier has also been critical and vocal about this Government's inability to prepare Western Australia for what is wrongly called the resources boom in this State. I agree with the Minister for Resources Development: It is a period of sustained growth, not a boom. It was predictable and it could have been planned for. It was planned for; however, the initiatives put in place by the previous Government were removed by Hon Norman Moore, who was then the Minister for Education and Employment and Training. I am not sure what his title is now, although I know what I call him!

Every time I raise this matter in a speech, I expect to get howls of opposition from government members in defence of their track record. The response I get is always the same as the one that I am getting now - dead silence. My colleagues tell me that it is the same in the other place when they take the debate up to Hon Norman Moore about his track record in this field. His colleagues are conspicuously absent in defending the Government's very poor record. It has a good record in some areas, but this is not one of them. As I have said before in this place, I find it quite offensive that at a time when we are having a planned development phase in the State - it was foreseeable and predicted - we are importing labour to the State. These people have base skills; they are welders, fitters, electricians and scaffolders, not brain surgeons or super-high-tech people. In this State we have a shortage of the basic trades upon which industry is built, and it is a consequence of the inaction of this Government.

I refer to the effect in the north of the provisions of this Bill. I outlined what was in the draft report of the Pilbara 21 study. It is interesting to look at what the then Leader of the Opposition, Barry MacKinnon, said at the time. On 26 March 1992 on ABC Radio he was asked about the colleges. The question from the interviewer went like this -

So things like amalgamating the colleges, so that there are instead of three colleges vying for funding and State Government land, there'll be one college looking after the North-West. Also the independent energy authority; the moves with public sectors; these things you don't think will work?

Mr MacKinnon said -

I don't believe that the amalgamation of the colleges in the first instance is a sensible move. I think that what that means is . . . going to ultimately mean is that somebody is going to miss out, the services are going

to be cut back and rationalised. It seems, from my observations once again, and our studies show that the services being provided are very good and if there is rationalisation I don't think you need to create a new authority, it should be just a matter of sensible co-operation.

The leader of the Liberal Party in 1992 did not agree with the amalgamation of the colleges. It is also interesting to look at what the now Premier of Western Australia thought about the amalgamation of the colleges. I always admire his rhetoric, but he accused me of being a good old-fashioned socialist. I asked him whether he would come to speak to my branch members and confirm that with them, but he would not do that. When talking about the colleges he said -

A new College of the North West supposedly to cut out duplication is Government "double speak" for cutting out services. The danger bells should be ringing in both Port Hedland and Karratha as their separate Colleges are providing much needed services to both these communities.

Quite clearly, the member for Nedlands saw the need to maintain the independent colleges. People in the Pilbara at all levels, led by the Liberal Party in the atmosphere of a by-election, expressed very strong views opposing the amalgamation of the colleges. All the way through, we said that we would listen and take on board the concerns of people at the time, and we did. That recommendation was changed in the final report. Instead of amalgamating the colleges, we recommended a university college system of the north west be set up and that an employment and training unit be set up to make sure the university college addressed itself to the needs of industry in the north west. That Cabinet decision was made on 9 July 1992. The report went on to outline the establishment of a professorial chair into hydrocarbons and open-cut mining to be funded from the 1993-94 state Budget.

That initiative changed significantly. It came in when the Pilbara Development Commission legislation went through Parliament. It outlined that one initiative of the Pilbara Development Commission was to set up and establish those facilities. The comments of government members when they sat on this side of the House are interesting. We were about creating a university college of the north west. The member for Nedlands had this to say -

Another matter addressed in the Pilbara 21 study is tertiary education.

He then went on to give the background. He stated -

The history of those two colleges is interesting. Again, it was the former Government -

There he is talking about the Court Liberal Government -

which decided to establish the Hedland and Karratha Colleges against the advice of the professionals, who said a college of that type could not be justified in Karratha or Hedland. However, the Government of the day said it wanted to develop that region because the people who were prepared to work there deserved to have those facilities. Yes, the colleges were ahead of their time, and perhaps the way the colleges were first set up did not provide the right mix for those areas. However, over the years the colleges have evolved and matured and are now able to provide wide ranging curricula. Although some criticism has been levelled at the full range of courses, they are genuine community colleges used by the people living in that area and provide the opportunity for those people to further develop their studies. The lesson to be learnt from the establishment of those colleges is that we should not wait until the demand has been created. We should think ahead and put in those facilities. In order to attract facilities it is important that the education and health systems be adequate. In the further development of those two colleges the Government -

That is, the then Lawrence Government -

has been fiddling around. Hedland and Karratha are two distinct communities, proud of the facilities available. There is a limit to what facilities can be shared.

That was the view of the member for Nedlands, the now Premier of Western Australia, on two colleges in the north. It is interesting that he should focus on the same issues on which we focused; that is, education and health. I would love him to raise those in a general debate in here so that I can detail to him exactly how those two areas have declined in the Pilbara since the change of Government in 1993.

There was no doubt, and there can be no doubt, that the Liberal Party and the National Party were strongly committed to independent colleges. If ever there were any doubt, it would be removed when people looked at their policy for the north west, signed by the member for Nedlands and Norman Moore, above the words "Liberal Party" on the left-hand side and the "National Party of Australia" on the right-hand side, respectively. The Deputy Premier did not get to sign it.

Mr Cowan: What is it?

Mr GRAHAM: It is the coalition policy for the north. His autograph was not on it; he missed out. Under the heading for education, the policy document states -

The Hedland and Karratha Colleges are proof of our commitments to provide education at all levels to the people of the North. It is part of our desire to provide the essential elements which will enable people to live and work in the North without the need to have to "go South".

It then talks about the things that the coalition would do in addition to maintaining the independence of the colleges at all levels.

The policy was for the provision of a faculty of northern Australian studies in Karratha College and the establishment of an international petroleum school; and the Hedland College was to teach a mining course. The policy document talked about developments in the Kimberley, including a college of tropical agriculture at Kununurra. Despite the rhetoric of the coalition parties about supporting independent colleges, none of the further action outlined in the policy has occurred. There is no room for interpretation of some parts of the policy as none of them has been implemented by the Government.

Worse than that is the action of Hon Norman Moore. Members will remember my reference earlier to the Cabinet decision to establish a university college of the north west. Somehow, another one was to be established in Kalgoorlie; I do not know how that happened, although I suspect that the Deputy Premier of the previous Government had something to do with it.

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

Mr GRAHAM: It is interesting to consider what happened to the university college of the north west, which did not eventuate under this Government. The budget papers for 1993-94 made reference to the Office of Higher Education's major planned achievement for 1994 being to "investigate the establishment of university colleges in Kalgoorlie and Bunbury". Surprise, surprise; the university college of the north west disappeared with the change of Government. Also, the local member for the Mining and Pastoral Region, the Minister, transferred one of these proposed colleges out of his electorate to Bunbury. Why he would do that is beyond me, especially given that Edith Cowan University already has a facility in Bunbury. This decision, which the Minister thought would be a good pork barrel, has been the cause of some consternation and difficulty in Bunbury.

This Bill will not do what the Government purports, particularly in the cases of the three colleges to which I have referred. No benefit will accrue to the Pilbara through autonomous colleges; in fact, it will be a retrograde step. We already have independent colleges, which exist with local college councils under the Colleges Act. These councils involve a mix of professional people from Perth with academic qualifications and local people with particular interests in the region. That right will be removed as a consequence of this legislation.

The second reading speech makes no mention of the effect of this legislation on Pundulmurra Aboriginal College. The Minister, Hon Norman Moore, to his credit made Pundulmurra into an independent college in line with Pilbara 21 recommendations. The Minister received some heated representations from the Aboriginal community in the north west, as a consequence of which he understood the unique difficulties involved in delivering Aboriginal education into Aboriginal communities in a way with which Aboriginal people feel comfortable. This Bill will remove that understanding.

The Bill will remove from the three colleges in the Pilbara any regional focus whatsoever. In his second reading speech, the Minister makes this point plain. The Parliamentary Secretary claimed to the shadow vocational education and training spokesman that the boards will be required to represent industry groups, but they will not; they will be barred from representing industry groups, as indicated in the second reading speech and the legislation. I interjected on the Parliamentary Secretary at the time. The Minister made it plain that "members of governing councils will not represent any particular sector or interest groups". That is a direct quote from the second reading speech. If it is now claimed that people will be appointed to represent interest groups or particular sectors, the second reading speech is wrong and the record should be changed. I will be interested to hear from the Parliamentary Secretary, or whoever is handling this Bill for the Government, regarding whether my interpretation or that of the second reading speech is correct.

Regional interest is not mentioned in any way, shape or form in this Bill. The Opposition opposes the legislation for the reasons outlined by the shadow minister, not the least of which is the incredible power which the legislation will give to the responsible Minister without checks or balances. This is contrary to recommendations of the Commission on Government and the Royal Commission into Commercial Activities of Government and Other Matters regarding the need for checks and balances in our system. Despite the clever Government-speak of replacing independence with autonomy, the Bill will remove the independence of the colleges.

Under this legislation the three colleges in the Pilbara will be just other TAFE colleges, and they will have no ability for self-determination to find unique responses to this unique region with its unique industries. The colleges will lose that ability.

Notwithstanding our opposition to the Bill, I will be moving amendments in the Committee stage to retain some regional autonomy with the three colleges in the north west. I understand the colleges have been involved in the

drafting of this legislation, and that they no longer express opposition to the legislation. However, the message given to them by the Government was that it would make these changes whether they liked it or not; therefore, they might as well come along for the ride and play around at the fringes. That is exactly what happened.

I intend to move during Committee to allow the governing councils of the Karratha, Hedland and Pundulmurra Colleges to be appointed in the proper way; that is, by the Governor once the matter has been through Cabinet and the Executive Council, and for there to be a form of sectional interest. In vocational education and training, sectional interests need protection. We may agree to disagree on defining the sectional interests, but sectional interests are clearly needed.

Also, I will move an amendment to maintain the current composition of those college boards under the Colleges Act. That Act allows the college councils to contain staff members, something which each of the colleges has said to me has worked well, as well as students. In this day and age how could someone possibly object to student representation on a student council of the educational institution they attend? We had all those fights in the 1960s, and we came to the conclusion that it was a good idea to have people who will be affected intimately involved on these bodies.

I know the Minister has a paranoia or hatred of student guilds. If I were arguing for a representative of the students guild to be on the council, he would oppose it. However, I am not arguing that. I say that students enrolled at the college should be represented on the council. The mix of the college council that I am suggesting still allows the Minister time to make political appointments. God only knows, of all the Ministers in this Government, he is the person who is responsible single-handedly for the worst political appointments in the north west. Nonetheless the amendment still allows him to make some, but he should make them based on the recommendation of the college council, not off his own bat.

I expect the Minister to agree to these amendments and also to put in place the mechanisms that have been in place in the north west for some years; that is, that vacancies on the college council be advertised widely so that people with an interest can get involved in the council and contribute. As the shadow Minister said, the Opposition will oppose the Bill. I will seek to move the amendments and hope that even though we will oppose the Bill, the Government will endorse the amendments because they will improve the Bill.

Sitting suspended from 6.02 to 7.30 pm

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [7.32 pm]: Vocational education and training has been a central subject of political debate in not only Western Australia but also Australia since the early 1980s. One of the achievements of Governments of the 1980s was to raise the status of vocational education and training in our community. That involved two tasks. The first was to rethink upper secondary education and to establish that upper secondary education involved not only those students who wanted to go onto university and who sat for the tertiary entrance examination, but also a significant number of students who wished to move directly into the work force from their school or, most importantly, wished to move into the vocational education and training area. By establishing a degree of equality between those two sectors, our upper secondary system has improved enormously. Secondly, of course, it involved the raising of the status of training within our higher education system generally. We saw the development in Australia of many colleges, which lay between the vocational education systems and the university systems, throughout the 1960s and 1970s, and a lot of the political and the educational emphasis went on those colleges, most of which now have been absorbed into our unified university system. As a result, it took some time before the TAFE sector established its identity and importance within the higher education system. Now TAFE is recognised as a real option for people. It is recognised as important not only for the individuals concerned but also for the benefits for the people of Australia generally.

There has been an enormous interest in vocational education and training. That has been reflected in a raising of the status of that system. However, there has been an enormous argument about how we organise vocational education and training. A lot of vocational education was traditionally linked with the education systems through the education legislation that existed in all States and tended to be controlled by the education bureaucracies. We have seen in the 1980s a gradual separation of the training element of education from the traditional education bureaucracies. One potential problem that could emerge from that is that training could be conceived too narrowly. It is my view that all education involves an element of training and all training should involve an element of education. The radical separation of education from training carries a danger that I believe we should attempt to avoid, because if training becomes too narrow in its purpose, the potential for people to have their creativity broadened can be lost. I am pleased that the title of the Bill is expansive in that it involves education and training. In my view, both of those elements should be part of a good education. The view that education is totally separate from training is a mistake. We should try to bring the two together as best we can.

Throughout the 1980s, an attempt was made to bring what we now call tripartism into the training system. Throughout the 1980s, a lot of interest was shown throughout Australia in the European training systems, most of which involved government, trade unions and employers working together to develop the curriculum for an area, and also working together to promote education and training in the community.

The Opposition finds one element of this legislation offensive; that is, the hostility in the legislation to any concept of tripartism. With the election of the coalition Government in 1993, the whole concept of trade unions has been narrowed. In a sense, it is the Government's view that the role of trade unions in our community should be very narrow; that is, to support workers in individual contracts that they may enter into. Any broader role of trade unions working in cooperation with Governments and employers is a concept that is alien to the coalition Government. In abolishing the State Employment and Skills Development Authority, the hostility of this Government towards tripartism was clearly revealed. The Opposition believes that was a negative development for the future development of our community. The role that trade unions and employer organisations can play in our community in encouraging a broader approach on the part of employers and employee organisations should be encouraged rather than disparaged. Unfortunately, this Government is hostile to that concept. Ultimately, that will be to the detriment of our community, because when the trade union movement broadened its conception of the community as it did in the 1980s, everyone gained. When the trade unions said that they were negotiating over not only wages and conditions but also the social wage and the training for their members, the whole community gained. However, this Government does not want trade unions involved in those general issues. It is hostile to that concept and that is reflected in this legislation. Therefore, the Opposition makes it clear that it is a retrograde step.

I now point to the importance of the vocational education and training debate in the context of the current situation in Australia since the federal Budget was delivered last week. One of the most revealing statistics in the federal Budget was the projected rate of unemployment in Australia. The federal Treasurer has done little to help find a solution to this major social and economic problem of unemployment. The unemployment rate is currently 8.5 per cent, and to reduce that rate the economic growth rate must be higher than 4 per cent. The Government has acquiesced to a lower growth rate and, therefore, has acquiesced to a higher rate of unemployment. It has stated that economic growth in Australia will be only 3.25 per cent. Economists, including Treasury economists, point to the contractionary impact of the state Budget. This year the Federal Government will take \$4b from the economy, and next year it will take \$7.2b from the economy. In debate last week I predicted that at the end of this financial year the deficit will still be at the current rate, or it may be even higher. Therefore, the justification the Howard Government has given for the pain and suffering it is imposing on many Australians - that is, a lower deficit - will not be realised because of the contractionary impact of this Budget. The Federal Government has no vision in its handling of the Australian economy.

It is the same story in Western Australia. Unemployment is predicted to drop only 0.5 of a percentage point to the year 2000. The state Treasurer said that by 2000 the unemployment rate would be 6.75 per cent. Talk of a resources boom does little to improve the employment growth in Western Australia. Given these high rates of unemployment predicted for the nation as a whole and for Western Australia, Governments have a special responsibility to deal with the issue of training. It is a very interesting fact that industrialised societies that place much emphasis on training achieve better results in employment rates. That is not only because the training programs of those societies soak up some of the unemployed, but also because modern society and modern economies should be constantly reskilling and retraining their work force. Governments that place a great deal of emphasis on training not only give better opportunities to the unemployed, but also create a better environment in which their economies can grow. It is not simply a case of opportunities for individuals, but also is a case of providing economic growth for the community as a whole. Any discussion of unemployment in a progressive country will automatically become linked to a discussion on training.

In my view we have entered a period in the 1990s in which there is a de-emphasis on education and training rather than an emphasis. The federal Minister for Employment, Education and Training emphasises training for the individual in terms of that person's future income streams, rather than what it means for the community as a whole. Of course, we are back to the bad old days of conservative government, in which there is no conception of the proper relationship that should apply between public good and individual self-interest. Indeed, the public good is seen as the sum total of the individual interests of those who live in the community. This attitude will damage our economy and society as it reaches the end of the twentieth century. Most economists now recognise that the most mobile resource in society is capital, which moves around the world seeking the best opportunity to earn a good return. The key resource of any economy to attract that capital is the overall environment within which business operates and, most importantly, the skills, creativity, and adaptability of the work force. The concept of lifetime learning is no longer an educational objective but is a crucial economic objective. Those countries that have placed a strong emphasis on education and training will attract the capital because that provides the basis for that capital to earn a return in this modern technological society. That concept is alien to the Federal Government and it is de-emphasised in the legislation before us this evening.

We are discussing a Bill that will change the Western Australian system of training, and we are doing so at a time when the Federal Government has announced it will remove \$1.8b from the labour market programs over the next four years. Of course, these programs are focused heavily on the training and retraining of people who become unemployed or who are entering the work force for the first time. The Federal Government will replace the \$1.8b with expenditure of \$180m on its new apprenticeship and training scheme. In any objective assessment of the

situation, \$180m new money is no replacement for \$1.8b being taken out of the economy. The following quote from the federal Budget papers gives an insight into the Federal Government's approach to training -

The Reduction in Labour Market Programme Funds will reduce and more tightly target outlays in labour market assistance to the unemployed with reductions in outlays concentrated on the least effective programmes. In the short term programmes will also be streamlined into four main groupings to reduce the current confusion over the number and complexity of programmes amongst clients and staff.

The Government has also announced that in the medium term it will be completely *reforming the way in which labour market assistance is delivered to job seekers*. The new arrangements which will take some time to fully implement are expected to be in place by December 1997. They will involve the creation of a competitive employment market with a corporatised public provider competing on an equal footing alongside private providers. Most Labour Market Programme funding and related administrative costs will be used to purchase services from employment placement providers. The payment structure will be focussed on finding people jobs rather than placing them in training programmes.

That is an indication of the Federal Government's attitude towards the role that training plays in our community. In addition, the Federal Government will reduce the operating grants available for the technical and further education sector. The previous Government provided 5 per cent real growth in base recurrent TAFE funding, and that has been abolished by the coalition Government. It is incumbent on the Opposition to point out that it is one thing to enact legislation that will change the training system in Western Australia, but we must know the context in which that legislation is introduced. Of course, that context is one of cut-backs in the general area of education and training. Certainly, the State Government has given no indication that it will fill the gaps created by the Federal Government's approach to this issue. It is the view of the Opposition that the de-emphasis on education and training will damage this State's ability to provide new jobs for Western Australian citizens as it goes into the twenty-first century. As the member for Pilbara pointed out so correctly, some skills shortages are already developing in our economy with which our training system is unable to deal. The fundamental objection of the Opposition to this Bill is its hostility to the role of the trade union movement in the delivery of training programs. Its rejection of tripartism is a retrograde step. The continual narrowing down of the role that is expected of trade unions in our community will be to the detriment of Western Australia and Australia as we go into the twenty-first century. With those comments, I indicate that, along with the members for Nollamara and Pilbara, I oppose this Bill.

MR BROWN (Morley) [7.50 pm]: I join with the Deputy Leader of the Opposition in opposing this Bill. The Minister said in his second reading speech that this Bill will provide for a more diverse, responsive and deregulated vocational education and training system. The operative word is "deregulated", because this Bill will give the Minister rather extraordinary powers. It is almost as though the Bill is constructed on the basis that all of the committees, councils and other bodies that will be established cannot be trusted to carry out their retrospective functions and the Minister will need to oversee each one of them in order for him and the Government to be satisfied that they will carry out their functions correctly.

Vocational education is a critical issue for Western Australia, for industry and for workers. It is important to look at whose interests one is protecting in promoting a scheme of vocational education in this State, because there are three stakeholders: The State or the broader community; the employer or employers; and the employee or employees. The aspirations of each of the stakeholders are not necessarily the same. Therefore, any Bill which deals with vocational education must try to balance the respective needs and aspirations of each of the stakeholders.

I turn now to what might be the aspirations of each of the stakeholders. In my view, the aspirations of the State in vocational education should be to ensure that the work force is highly skilled, and that it is adaptable and flexible so that it can adjust to new technology and working arrangements which are introduced over time. Indeed, if we have a highly skilled and flexible work force, we will be able to overcome structural unemployment and other difficulties that arise when sectors of the economy decline because of either technological or other changes, or shifting and changing markets. The degree to which employees have broadly based skills so that they can obtain employment across individual industries or across different sectors of different industries, is the degree to which we will deal with structural unemployment and provide a better system for the economic development of the State.

We all know that growth can be impeded by not having a work force with the necessary skills to meet the demands of the day. When that happens, of course, there are inevitable calls for those skills to be met by either interstate or overseas migration, which is a denial of opportunities for Western Australia's unemployed. The State as a stakeholder has an obligation, in looking at the broader interests of the State, to ensure that its training system is the best and will impart skills to workers in industry that will make them flexible and able to obtain employment with different employers in either the same or different industries. One has to look only at some of the most successful training systems in the world - in my view, the German system, which is referred to as the "dual system", and some of the other European and Scandinavian systems - to see that the emphasis is on quality training and on ensuring that employees have broadly based skills which enable them to move from sector to sector within an industry and from

one industry to another industry. That must be the State's agenda if it has a concern for economic development and for ensuring that it can meet growth requirements whenever they occur.

However, the State is not the only stakeholder. Employers are also stakeholders in the vocational training debate. Employers have a number of different agendas, but, generally speaking, the employers' agenda is to ensure that employees receive training that gives them the skills that are required for their industry or enterprise. They want employees who are capable of working efficiently and effectively, who are innovative, and who can use and recall their skills to provide productivity improvements.

We then have the employees' agenda, which is to gain skills which will make them sought after commodities and will ensure that, when they go into the labour market, their skills are marketable and valuable. Not all of the stakeholders' aspirations converge. In Australia and overseas there are sharp differences between the quality and nature of the training that should be provided. Some people advocate that it will not benefit employees if the training that is provided is too narrow. However, it is argued in some spheres that the narrowness of training ensures that employees are less capable of moving from one enterprise to another; therefore, there is greater propensity for employers and companies to retain skilled labour because that skilled labour cannot transfer to another enterprise easily. Some of the training that has been provided has been specific. It has been valuable training for an enterprise, but specific so that it is of limited value to an employee transferring to another enterprise and being accredited for those skills or having those skills recognised. The importance to employees of gaining skills is the ability to maximise their employment and promotional opportunities at their existing workplace, and also to have a bank of skills they can use in different workplaces or different sections of the industry. A clash may occur between what is considered to be the curriculum for an apprenticeship, traineeship, cadetship or any other form of training, and what investment should be made by either the worker by way of forgone income or the employer through providing training facilities or trainers. That is fair enough because different agendas and value systems exist and everyone is seeking the maximum potential from the training system. Therefore, it is important when developing curriculum and training systems to take account of all those views - not simply the narrow view about what is best for an enterprise or the State or what is best for an employee or group of employees - and to blend and balance them as well as possible.

Unless that is done, an inequitable and lopsided scheme will result and the system will contain pitfalls and shortcomings for employers who seek a productive work force, for employees who seek to gain and maximise their position in the labour market, or for the State in its ability to develop a flexible work force that is capable of responding to change across the training and skills agenda. Does the State have a role in that? Should the State simply have a laissez faire training system? Should it say simply that anyone who wants to train can do the training; that some training is better than none and it will accredit everything, assuming that there is value in all the training provided and that somehow it is of equivalent value? In my view that approach is fraught with disaster. Even in the most regulated schemes the Government must be cautious of skills mismatches and differences in the quality of training in different areas of a country or of a State because people who receive the lower level of training, who have lower quality skills, are those who eventually find it difficult to gain employment. They are the people who will be squeezed out of a job. When things tighten up in their trades and occupations, they are the people who will not have the broad based skills to move across and adapt readily into other parts of the industry.

For example, frequently arguments arise in the building trade about the degree to which some tradespeople should be trained; that is, what the breadth of their skills should be. Some employer advocates representing the heavy building industry, the multistorey building industry, argue for a range of skills that suit the commercial building industry. Some employers who represent the home building industry argue for a narrow range of skills so that people work only in the home building industry. What happens if that course is followed? As the economy shifts and changes, a transfer of people from the domestic sector to the commercial sector cannot occur; their skills do not match. That results in structural unemployment and it does neither the economy nor the employees any great favour.

Some argue the converse; namely, that it is better to keep a pool of unemployed skilled labour in a particular industry because the rates can be forced down. If the workers are easily transferable to another sector of the economy, it is much more difficult to force down the rates because they will simply go and work elsewhere.

These are real arguments and they affect all of us. They affect the way we approach the training skills. The degree to which this Government puts up the shutters with this Bill and does not want to hear some of those arguments is the degree to which the training system promoted by this legislation will fail. This Bill is a reflection of the Minister for Education's views on vocational education. The Minister made his views known on vocational education almost 10 years ago by saying that it should be deregulated - cast the seeds to the wind and we will see what pops up. Frankly, that would be an unmitigated disaster. If we pass this legislation, as no doubt this Parliament will, and we put into place the training arrangements in this Bill, as no doubt will occur, I want to be on the record as predicting the outcome in this Parliament in 1996. In 2006, 10 years on, when I am no longer here and when, because of the unmitigated disaster of this legislation Bills are brought back to this place to address the inequities that have developed in the training market, the lower standards of apprentice and cadet training, and the inability to take those tradespeople to other countries where they are well recognised for the downgrading of their skills, I want to be on

the record in this Parliament as disassociating myself from this. I want to ensure that none of the blame for that destruction of the training system is attributed to this side of the House.

The Minister proposes to deregulate - that is the word used in the second reading speech - vocational education and training in Western Australia. That is the upshot of this legislation. Let us consider what is proposed in this Bill and some of the internal inconsistencies in the second reading speech. The second reading speech states -

The VET system must be coordinated, more client focused, open and responsive to the needs of clients, while also more cost effective than the current system.

Clients are defined later in the speech as being everyone. There is no indication of how everyone is involved in the processes because the Minister has an absolute discretion to appoint whom he likes, when he likes and to whatever board he likes. There are no stakeholders, apart from whoever might be the blue-eyed boy or girl of the day to whom the Minister might have taken a shine and appointed to an appropriate committee. To whom will those people be responsible? They do not have to answer to the employers, the unions or even to the Government of the day; they must simply answer to the Minister. If one wants some accountability in the scheme to try to accommodate the views of various stakeholders, one must ensure those appointees are made accountable to different groups.

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

Mr BROWN: This Bill replaces the State Employment and Skills Development Authority legislation, which was brought in by the former Labor Government. As I understand it, that legislation is being replaced because it has been said that, under its provisions, decision making is too cumbersome, too difficult, and a more simplified process is necessary. It is important to remind members about the history of that legislation. When the Bill was put up by the former Labor Government, it proposed a method of voting on the authority. There were three blocks of people on the authority: A government block; an employer block; and a union block. To get a decision, a majority of each of those blocks had to vote in favour of that proposition. That Bill was deliberately designed in that way. I can say that because I was one of those people who back in 1987 was fortunate enough to go on the overseas mission to look at the training systems in Germany, Sweden and Great Britain. It was designed to ensure that each of the major parties to vocational education had its agenda considered and all sought to reach agreement in general.

What happened when the Bill came here? When it was debated in this place, the now Government, the then Opposition, said that that form of involvement was not good enough; it was too weak; it needed to be enhanced so that every person on the authority had to agree - not one person on the authority could disagree. If one person disagreed, nothing could be passed. As I recollect, that amendment was moved by the member for Riverton. It was said by the then Opposition, the now Government, that unless the then Labor Government agreed, the Bill would be blocked in the other place and thrown out. The then Opposition said that it was absolutely imperative that employers, unions and government agreed. In effect, that meant each of the 12 or 13 people on the authority could defeat what the rest wanted to do. Of course, it was a bit like playing poker; it was a sleight of hand trick to make sure the legislation never functioned properly.

The then Minister spoke to a number of people, including me, and said that if we did not agree to this provision, the Bill would be lost and we would never have this authority. My view at that stage was to let it go because it would never work; it would be an unmitigated disaster and would come back to haunt us; and the coalition would argue that it had not worked based on an amendment, although it would not say that it was a coalition amendment but merely that it was a Labor Bill. I thought we should put it in the bin. This was a genuine attempt by us to get something workable that would enhance curriculum development, skill profiling and all of those issues that run with a training agenda. In any event, the Minister had invested a lot in getting the Bill through the Parliament and he did not want to see it defeated. It went through.

Then, as a member of the authority for some time, I can tell members that we had all of the problems. Every one of the issues we predicted would come up, did so. No, it did not work. The coalition can be very proud of the fact that for six or seven years it stymied the vocational training agenda in this State. There was no interest in looking at what was in the State's interest or at what would benefit workers and employers of this State, but rather a very narrow, selfish interest to ensure people could poke fun at this piece of legislation in years to come with the coalition saying that it had not worked. Well, it did not work. The only problem is that people thought those who were involved in the process at the time might not be here this time; that someone on the government benches could hold up this legislation and say that it was a Labor disaster. I can tell members that it was a coalition disaster because of the way in which that Bill was dealt with at that time.

In any event, we are now to have a deregulated system, according to the provisions of this Bill, where the Minister basically is in charge of everything. All I can say is that I do not know where the research is that says that deregulated training systems provide the macro benefits for the economy. I want to look at the research, at what it says about the British training system and how wonderful that is, to see the benefits that has brought. Under this Bill we will go down a similar line in terms of the training system.

The second reading speech is extremely woolly. I will give members just one example. It states -

The McCarrey report -

What a wonderful education document that is -

- acknowledged there were significant productivity gains to be made through measures such as . . . a system of autonomous colleges and specialist institutions, locally managed under boards, responsive to the needs of their local communities and enterprises . . .

Is that not good? We live in a country where we have no mobility at all! We must train people to work in the local delicatessen because people do not move any more. That is ludicrous. It is absolutely stupid. We have a highly mobile work force compared with that in most other countries. People move - up north; down south; over east; back to Western Australia. However, they will be trained to work in the local delicatessen. I just cannot believe how inept this provision is. If this issue were not so important, we could laugh about it. If it were not so important, it would be a joke. This is what will be imposed on the kids of today. We will train them to work in the local delicatessen, to stay in the local environment. The Government says, "We will train you for the local group down the road. You live in Bunbury and you will probably never move, so we will train you as though you will want to live in Bunbury all the time." How stupid. I cannot believe that people take that view in this day and age. One need only look at the enormous internal migration patterns in Australia. We may skirt around the local delis and industry and say, "It looks pretty good to us." What then? We will have different training standards for the north, the south and the east. The same will happen as occurs in other countries where people ask, "Where were you trained?" People trained in the east will be told, "I'm sorry; we do not accept that standard as we believe it is much lower than we require."

I have seen some second reading speeches in my time, but this one is an absolute joke. Perhaps in the Parliamentary Secretary's response to the second reading debate we will gain some understanding of how the standards and curriculum will be maintained to ensure relevance. Under these arrangements, they will not be relevant.

Mr Pandal: Does mutual recognition not overcome a lot of those problems?

Mr BROWN: That is all right. Mutual recognition at a formal level, as happens in some other countries, causes people to say, "Do you have this piece of paper? Where were you trained?" If someone answers that he or she was trained in the east region, that person is told to go to the end of the queue. In answer to the member for South Perth, mutual recognition is only part of the answer. People are not so stupid that they do not recognise what is behind mutual recognition. A bit of paper is not enough - real training is needed.

MS ANWYL (Kalgoorlie) [8.23 pm]: I oppose the Bill. I shall develop the reasons for my concerns, some of which have been raised by my colleagues.

The Government has had a long time to get this legislation right, as I understand that it has been promised in two successive Governor's Addresses. The Government's rhetoric is not matched by the second reading speech, which states that this Bill will set up a system that will process a body to encourage the development of vocational skills, knowledge and attitudes so as to meet the learning requirements of individuals and the needs of the community and industry. However, in reality that ideal could not be met because of the extreme level of autonomy given to the Minister. Some real concerns are held that local community and industry will be deprived of their current input.

Certainly, nobody would dispute the fact that education and skills training are extremely important. A complete recognition is necessary of the desirability of skills development, and to the extent that the second reading speech makes that recognition, I applaud it. However, we must bear in mind the political climate into which this legislation was introduced. The federal Budget makes it clear that attacking unemployment is not to be a priority, that a worse rate of growth in this country will result, and that it will unilaterally wipe out programs, such as SkillShare and the landcare and environmental action program, while effectively privatising the Commonwealth Employment Service, with no guarantee of what will take its place in regional centres.

The conventional wisdom is that the same variety of private industries is not tendering for services - such as the laundering and catering in Kalgoorlie Regional Hospital or cleaning in the regional schools - in the regional areas as in the metropolitan region. The reality is that the same sort of competition is not evident in regional areas in tendering for those jobs. Therefore, country people miss out again. Nobody has yet explained to me how one will find a private contractor to service the needs of the extremely remote communities, such as those in the Western Desert, and who will be prepared to take on the needs of the chronically unemployed.

When referring to the need for skills development, as set out on page 9 of the second reading speech, one must bear in mind the context of the rapid decrease in service provision to the unemployed and unskilled. The Parliamentary Secretary stated in the second reading that primary vocational education and training was the development of an individual's skills, knowledge and attitude so as to assist that individual to participate in the work force. Undoubtedly, the Government's rhetoric is that vocational education and training is designed to assist an individual to participate in the work force. Nevertheless, I am concerned about how this legislation will achieve that goal.

Regarding the needs of individuals, focus tends to be given to school leavers, or younger people who need skills training. I would not like to be a school leaver for one moment because they face a huge amount of uncertainty regarding the type of work available to them. Clearly the community should have as much input as possible to shape appropriate types of education which will lead to employment for those individuals. Youth these days often have very hard choices regarding what employment will be available. We hear a lot of talk about school retention rates, but the full potential of skills training as a complement to the academic and more conventional forms of schooling is yet to be realised.

Parents talk to me from time to time about what they see as the competing resource conflict within schools. Often a parent will say, "On the one hand, I do not think my son will be suited to further academic training, but my daughter will be." Therefore, it is necessary to promote manual skills, such as woodwork and mechanics - the hands-on skills - in the schools, but not to the detriment of the academic streams.

It is simply not a suitable option to push towards the non-government sphere's having responsibility for skills training and TAFE-type courses which many colleges offer, and for which some universities conduct course components. One argument which has some merit is that if one reduces the autonomy of individual colleges through their councils - as this Bill will do by taking away the broad based composition of such councils and leaving the composition to the absolute discretion of the Minister - it will be possible to limit the types of courses available to suit a political end.

The trend with this Government is, as much as possible, to rely on the non-government sector to provide those services. An example of that is an automotive training scheme with which I have had some involvement over the past four years as chairman of the voluntary committee that oversees its running. Ideally, that sort of service should be provided by government, because the resources that are required to oversee the management of such a service - two, sometimes three employees, depending on what government funding is available to pay their wages - are better left to the departments that provide the referrals for those young people to attend such a course in the first place.

The concept that training can be left to the non-government sector creates some problems. It is worth mentioning also that given the Minister's repeated references to the needs of the community, one can look to the wider needs of the community and the need to have people in full employment. The crime wave we are experiencing with home burglaries is, at least in part, a reflection of lack of employment among our young people. The gaols are filled with people who have various types of drug and alcohol addictions and have also had deprived economic lives in the sense that although they are continually exposed to the very prominent material wealth as seen in popular television and movies, in reality these young people have not worked and so have not had the benefit of acquiring, in many cases, quite modest assets. Some evidence of the success of the victim mediation service is, I am told by those involved in providing the mediation, that when a person who has stolen a car is confronted with the owner of that car, who then explains, for example, the lengths to which they may have gone to save the money to purchase the car, there is some change in understanding.

The whole concept of skills training is fundamental. We are extremely cognisant on this side of the House of the resource issue in providing that type of skills training. Given that the land care and environmental action program and the Commonwealth Employment Service, which has been in existence for more than 50 years, have been pulled out from under the feet of unemployed people, we certainly appreciate the so-called lack of resources. Having said that, the needs of community and industry should be taken into account in a much wider sense than just the provision of skilled labour to meet our resource industries' needs, or for that matter other trades that are so often cited as lacking in skilled employees. Another issue to remember is that we are talking about a chronic shortage not only of skilled tradespeople, but also of male primary school teachers. That is occurring within my electorate. It is rare to find a male primary school teacher. It can be argued that that affects children, particularly those who do not have any male role model within their home or extended family. There are issues beyond the ones that we tend to focus on, being the needs of the resource and the construction industries. The wide implications of a lack of those trades appear to be enhanced.

The State Training Board is discussed in the second reading speech and the Vickery report is cited as recommending a rationalisation of the number of industry training councils. I am not clear how many of the 14 industry training councils will retain their present status, if any. The clear need is to be strategic about the future. The member for Pilbara raised a criticism of the former Minister in that it was possible for the Minister to have planned a bit better for the situation that we now have with the lack of skilled and tradespeople. In my own electorate, the Goldfields-Esperance Development Commission has recently, in conjunction with the federal scheme, planned to be an agent for bringing skilled and tradespeople to the goldfields. I know that many local businesses would welcome that move.

Several local businessmen who have approached me have taken it upon themselves to recruit labour overseas. Only yesterday I was told of one local businessman who regularly travels to Asia to recruit first class machinists - the particular labour resource that he has trouble getting. He quoted me some incredible figures on the cost to the industry because, despite the high level of wages received by these machinists, many elect to move to the metropolitan area. It is an ongoing problem. In that context it makes a lot of sense to encourage people to train in

their region, and while I do not suggest they should be chained to their place of birth, they will probably end up staying in that region.

Mr Tubby: How long does it take to train a first class machinist?

Ms ANWYL: I do not know.

Mr Tubby: It is probably four to five years.

Ms ANWYL: The member for Ashburton suggests three years.

Mr Tubby: A normal apprenticeship is five years, although most are now four years. It takes four years to train a first class machinist. How long have we been in government? Who is the member for Kalgoorlie criticising? She should be criticising the previous Government. If there is a shortage of first class machinists now, it is as a result of the lack of training that took place during the former Government.

Ms ANWYL: The Parliamentary Secretary is a bit shortsighted. He cannot construct simple mathematical equations like that and blame one Government or the other. If the Parliamentary Secretary were a bit more constructive about the debate, we might start to achieve some solutions.

Mr Omodei: You have been caught out again.

Ms ANWYL: It is not a matter of being caught out. One cannot simply say that while we were in government we should have trained more people.

Mr Tubby: That is what you are trying to imply.

Ms ANWYL: I am not saying it is the fault of this Government that one of my constituents must go overseas to recruit machinists. I am suggesting that regionalisation may provide part of the answer. I understand there is no real shortage of machinists in Perth; the shortage is in the regional areas. If the member for Roleystone had been listening to me, he might have appreciated that. The member for Pilbara again spoke at length about resources. There is no doubt that these problems will not go away. It is for that reason I am suggesting that regionalisation is an important strategy in ensuring people are employed. Given that so much exploration is proceeding and of course mining is taking place and, as the Minister for Resources Development is constantly reminding me, so much of that occurs in my own electorate -

Mr C.J. Barnett: I will take you on that tour one day.

Ms ANWYL: Having said that, more of that will occur now that the spectre of abolition of the diesel fuel rebate has receded significantly, although I await with some interest further detail of the Federal Government's plan to recoup \$60m per annum from the present amount that is being paid.

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

Ms ANWYL: Remote and distance education is perhaps not addressed fully, to be fair, in the second reading speech. The concerns raised about colleges in Karratha, Pundulmurra and, I think, Port Hedland are real issues because of the failure of this legislation to specify the composition of each of those college councils. It was with some interest that I was able to compare the Curtin University of Technology Amendment Bill, which I understand will be before this House some time tomorrow. The membership of the Kalgoorlie campus council is set out at some length under proposed section 21M of that Bill where it provides that it will consist of-

- (a) a person appointed by the Minister to be the chairperson . . .
- (b) 7 persons appointed by the Minister representative of education, the professions, or industrial, commercial or community interests;
- (c) the chief executive officer of the Kalgoorlie Campus;
- (d) the person appointed to be responsible for the management of higher education at the Kalgoorlie Campus;

It sets out a number of other people who are to be appointed because of their respective status within the college. The present legislation does not do that nor does it provide for cooption. It is not clear whether ex officio people will be required to attend or whether that will be at the discretion of the Minister.

The concern about this legislation is the autonomy given to the Minister. The powers set out in clause 35 are quite wide in providing an ability to establish and rename.

Mr Tubby: Did you know that the Minister has had those precise powers since about 1928 under the Education Act?

Ms ANWYL: Is the member telling me that clause 35 is a replica of a section in the Education Act?

Mr Tubby: It is being transferred from the Minister for Education to the Minister for Training.

Ms ANWYL: If the member says that is the position, I must accept that, although I am being urged by members on this side to check the information; unfortunately I do not have the Act. The real point is that to some extent those powers have been tempered by the establishment of councils. The concern is that the composition of councils is not spelt out in this piece of legislation.

Mr Tubby: They are; they must be experts in the training and educational fields, but should not represent any particular interest group. Their first priority and loyalty is to the council itself, not to some outside group.

Ms ANWYL: As with all powers, the potential is what we are concerned about. In reality it may not be an issue. We are here to try to ensure that legislation does not set up potential problems, and that is what I am doing. I suppose it is topical in that context to note the concerns that can arise. Although I support the amalgamation of Curtin University and the Kalgoorlie College, it is fair to say that some concerns have been expressed within my own community about the precise nature of that amalgamation. It becomes a question of making sure that those checks are provided for in legislation.

The Commonwealth Employment Service is one of those long existing methods of providing people with a degree of skills training. It facilitated people getting into various training schemes and associated with that various allowances; similarly, the landcare and environmental action program, which one could argue is to be replaced by the Green Corps. The LEA program was a clear example of providing skills to young people, and I guess older people. My understanding is that principally young people carried out those short bursts of training, but with an emphasis on their acquiring some skills with the aim of obtaining further employment.

The end of that program, certainly the end of the SkillShare program which was only partially funded for a short three month stint - I think statewide - in my own electorate has meant that staff have not been able to carry out a full service for the past few months. Now that the fate of the service is known, some people have very real concerns because it has been suggested to me that the type of people who would use the Boulder SkillShare service were probably unlikely to attend lengthy TAFE courses at Kalgoorlie College and would seek the assistance of Boulder SkillShare for simple things such as obtaining a police clearance certificate. Although with our skills it may be difficult for us to understand, some people have trouble making phone calls and obtaining pieces of paper from government departments. Simple things such as the promotion of people joining mining companies for short bursts of training and schemes where links were developed over a number of years will go out the window.

At the end of the day we do not know how well the privatised CES will work. We must remember that not only will people be disenchanted but also people who are long-term unemployed generally have extremely low self esteem and all sorts of other problems as a result of their lack of income. To have the further blow of complete uncertainty about what job training schemes will be available to them will be the last straw.

That brings me back to the arguments I was mounting earlier concerning the crime rate and issues which are topical, of extremely wide relevance and extremely costly to the community. It is commendable that the Government wishes to promote skills training but, given the actions of its federal colleagues, it is not surprising that some concerns have been raised about privatisation, and so on.

Mr Tubby: Do you have Joblink in Kalgoorlie?

Ms ANWYL: I think it has been taken over. I am not sure.

Mr Tubby: It is a state program that provides a similar service to SkillShare, a federal program.

Dr Watson: It is not the same.

Mr Tubby: Joblink covers a wider client base.

Ms ANWYL: Is the Parliamentary Secretary suggesting that Joblink can take over from SkillShare?

Dr Watson: They have different objectives.

Ms ANWYL: I will look into it and report back to the member for Roleystone.

MR RIEBELING (Ashburton) [8.50 pm]: Earlier I was somewhat critical of the Government's inept attempts to persuade the Federal Government to not remove the diesel fuel rebate. At that time I said that if the diesel fuel rebate was not removed I would congratulate the Government. I do that now. I do not know how much effort was made by the State Government. If it had any influence and was successful, I congratulate the people involved.

Mrs Roberts: Their persuasion was not successful on national highways.

Mr RIEBELING: That is another story. Their influence resulted in a \$600m reduction in funding! It was money well spent on the "fix the roads; fix Australia" policy!

When I see what the Federal and State Governments are doing for young people I am grateful that I am no longer one of the youth which these Governments are supposed to be helping. When considering the Government's actions in retraining youth, one can become very despondent. As a result of the efforts of the Federal Government, we have seen massive reductions in the training capacity of the nation. My criticism applies to both the Federal and State Governments.

I agree with the member for Pilbara. I too am very disappointed that the independence of the colleges in the north will suffer greatly under this legislation.

Mr Tubby: How will they suffer?

Mr RIEBELING: Basically, they will suffer from a lack of independence in the appointment of their boards. I have attended many Karratha College presentation nights, at which the former Minister for Education, Hon Norman Moore, praised its operations and the way it responds to the needs of business. He heaped praise on the institution, yet the actions of the Government now will destroy that college even though it has been operating successfully for a number of years. This legislation is a large step backwards. I am sure that in time this Government will live to regret the decision to change so dramatically the operations of the successful colleges in the north. It will impose a system which will be less successful than the current system.

Mr Tubby: We have replicated the TAFE institutions in the colleges.

Mr RIEBELING: That is nonsense. The Parliamentary Secretary should think before he speaks. He should read the second reading speech to see the impact the legislation will have on colleges. Perhaps then he can explain the true situation instead of just reading the Minister's instructions. He should look at the legislation and work out for himself the impact on the independent colleges.

Mr Tubby: The first impact will be a cap on capital works; second, all lands will be vested with the Minister; and, third, procreation will be through the Department of Training -

Mr RIEBELING: After this legislation goes through, the power of the Minister will be absolute.

Mr Tubby: Read the Colleges Act; it is no different from before. Many of the sections from that Act have been incorporated into this legislation.

Mr RIEBELING: Many may have been. It contains similar words, but the impact of the legislation will be very different. The Parliamentary Secretary should know that. He is supposed to represent the Minister in this place. He should not say that there will be no impact, when the members who represent the north of the State, those who have lived with the successful system, are aware of the impact on people. We object to it. The Parliamentary Secretary should be able to answer questions about how the legislation will be amended to ensure that this will not be the impact.

Mr Tubby: The major impact is that, instead of colleges having to bargain with Treasury for finance - the people who know nothing about training - they will bargain with the Department of Training and be funded for the courses they intend to provide.

Mr RIEBELING: This system is based on the Victorian system. We seem to pick up the worst aspects of the Victorian system. We have their industrial legislation, education system and privatisation of hospitals. We seem to have everything that the Victorians accept. Thankfully we do not have their lack of football skills. That is about the only thing we have not picked up since this Government came to power.

Mr Cowan: Are you not a Dockers supporter?

Mr RIEBELING: No. I am an Eagles supporter.

I turn now to the experiences of the youth in this State since this Government came to power. The apprenticeship scheme that the Government took over from Labor almost four years ago, has almost been dismantled. We have seen a massive reduction in the number of apprenticeships being offered, especially in the north. The Government has almost removed itself from training programs for apprentices. In one fell swoop, with the destruction of the Westrail yards at Midland, the apprenticeship scheme was wiped out. The Water Authority suffered the same fate. However, now the Minister says that a few jobs have become available and we are now suffering a shortage of skilled workers - a shortage which was created by this Government by dismantling the training programs. The Government says that it takes four years to train an employee. In another four years we will be in worse trouble, because this Government has reduced the number of apprenticeships offered under that scheme. Unfortunately, large companies in the north that formerly had large and successful apprenticeship training programs are now pulling out of the programs and employing very few apprentices. The Minister for Works was asked a question today, and he announced that the obligation of smaller companies was to employ apprentices -

Mr Tubby: Can you say why companies are pulling out of the apprenticeship scheme?

Mr RIEBELING: It is because this Government does not put any emphasis on those training schemes. This legislation is another nail in the coffin. It reflects a lack of commitment to proper training - and the Parliamentary Secretary knows that!

Mr Tubby: What about the unfair dismissal laws, and the fact that companies are being priced out of the marketplace?

Mr RIEBELING: What does that have to do with the apprenticeship training scheme? It has nothing to do with it! The Parliamentary Secretary cannot argue the case. He can only introduce red herrings in this debate.

The changes to the apprenticeship scheme proudly announced in answer to a question without notice today are very concerning. They indicate that the commitment of these companies will be reduced somewhat by the introduction of group training schemes. The group training scheme was set up to ensure that small companies that could not by themselves employ full time apprentices could put them through these training schemes. Some of the large companies in the north are putting their apprentices through these schemes as well. As a result, their commitment has been reduced quite considerably, especially over the past four years since this Government has been in office.

I have been warning this Government, through the Ministers' offices, that there will be an acute shortage of trained, skilled tradesmen in the future if we have a resources boom. I am not convinced that we are in the middle of the resources boom that members on the other side keep saying is occurring. If my electorate is any example of the benefits of this boom, the rest of the State is in for a hell of a shock. Karratha, which is the main population centre of the supposed resources boom, is at the lowest point I can remember, and I have been there for 16 years.

Mr C.J. Barnett: Not for long.

Mr RIEBELING: When will that change?

Mr C.J. Barnett: Pretty quickly. The member should not be too pessimistic about Karratha because Port Hedland changed so quickly. I have always had the view that the major growth in the Pilbara will be in Karratha. In six months the future of Karratha will look absolutely superb.

Mr RIEBELING: I sincerely hope so, because it looks shocking at the moment.

Mr C.J. Barnett: I understand what the member is saying, and I understand that business people are feeling that, but Karratha has amazing potential.

Mr RIEBELING: In the past couple of weeks the Federal Government has reduced the prospects of young Australians in relation to training. Add that to what I would call the destruction of the apprenticeship scheme over which this Government has presided and there is cause for great concern. One need only look at what the Federal Government has done with university places in Western Australia. There are some 1 000 fewer places as a result of the new Federal Government's actions. There have been massive cuts of \$240m in Austudy and fee increases of \$312b for our children once they complete their university courses. That is the Federal Government's commitment to training. It wants to make it tougher and to ensure that those people who go to our universities are the offspring of the rich. We have gone back 30 years in education in one step to a time when only the very wealthy in our community could send their children to university.

Back in the dark days we had scholarships, bursaries and so forth, which applied to those students who achieved outstandingly. There are now 1 000 fewer university places. The universities of Western Australia will not allow their lecture halls to be emptied; they will sell those places to paying students. We will find that once again those lecture halls will be filled with those people who could not get into university as a result of their scholastic ability - they will be allowed to study because their parents can pay their way. Some people in this House may think that if one is rich one deserves to have a university degree and to be a future leader of our nation. The brains are pretty evenly spread in our community and denying people training at university or through apprenticeship schemes will come back to bite this State very hard in future years. If we think we can train our youth by spending less to get the same results we are kidding ourselves. If we do not put money into education, if we do not invest in the future of our children we will suffer the long term consequences of that action. One of the actions for which the Government will quite rightly be criticised in years to come is the introduction of this legislation. It sets education back considerably.

This legislation shows a propensity to move away from proper apprenticeship training schemes. It reflects an attitude that has been held by the conservatives for some time. They have been suggesting that if a person is trained to undertake one specific function for an employer it will cost the employer less to train that person and, therefore, it must be better. If we use that modular system - where employees learn only one aspect of a particular trade - those employees are locked into the one employer. Employers who actually think about what they are doing by using this system should realise that if in five years they wish to move to new technology to retool their industry, they will have less opportunity to achieve those changes with a work force that is semiskilled. The best trained and most flexible employees are those with the highest training - not those with the bare minimum who have just got by because they

know how to screw in a bolt. We find that the most adaptable workers - those who can accept change - are those with the highest skills. This Government has failed to recognise that in this legislation, and it does so at its peril.

The Minister for Resources Development will within 12 months come into this place saying that there are more jobs in certain areas than we have employees. That is an indictment of this Government, not something to crow about. If the Government knows that jobs will be generated by this resources boom, or whatever it wishes to call it - and I am yet to be convinced that it is on the way - then surely it should be pouring money into apprenticeship schemes to ensure that the people of Western Australia get the jobs. It is very difficult for me to understand. If this Government is serious about the potential jobs, why does it do absolutely nothing other than bring in legislation that allows people to be trained to a lower standard than they were when it came to office?

Mr Tubby: Where do you get that from the legislation?

Mr RIEBELING: From the changes to the apprenticeship schemes and the modular system. The Parliamentary Secretary's second reading speech refers to flexibility to adapt to industry needs and the like. He can deal with this when he responds on behalf of the Government. He can tell us where we are wrong so that we can repeat that in the Press in the north. When the apprenticeship schemes are scuttled, like the Government will -

Mr Tubby: Do you know how many trainees are actually in apprenticeship schemes as a percentage of the whole?

Mr RIEBELING: No. The Parliamentary Secretary should tell me.

Mr Tubby: The figure is 15 per cent.

Mr RIEBELING: So it is exactly 15 per cent.

Mr Tubby: It is around that figure.

Mr RIEBELING: It could be 13 per cent -

Mr Tubby: The way the member is talking it is as though 95 per cent of all trainees are apprentices.

Mr RIEBELING: I have never said that. I am talking about specific training of apprentices.

Mr Tubby: Only 15 per cent are in the old craft-based apprenticeships.

Mr RIEBELING: The Government has achieved that over the past four years. What was the figure when it took over?

Mr Tubby: I do not know.

Mr RIEBELING: Perhaps the Minister should look at that, because I suggest the percentage has reduced dramatically since this Government came to power. Now the Minister for Resources Development says we will have a skill shortage, and why? It is because the Government has destroyed the apprenticeship scheme.

Mr Tubby: It was based on crafts.

Mr RIEBELING: Absolutely, and produced highly skilled people.

Mr Tubby: The employment opportunities in those areas are not as great as they used to be.

Mr RIEBELING: That is absolute rubbish.

Mr Tubby: We must have training for skills.

Mr RIEBELING: If the Parliamentary Secretary is responsible for doing anything with the apprenticeships, I am even more worried than when I started my speech. I thought he might understand that the apprenticeship schemes have served us well and produced very high quality, adaptable people.

Mr Tubby: I do not deny that. It is only one part of the training area.

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

Mr RIEBELING: The Parliamentary Secretary is suggesting -

Mr Tubby: You cannot have the whole of the training agenda for apprenticeship schemes.

Mr RIEBELING: This legislation is giving industry the opportunity to choose a module or part of a skill and not go all the way. The result is that an employee may be trained to wire a clock or an engine, and that is it, because that is all the employer wants him to do. It is cheaper for the employer to train the employee for one job, and that is the only job he will ever get.

Mr Tubby: That is a pretty narrow, cynical perception of what we are trying to achieve.

Mr RIEBELING: Perhaps the Parliamentary Secretary has coloured glasses on if he thinks that employers who are not required to provide extra training will say, "I am a nice fellow and will provide extra training." The past three years has shown that that has not happened. It will not happen. Large employers are withdrawing from apprenticeship schemes because the Government has made it so easy for them to do so. This legislation makes it easier and is designed to ensure that the apprenticeship scheme is just about dead.

Mr Tubby: The greater flexibility required now allows for modules on which people can build. It allows multiskilling across trades, which is more essential than being locked into an apprenticeship for four or five years with the chance that -

Mr RIEBELING: The Parliamentary Secretary is saying that the modules allow for greater training, yet he is moving away from a system which allows for compulsory greater training so that an apprentice electrician of today has the skills of an electrician. If we have a module system an electrician will learn half his job and that of a mechanic, forklift operator or whatever. That person will never be an electrician with the proper skills to carry out the full trade. Those people who are partially trained are locked into that employer. The next employer to whom they want to go might want two-thirds of the electrician's course, but that person will not have learned the skill. That employer will not want them.

Mr Tubby: Do you know who set the agenda in the first place?

Mr RIEBELING: Will the Parliamentary Secretary blame them for this legislation?

Mr Tubby: It was originally Laurie Carmichael. The whole of the agenda throughout Australia over the past few years has been headed in the direction of greater flexibility and modules.

Mr RIEBELING: I did not think that Laurie had anything to do with this legislation. If the Government had taken up all the recommendations of the Carmichael report, we would not be having this argument. The Parliamentary Secretary is doing in this debate exactly what this legislation did, which is to pick up bits and pieces and point out small irregularities in what people are saying to bring home the point that he is doing a good job. The Parliamentary Secretary knows that the legislation will result in the training of fewer skilled workers. The ability of workers and companies to take on new tasks will be reduced. Overseas workers will be doing more and more skilled work because they will have the skills and we will not. I do not see the benefit for the State in this legislation. Where is the benefit in having lower standards?

Mr Tubby: I cannot see where this legislation will lower standards. That is the difference. We are trying to provide workers for the work force of today. You are trying to get back to the old system and saying that as it worked well for hundreds of years, we must keep it.

Mr RIEBELING: The Parliamentary Secretary cannot say that what he has done is an improvement. The Government has changed the system but that does not mean it is better. We want a proper training system which ensures that tradespeople who operate in the State have the highest possible skills and which does not apply the lowest common denominator, which this legislation allows. We will find from now on that our tradespeople will have a very rapid reduction in their skills level. As the Parliamentary Secretary correctly said, people are still in apprenticeship schemes representing the tail end of a good system that was in place when we were in government. Those apprentices are now starting to come into the work force. Many apprenticeships last for three years but some dual trades apprenticeships last for four years. A lot of people will no longer have those four year training schemes but will have six months or one year training schemes which will teach people one-quarter of their skills and thereby lock them into an employer. One of the great benefits of the apprenticeship schemes was the ability of workers to trade in their skills and go to an employer and say, "I demand more money or I am off." This system will lock employees into employment with individual employers for a long time.

Mr Tubby: The apprenticeship system has not been abolished; it is still there.

Mr RIEBELING: The Parliamentary Secretary should be honest. He has given employers the option to say, "We only want this bit of the system." Is that not it?

Mr Tubby: I do not think so. That might be your view.

Mr RIEBELING: I am asking for his view.

Mr Tubby: I have been trying to explain my view during the last 30 minutes of your speech.

Mr RIEBELING: I must have missed that. The Parliamentary Secretary will have the opportunity to speak for 30 minutes. Among the other problems that I see from federal legislation and the recently introduced federal Budget is a reduction in the commitment to SkillShare, which was mentioned by the member for Kalgoorlie. This system in my area has been working for a number of years. I have been a director of SkillShare for about four or five years. In certain areas it has achieved quite marked success. That is yet another area in which the conservative part of Australia has in fact dealt a severe blow to those people who use the training programs. As I say, the school leavers

next year will be faced with less of a choice than Australian children should expect. We find that 1 000 fewer positions are available in Western Australian universities. The Austudy budget has been cut by \$240m. Incorporated in that is making a student of 25 years of age still dependent on his or her family. That is an increase from the old system from 22 years of age. All these so-called added benefits of having a conservative Government are weighing very hard on the average Western Australian and will do so for quite a considerable time.

It is time the Minister for Education and the Parliamentary Secretary assisting the Minister for Education had a serious look at what they are doing. Perhaps they will reach the conclusion that this legislation should not proceed because it will eventually come back to this place in the not too distant future to be amended. It is a piece of legislation that should not have been introduced into this House. I warn the Minister that when this legislation fails, as it will, the Opposition will be ruthless in pointing out that it warned the Government of the pitfalls. The Government has no commitment to the training of the youth of Western Australia.

MR THOMAS (Cockburn) [9.21 pm]: I am pleased to have the opportunity to make a contribution to this very important debate. It is important that the legislation pertaining to vocational education and training is rationalised. An attempt must be made to systemise it and give it stability.

It is obvious, due to changes in industry, that the system of vocational education and training which existed for people in my age group has changed and will continue to change in the future. Nonetheless, it is important that the system be given some stability to enable it to provide a form of accreditation that will not only endure, but also be responsive to the needs of industry.

It is interesting to look at the traditional trichotomy which exists in education and training in Australia. Traditionally, tradesmen obtained their training through the apprenticeship system, about which my colleague the member for Ashburton spoke a few moments ago. Classifications of a technical nature were obtained at technical colleges, which subsequently became technical and further education colleges and the professions were trained at universities and colleges of advanced education, which subsequently became universities. That system endured very well for a long time. However, for a number of reasons the apprenticeship system, which is at the bottom end of the market, collapsed and, in some respects, the technical education system was found to be wanting. There are many reasons that the apprenticeship system, which served the trades area for so long, collapsed. One of them was the long term movement in youth wages, which made the employment of apprentices less economic. In addition to that, the inherently cyclical nature of some industries, particularly the building industry, meant that the employers, who have in recent years come to dominate that industry, found it difficult to train apprentices because halfway through their apprenticeship there could be a downturn in the industry and they would be unable to provide the apprentices with work. As a consequence, the apprentices would be stood down. Subsequently, there would be a boom in the industry and the employers found it necessary to import skilled people from either interstate or overseas. The responsibility for employing apprentices fell on smaller employers and as a result the scheme fell apart.

A contrast can be made with the building industry in an earlier time where an employer employed people in a number of trade areas and was able to provide training in a number of areas of the trade. An example of such a traditional building company which provided a training role was the Geraldton Building Company, which was managed by the father of my colleague the Deputy Leader of the Opposition. The company employed hundreds of people, including a number of apprentices. An apprenticed carpenter would be trained in all aspects of carpentry. Due to the economics of the industry, it broke up into subcontracting and people became specialists in certain areas. For example, a carpenter would become either a roofing carpenter, a formwork carpenter or become involved in another specialist branch of carpentry. A person taken on as an apprentice to be, for example, a roofing carpenter, would not be comprehensively trained in the trade and would be employed in only one aspect of it.

Notwithstanding that, it is necessary to have an input from industry in training, whether at a trades level, professional level or some other level in between. I am sure that you, Mr Acting Speaker (Dr Hames), will recall a visit we made to the Advanced Manufacturing Technologies Centre in East Perth, where people are being trained at either a technical or professional level. Some people are involved in research at an advanced level. However, the centre has a close nexus with industry. It is desirable, not only at the trades level, but also at the more advanced level, to have a greater nexus with industry. Some of the trends which have taken place in recent years have brought that nexus with the industry into more academic training. It is not only the apprentices who have hands-on experience during their training, but also people whose training is undertaken in a training institution - for example, a university or TAFE, technical college or, as it will be under this legislation, a vocational education training institution.

Members would agree that it is highly desirable that legislation be introduced to systematise the basis upon which the various forms of training are undertaken. This Bill envisages colleges, facilities like the Advanced Manufacturing Technologies Centre, as well as on the job training. I note from the second reading speech that it is intended to phase out the Industrial Training Act incrementally and on the job training schemes which replaced the apprenticeship system will be brought in under the umbrella of this legislation.

It is also desirable that there be a systematic certification of the skills required by people involved in these schemes. In some circles these schemes are regarded as cowboy or Mickey Mouse schemes, and I do not believe that is true.

It is appropriate that they are given some form of certification which lasts. As the system changes and the system of certification attached to them changes, the credibility of the qualifications which are obtained are reduced. One of the advantages of the apprenticeship system referred to by the member for Ashburton is that it ensured a person had a trades certificate issued by one of the training authorities. The appropriate course work was undertaken at TAFE and people recognised that the person who held a certificate of accreditation knew what he was doing. If the schemes which are to replace the existing schemes are to be diverse, it is important that they have some form of certification which has credibility behind it.

One of the disadvantages in recent years, with the decrease in participation of industry in training through the apprenticeship system, has been that when there was a downturn in the economy there were very few people in training and skills acquisition. I am not familiar with the current statistics compared with those of 20 years ago. It is necessary to make provision in the training system for it to be counter-cyclical because if people do not train when there is not a market for jobs, when the industry - building, mining or any other industry - picks up and the work becomes available, there are no Western Australians available to take those jobs and it is not to the good of the State's economy.

Ten years ago I attended a talk given by the director of the then Confederation of WA Industry, Mr Bill Brown, on the need for industrial training. He quoted statistics that I do not recall, other than that they were impressive, of the number of people engaged in training in Australia compared with the number in other Organisation for Economic Co-operation and Development countries. We were very light in that regard. He used the phrase that we were sitting on a time bomb and unless something was done to increase the figure, ultimately that would be a restricting factor to economic development.

As we have discussed in relation to other matters, when industries contemplate establishing in Western Australia - many industries can locate themselves anywhere in the world; it is a matter of where their cost inputs are cheapest and most conveniently obtained - one of the factors they consider is the skills level in the work force. For that reason it is highly desirable that a large number of people are engaged in vocational education and training. It is almost offensive that a person under 25 years of age can obtain unemployment benefits without agreeing to undertake training and skills acquisition. One side of the equation is that a person has an obligation to undertake the acquisition of skills which will prepare him for employment. The other side of the equation is that the wider community, reflecting the Government, must be prepared and able to provide that. We owe that to our young people. We owe them a job and to satisfy that debt we must give them skills to partake of employment when it becomes available. What we have seen in the last week does not augur well for the future of young people who might be aspiring to join the work force in some sort of skilled position.

Last week when we debated the immediate aftermath of the Budget, one of the factors raised time and again with the Government was that the number of university places in this State is being limited. I thought the reduction in numbers was 500. I heard someone earlier tonight refer to a figure of a thousand. I am not sure which is correct. However, even if it is 100, it is 100 too many. This Government will be reminded time and again between now and the next election that it promised the people of Western Australia that it would maintain the number of university places, and if the Commonwealth reduced them, the State would, of its own notion, finance the universities to maintain that number of places, as did the Victorian Government. The young people, and older people who might be aspiring to return to university for retraining - I do not like the term reskilling; it is not good grammar - will find that places do not exist. This Government will be reminded time and again of its promise at the last state election and it will be called upon to honour that promise.

Tonight we are not talking about university places, important as they may be. We are talking about vocational education and training. Although vocational education and training takes place in universities, in this instance we are talking about other institutions that range from what might be regarded as the jewel in the crown of vocational education and training, the Advanced Manufacturing and Technology Centre in East Perth, a very impressive institution, to on the job training schemes that can be organised on an ad hoc basis. While we in this jurisdiction are enacting legislation which seeks to improve the vocational education and training system, the Commonwealth Government is legislating to take away our wherewithal to do that. We can enact the finest legislation in the world to establish the best courses and the best institutions. However, if the money does not come from the body that collects the taxes - that is, the Commonwealth - to enable the States to do it, it will not be done. Even if it came in only half the quantity that was anticipated, it would only be done at the very best to half that extent.

The budget papers indicate that, over four years, \$144m will be removed from the allocation for vocational education and training. An amount of \$488m dollars will be removed from Austudy. A number of people engaged in courses which will be covered by this legislation are able to avail themselves of Austudy for support while they are doing that. Therefore, over four years, \$632m, an enormous amount, will be removed from the budget allocations which makes this sort of activity possible. I wonder what the Government's intentions will be in relation to that. It has an election policy commitment which we hope it will honour. We will certainly be calling on it to maintain the number of university places. However, will it maintain the level of activities in vocational education and training? Where will the \$632m Australia-wide, or \$15m or \$16m a year in Western Australia, be found. That amount may not seem a

lot to Mr Costello or Mr Howard. They will say that the States will pick that up. They can raise revenue by claiming an extra dividend from the energy utilities or put up payroll tax or land tax, or they can, by any number of means, seek to increase revenue and therefore continue to provide the services which they provide under their own legislation.

Although legislation is being introduced which will provide a basis upon which vocational education and training in this State can be systematically constituted, the fact is that it is being done at a time of budgetary restraint when the money for the activities which would take place under the umbrella of this legislation will be reduced substantially.

As we said the other night when debating the Budget, this is a retrograde step. It is the wrong way to go. I understand, but do not agree with, a number of the areas in which the Government has sought to reduce expenditure. It has set itself a budgetary target and gone about getting rid of programs in areas about which it does not care. Generally speaking those are areas that affect the poor and disadvantaged, for whom it has no compassion. That is one of the differences between the Labor Party and the Liberal Party. I accept that difference. However, we are talking about an investment in the economic future of this State. If we do not have a skilled work force or people who are able to do the advanced work that is required, industries will not locate here. In many cases the human capital, the skilled work force, is as important for the location of an industry as the provision of raw materials. Many industries do not operate with raw materials but are based on human capital, and it is critically important to have that human capital; that is, a work force which is skilled and able to undertake the work at professional, technical and trade levels. Many industries can be cited as examples of that.

One of the matters provided for in the Bill, to which the Parliamentary Secretary referred in the second reading speech, is the arrangement for private providers. We must be very careful when talking about private providers in vocational education and training. One of the desirable qualities of a training scheme is that it be enduring. In most circumstances a requirement for a set of skills will continue over time, although perhaps not for periods as long as those in the last century. For people undertaking that training to acquire skills of enduring benefit, they should acquire a certificate of qualification. One of the qualities of such a certificate must be that it comes from an institution or training scheme that endures and acquires credibility as a result of that. I suggest to the Parliamentary Secretary that as far as possible the Government should seek to involve professional and trade associations within the scheme, to the extent that private providers are involved. I have nothing against private providers. They can provide high quality training which is cost effective and on occasions it can be carried out in association with institutions and colleges. I am aware that that has been done in the past.

I will illustrate how training can be done in a much more cost effective manner by relating to my experience. During the early 1970s widespread change took place to training schemes in a number of areas from on the job training, in many cases associated with professional associations, to full time course work. I was involved in one in an early incarnation as a librarian. Librarians used to be trained by the Australian Librarians Association and did a course provided by the Perth Technical College on its behalf. I am not sure of the financial arrangements. People needed a degree to obtain a job as a librarian, and they then undertook a course on a part time basis involving nine papers on various subjects. When they had successfully completed those studies, they received a professional qualification as an associate of the Library Association of Australia. The trend and the status of the professions moved at about that time, and then to become a librarian one had to obtain a postgraduate diploma at the Western Australian Institute of Technology, as it was then called. I undertook that course but I see no advantage in it compared with on the job training in combination with the course work. People doing the full time course work at the then Western Australian Institute of Technology were no better qualified than those who did on the job training and the course work provided by the Perth Technical College. Now those who wish to become librarians must complete a three year degree. It seems that the status and standing of a profession may be measured by the number of years it takes to be trained to do the job and, of course, it is always possible to pad out the work to fill the time. That trend towards certification as a reflection on full time courses as a measure of professional standing was criticised by an educational philosopher, Ivan Illich, who wrote "Deschooling Society" and "Celebration of Awareness". Ivan Illich wrote quite convincingly that in some areas it was unnecessary for people to engage in formal schooling.

Dr Watson: He was a radical.

Mr THOMAS: He was. I do not now agree with everything he wrote, although I did find it inspiring then. However, I agree with him in some respects. He was also a Catholic priest. Illich wrote that there was a tendency for people to be shunted into formal courses when it was unnecessary, and that skills could be acquired in life on the job. He said that the extent to which schools and educational institutions had taken over the roles of society and teaching people their jobs was undesirable. That is in many respects a true statement, although I do not extrapolate to the extent to which Illich did in relation to that.

That process will be facilitated by this legislation because when the Industrial Training Act provisions are removed from on the job training, it will be possible to organise on the job training schemes systematically, even on an ad hoc basis, under the umbrella of this Bill. I hope when that is done, that professional associations will be involved as much as possible. I recognise that they do not always exist and sometimes restrictive trade practices must be

considered. However, those professional associations are made up of people with an interest in their vocation or trade, who are interested in promoting it, enhancing the skills of its members and initiating people into the profession. When I had the pleasure of chairing the Select Committee on Science and Technology a couple of years ago I was most impressed by the selflessness and dedication of the people in professional associations, from science teachers to physicists, and any number of other associations. Very often they were pushing the barrow of their profession, but these people are the repositories of skills and as far as possible they should be involved in initiating new people into those professions.

The final point I make is that this legislation, commendably, will provide for the organisations that will be reorganised to relate closely to the communities in which they are located. Councils will be established which will operate like university senates to govern the institution. Is it envisaged that the councils for the current TAFE colleges will be grouped in the same manner as they are now, where we have central metropolitan and south metropolitan, or will there be some redistribution of colleges?

Mr Tubby: The existing groupings will remain. There will be no amalgamations which are different from what we have at the moment.

Mr THOMAS: I am a bit disappointed. I believe there is a need to look at some redistribution. The groupings that were made were in some respects quite arbitrary, and under some councils we have areas which are quite disparate. South metropolitan is quite absurd and could be broken up, and I think the legislation would allow that.

Mr Tubby: It does, but there is no intention to do that.

Mr THOMAS: I suggest that rather than rush in and repeal the existing administrative arrangements, where we have central metropolitan and that sort of thing, it would be better to think about whether we should have smaller councils which relate to local areas, which would be permitted under this legislation.

DR WATSON (Kenwick) [9.52 pm]: In opposing the Vocational Education and Training Bill, I want to remind the House that it has taken over two years for this Bill to come to the Parliament for debate, so it is two years since the Minister received the Vickery report. During that time, the context in which this legislation will be activated has changed enormously. In particular, the federal Budget will have a tremendous adverse impact on this legislation. We are still dealing with a climate of 8.5 per cent unemployment, an unemployment level that seems increasingly difficult to crack and to reduce to anything approaching what we experienced before the high unemployment levels during the 1980 recession. This latest federal Budget will have a net contractionary impact on the economy right through 1996-97. In fact, it has been estimated that Australia needs a growth rate of about 4 per cent per annum to renew its assault on unemployment, and that will not be provided by the budgetary measures that were outlined by Peter Costello in last week's Budget.

Mr C.J. Barnett: How do you explain the positive share market reaction to the Budget?

Dr WATSON: As someone said on the night that the Budget was handed down, the devil will be seen in the detail, and every day we are establishing that the devil is in the detail. The Minister knows we have been asking questions about the home and community care program and about nursing homes. There has been no communication between the State and Federal Governments about that kind of detail, which will have an adverse impact on those people in Western Australia who are in most need.

In that budget speech, Mr Costello hardly mentioned unemployment, nor did he set any kind of target for job creation. To take \$4b out of the economy this year will take growth out of the economy. Over four years, \$1.8b will be taken from labour market programs, at a time when we have unacceptably high unemployment, when training is being emphasised, and when the people who are without work are being blamed for being jobless. In addition, growth in the technical and further education sector is being reduced by 5 per cent each year, so that, for instance, in 1998-99, \$28.4m will disappear from the commonwealth allocation to TAFE budgets. Therefore, the context in which this legislation is being introduced has changed since the terms of reference were set for Dr Vickery, and it has certainly changed since that report and its recommendations were provided as the basis for this legislation.

Despite a pre-election commitment from the federal coalition Government to maintain expenditure, labour market programs have been dealt a severe blow. In my electorate, two SkillShare programs have been adversely affected. During my endorsement campaign to become a member of Parliament, I was asked to chair what was then known as the CYSS program - the community youth support scheme - and over the 11 years since then, we have seen a healthy development of those programs. They tended to be marginalised and to stagger from one year to the next, but they have become very real skills development programs which adapt to local employment needs. Local employers are playing a very active role on the boards and advisory committees of SkillShare. It was my pleasure and privilege to be a member of the management committee and advisory board of Cannington SkillShare, the one that I know best, where we reviewed local employment and unemployment data, as well as the future and present needs for particular skills training. Over the years, this embraced occupations such as brick paving for the new estates

that were being built, where people needed skilled but not credentialed labour, and where people were taught by registered builders and by skilled carpenters and craftsmen so that they could provide that short term labour.

An interesting occupation that has been calling increasingly for more skills training is the retail industry. Many stores in Cannington and right along Albany Highway are doing very well, ranging from Cash Converters to Archie Martin Vox, to new and secondhand car yards, to Carousel Shopping Centre, which is now owned and operated by Westfield and is expanding. Myer Stores Ltd in particular and some of the chain stores like Katies Fashions (Aust) Pty Ltd and Sussan Lingerie and Sportswear are increasingly asking the people who work in their stores to undertake some basic training, because as much as they want them to have the right manner to provide customer service, they also require them to keep up to date with stock changes, to be computer literate, and to have a range of skills that I know were not required of my mother when she worked for so many years at both Aherns and David Jones. She was required to have skills at the face to face, customer service level, and any particular skills training in, say, computers or in particular kinds of stocktaking and ordering was not required.

Those sorts of courses - bar courses so that people can work in hotels and computer and information technology courses - have been the bread and butter for SkillShare programs, I dare say not only in Cannington but also throughout the metropolitan area. Every now and again when there has been a particular call for bobcat work or assistance in child care centres, for example, the relevant courses have also been attended to. What happens now? This thriving program, which is sponsored by Communicare Inc, makes a very good connection between the social and economic needs of our community. However, not only has its budget been slashed, but also this program that supports unemployed people must put off three of its own workers. This is at the same time as the Commonwealth Employment Service is privatised.

I understand that about 1 300 CES workers around Australia, including 200 case managers - 200 people who work face to face with long term unemployed people - have been put off. Also, three Commonwealth Rehabilitation Service units have closed. They provided a vital service by supporting people with disabilities which were generally acquired from a workplace or motor vehicle injury, and people who needed one to one support to get back to work or to change their occupations and careers. Three of those services have been slashed, including a specialist service for people with psychiatric disabilities. At a time of high unemployment and labour market program cuts the very people who have supported those people through their unemployment and assisted in their return to the workplace have had their own jobs pulled out from underneath them as well.

I understand that Minister Vanstone has said of the Budget that there is no expectation that tertiary and post-secondary school institutions must teach the same number of students. Because of the reduction in commonwealth funding, each institution's total projected target student load will be reduced in proportion to the grant reduction. I fear that many who would have been able to go to one of Western Australia's four public universities now will not be able to. I have done my own calculations on this. It seems that about 4 000 fewer students throughout Australia who would have been able to attend a public university will now probably opt for technical and further education or a training course, primarily because of their financial circumstances. As a minimum, 10 per cent of students in Western Australia, or 400 fewer people, will not be able to go to university because they or their parents cannot afford it but will expect the TAFE system to provide something for them. Immediately the issue of competition arises between those who have, or those whose parents have, and those who do not.

I will touch on people who have special needs in the labour market and with training. Despite a commitment before the election that \$16.5m would be provided over three years for disability education, not one cent has appeared in the federal Budget. This is what I mean about the devil being in the detail. That funding is an important part of a commitment the State and the Commonwealth made together and which I understood was to be continued for post-school options for people with disabilities. About one-third of people with a disability who are over the age of 18 had a commitment made to them that they would have access to post-school training at TAFE or other training courses; the other two-thirds have other programs arranged. I am not sure that that will be provided in this year's commonwealth Budget. If it is not, I suggest that it puts at considerable risk those who expect that provision of training when they leave school at the age of 18 at the end of 1996.

With the trend to outsourcing and the privatisation of facilities, such as much needed one to one accommodation support for people who are leaving home to enable them to set up in their own community, the Government has led the charge away from a formal two year training period accredited through TAFE for people to be credentialed as social trainers to a six week day course for people to be known as care aides. That will have a substantial implication on quality and standards. I am not denigrating people who may be care aides or may be thinking of following that course; however, I cannot help thinking that a two year course for people to be trained as social trainers is a far superior course. It troubles me that cost rather than standards will drive the kind of care received by people with disabilities.

Part 7 of the legislation, which describes requirements for training schemes and their regulations, leaves a door open. My colleague the member for Cockburn described them as Mickey Mouse courses. I am concerned also for other groups who may be marginalised; for example, migrants who need language training courses, Aboriginal people who

through the community development and employment program were able to access short term training courses in their own communities for the kinds of skills that kept the community going, long term unemployed people, and particularly women. In the Budget the mentor program for women undertaking non-traditional trades will be cut by \$6m this year and \$6m next year, and will disappear altogether in 1998-99. There is no doubt that with women coming into the labour force the industries that have traditionally been regarded as industries for women have been expanding. The information industry, the services industry, particularly in tourism and hospitality, and the retail industry have been able to provide jobs, usually part time, for women.

Short term training courses are increasingly a requirement of the employers. One of the greatest skills we can provide our children and young children is personal flexibility. I was most impressed to attend a school assembly at which Kim Beazley - at that time he was the member for Swan and Minister for Employment, Education and Training - spoke of the need for us to engender the ability to be flexible in our school children. He impressed on the parents at that gathering that 85 per cent of the children starting school that year - I think it was 1993 - would go into jobs when they left school, 80 per cent of which had not been created; that most of them would have between four and five careers in their working lifetime.

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

It seems to me that before we focus on vocational education and training, we should focus on the kind of curriculum that will benefit our children when they enter the work force. Let us just think of those facts: Of the jobs into which these school children will go, 80 per cent have not yet been created and they will have four or five occupations during their working life. School education has a huge role to play in preparing them for their place in the workforce.

It is also important that we focus at school and through this kind of training on the way in which science and technology will be applied in the workplace. Information technology will be a tremendous part of living in the year 2000 and beyond. The context of this legislation has changed because unemployment is not being reduced as all Australians wish it would. It has changed in the time since the Minister first set the terms of reference and received the report from Dr Vickery. It has certainly changed a whole heap with the latest federal Budget because it will not address employment. It will reduce the need for this kind of training for the new jobs that should be being created, and will not be.

MR D.L. SMITH (Mitchell) [10.13 pm]: It is unusual for the Parliament to be considering legislation that effectively has already been in operation for more than two years. However, that unusual event gives us some opportunity to assess in the field how good this legislation is and how successful have been the changes that have been implemented as a result of the ideas behind the legislation. I have been a member of Parliament for 13 years, and I have no greater concern about the failure of the experts and the Government to get it right than in the area of vocational education. Of all the problems I perceive in my electorate, the one I have a gut wrenching feeling about, where the Government and the experts have failed, is in the area of vocational education.

That can be assessed by members asking those who provide the teaching courses, those who teach the students who participate in those courses, and the employers who seek to employ people, what they consider to be appropriate skills. The key to the matter is that whatever the Government and the experts may think, morale amongst the educators in the technical and further education and vocational education areas has never been lower. Those people are utterly confused about the nature of the changes that have been imposed upon them; about whether they have any future; and they feel they have had to pay the price of all the changes in terms of extra teaching load, uncertain salary conditions and a quality of working life and remuneration that is rapidly falling behind those which could be earned elsewhere in the teaching field or, in the case of those with specialist qualifications, if they went back to industry.

We constantly hear that employers are having enormous trouble recruiting new people because of the changes. They are having enormous trouble getting people with appropriate qualifications into the system as a result of the changes and there is no encouragement from those who are currently teaching and providing the courses for new people to come in as teachers. They say, "Why come in? All you get is lack of permanency; an increased workload, increased responsibilities, less remuneration and almost no participation in the management of the individual institution and the nature of the courses that you are expected to deliver."

Because my office happens to be near the South West Regional College of TAFE, these people come into my office on a regular basis. They talk about their despair; their concern for their working environment, for their students; and their concern that they have no idea where all this is leading. From the students' perspective, there is a multiplicity of choices between unit providers; that is between private provider and between additional courses or new courses in areas such as the service industries. They say that they are having an increasing degree of difficulty trying to sort out what course they should be taking for their future careers and work choices. They also constantly tell me that increasingly the courses do not seem to be providing any basic skills training for the individuals concerned.

From the employers' perspective in the south west, I am constantly told that the range of courses being provided at the college is nowhere near adequate for the diversity of the economy of the region. For instance, they in no way reflect the importance of mining and associated skills to the economy of the south west. People who go to the south

west college and look at the courses being offered and at the profile of the students will quickly become aware that they simply are not provided with a range of courses that are appropriate for the south west. In many cases the courses provided are not producing the skills that employers require.

Mr C.J. Barnett: What would you see as the courses being provided for the south west, bearing in mind that you cannot provide all of the courses everywhere?

Mr D.L. SMITH: In the half hour in which I have to speak, I will have trouble saying all the things I want to say. I am on my way out of politics. My concern is not just the diversity of courses at the south west college, but the way in which the lack of morale and the lack of direction at that college reflects the problems faced by those in the vocational education system generally. I am the first to admit that a degree of change will always be required in relation to what used to be called the TAFE system. However, the first part of that change was unfortunate; namely, for reasons of government economy, we decided to throw out the further education aspect of TAFE and become a trade and vocational trainer. In that way, the so-called hobby courses were thrown out the window. If people wanted such courses, they could organise them privately and pay for them outside the system. That was the beginning of the tragic departure from meeting the needs of the community. A need for adult education remains and living skill requirements were very much satisfied through adult education of the past.

Mr Tubby: Is that still not provided?

Mr D.L. SMITH: Not in the manner and range in which it used to be provided. One cannot access it like one could in the past. The fees imposed on courses provided is very restrictive. I do not blame this Government for that change as it was imposed previously.

Regional colleges had a role in further education not directly related to vocational and employment training, and they fulfilled that role adequately and well. The further education side of the equation was devalued because of the lack of priority it was given regarding funding and access. By and large, the majority of those courses are now not taught at the South West Regional College of TAFE.

The second aspect forced on the system was the reality that no-one could expect to have a trade any more which would employ them for life. Increasingly, the technology introduced into the trades area meant that the traditional hands-on and craft skills for which training was required were no longer required. People could operate the machines without those skills. It was also a problem that as the size and the cost of those machines increased, the colleges could no longer provide on-site the kind of machines people would operate in the industry. That became a major capital burden. As a result of an overall lack of government support, most of the equipment used for teaching purposes in colleges was frankly extinct in the workplace and was hardly relevant to what was used when people finished their courses.

At the same time, an abolition of unskilled employment was occurring. All the jobs people could aspire to in the past which did not require any skills training, apart from on-the-job training, went out the window. In industry, most unskilled jobs were being performed by machines, but the people operating those machines did not require formal trade qualifications - they needed only the specific skills taught to them on the job or, preferably, in vocational education and training institutions.

The third problem was the growth in the service industry. A huge number of jobs became available in the service industry for which the old TAFE colleges did not provide training. Again, as a result of the increasing use of technology in the so-called service industry, and a change in client profile, a whole host of new skills had to be taught. In many cases, those skills did not relate in any form to a trade certificate. Nevertheless, they were very necessary for people working in the service industries. The skills related to simple aspects, such as computer literacy and understanding a keyboard and the implications involved. Those skills needed to be taught in an industry-specific form and, again, the old system did not have much response to that need. Employers increasingly were saying that they had three problems: First, they could not find the sort of skilled tradespeople generally required. Second, in most cases employers could not pay the skilled tradespeople enough. The work to be performed did not require the total skill, but some element of that skill. Therefore, the employer could effectively train people on the job to perform the task, and pay them less than the fully skilled person. Also, employers did not have a problem of finding people in that way.

Third, employers were beset with the effects of technological change. The notion that businesses would operate in exactly the same way for 20 or 30 years went out the window. The business owner had to change his equipment and expect that his client base would not be as loyal as in the past. He had to change with the technological developments, which made competitors more efficient and enabled people unskilled in the field to take on the secret part of what was formerly a business sole trade. That increased competition meant people no longer had confidence about a long term future in business, nor about the value of the equipment they were buying and their ability to service that equipment.

This change meant that work force downsizing was forced on people because the most mobile aspect of their businesses was the labour force; that was the area to cut down quickly to save money during business fluctuations. This process involved employing fewer people and looking at multiskilling. Instead of having trade-specific jobs, people became multiskilled to perform all the jobs required in the enterprises. In that way the employer did not worry about trade demarcation and the like.

In that climate of change, it was necessary for experts to look at the whole system of technical and further education. In relation to this Bill, regarding vocational education and training, the experts have constantly changed their mind about what was required in the college system, and this has led to enormous instability and the making of haphazard decisions. No clear career paths were set out, and uncertainty was created about funding change implications, not the least of which was that the skills required by employers were more secret. This enabled private people to come in and compete with the TAFE training system by providing courses of their own. A provider could be an expert on one particular machine or on scaffold. Effectively, they could provide places which were not available in the traditional system, which were cheap and could be provided on-the-job even in remote locations. That became an attractive option.

The colleges were responding to this competition. Unfortunately the critical test for a successful college was how much of that extra curricula private vocational training it was picking up to supplement the college funds. One of the side effects, of course, is that as the volume of private training has picked up the variety of people going into private training has increased enormously and the variability in the quality of that private training has increased proportionately. As more and more people go into the business of private training, a greater variety of people deliver those courses and there is no certainty, if one undertakes a course provided by a particular service provider, that the course will be anywhere near as good as that provided by somebody else. A major concern for education service providers is the varying qualities of courses. Varying weight is being given to the certificates being provided, which again makes the choice for students extremely difficult. We know the situation at tertiary level with a pecking order between the University of Western Australia, Curtin University of Technology, Murdoch University and Edith Cowan University. It is easily understood that a degree from Edith Cowan, unfortunately, is not valued as highly in the employment market as a UWA degree. The employment statistics for universities and the remuneration for graduates of the universities reflect that fact. However, that sort of diversity is occurring in the training arena.

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

Mr D.L. SMITH: Added to that pot has been the whole idea of downsizing government, privatising many of the services that governments provide, and opting for a system of user pays. That has thrown a whole new equation into the system so that, at a time of change, when the system might have needed extra funding, it has been scratching for funding and resources and it has not been able to adapt in the appropriate way to the changes that have been forced upon it.

Mr Tubby: You have gone the full circle. You started by saying there was a great deal of confusion, unrest and instability in TAFE because it has been forced to undertake changes. Then you said it needed these changes because it was providing courses employers did not want and private providers were providing, so TAFE had to get in there and supply that demand.

Mr D.L. SMITH: Part of the problem in this State Parliament is that when we have something to discuss which requires a very long speech to explain the whole ethos of the problem it is not easy to do that in the time that is allocated. I welcome the opportunity to discuss with the Parliamentary Secretary the particulars at another time, perhaps during Committee.

One of the major problems confronting the whole technical and further education system has been the lack of adequate resources by government, because of those other factors that I have mentioned. That has compounded the changes, because it has meant, when they have had to respond to new needs that they must scrounge money from savings in one area to meet that new need somewhere else. That is still going on.

To compound all this a view is developing within the system and among the experts that no longer can this problem of matching resources with need be left to the teachers and service providers who were experienced in the system. The management of the TAFE colleges has suddenly become the province of people who may or may not have some business expertise and managerial skills. In many cases they have no previous experience of the management of colleges to enable them to assess and analyse the very profound changes that are going on within the system as a result of policy changes. I will illustrate part of the problem that I see developing which is reflected in the second reading speech. That speech rightly identifies that the Vickery and McCarrey reports lie at the heart of this legislation. One is a former educator in the general education system - a director general of education; the other was appointed by this Government when it came into office to find savings in government expenditure. The whole technical and further education and vocational education area became a focus because it was thought that massive savings could be made through forcing changes on the system.

While it does not start to answer some of the questions I have already posed about the failure to respond to these changes in an appropriate way, I will refer to the local scene within the South West College. For instance, the motor trades section no longer has someone who is identified as being, if you like, the superior of that system. The section is expected to run some sort of collective management where, if any problems arise, they are dealt with collectively. If a problem cannot be solved, it is passed on to someone in management, who has probably come from an area that has no relationship to motor trades. The people are expected to manage collectively. No-one is identified as being the lead person who is paid extra money to solve these sorts of issues that arise on a day to day basis and because there is collective responsibility, no-one takes individual responsibility because no-one is paid to accept that individual responsibility. However, the people above them who are paid a premium for management have no teaching responsibilities and very often have no experience in the particular problems that that group is being asked to meet in service delivery. The consequence of that is when they ask for extra resources, the pathway for that decision making is unclear; that is, at what level will the decision be made? It gives rise to a general feeling of helplessness, dissatisfaction and low morale, especially when many of those people are still in temporary type situations with no prospects of permanence in the near future. In many cases, when positions are created they must compete for those positions with people outside the local college.

Another area which is confused is the role of the autonomous, so-called, local college and its manager in the broader system. Some quite confirmatory but alarming statements in the second reading speech deal with that. The second reading speech states that the coordination provision is a crucial aspect of the Bill as it allows the Government to provide operational flexibility to colleges without compromising ultimate control and direction. There is a statement which says there can be local autonomy; however, the Government has ensured that the ultimate control and direction of those bodies will stay in Perth. Colleges can forget the whole idea of having any autonomy because the only person who is given expanded powers in this Bill is the Minister. The actual powers of colleges and the boards of colleges is reduced, effectively, to what is delegated to them. That is one area of the Bill where the practice and the expectation of people in those colleges is very badly disappointed. They thought that one of the rewards of these changes would be a greater degree of autonomy and flexibility in local colleges where they could respond much more rapidly to employer needs. In this Bill they find that none of that autonomy or flexibility is to be given. Indeed the next paragraph in the second reading speech identifies that. It says that the Minister for training will ensure that colleges deliver education and training in accordance with the state training profile - not the south west or regional training profile, but the state profile - and provide operational data as required.

What does all that mean in terms of administrative simplicity? I will give an example of a report to me last week concerning the payment of salaries. Surely in an autonomous situation the payment of salaries and response to payment for extra time and duties should be done locally and perhaps it could even generate local cheques. That is not the way it happens. The hours are calculated and reports are done locally. They are then sent to central administration which sends them to a regional office where the cheques are processed. In the last 11 pay slips my constituent received, errors were made in every one of them. I do not know what the Auditor General would think about that. How can financial accountability and the audit trail operate effectively when every cheque and pay statement for the past 11 pays is wrong in some detail? Where is the accountability and efficiency? How do members think those people feel? The payment for overtime, extra duties and the like was haphazard; at best it was three months in arrears from when the work was done. At worst it seems to be somewhere around seven months in arrears. There is no explanation for that delay. Often, when the extra pay comes in a single cheque added to another one, no real explanation is given of how that extra money is calculated or of its specific purpose. The person receiving the money has a difficult job finding out what it is for and the accuracy of it. It defies me how the Auditor General can accept that as a proper management approach. It is hopelessly inefficient and is the exact opposite of accountability and management. Surely it is a basic requirement to ensure that staff get paid properly fortnightly or monthly in accordance with what has been agreed.

It frustrates staff to constantly bear the brunt of mistakes in pay statements while being paid late for extra duties as well as suffering all the other problems I have mentioned. As a result they are openly saying that they will serve out the remainder of their time because they cannot go elsewhere, but if they had a choice, they would go tomorrow. When an institution such as South West College, an integral part of our economy, causes that response, major problems exist. I will explain in Committee why I think there are major problems.

DR EDWARDS (Maylands) [10.44 pm]: I will comment on this Bill in the context of local concerns in my electorate about vocational education and training. I will start by reiterating some of the definitions given by the Minister in his second reading speech which are spelt out in the Bill. It will set up the framework for the comments I want to make about local concerns. The definition here is that vocational education and training is the development of an individual's skills, knowledge and attitudes to assist that individual to participate in the work force.

The comments in the second reading speech point out that this Bill deals with the post- compulsory population and that the education will result in the granting of some sort of award or qualification or, alternatively, the recognition of skills and knowledge. In other places in the second reading speech it explains in more detail what vocational education and training means. Later it refers to whom it can be delivered by.

Reference is made in the second reading speech to the learning of language, literacy, numeracy and the other skills required in the workplace and in the community; that is, those broader skills rather than the specifically vocational skills. Also in the second reading speech, reference is made to recognised skill centres as well as to the institutions, colleges and organisations which provide vocational education and training. In the electorate of Maylands one of the big issues is the impact of the federal Budget on these programs as they relate to the local population. In my electorate the unemployment rate is quite high, coupled with a low skills rate. I will be interested in the 1996 census to see how that has changed. Certainly in the 1991 census I was shocked at the low level of education that was common to that census district.

That is reflected locally at our Maylands SkillShare which plays an extremely valuable role in our local community. It is a somewhat unusual SkillShare because it is sponsored by the WA Blind Institute. I am on the Council of Management for the Blind Institute so I know that SkillShare is not one of its normal tasks. Having said that, it is extremely valuable. Over the years I have been involved with SkillShare, it has been very successful. I have seen this SkillShare evolve and become more relevant to training, the climate in the community, the jobs and the skills that are needed.

It has also become leaner and meaner, reflecting the changes these organisations have had to make in the past few years. For example, the Maylands SkillShare established a cleaning course, which at the time seemed a bit unusual. It has, however, been recognised by the Master Cleaners Guild of WA and in fact people from all over the city travel to Maylands to take part in the course. It has also run other courses which again seem very basic but which meet local needs, such as handymen's courses and basic secretarial courses.

The ACTING SPEAKER (Mr Johnson): The member for Eyre knows better than to block the view between the Chair and the member on her feet. He has been wandering backwards and forwards. He has been here long enough to know the rules.

Dr EDWARDS: It was with some alarm that we heard about the cuts to the SkillShare program. In fact, I am quite horrified to see that over the four years earmarked in the federal Budget, labour market programs will be cut by \$1.8b. It is unfortunate that the Department of Employment, Education and Training has been forced to take such a high share of this cut. In fact, in one article in *The Australian* it is pointed out that the DEET cut is 22 per cent of the \$8b budget cut even though that agency accounts for only about 10 per cent or 11 per cent of total government spending. It is extremely unfortunate that we are seeing this type of cut in electorates such as mine where these programs are necessary.

However, it goes deeper than that. In my electorate there is a real need for services that allow people to learn basic skills. I think it has been proved that courses are needed in my electorate where people can learn skills that may even be referred to as life skills. Only yesterday at a meeting of the Council of Management of the Blind Institute we received another report from SkillShare in which it was pointed out that the life skill component has become increasingly important. Obviously if one cannot communicate adequately, the chances of entering a recognised vocational education course - let alone employment - are very remote. I hope the State Government listens to these concerns because they are very real for the people in my area.

Also, in Maylands we have taken the opportunity to have SkillShare married to an institution looking after people with disabilities. We have started to provide programs which incorporate people with vision impairment into other SkillShare activities. Earlier this year a joint venture called "Skill Train" was created which brings together the Blind Institute and SkillShare to develop programs for people with disabilities. We have had some real wins in this area. At the Blind Institute, in conjunction with SkillShare we provide switchboard training for people with vision impairments. A number of people who are second generation in the Blind Institute are now in open employment as a result of the special type of support, training and vocational opportunity they have received from this program. Although in the current climate there is a call to integrate people with disabilities into the wider community, and all these moves to say that we should get disabled people from institutions and put them into the community, it is a concern that organisations such as SkillShare are being cut, and that the Maylands SkillShare will not exist in its current form at the end of next year. The only positive note at the moment is that it has not had to suffer a 30 per cent cut in the short term; it will be a 20 per cent cut. Nevertheless its future is extremely uncertain, and that is of concern to us all.

I have also had complaints from a couple of other SkillShare operations, including Employment 2000 at Morley. This SkillShare has many clients who are long term unemployed. The point made to me is that when dealing with this section of the population, it is necessary to have staff who are confident about communicating with people who have been unemployed for a long time - and people who feel comfortable dealing with people who may be difficult clients. As an example, I point to the moves by the Government to get people on methadone to go to private doctors rather than to clinics. From talking to doctors, I know that will not work because most surgeries do not want that type of client sitting around in the waiting rooms. It is the same situation for the labour market programs. I doubt that the private sector and private consultants will, first, be very comfortable about dealing with these clients; and, secondly, be very skilled. I will be interested to see how this pans out.

By making such deep cuts into the Department of Employment, Education and Training we are doing much more damage than is apparent. For example, when I last visited Employment 2000, I was approached by a young woman who had been unemployed for a long time. She told me how SkillShare had given her a new lease on life, and that she had learnt basic skills. She was about to enrol in a horticulture course. She had been given an opportunity which meant she would take up vocational education. I was confident that in the long run she would end up in the work force.

I am also concerned about other cuts that will flow on from the federal Budget. I refer in particular to cuts in the landcare and environment action program, and new work opportunities. LEAP has been very successful in Maylands and Bayswater particularly along the edges of the river where fantastic rehabilitation work has been done. I have had a lot of involvement with people running the programs, and a number of opportunities to speak with the participants. In general, they have been successful, and I hear stories of young people who have been unemployed for a long time coming in feeling enthused about an issue, and going on to do some more training in the environmental management and horticultural areas. We have had similar success with new work opportunities, particularly with the programs around Bayswater. In one case I received complaints from local residents who were very annoyed that the new work opportunity participants were returning to the old building that they were restoring, very late at night. The people who complained felt that people should not be coming back at night, because it was disturbing the street. When we investigated, we discovered that the people participating wanted to bring back their wives, partners, girlfriends and families to show them what they were capable of and what they were achieving through the program. We have had restored in Bayswater a house that had previously been condemned and was about to be demolished. It was an extremely old house which was of heritage significance. From that new work opportunity program, people who went through the course ended up getting employment, some with the local council and others moving towards the trades.

I have been interested in this issue at the local level. Over the years I have had a number of SkillShare participants do work experience in my office. Quite a few of those people, particularly the younger women, still keep in touch with my office. They talk to me about the opportunities they have had and how they have been able to move on and get full time work, and feel happier with themselves and their lives in general.

Cuts in the federal Budget which are impinging on people's ability to get lifestyle education and some of the basic necessities they have missed out on, are of great concern. The cuts impact on this Bill because part of this Bill is to look at those life skills. If people do not have them, they cannot take the further transitional steps and move towards proper education.

I want to make one final comment which, to some extent, echoes the comments made by the member for Mitchell. A frequent complaint made at my office is about TAFE. A range of complaints are made. One is about the choice of the courses offered and the fact that it appears that increasingly courses available at TAFE are being shifted to the private sector, but when that happens they become more expensive and move out of the realm of people interested in them. I have been surprised at the sorts of courses people want to do, but as members of Parliament we must sometimes recognise that the community will have different values from ours. I hope TAFE continues to offer some of the more alternative courses - or those with that label - because from my experience they provide people with a new lease of life and a way to move to a small business of their own.

MR RIPPER (Belmont) [10.58 pm]: I am concerned about the way this Bill abolishes the principle of tripartism in the state training system. It does that by repealing the State Employment and Skills Development Authority Act. That seems to be one of the great weaknesses of the Bill. The old concept of government, industry and union involvement and accountability has been completely dispensed with in this legislation. First, we see the repeal of the SESDA Act. Secondly, the creation of the training board makes no provision for specific industry or union representation, and there is no recognition of the vital interests of those two groups. There is plenty of opportunity for government control, because one of the features of the Bill is the extensive powers it gives to the Minister.

Similarly, there is no provision for specific industry or union representation on the Training Accreditation Council. It is to be expected that the Government would not favour union representation - its hostility to the union movement is very well known and is often demonstrated in this place. However, the loss of union representation will be detrimental to our state training system, because unions have had a long and honourable involvement in training issues in this State and in this country. Many people in the union movement have a deep interest in training issues and much to contribute to the development of the State's training system. Their involvement and expertise will be lost. In designing this Bill, the Minister has failed to recognise the great contribution that the work force and its union representatives can make to the efficient development of a state training system. In the end, our economy and our community will be the losers because the vital and positive role of the union movement in the training area has been denied by this legislation. I hope that in making his appointments to the State Training Board and the Training Accreditation Council, the Minister will take account of the potential role of the union movement, but he is not required to do so by this legislation. Given the sort of ideology that dominates this Government, I doubt that he will do anything more than give some token, if any, recognition to the union movement in his appointments to those bodies.

Part 7 of this Bill is described in the second reading speech as one of the major sections of the Bill. It is laughably brief. I suppose that is because it provides extensive powers to the Minister to recognise and establish training schemes, including apprenticeships, and to make regulations governing them. It basically replaces our whole apprenticeship and training system with ministerially determined and regulated schemes. The Minister's determinations and regulations will override provisions governing apprenticeships and traineeships in industrial awards made by industrial commissions. That whole area, in which unions have been involved extensively in the past and in which industrial commissions have been involved, is replaced by ministerial fiat through the exercise of powers provided in this part of the Bill.

Part 5 of the Bill establishes the so-called autonomous colleges. They are not really very autonomous because of the extensive powers that the legislation gives to the Minister to direct colleges, to issue policy guidelines, to amalgamate colleges, to close colleges, or effectively to dismiss the board if it is not complying with what the Minister thinks should be the policy. Although they are described in the second reading speech as "local colleges responsive to the local community", the Bill does not require the Minister to appoint any local representatives to college boards. Once again, we see the end of the tripartite principle, because there is no requirement to appoint specific representatives of industry or the union movement to the boards. What we see is the return of ministerial powers to the system. Clause after clause of this Bill gives the Minister extensive powers to control the system. Rather than the system's being accountable to industry, rather than its being accountable in some way to the union movement or being designed so that those two key sectors have a very direct input into the operations of our training providers, we have a system where all of the power essentially rests with the Minister. His argument is that he is the one responsible for the overall direction of the system and that he needs power to ensure that the system goes in the way he wants it to. That is a return to an old system of training provision in this State.

We were trying - at least those of us in the previous Government - to establish a system which was more responsive to industry and which took advantage of the expertise and the benefits of cooperation with the union movement. This Government has completely reversed that direction - it has returned all effective power to the Minister and, in the structure of the Bill at least, has provided no specific role for industry or the union movement. An enlightened administrator of this legislation could overturn some of the directions by making appropriate appointments using the very broad powers available to the Minister. However, an unenlightened administrator could return us to the previous system of training provision, which simply did not take sufficient account of industry or union input.

One issue of particular concern is the extensive financial powers given to the Minister. I refer in particular to clause 9(1), which provides that the Minister may -

on terms and conditions approved by the Treasurer, participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to, a business arrangement.

The business arrangements are later defined very broadly as a company, a partnership, a trust, a joint venture or an arrangement for sharing profits. What is particularly disturbing about that very broad power is that it can be exercised despite the State Supply Commission Act 1991. That Act provides that if one spends more than \$50 000, one must call tenders. That prevents people corruptly or recklessly spending state money. However, that will not apply to business arrangements that the Minister for Employment and Training will be able to enter into by virtue of this legislation. There is huge potential for a lack of accountability, reckless decision making, losses, favours to mates, uncompetitive arrangements and so on. Royal commissions in this State have already investigated those sorts of activities.

Mr Tubby: It must be with the approval of the Treasurer and under the auspices of the FAA Act, and it is open to examination by the Auditor General. How many more safeguards do you require?

Mr RIPPER: I would like to see the safeguard contained in the State Supply Commission Act.

Mr Tubby: Do you think it is more powerful than the Financial Administration and Audit Act?

Mr RIPPER: If the State Supply Commission Act is irrelevant, why do we apply it to almost every other agency? The Parliamentary Secretary must admit that these are pretty broad powers for the Minister to enter into commercial arrangements. When he enters into a commercial arrangement he does not have to choose the most economic or efficient supplier because he is not bound by the State Supply Commission Act. He can enter into any joint venture he likes. There is no requirement for him to engage in a commercially prudent and fair selection process when choosing business partners. That seems to be an excessive power with insufficient accountability. The only safeguard is realistically the approval of the Treasurer.

Mr Tubby: Which area of business will be involved?

Mr RIPPER: I do not know. Practically and realistically as things stand at the moment, it will probably not be a terrific problem.

Mr Tubby: It has to be related to training. Where is the expertise in training, if it is not in the Department of Training?

Mr RIPPER: It is supposed to be related to training, but it does not have to be solely related to training and could be training in part. That training should be a major part of the enterprise is not stipulated, as I understand it.

Mr Tubby: The whole Bill is about improving the training opportunities in this State. If that becomes an insignificant part of some business arrangement, surely the Auditor General will have a substantial comment to make about it?

Mr RIPPER: The Auditor General may make the public comment that Parliament must amend the legislation so that the exposed rort does not happen again. Publicity may be one antidote, but in the end we require legislation which is properly constructed. This legislation is not properly constructed. All sorts of arrangements are possible in these training schemes, which are replacements for apprenticeships and traineeships. The Minister might enter into some training arrangement with an employer which requires state subsidy for the purchase of significant amounts of equipment.

Mr Tubby: You do realise that this provision came straight from the Colleges Act. It has been in the Colleges Act for 15 or 20 years.

Mr RIPPER: The Parliamentary Secretary will have the opportunity to reassure the House during his response to the second reading debate. The fact the provision has been in legislation in the past does not mean that it should be in legislation in the future. We in this State have had a bit of a lesson. We spent \$30m getting recommendations on how we could deal with the commercial activities of government. Here we have a Bill, after the expenditure of \$30m on the royal commission, which gives extensive powers for the Minister to enter into business arrangements without adequate safeguards. In the example I was trying to give, the Minister may enter into a joint venture with an employer running a training scheme which may involve the state supply of capital for the purchase of large amounts of equipment for the purpose of operating the training scheme. The training scheme may in the end train very few people and the employer may get massive benefit from the state provision of the capital equipment. Can the Parliamentary Secretary assure me that such arrangements could not be entered into under this Bill? I do not think he can. He may say that the Treasurer may not approve it or the Auditor General may blow the whistle. Why give the power in the first place, only to have rorts revealed by the Auditor General? Not only does the Minister have these powers, but also, with ministerial approval, all the colleges which are constituted by this Bill can enter into these business arrangements. We could have a whole stable of tinpot, would-be entrepreneurs getting involved in dodgy business deals as a result of the powers conferred by this Bill. Do not tell me that academics are not interested in these sorts of arrangements. They will be very keen to enter into any arrangement which increases their ability to deliver courses, to teach more students, and to have more funds and empires available to them. The incentive is for them to embark on these commercial arrangements with the powers given to them under this Bill, and the safeguards are inadequate.

I am also concerned about the state training profile that is provided for under clause 21. The State Training Board is required to prepare a state training profile for the approval of Ministers. It is also required to provide advice to the Minister on the extent to which training services meet the current and future requirements of industry. My understanding is that for practical purposes a version of this legislation has already been operating but has not effectively dealt with the surge in resources investment which is occurring in this State. An independent report prepared by Worley Ltd under the auspices of the Department of Resources Development and the Department of Training indicates that this State will have skilled labour shortages as a result of the surge in resources investment. The report predicts skill shortages in a whole range of occupations amounting to 7 000 positions in the next financial year and 3 300 in this year. What has happened to our state training system? How was it not able to make those predictions? Why did it require the Department of Resources Development and the Minister for Resources Development to get together with the Department of Training to have a report prepared by consultants? How was it that the existing processes in the Department of Training were not able to do the work required and update the state training profile in time for the skilled labour shortages to be responded to with increased training?

Mr C.J. Barnett: I do not think that anyone could realistically have predicted the speed with which resources development took off during that period.

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

Mr RIPPER: That may be one answer. I am pointing to the fact that a special measure was required by the Minister and his colleague to deal with this issue. I understand that the existing processes, which have been operating and are ratified and institutionalised by this legislation, were not able to cope with the surge of investment in resources development and the skilled labour requirements. Effectively the State has missed the boat. We should have instituted a year or more ago increased training in all sorts of occupational areas. The shortages are being experienced now and the report was delivered only in May this year. Shortages of greater intensity will occur next year and the following year. Realistically, there is no time to respond through the training system. What went wrong and why is the Government persisting with the arrangements that did not deliver the goods? Is there any way in

which the Minister hopes the training system will do better through future economic development in this State? It is interesting that this legislation does not require the Minister or the State Training Board to consult any other Minister or government agency. Obviously consultation is required between the Minister for Resources Development and the Minister for Employment and Training. Why does the legislation not provide for the State Training Board to seek advice from government agencies, including the Department of Resources Development? It is obviously something the State Training Board cannot do on its own; however, there is no provision in the legislation for it to consult other government agencies.

Mr C.J. Barnett: There is nothing to prevent it.

Mr RIPPER: That is correct but, in view of its performance, it is something which the legislation should require.

No matter how good is this legislation, the key question that will determine the success of the training system is the provision of resources to it. It is something which has become all the more significant following the release of the federal Budget. That Budget made savage cuts to labour market and training programs. It will put extra pressure on the state training system. The Belmont SkillShare is in my electorate. It provides a very cost effective and efficient service to a difficult to employ clientele. It provides training services to 600 people a year who have been unemployed for long periods. It places 60 per cent of these people in further education or employment. It is a very good result, bearing in mind that these people are among the more difficult to find employment for. They must be in the pool of long term unemployed people or at risk of failing in the labour market in order to attract the services of SkillShare. These services are delivered by SkillShare at a reasonable price. It is disappointing that Belmont SkillShare, along with other SkillShares, has had its funding cut by 30 per cent. It has placed a very big question mark over the future of Belmont SkillShare. Even worse, the SkillShares have been advised by the Federal Government that fewer projects will be funded because of the cuts in the federal Budget. Already there is pressure on Belmont SkillShare and Victoria Park SkillShare to amalgamate. They will be encouraged, under severe financial pressure, to either close, amalgamate or struggle on with a much reduced clientele. Inevitably, there will be more pressure on the State to make up for the community needs which are not being met.

I suppose there is an out for the SkillShares. They have been given the opportunity to compete with the private sector organisations which will replace the Commonwealth Employment Service for funds. Inevitably, there will be fewer SkillShares and fewer people going through them. The end result will be more people suffering greater risks in the labour market. They will be unemployed for long periods and they will not obtain adequate services through commonwealth-funded agencies. The burden of providing for those people will fall on the state training system. The state training system will be confronted with an additional resource challenge because of the cuts to labour market programs in the federal Budget.

An additional cost is likely to fall on the state training system because of the cuts to higher education. This State will lose 500 commonwealth-funded places in tertiary institutions. No doubt those people who will not be able to get into tertiary institutions will choose to go into the TAFE system. Therefore, the vocational education system will have to cater for an additional 500 students, unless the State Government honours its promise to maintain the number of tertiary education places regardless of the variations in commonwealth funding. I do not think the Government will uphold that promise. It was a reckless promise to make in the first place.

It is disappointing to see the end of the principle of tripartism in these arrangements in this legislation. It is also disappointing that ministerial power is reinforced throughout the Bill. It is disturbing to see the financial powers which have been given to the Minister, with insufficient safeguards. It is worrying that these arrangements will not prepare the State to cope with the skilled labour shortages which will arise from resources investment. Above all, this legislation, despite its defects, will succeed only if there is a significant resources commitment by the State Government to the vocational education training system. That commitment is even more necessary and urgent given the way in which the Federal Government is abandoning its responsibilities in this area.

Debate adjourned, on motion by Mr Tubby (Parliamentary Secretary).

RAILWAY DISCONTINUANCE BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Lewis (Minister for Planning), read a first time.

BILLS (2) - COUNCIL'S MESSAGES

Messages from the Council received and read notifying that it had agreed to the amendments made by the Assembly to the following Bills -

1. Dog Amendment Bill
2. Consumer Credit (Western Australia) Bill

CONSTITUTION ACTS AMENDMENT ACT 1899*Council's Message*

Message from the Council received and read notifying that it had concurred in the resolution as set out in message No 27 from the Assembly.

House adjourned at 11.30 pm

QUESTIONS ON NOTICE**FREEDOM OF INFORMATION ACT - GOVERNMENT AGENCIES OR DEPARTMENTS REQUESTED TO ADVISE MINISTER'S OFFICE OF ANY REQUESTS**

430. Mr KOBELKE to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

- (1) Has the Minister requested any agency or department within any of the Minister's portfolios to advise the Minister's office of any requests under the Freedom of Information Act 1992?
- (2) If yes, which department, or agency, was involved?
- (3) What was the subject matter covered by the request?
- (4) What is the reason for the request?
- (5) Is such a referral provided for in the FOI Act 1992?
- (6) Does the Minister's office play any role in drafting or approving responses to requests under the FOI Act 1992?
- (7) If yes to (6) above, what is that role?

Mrs PARKER replied:

The Minister for Tourism; Sport and Recreation has provided the following response -

- (1)-(7) Agencies within my portfolios have been requested to advise my office of applications received under the FOI Act 1992 where there may be a likelihood that related correspondence could be held within the ministerial office. My office is advised of the nature of applications and documents to be released. Under the Westminster system of government, a Minister is responsible to Parliament for the general conduct of his or her departments. In addition, the Minister is ultimately responsible where agencies do not comply with their responsibilities under the FOI Act 1992: See section 63(3). Advice of applications received by departments enables the Minister's office to determine whether it has received the same application. Agencies are able to consult any person or agency who can provide information that may assist in the decision making progress.

Where an application is made to me, I am the decision maker under the FOI Act 1992. I am also responsible for ensuring that the applicant is provided with a notice of decision that complies with section 30 of the FOI Act 1992. Any decision made by me is subject to an external review by the Information Commissioner. Where an application is made to any agency within my portfolios, the agency's decision maker is responsible for making the decision and for ensuring that the applicant is provided with a notice of decision that complies with section 30 of the FOI Act 1992. The decision is subject to internal review by another decision maker who is not subordinate to the initial decision maker, and this process is also subject to an external review by the Information Commissioner.

FREEDOM OF INFORMATION ACT - GOVERNMENT AGENCIES OR DEPARTMENTS REQUESTED TO ADVISE MINISTER'S OFFICE OF ANY REQUESTS

431. Mr KOBELKE to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) Has the Minister requested any agency or department within any of the Minister's portfolios to advise the Minister's office of any requests under the Freedom of Information Act 1992?
- (2) If yes, which department, or agency, was involved?
- (3) What was the subject matter covered by the request?
- (4) What is the reason for the request?
- (5) Is such a referral provided for in the FOI Act 1992?
- (6) Does the Minister's office play any role in drafting or approving responses to requests under the FOI Act 1992?
- (7) If yes to (6) above, what is that role?

Mr SHAVE replied:

The Minister for Parliamentary and Electoral Affairs has provided the following response -

- (1)-(7) Agencies within my portfolios have been requested to advise my office of applications received under the FOI Act 1992 where there may be a likelihood that related correspondence could be held within the ministerial office. My office is advised of the nature of applications and documents to be released. Under the Westminster system of government, a Minister is responsible to Parliament for the general conduct of his or her departments. In addition, the Minister is ultimately responsible where agencies do not comply with their responsibilities under the FOI Act 1992: See section 63(3). Advice of applications received by departments enables the Minister's office to determine whether it has received the same application. Agencies are able to consult any person or agency who can provide information that may assist in the decision making progress.

Where an application is made to me, I am the decision maker under the FOI Act 1992. I am also responsible for ensuring that the applicant is provided with a notice of decision that complies with section 30 of the FOI Act 1992. Any decision made by me is subject to an external review by the Information Commissioner. Where an application is made to any agency within my portfolios, the agency's decision maker is responsible for making the decision and for ensuring that the applicant is provided with a notice of decision that complies with section 30 of the FOI Act 1992. The decision is subject to internal review by another decision maker who is not subordinate to the initial decision maker, and this process is also subject to an external review by the Information Commissioner.

HOSPITALS - BENTLEY

Income for Operating Purposes; State Appropriation

1193. Dr GALLOP to the Minister for Health:

- (1) What was the income available for operating purposes at Bentley Hospital in -
 (a) 1993-94;
 (b) 1994-95;
 (c) 1995-96;
 (d) 1996-97 (est)?
- (2) What was the State Government appropriation and Grant towards that income in-
 (a) 1993-94;
 (b) 1994-95;
 (c) 1995-96;
 (d) 1996-97 (est)?

Mr PRINCE replied:

- (1) (a) 1993-94 \$14,860,246
 (b) 1994-95 \$15,084,579
 (c) 1995-96 \$14,753,000 (amounts applied to capital not yet available)
 (d) 1996-97 \$14,874,200 (*estimate based on year's expenditure (estimate))
- (2) (a) 1993-94 \$14,479,500
 (b) 1994-95 \$14,524,200
 (c) 1995-96 \$14,128,100 (cannot give accurate accruals yet, ie, amounts applied to capital interest etc)
 (d) 1996-97 \$14,729,000 (estimate)

CONTRACTING OUT- BY GOVERNMENT DEPARTMENTS

1354. Mr BROWN to the Minister for Health; Aboriginal Affairs:

- (1) Has any -
 (a) department;
 (b) agency,
 under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many Government employees jobs in each department or agency will be affected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr PRINCE replied:

- (1)-(5) The third annual survey of competitive tendering and contracting (CTC) commenced in July, requiring agencies to report on contracts let during 1995/96. They will also be asked to again outline their plans for future contracting (ie, for the 1996/97 financial year) and, where the activity is currently performed in-house, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and the independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees, as staff elect to transfer to private sector providers which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of change in the public sector, associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment.

Significantly, the Federal Government's Industry Commission recently stated (in its final report on competitive tendering and contracting in public sectors across Australia) that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20% and 24% reported in Western Australia in two previous surveys - and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created - the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current "in-house" activity, as to their suitability for testing in the competitive market environment and the eventual selection of the best value-for-money options for service delivery.

CONTRACTING OUT - GOVERNMENT SERVICES

1393. Dr GALLOP to the Minister for Primary Industry; Fisheries:

- (1) Since 1993, what services have been contracted out by individual agencies within the Premier's portfolios and what is the total cost of the contract for each year?
- (2) What are the names of the companies that have received contracts in the 1995 - 96 financial year?
- (3) What is the value of each contract in excess of \$50,000?
- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr HOUSE replied:

- (1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query, I will have the matter investigated.

CONTRACTING OUT - GOVERNMENT SERVICES

1395. Dr GALLOP to the Minister for Labour Relations; Housing; Lands:

- (1) Since 1993, what services have been contracted out by individual agencies within your portfolio and what is the total cost of those contracts for each year?
- (2) What are the names of the companies that have received contracts in the 1995-96 financial year?
- (3) What is the value of each contract in excess of \$50 000?
- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr KIERATH replied:

- (1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query I will have the matter investigated.

CONTRACTING OUT - GOVERNMENT SERVICES

1396. Dr GALLOP to the Minister for Water Resources:

- (1) Since 1993, what services have been contracted out by individual agencies within your portfolio and what is the total cost of those contracts for each year?
- (2) What are the names of the companies that have received contracts in the 1995-96 financial year?
- (3) What was the value of each contract in excess of \$50 000?
- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr OMODEI replied:

- (1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query I will have the matter investigated.

CONTRACTING OUT - GOVERNMENT SERVICES

1397. Dr GALLOP to the Minister for Mines; Works; Services; Disability Services; Minister assisting the Minister for Justice:

- (1) Since 1993, what services have been contracted out by individual agencies within your portfolio and what is the total cost of those contracts for each year?
- (2) What are the names of the companies that have received contracts in the 1995-96 financial year?
- (3) What is the value of each contract in excess of \$50 000?
- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr MINSON replied:

- (1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time, the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query, I will have the matter investigated.

CONTRACTING OUT - GOVERNMENT SERVICES

1403. Dr GALLOP to the Minister for Health; Aboriginal Affairs:

- (1) Since 1993, what services have been contracted out by individual agencies within your portfolio and what is the total cost of those contracts for each year?
- (2) What are the names of the companies that have received contracts in the 1995-96 financial year?
- (3) What is the value of each contract in excess of \$50,000?

- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr PRINCE replied:

- (1-6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query I will have the matter investigated.

CONTRACTING OUT - GOVERNMENT SERVICES

1404. Dr GALLOP to the Minister representing the Minister for Finance:

- (1) Since 1993, what services have been contracted out by individual agency within your portfolio and what is the total cost of those contracts for each year?
- (2) What are the names of the companies that have received contracts in the 1995-96 financial year?
- (3) What is the value of each contract in excess of \$50 000?
- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr COURT replied:

The Minister for Finance has provided the following response -

- (1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time, the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query I will have the matter investigated.

CONTRACTING OUT - GOVERNMENT SERVICES

1405. Dr GALLOP to the Minister representing the Minister for Racing and Gaming

- (1) Since 1993, what services have been contracted out by individual agencies within your portfolio and what is the total cost of those contracts for each year?
- (2) What are the names of the companies that have received contracts in the 1995-96 financial year?
- (3) What is the value of each contract in excess of \$50,000?
- (4) In relation to (3) above, what is the demonstrated saving of each service contracted out?
- (5) In relation to (3) above, does the contractor have access to, or use of, any government services or facilities in the performance of the contract?
- (6) If so, what are they?

Mr COWAN replied:

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

- (1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time, the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the Member has a specific query I will have the matter investigated.

ADVERTISING - BUDGET EXPENDITURE

1420. Dr GALLOP to the Premier; Treasurer; Minister for Public Sector Management; Youth; Federal Affairs:

- (1) In 1996-97, what is the total advertising budget proposed for each individual agency within your portfolio?
- (2) In the same year, what is the expected expenditure on campaign advertising and on non-campaign advertising?
- (3) In relation to campaign advertising -
 - (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
 - (b) if there has been an increase in allocation, how is that explained;
 - (c) what portion of the 1996-97 allocation will be spent on television, radio, print and other medium;
 - (d) in 1996-97, what electronic and/or print medium campaigns are planned in excess of \$50,000;
 - (e) have any of these campaigns been initiated by, or involved, any other agency or body;
 - (f) if yes, which agency or body?
- (4) In relation to non-campaign advertising -
 - (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
 - (b) what is the reason for the difference in figures?

Mr COURT replied:

- (1)-(4) Under the program budgeting format used throughout the public sector, expenditure is not budgeted at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

ADVERTISING - BUDGET EXPENDITURE

1421. Dr GALLOP to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) In 1996-97, what is the total advertising budget proposed for each individual agency within your portfolio?
- (2) In the same year, what is the expected expenditure in campaign advertising and on non-campaign advertising?
- (3) In relation to campaign advertising -
 - (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
 - (b) if there has been an increase in allocation, how is that explained;
 - (c) what portion of the 1996-97 allocation will be spent on television, radio, print and other medium;
 - (d) in 1996-97, what electronic and/or print medium campaigns are planned in excess of \$50,000;
 - (e) have any of these campaigns been initiated by, or involved, any other agency or body;
 - (f) if yes, which agency or body?
- (4) In relation to non-campaign advertising -
 - (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
 - (b) what is the reason for the difference in figures?

Mr COWAN replied:

Department of Commerce and Trade

- (1) There is no advertising budget as such because advertising is not separated from the delivery of services to customers. At this point it is reasonable to anticipate expenditure in the order of \$200,000.
- (2) Ninety per cent of advertising is for campaign advertising.
- (3)

(a)	Estimated 1996/97	\$190,000
	1995/96	\$512,326*
	1994/95	\$502,345*
	1993/94	\$448,670*

* includes other costs such as advertising agency services for design of marketing materials which cannot be separated without extensive work being undertaken.
- (b) No increase expected.
- (c) Radio about 15 per cent; television about 8 per cent; print about 77 per cent.
- (d) None.
- (e)-(f) Not applicable.
- (4)
 - (a) Non-campaign advertising in 1996/97 is impossible to predict because it includes recruitment and tender advertising. It is unlikely to exceed \$20,000. In 1995/96, non-campaign advertising cost about \$10,000. It has not been possible to separate figures for the previous years.
 - (b) More money may be spent because (a) more positions may be advertised in the press, (b) InterSector/Public Service Notices has started to charge for lodgements and (c) as external contracting increases, more advertising is involved seeking tender bids and quotations.

Small Business Development Corporation

- (1) \$218,500.
- (2)

Campaign Advertising	\$204,500
Non-campaign Advertising	\$14,000
- (3)

(a)	1996/97	\$204,500
	1995/96	\$204,200
	1994/95	\$147,000
	1993/94	\$149,900
- (b) Increase in allocation from 1994/95 to 1996/97 reflects expenditure associated with the transfer of the State Enterprise Centre from the Department of Commerce and Trade to the Small Business Development Corporation on 1 July, 1995.
- (c)

\$20,000 on television
\$30,000 on radio
\$154,500 on print media
- (d) None planned in 1996/97
- (e)-(f) Not applicable.
- (4)
 - (a) The Small Business Development Corporation's estimated expenditure for non-campaign advertising for 1996/97 is \$14,000. This is an increase on the previous three years due to a proposed increase in advertising vacant positions.
 - (b) The increase in non-campaign advertising is mostly attributed to a restructure and subsequent proposed increase in advertising to fill positions.

Perth International Centre for Application of Solar Energy (CASE)

- (1) Estimated maximum total of \$20,000 would be spent on advertising.
- (2) All advertising is non-campaign advertising.
- (3) (a)-(f) Not applicable.

- (4) (a) The figure of \$20,000 for 1996/97 is slightly higher than 1995/96 because of increased project activity. 1994/95 CASE had just been established and little advertising actually occurred.
- (b) Not applicable.

Gascoyne Development Commission

- (1) \$4,500
- (2) All non-campaign.
- (3) (a)-(f) Not applicable.
- (4) (a)
- | | |
|---------|---------|
| 1996/97 | \$4,500 |
| 1995/96 | \$3,700 |
| 1994/95 | \$2,500 |
- (b) Increase in advertising costs.

Goldfields Esperance Development Commission

- (1) \$20,000
- (2) Not applicable.
- (3) (a)-(f) Not applicable.
- (4) (a) Increased
- (b) Advertising for the Chief Executive Officer's position.

Great Southern Development Commission

- (1) Estimated \$800
- (2) Not applicable.
- (3) (a)-(f) Not applicable.
- (4) Not applicable.

Kimberley Development Commission

- (1) \$7,000
- (2) All non-campaign.
- (3) (a)-(f) Not applicable.
- (4) (a)
- | | |
|---------|---------|
| 1996/97 | \$7,000 |
| 1995/96 | \$6,400 |
| 1994/95 | \$4,400 |
- (b) Increase in advertising costs and advertised vacancies.

Mid West Development Commission

- (1) Estimated \$10,000.
- (2)
- | | |
|--------------------------|----------|
| Campaign Advertising | \$ Nil |
| Non-campaign Advertising | \$10,000 |
- (3) (a) - (f) Not applicable.
- (4) (a)
- | | |
|---------|----------|
| 1996/97 | \$10,000 |
| 1995/96 | \$16,000 |
| 1994/95 | \$ 5,500 |
| 1993/94 | \$ 3,500 |
- (b) (i) During 1995/96 the Commission spent approximately \$7,000 on advertising for staff positions. This was caused by high staff turnover which should not occur again in 1996/97.
- (ii) Expenditure in 1993/94 and 1994/95 was lower during the transition period from an Authority to a Commission and the subsequent change in focus of the agency.

Peel Development Commission

- (1) \$8,000
- (2) Campaign Advertising \$ Nil
Non-Campaign Advertising \$8,000
- (3) (a) - (f) Not applicable.
- (4) (a) 1996/97 \$ 8,000
1995/96 \$ 8,191
1994/95 \$ 6,527
1993/94 \$15,259
(b) Opportunities flowing from the establishment of the Commission in 1993.

Pilbara Development Commission

- (1) \$10,000
- (2) Campaign Advertising \$ Nil
Non-campaign Advertising \$10,000
- (3) (a) - (f) Not applicable.
- (4) (a) The expected expenditure for non-campaign advertising is \$10,000. This figure is similar to the non-campaign advertising figure for the previous three financial years, and is primarily for staff recruitment.
(b) Not applicable.

South West Development Commission

- (1) \$23,000
- (2) Campaign Advertising \$ Nil
Non-campaign Advertising \$23,000
- (3) (a)-(f) Not applicable.
- (4) (a) \$23,000 - which is similar to the previous three financial years.
(b) Not applicable.

Wheatbelt Development Commission

- (1) \$2,000
- (2) Campaign Advertising \$ Nil
Non-campaign Advertising \$2,000
- (3) (a)-(f) Not applicable.
- (4) (a) \$2,000 on non-campaign advertising. This is a similar amount to previous financial years.
(b) Not applicable.

ADVERTISING - BUDGET EXPENDITURE

1431. Dr GALLOP to the Minister for Health; Aboriginal Affairs:

- (1) In 1996-97, what is the total advertising budget proposed for each individual agency within Minister's portfolios?
- (2) in the same year, what is the expected expenditure in campaign advertising and on non-campaign advertising?
- (3) In relation to campaign advertising -
 - (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
 - (b) if there has been an increase in allocation, how is that explained;
 - (c) what portion of the 1996-97 allocation will be spent on television, radio, print and other medium;

- (d) in 1996-97, what electronic and/or print medium campaigns are planned in excess of \$50,000;
- (e) have any of these campaigns been initiated by, or involved, any other agency or body;
- (f) if yes, which agency or body?
- (4) In relation to non-campaign advertising -
 - (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
 - (b) what is the reason for the difference in figures?

Mr PRINCE replied:

- (1)-(4) Under the program budgeting format used throughout the public sector, expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

PUBLICATIONS - VIDEOS, OPINION POLLS, ALLOCATIONS

1441. Dr GALLOP to the Premier; Treasurer; Minister for Public Sector Management; Youth; Federal Affairs:

- (1) In 1996-97, what is the proposed allocation for brochures, pamphlets and other similar publications for each individual agency within the Premier's portfolios?
- (2) What were the allocations for the previous three financial years?
- (3) In 1996-97, what is the proposed allocation for production of videos and similar publicity ventures?
- (4) What were the allocations for the previous three financial years?
- (5) In 1996-97, has any money been allocated for opinion polling?
- (6) If yes, what opinion polling is proposed and what will it cost?
- (7) What were the allocations for polling in the previous three financial years?

Mr COURT replied:

- (1)-(7) Under the program budgeting format used throughout the public sector, expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested. However, the member will be aware that a contract commenced in March 1994 to survey social values and issues. The contract fee is \$99,750 per annum firm for three years. Payments to date amount to \$249,375.

PUBLICATIONS - VIDEOS, OPINION POLLS, ALLOCATIONS

1442. Dr GALLOP to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) In 1996-97, what is the proposed allocation for brochures, pamphlets and other similar publications for each individual agency within the Deputy Premier's portfolios?
- (2) What were the allocations for the previous three financial years?
- (3) In 1996-97, what is the proposed allocation for production of videos and similar publicity ventures?
- (4) What were the allocations for the previous three financial years?
- (5) In 1996-97, has any money been allocated for opinion polling?
- (6) If yes, what opinion polling is proposed and what will it cost?
- (7) What were the allocations for polling in the previous three financial years?

Mr COWAN replied:

Department of Commerce and Trade

- (1) There is no exact allocation for publications because the range and volume depends on customer demand and service offerings. Publishing covers marketing literature and strategic documentation. It is anticipated that about \$386,000 will be expended in 1996/97 by the Department of Commerce and Trade.

(2)	1995/96	\$479,500 *
	1994/95	\$509,884 *
	1993/94	\$399,445 *

* includes letterheads, business cards and similar stationery.

- (3) \$25,000
- (4) Nil.
- (5) No.
- (6) Not applicable.
- (7) Nil.

Small Business Development Corporation

- (1) \$75,000 for production and printing.
- (2)

1995/96	\$65,000
1994/95	\$42,000
1993/94	\$37,000
- (3)-(4) Nil.
- (5) No.
- (6) Not applicable.
- (7) Nil.

Perth International Centre for Application of Solar Energy

- (1) \$50,000
- (2)

1995/96	\$35,000
1994/95	\$30,000
1993/94	Nil
- (3) \$20,000
- (4) Nil.
- (5) No.
- (6) Not applicable.
- (7) Nil.

Gascoyne Development Commission

- (1)-(7) Nil, no specific allocations made.

Goldfields Esperance Development Commission

- (1) \$8,000
- (2)

1995/96	\$7,600
1994/95	\$6,200
1993/94	\$6,000
- (3) \$21,600
- (4) Nil.
- (5) No.
- (6) Not applicable.
- (7) Nil.

Great Southern Development Commission

- (1) \$2,000
- (2)-(4) Nil.
- (5) No.

(6) Not applicable.

(7) Nil.

Kimberley Development Commission

(1)-(7) Nil, no specific allocations made.

Mid West Development Commission

(1) \$38,000

(2)-(4) Nil.

(5) No.

(6) Not applicable.

(7)	1995/96	\$6,500
	1994/95	Nil
	1993/94	Nil

Peel Development Commission

(1) \$10,000

(2)	1995/96	\$11,194
	1994/95	\$ 4,984
	1993/94	\$ 7,419

(3) Nil.

(4) Not available.

(5) No.

(6)-(7) Nil.

Pilbara Development Commission

(1) \$4,000

(2)	1995/96	\$4,280.91
	1994/95	\$2,736.33
	1993/94	Nil

(3) Nil.

(4)	1995/96	Nil
	1994/95	\$4,000.00
	1993/94	Nil

(5) No.

(6) Not applicable.

(7) Nil.

South West Development Commission

(1) \$3,000

(2)	1995/96	\$3,000
	1994/95	\$3,000
	1993/94	\$3,000

(3) \$35,000

(4)	1995/96	\$ 2,600
	1994/95	\$10,900
	1993/94	\$25,000

(5) No.

(6) Not applicable.

(7) Nil.

Wheatbelt Development Commission

(1) \$10,000

- | | | |
|-----|---------|---------------|
| (2) | 1995/96 | \$6,000 |
| | 1994/95 | \$5,000 |
| | 1993/94 | Not available |
- (3)-(4) Nil.
- (5) No.
- (6) Not applicable.
- (7) Nil.

PUBLICATIONS - VIDEOS, OPINION POLLS, ALLOCATIONS

1452 Dr GALLOP to the Minister for Health; Aboriginal Affairs:

- (1) In 1996-97, what is the proposed allocation for brochures, pamphlets and other similar publications for each individual agency within the Minister's portfolios?
- (2) What were the allocations for the previous three financial years?
- (3) In 1996-97 what is the proposed allocation for production of videos and similar publicity ventures?
- (4) What were the allocations for the previous three financial years?
- (5) In 1996-97, has any money been allocated for opinion polling?
- (6) If yes, what opinion polling is proposed and what will it cost?
- (7) What were the allocations for polling in the previous three financial years?

Mr PRINCE replied:

- (1)-(7) Under the program budgeting format used throughout the public sector, expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

HOMESWEST - RENTAL STOCK, FLOREAT AREAS

1606. Dr CONSTABLE to the Minister for Housing:

- (1) What is the total Homeswest rental stock in the following areas -
 - (a) Floreat;
 - (b) City Beach;
 - (c) Wembley Downs;
 - (d) Churchlands;
 - (e) Woodlands;
 - (f) Wembley;
 - (g) Doubleview; and
 - (h) Scarborough?
- (2) What is the average waiting time for stock in each of those areas?

Mr KIERATH replied:

- (1)

(a)-(b)	Nil
(c)	5
(d)	1
(e)	Nil
(f)	36
(g)	394
(h)	137
- (2) The average waiting time for Homeswest accommodation in the metropolitan area is 300 days. Wembley Downs, Churchlands and Wembley are in the Perth zone. Current month of allocation for three bedroom family accommodation for this zone is February 1990. Doubleview and Scarborough are in the Doubleview zone. The current month of allocation for three bedroom family accommodation for this zone is September 1991.

Homeswest has a commitment to house applicants listed for priority assistance within eight weeks and as such allocates 20 per cent of its properties to priority applicants. Waiting periods vary due to applicants' selectivity.

TAFE COLLEGES - BALANCED BUDGETS, ANNUAL REPORTS

1618. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Employment and Training:

- (1) How many TAFE colleges produced a balanced budget for the financial years 1993-94 and 1994-95?
- (2) Which colleges provided a balanced budget and which ones did not in those financial years?
- (3) Is each college required to produce an annual report? If not, why not?

Mr TUBBY replied:

The Minister for Employment and Training has provided the following reply -

- (1)-(2) Under current legislative arrangements, all TAFE colleges operate as integral elements of the Western Australian Department of Training. The department receives an annual appropriation from Parliament and has achieved balanced budgets in each of the years identified. The expenditure of individual TAFE colleges is met from allocations internal to the department.
- (3) Under current legislative arrangements, TAFE colleges are not required to produce an annual report given that they represent an integral element of the Western Australian Department of Training and, as such, are included in the annual report of that department.

RURAL ASSISTANCE FINANCE CORPORATION (RAFCOR) - LOANS, AMOUNTS OWING

1629. Mr LEAHY to the Minister for Primary Industry:

With respect to the buy-out scheme for the Rural Adjustment and Finance Corporation (RAFCOR) loans could the Minister please provide the following information -

- (1) What was the total amount owing on all RAFCOR loans as at 30 June 1993?
- (2) How much of this sum was still owing on 30 May 1996?
- (3) How much of the subsequent reduction was moneys written off and how much was moneys repaid?

Mr HOUSE replied:

- (1) \$43 313 834
- (2) \$4 510 529
- (3) (a) \$5 899 608 written off, being amount written off for bad debts \$2 114 864 and discount for early repayment \$3 784 744.
(b) Actual principal and interest repayments received \$35 947 855.

WATER CORPORATION- SEWERAGE RETICULATION, SPEARWOOD 13K 12D, TENDERS RECALLED

1633. Dr EDWARDS to the Minister for Water Resources:

With reference to question on notice 1174 of 1996 and the answer that no tender was recalled, why had the Minister for Housing informed Mr Simon Hall on 29 June 1995 that "the subsequent delay and recalling of tender..." contributed to the delay Mr Hall suffered?

Mr NICHOLLS replied:

Question on notice 1174 of 1996 referred to infill sewerage areas Spearwood 21D and Spearwood 13K. The answer given is correct. I am informed that Mr Hall's property is in Spearwood 21A and therefore not one of the properties covered by that answer.

SWAN VALLEY NYOONGAH COMMUNITY - LOCKRIDGE, LIVING CONDITIONS

1637. Dr EDWARDS to the Minister for Aboriginal Affairs:

- (1) Will the Minister acknowledge the substandard living conditions currently endured by the Swan Valley Nyoongah community at the corner of Morley Drive and Lord Street, Lockridge?
- (2) If not, why not?
- (3) Why is the community not serviced with running water to the cabins?

- (4) Why is the community not serviced with toilets in each of the cabins?
- (5) Will the Minister please explain the current status of plans to improve the living conditions for this community?
- (6) If not, why not?

Mr PRINCE replied:

- (1) Yes.
- (2) Not applicable.
- (3) The cabins were established as temporary accommodation and running water and toilets were provided to the communal areas rather than the temporary individual cabins.
- (4) See response to question (3).
- (5) Construction of approximately 15 new, rammed earth houses has been funded by the Aboriginal and Torres Strait Islander Commission. Of these, two rammed earth houses have been built to 'lock-up' stage, another two need roofing and windows to bring to the lock-up stage and concrete pads have been laid for another two houses. ATSIC, Homeswest and the Department of Education, Employment and Training and Youth Affairs have recently allocated approximately \$1.2m for the completion of the new housing project.

Most of the construction work has been undertaken by members of the community. Their employment and training has been funded by the Department of Education, Employment, Training and Youth Affairs. The Aboriginal Housing Board has funded improvements to the internal roads and power, water and sewerage services within the community. The Shire of Swan has instituted a weekly rubbish collection service. The Health Department of Western Australia is funding a health clinic at the community each Tuesday morning.

- (6) Not applicable.

WATER CORPORATION - DRAIN BEHIND WIRRABIRRA PRIMARY SCHOOL

1654. Dr WATSON to the Minister for Water Resources:

- (1) What agency owns the drain behind Wirrabirra Primary School?
- (2) What agency is responsible for its maintenance?
- (3) Is the Minister aware that this drain provides a substantial potential risk to children?
- (4) What precaution is the Government taking to ensure that the risk is eliminated?

Mr NICHOLLS replied:

- (1)-(2) City of Gosnells.
- (3) Not applicable.
- (4) The member's concerns have been passed onto the City of Gosnells.

WATER CORPORATION- MUNDARING-KALGOORLIE PIPELINE, REPAIRS CONTRACTS

1655. Dr WATSON to the Minister for Water Resources:

- (1) How are contracts let for repairs to the Mundaring-Kalgoorlie pipeline?
- (2) What criteria do successful tenders need to meet?
- (3) How long does a contract last?
- (4) Is any day labour employed for repair work?
- (5) If yes, in what proportion to contractors?
- (6) Were all current contractors able to bid for ongoing contract work?
- (7) Is the Minister aware that current contractors are aggrieved at the change to five year contracts?
- (8) If so, what redress does he suggest?

Mr NICHOLLS replied:

- (1) Tenders for repairs on the goldfields and agricultural water supply main conduit have been advertised in both the local and statewide press and contracts awarded in accordance with the State Supply Commission and Water Corporation policy and procedure.
- (2) Contractors must meet the following criteria:
 - experienced tradespersons
 - experience in welding and maintaining steel pipelines
 - operate without direct supervision
 - have trucks and equipment equipped to Water Corporation standards
 - sound record of safety and safe working conditions
 - must provide details of procedures adopted when carrying out repair work.
- (3) Contracts for maintenance are determined by funding. As all the contracts to date have been on an hourly rate, the amount of funding will determine the length of the contract.
- (4) Yes.
- (5) The corporation employs a total of 12 field welding staff on welding repairs in the main conduit. There is currently one contractor operating on maintenance welding - Cobbers Contracting Services.
- (6) Yes.
- (7) There are no plans to change current work contracts to five year contracts.
- (8) The Water Corporation is currently considering proposals by employees to carry out their current work on a contract basis. The work now carried out by private contractors will continue to be let on a competitive basis.

JUSTICE, MINISTRY OF - BARTON'S MILL, REOPENING PROPOSAL

1663. Hon Y.D. HENDERSON to the Minister assisting the Minister for Justice:

- (1) Is a proposal under consideration to re-open Barton's Mill?
- (2) If yes, when is a final decision likely to be made on this?
- (3) If yes to (1) above, how many prisoners is it intended to house at Barton's Mill?
- (4) If yes to (1) above, what level of security prisoners is it planned to accommodate at Barton's Mill?

Mr MINSON replied:

- (1) No.
- (2)-(4) Not applicable.

JUSTICE, MINISTRY OF- BARTON'S MILL, REOPENING PROPOSAL

1664. Hon Y.D. HENDERSON to the Minister assisting the Minister for Justice:

- (1) When consideration is given to re-opening Barton's Mill, will a process of public consultation be undertaken?
- (2) If yes, who will be consulted?
- (3) If not, what advice will be sought and from whom before this decision is finalised?

Mr MINSON replied:

- (1)-(3) Not applicable. (See 1663)

WORKCOVER WESTERN AUSTRALIA - COMMON LAW/DAMAGES CLAIMS FOR WORK RELATED ACCIDENTS AND DISEASES, INJURIES TRAVELLING TO AND FROM WORK

1721. Mr BROWN to the Minister for Labour Relations:

- (1) What was the total cost of common law/damages claims for work related accidents and diseases in each of the last six years?
- (2) What was the total amount of compensation paid to the workers injured travelling to and from work in each of the last six years?

Mr KIERATH replied:

(1)	1990/91	\$ 43 735 000
	1991/92	\$ 57 062 000
	1992/93	\$ 80 644 000
	1993/94	\$ 91 150 000
	1994/95	\$106 274 000
	1995/96	\$ 86 294 479

These amounts relate to payments made within each financial year, regardless of the year in which the disability occurred.

- (2) As of 24 December 1993, the legislation restricted travelling claims to personal injury arising out of or in the course of employment. It no longer provides for personal injury by accident as a result of travelling to or from work. Figures are therefore not available for periods after 1993/94.

	1990/91	\$ 8 738 537
	1991/92	\$10 823 923
	1992/93	\$11 344 452
	1993/94	\$ 7 374 331

Payments are actual payments for those claims finalised, and the greater of the actual payments made to date and the insurer's estimate for unfinalised claims.

FAMILY AND CHILDREN'S SERVICES - FOSTER CARE

1769. Dr WATSON to the Minister for Family and Children's Services:

- (1) How many children were taken into foster care for each month of 1995 and each month of 1996?
- (2) In each month how many of those children's carers were changed?
- (3) What is the Government's policy in regard to continuity of foster placement?
- (4) For what reasons are carers changed?

Mrs EDWARDES replied:

- (1)-(2) Information on this is being collated and will be provided direct to the member as soon as it is available.
- (3) Children enter foster care for a number of reasons. For some, short term foster care is required. For those who require long term foster care, the department makes every effort to ensure stability within the department.
- (4) The main reasons for placement transfer would be transfer from emergency to longer term care in response to the needs of children and parents, placement breakdown, or the withdrawal of carers due to changes in their family circumstances.

LANDCORP - LANDSCAPING NEW ESTATES POLICY

1775. Dr WATSON to the Minister for Lands:

- (1) What is the policy of LandCorp in relation to -
 - (a) landscaping of new estates;
 - (b) maintenance of landscaped garden areas including reticulation, weeding, planting, pruning, replacement of plants etc;
 - (c) fence or vegetation buffers to shield new estates from traffic noise;
 - (d) provision of street lighting; and
 - (e) streetscaping and traffic management?
- (2) How are responsibilities for this kind of work delegated?
- (3) For what period of time does LandCorp retain responsibility?

Mr KIERATH replied:

- (1) (a)-(e) While LandCorp generally adheres to normal industry practices, the needs of each estate are individually assessed in conjunction with relevant approving authorities. In the case of major regional projects, a higher level of input may be undertaken by LandCorp.

- (2) Construction work is tendered to private sector contractors working under the supervision of consulting engineers or landscape architects. Maintenance during the period of time under LandCorp's responsibility is undertaken by contractors working under direct LandCorp supervision.
- (3) This is determined in negotiation with the respective Local Government Authority but generally between one and two years.

WORKPLACE AGREEMENTS - WORKERS FROM NON-ENGLISH SPEAKING BACKGROUNDS

1832. Mrs ROBERTS to the Minister for Labour Relations:

What steps has the Commissioner for Workplace Agreements taken to ensure that workers of non-English speaking backgrounds who have difficulties with English are -

- (a) fully aware and comprehend the contents of the agreement they sign; and
- (b) not forced into signing agreements without the provision of a correctly translated version of the agreement?

Mr KIERATH replied:

- (a)-(b) Workplace agreements are lodged for registration with the office of the Commissioner for Workplace Agreements after they are signed by the parties. The requirements of Section 30(1) of the Workplace Agreements Act must be met prior to the registration of a workplace agreement. The commissioner is required to be satisfied that each party to the agreement appears to understand his or her rights and obligations under the agreement, and that an individual has not been persuaded by threats or intimidation to enter into an agreement. Correspondence acknowledging lodgment of the agreement is sent to all parties. The correspondence includes the text of 12 languages spoken by people of non-English speaking background advising them that the information in the correspondence is important and that they should have it translated. A number of means are used to identify those people who have difficulty understanding English, and to then communicate with them to determine whether they understand their rights and obligations under the agreement. Interpreters from the Translating and Interpreter Service are used where necessary for the purpose of assisting in the registration process. The commissioner is not required to ensure that people have a translated copy of their workplace agreement. However, in some instances the employer has assisted the registration process by providing people from a non-English speaking background with a translated version of the agreement.

QUESTIONS WITHOUT NOTICE

POLICE SERVICE- ARGYLE DIAMONDS THEFT INQUIRY

407. Mr McGINTY to the Minister for Police:

Some notice of this question has been given. Given media reports that the Forensic Behavioural Investigative Services report into the Argyle Diamonds theft found corruption at the highest levels of the Western Australia Police Service, will the Minister provide this Parliament with details of the content of that report and, particularly -

- (1) Which police officers were alleged to have behaved corruptly?
- (2) What corrupt activities does the report allege?
- (3) Have any of the named officers since been promoted?
- (4) Did the Australian Federal Police report reject the FBIS findings of corruption?
- (5) Was the AFP report critical of any other parts of the FBIS report?
- (6) What was the total cost to the Western Australian Government of these reports?
- (7) What action has the Minister taken about the content of these reports?

Mr WIESE replied:

- (1) The preemptive statement in the question is in fact not correct; that is, that the FBIS report found corruption at the highest levels of the Western Australia Police Service. The media reports may be indicating that, but it

is certainly not correct. My understanding is that that misapprehension arose from the basis upon which the report was commissioned; that is, an ABC *Four Corners* program that alleged police corruption relating to the three previous Argyle investigations carried out by the Western Australia Police Service. Argyle Diamond Sales Pty Ltd was contacted by FBIS and the company commissioned the report, which was prepared and subsequently presented. Of course, the report is purely that company's property - paid for by it and in its possession. Any decision as to release of that report obviously must be made by Argyle Diamond Sales Pty Ltd; it certainly is not a decision that this Government is in a position to make.

- (2) Matters were identified in the FBIS report and subsequently in the independent review set up by Commissioner Falconer. That review involved the use of independent outside investigators from the Australian Federal Police. That independent AFP task force, which was under the command of Assistant Commissioner Stolle, investigated, first, the allegations relating to the management of the previous cases by the Western Australia Police Service. It also undertook concurrently an investigation involving officers from both the Federal Police and the Western Australia Police Service, and that task force reported directly to Assistant Commissioner (Crimes), Mr Mott. The findings of that investigation are to be tabled, as I have indicated on many occasions both in the public arena and by way of a ministerial statement in this Parliament. As much as possible of that report will be tabled in this Parliament, but I am subject to the advice of the Solicitor General as to how much. It is certainly my intention that as much as possible will be made available.
- (3)-(5) The FBIS report found no fresh evidence of corruption in regard to any serving police officer in the Western Australia Police Service. Of course, one officer is already scheduled to appear for trial in regard to allegations of corruption. That charge was preferred prior to any of this FBIS or AFP activity - it was a direct result of previous investigations carried out by the Western Australia Police Service. One officer was named in that report in relation to historic inappropriate performance and he was to be formally counselled. I understand that that has been done and his promotion has recently been announced.

Mr McGinty: What was that person's name?

Mr WIESE: Off the top of my head, I do not know that name. I could find it out for the Leader of the Opposition if necessary; however, quite honestly I believe the name is irrelevant.

- (6) There was absolutely no cost to the Western Australian Government or the Western Australia Police Service for the FBIS report.

Mr McGinty: There was no police time involved?

Mr WIESE: There were no direct costs in relation to that inquiry. It was commissioned, carried out and paid for by the Argyle organisation. I am informed that the cost of the Stolle report was \$437 000. That amount includes equipment costs of \$97 000, and that equipment is still in the possession of the Western Australia Police Service. We could say that the cost was \$340 000. The total cost of the joint Australian Federal Police-Western Australian police task force was \$228 000, of which \$58 000 was for equipment. Again that equipment will remain with the Western Australia Police Service and it is currently being used in other investigative work. The total actual cost of the report was \$177 000.

- (7) The question asked about the action the Minister has taken. As I have already indicated, it is my intention to table the report of the Australian Federal Police. That is a direct result of the proposition I put to the Commissioner of Police during our discussions that it should be tabled, and I certainly intend to table as much of that report as I possibly can. Members should be aware that while the investigations were being carried out the investigators were making status reports about the progress of the investigations to the Official Corruption Commission. Both of the final reports were provided to the Official Corruption Commission, to the Director of Public Prosecutions and to the Ombudsman. More recently, about a week and a half ago, a copy was also given to the Solicitor General so that I could be advised about how much material I could table in the Parliament.

The SPEAKER: Order! As this was a seven part question, I accepted it would take longer than usual to answer. However, I would appreciate it if the Minister could begin to conclude his answer.

Mr WIESE: I am just in the process of doing that, Mr Speaker. As I was saying, those reports have been provided. The Director of Public Prosecutions will be making decisions on the findings of the joint AFP-Western Australian police report. The recommendations of the Stolle report have been adopted already. That report also indicated the need for some further work to be done about people who were not willing, or would not agree, to be interviewed by the Australian Federal Police investigators. A recommendation will be made about those persons that, as soon as the Anti-Corruption Commission is in place, we carry on with the necessary investigations on those matters.

STRATA TITLES LEGISLATION- PUBLIC CONCERNS

408. Mr DAY to the Minister for Lands:

I refer to concern expressed by constituents about issues relating to strata titles legislation and to today's rally conducted at Parliament House by the Strata Titles Action Group. Will the Minister inform the House of the progress of strategies aimed at resolving these concerns?

Mr KIERATH replied:

In April the Government proclaimed some amendments, one altering the opting out provisions about insurance. One of the spin-offs of that is that people who were previously unaware that they had not been properly covered for insurance for 30 years have now been informed that they need proper insurance cover. Insurers generally had been accepting those claims, except in a couple of circumstances. Within 45 minutes of my becoming the Minister for Lands, I requested a meeting with the Department of Land Administration to look at providing information, brochures, Helpline, seminars etc. I am pleased to say that the Government has developed some broad strategies to allow owners to have some choice of individual or common insurance, to try to develop the easy minimisation of common property, to assist in the conversion to survey strata or green title, and to provide more information, advice and mediation.

Detailed proposals are currently being put together. The Strata Titles Action Group is assisting the Government in trying to deal with a very difficult issue where people have realised that the reality of what they own is quite different from their perception. We have given this the highest priority. We are at the moment trying to finalise those arrangements, including legislative and administrative requirements. I have been assured that, with the cooperation of the Opposition, when the legislation is in Parliament, I will be able to have the legislation through both Houses of Parliament and in place this year. The representatives attending today's rally on the steps of Parliament House were planning to meet me last Thursday. They cancelled that meeting, but a meeting has been scheduled for Thursday, 12 September. When I addressed the group outside the House, those people promised their full cooperation and encouragement to bring a resolution to this very difficult issue.

STRATA TITLES LEGISLATION- PUBLIC CONCERNS

409. Mr KOBELKE to the Minister for Lands:

My question is about the same issue. I refer the Minister to the enormous level of public anxiety and concern at the Government's recent changes to the Strata Titles Act, which have not been allayed by the advertisements placed in the newspaper bearing the Minister's photograph.

- (1) Why has the Government continued to procrastinate over this problem when on 11 June in this Chamber the Minister promised to "announce within a week a plan of action on suggested changes to the legislation"?
- (2) Did the Minister's most recent taxpayer funded overseas trip take precedence over trying to resolve this problem?
- (3) When will he take a proposal to Cabinet?
- (4) When will he introduce legislation that will fix the problem and alleviate the great public concern and anxiety which he is causing?

Mr KIERATH replied:

(1)-(4) It is interesting how this situation has developed into something I am causing.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: The legislation has been around since 1965 or 1966. It was previously amended in 1985, when the Opposition was in government. In April of this year amendments were proclaimed which were passed late last year, having been through both Houses. We must get that quite clear. The difficulty is that land titles is not a simple issue.

Mrs Hallahan interjected

Mr KIERATH: Does the member want me to answer the question? Unlike members opposite, I am trying to resolve the issue. There is no simple answer. This started off, most people thought, as a simple insurance problem, because the insurance law changed. People are now finding out when they receive a copy of their strata plan what they do or do not own. When we get below the discontent on insurance and ask what people are concerned about, we find many people have common property that they never knew they had. For example, my mother has a unit which is part of a set of three units, all self-standing, separate developments -

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: They have three separate driveways and, for the most part, no common walls. People have found that all the walls, roofs and land in that development are common property. When people go to their title, they find out what they own.

Mr Kobelke: It is all too hard for you, Minister!

Mr KIERATH: Not at all.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: A consultative committee has been in operation for five years, going back to the Opposition's time in office. The committee has consulted in depth on those issues right throughout the process. Despite that, we have still got it wrong. I have handpicked for a task force a small group of people who include representatives from the action group. They are working through the issues. I received broad support from Cabinet yesterday and I have given undertakings that as the details are developed and under way -

Several members interjected.

The SPEAKER: Order! The Minister will resume his seat. I regard this as a very important question. I equally believe the answer is very important. Many of us want to hear the answer, because it is concerning people throughout the State. The Minister must be given a reasonable opportunity to make his comments.

Mr KIERATH: I had approval from Cabinet for the broad thrust of my desired initiatives, but the detail must be inserted because it is not a simple question to answer. I will make sure that Parliament is informed of that progress as that information becomes available. I am confident that, with the people involved, we can find a way around this issue, but it is not something which I can fix with a stroke of a pen. The problem involves 30 years' action in which a strata was used as a layered title which, in some cases divided land, which should have been handled in a different way. I am confident of achieving a resolution.

The SPEAKER: Order! I ask the Minister to conclude his answer.

Mr KIERATH: I have been promised cooperation by the Opposition if I can get the relevant legislation into the House

FAMILY AND CHILDREN'S SERVICES- MIRRABOOKA PARENT INFORMATION CENTRE

410. Mrs PARKER to the Minister for Family and Children's Services:

Some notice of this question has been given. When I attended the opening of the Mirrabooka parent information centre recently, I was encouraged to see the amount of information and support available to parents through that centre. What initial response has there been to this initiative and to these centres?

Mrs EDWARDES replied:

Since the Mirrabooka centre opened on 5 August, 400 people have attended it. In excess of 2 000 people have attended all the centres opened at Mandurah, Rockingham, Midland, Mirrabooka and Joondalup; in fact, something like 800 people a day have attended Joondalup. The centres are available to provide information to families; that is, to provide the sort of support they might receive from extended family and neighbours. The help might be just to know that a child is normal when compared with a child down the road. If a problem arises in a family, parents can obtain immediate support and information to help them with a child, particularly regarding discipline.

The home visiting service is very much part of the positive parenting plus program, and these services will be extended. I have opened up these services in Geraldton, and the program will be extended to South Hedland in a few months. We are looking forward to using operational mobiles to get out into the south west, the north west and the Kimberley region to also meet the needs of some parents in those areas.

HOME AND COMMUNITY CARE PROGRAM- USER PAYS PRINCIPLE

411. Dr GALLOP to the Minister for Health:

- (1) Given the announcement in the federal Budget that a user pays principle is to be applied to the home and community care program, has the Health Department estimated what this will mean for home help programs, meals on wheels and community nursing services?

- (2) Is it true that many community nursing services providing care for the elderly, such as daily dressings, will now be the subject of a coalition-imposed charge?
- (3) Will the Minister confirm that the elderly will be required to pay more for their meals on wheels and home help?

Mr PRINCE replied:

The home and community care system, as members may or may not know, is a joint commonwealth-state responsibility, as has been the case since its inception.

Dr Gallop: Run by you.

Mr PRINCE: Yes. It is run by the State. It is a series of joint committees which approve funding proposals regarding what is supplied, who is the provider, and so on. The Silver Chain Nursing Association (Inc) is one of the major providers, along with the meals on wheels association and others. The budget papers of last week contain some general statements regarding what may happen with services provided into the home under the HACC scheme, but the detail is not apparent at the moment. This issue is a matter of some concern to me, particularly regarding people on low income and pensioners who are unable to pay more than a nominal or modest amount, the current charge with meals on wheels. I am concerned that if these people are required to pay more than this modest or nominal amount, the service will be unaffordable for them. Clearly, that is not equitable. It does not give these people proper access to these services in their homes.

Dr Gallop: I was in New South Wales yesterday and the Treasury Department in that State has estimated a 20 per cent cost recovery basis.

Mr McGinty: That will put access to these services out of reach of many people.

Dr Gallop: Silver Chain asks only for a donation; those people who have their dressings changed every day will have to pay 20 per cent of the cost.

Mr PRINCE: I am interested to hear that New South Wales has calculated that figure. The department in this State has not been able to give me a figure of that nature. Perhaps New South Wales has received more information than Western Australia. To date my department has not received sufficient detail from the Commonwealth to enable any conclusion to be given to me. The Government and I are concerned that people on low incomes who are unable to pay more than a modest or nominal amount should continue to receive those services, because they must be provided and these are the people who should have access to them. As soon as I have more information on this issue, I will be willing to answer the question.

APPRENTICES- BUNBURY HEALTH CAMPUS PROJECT, REQUIREMENTS CHANGES

412. Mr OSBORNE to the Minister for Works:

South west builders, contractors and suppliers have welcomed the Government's decision to change apprenticeship requirements with respect to the south west health campus. Will the Minister advise the House of the nature of these changes and the benefits they will bring to head contractors and their subcontractors on this most important project?

Mr MINSON replied:

I thank the member for some notice of this question. Contractor and Management Services requires a commitment to training by contractors and the type and size of the contract dictates the level of commitment that must be made. However, a problem in regional areas surfaced when the Government was considering the Bunbury health campus. It found that the problem created a barrier to regional based, small to moderate size businesses. The Government has arrived at a situation where subcontractors will no longer be required to have fully employed indentured apprentices on their books. Two changes have been made: First, they can source from group training schemes, which will be the way of the future.

Mr Graham: Will they be required to?

Mr MINSON: Yes. They will be required to fulfil a training commitment, but instead of employing fully indentured apprentices - that is a problem for many regional businesses - they will be able to access these group schemes. It will be of enormous benefit in the regional areas. The second change I have put in place is to allow subcontractors who are joint venturing to pool their apprentices. For example, if one subcontractor has slightly more than his quota and the other slightly less, by pooling they will become a joint venturer which will be regarded as a single employer. It will be of benefit to head contractors and subcontractors in regional areas. The whole idea is to make sure that training is provided and, at the same time, it will maximise the opportunity for local businesses, particularly in regional areas.

MEMBER FOR DIANELLA- ILLEGAL RAFFLE

413. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

Notice of this question was given at 10.15 this morning. I refer to the illegal raffle conducted by the member for Dianella to raise funds for his state election campaign.

- (1) Given that the tickets are authorised by the State Secretary of the Liberal Party, who approached the Office of Racing, Gaming and Liquor for the permit?
- (2) What was the name of the person who provided the permit?
- (3) Why was the permit approved?
- (4) Why did it take a complaint from the Opposition to have this illegal activity stopped?
- (5) Will the Minister ensure that all money improperly collected is refunded to the ticket ?

Mr COWAN replied:

I thank the member for some notice of the question even though his name was not on the question without notice. The Minister for Racing and Gaming has provided the following response -

Members will be aware that prior to the 1993 election, permits were issued by the Office of Racing, Gaming and Liquor for the conduct of raffles for the purpose of funding election campaigns. However, following advice from the Crown Solicitor that fundraising for electoral campaigns could be considered to be private gain which has been prohibited by the Gaming Commission Act since 1995, Gaming Commission policy has been to not issue permits for fundraising activities for election campaigns.

With respect to the specific question asked by the Member for Belmont - although it says Northern Rivers - the Minister for Racing and Gaming has provided the following response -

The member for Dianella applied to the Office of Racing, Gaming and Liquor in a similar format to his previous application before the last election for a lottery permit to raise funds for rent and administration costs of a campaign office. The permit was issued by the duty inspector. However, when the matter was drawn to the attention of the Director of Gaming and the Executive Director of the Office of Racing, Gaming and Liquor, it was determined that the duty inspector had erred in issuing the permit for the stated purpose. When the Office of Racing, Gaming and Liquor became aware that the information printed on the tickets was not in accordance with the permit conditions, the member for Dianella was advised by letter of 22 August 1996 to cease the lottery, that the lottery was cancelled, and the member was to write to the people who had subscribed to the lottery and offer them a refund. I have been since advised by the member for Dianella that he has prepared a letter to all those people who have subscribed to this lottery advising them of this fact and refunding the money. He has gone further and indicated to me that the space that has been booked to advertise the outcome of the lottery will be used to advise those people who cannot be contacted that they are eligible for a refund of the money. I am also advised by the Minister for Racing and Gaming that the Office of Racing, Gaming and Liquor gaming inspectors will audit the refund to ticket holders.

SCHOOLS- WOOROLOO PRIMARY

*Car Park, Bituminising Funding***414. Mrs van de KLASHORST to the Minister for Education:**

The Wooroloo Primary School is having severe water scouring problems with its car park area which is gravel and very low lying. It has applied to the Shire of Mundaring to have it bituminised only to be told that the shire does not now carry out such activities for the school. Will the Education Department carry out bituminising? If so, when will it be done as this matter is urgent?

Mr C.J. BARNETT replied:

I thank the member for the question. I am aware of the situation. The car park is for parents of children at the school. There was agreement between the Shire of Mundaring and the Education Department that parking would be provided for parents and be jointly funded by the Education Department and the shire. The shire undertook preparatory work on the access road and the initial surfacing last year and the cost was shared between the Education Department and the shire. At the shire's request, the bituminising was delayed and the shire has now advised the Education Department that it will not continue with its share of the cost of bituminising. The Education Department share of the agreed funding for bituminising is in place and is available to be spent. The Education Department is currently negotiating with the shire to complete the project. The Education Department has provided its share of the funds and has extra funds available.

WESTERN POWER- ALINTAGAS

*Statements of Corporate Intent, Tabling Delay***415. Mr THOMAS to the Minister for Energy:**

- (1) Is the Minister aware that the statements of corporate intent for the 1996-97 financial year of Western Power and AlintaGas were not tabled in the House by 30 June; that is, eight weeks ago as required by law?
- (2) Is he aware also that the statements of corporate intent are the principal accountability mechanism of the energy utilities and that this is the second year that they have not been presented on time, as required by law?
- (3) Why is the Minister continually failing in his duties to be accountable and responsible as a Minister?

Mr C.J. BARNETT replied:

- (1)-(3) The member for Cockburn is correct. I am aware that the statements of corporate intent for both Western Power and AlintaGas have not been tabled, and I apologise for that. The reasons are similar to those given last year. Probably the one error I am aware of in the drafting of the electricity and gas corporations Acts is the requirement for the statement of corporate intent to be tabled by 30 June. That is not practical.

Mr Ripper: It is your Bill.

Mr C.J. BARNETT: It is, and I concede it is a requirement that I included in the legislation that is impracticable.

Mr Thomas interjected.

Mr C.J. BARNETT: The member for Cockburn should let me answer the question. The member can ask a supplementary question later, if he wants.

The statement of corporate intent is not the subject of any dispute between the Minister, the Government and the utility, but the issue relates to matters that impact on overall state finances, particularly borrowing requirements and debt to equity ratios. That becomes an issue in the timing of the announcement of rates and charges, including electricity and gas charges. The process works well; the timing requirement is unrealistic. I propose to amend that legislation in due course to allow those statements of corporate intent to be tabled at a later date.

Mr Thomas: It is a cover up.

Mr C.J. BARNETT: No, it is not a cover up because there is nothing to hide. However, there is a choice.

Mr Thomas: They have been operating for two months on secret documents.

Mr C.J. BARNETT: I could have tabled in this place on 30 June a very much abridged document. That would have been unsatisfactory. The process of negotiation is under way. The AlintaGas documentation should be tabled within the next couple of days and the Western Power documentation shortly afterwards.

Mr Thomas: I have a supplementary question.

The SPEAKER: There is no entitlement to a supplementary question. The member for Cockburn was given the question after time was up, so he received a bonus by asking his question.

Mr Thomas: You did not tell me that when you gave me the call. It is a cover up.

The SPEAKER: Order! The member for Cockburn is not the first person not to be allowed to ask a supplementary question.

Point of Order

Mr BROWN: Could you clarify when you do and do not give an opportunity for a supplementary question after the last question has been asked? There have been a number of occasions when you have indicated it is the last question and you have been prepared to allow supplementary questions. Members on this side of the House find it confusing as to when a supplementary question may be asked in relation to the last question of the day. In the interests of consistency, I ask you to rule.

The SPEAKER: Question time is at the discretion of the Speaker. Today I gave the member for Cockburn an opportunity to ask a question after the time had expired for ordinary questions.

Mr Thomas: You did not say that.

The SPEAKER: Order! I said it was the last question. I do not have to tell the member for Cockburn that. I gave the member the additional question. If he would rather I not give additional questions in future, I could accommodate that point of view.

Mr Thomas interjected.

The SPEAKER: Order! It is inappropriate to interject while I am on the my feet. It seems I made a mistake in making a concession to the member for Cockburn. Question time is at my discretion. I gave an extra question. I do not intend to given an extra two.
