WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Wednesday, 27 August 1997

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

PETITION - OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

Hon Ken Travers presented the following petition bearing the signatures of 4 463 persons -

> To the Honourable the President and members of the Legislative Council in Parliament assembled.
>
> We the undersigned residents of Western Australia oppose the proposed Occupational Safety and Health Amendment Regulations (No 2) 1997 which attacks the rights of citizens to smoke in public places and is therefore an attack on our freedoms and democratic rights.
>
> Your petitioners therefore respectfully request that the Legislative Council withdraw these regulations now before the Parliament forthwith. And your petitioners, as in duty bound, will ever pray.

[See paper No 718.]

PETITION - FORESTS AND FORESTRY

Hester State Forest

Hon J.A. Scott presented the following petition bearing the signatures of 459 persons -

> To the Honourable the President and members of the Legislative Council in Parliament assembled.
>
> We the undersigned are very concerned at the management practices of the Department of Conservation and Land Management in the Bridgetown-Greenbushes Shire.
>
> We request the Legislative Council to -
>
> (a) consider the Department of Conservation and Land Management's current logging proposals for the Hester State Forest are an unacceptable risk to the long term economy and quality of life of the Bridgetown Greenbushes Shire community.
>
> (b) we call upon the Department of Conservation and Land Management to hold a public workshop open to all of the Bridgetown-Greenbushes Shire community, to establish and address all of the issues and impacts of logging of the Hester State Forest upon this community, and
>
> (c) we call upon the Department of Conservation and Land Management to manage the Hester State Forest in accordance with the wishes of the Bridgetown-Greenbushes Shire community.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration. And your petitioners, as in duty bound, will ever pray.

[See paper No 719.]

SELECT COMMITTEE TO REVIEW THE STANDING COMMITTEE SYSTEM

Report - Tabling

The President tabled the report of the Select Committee to Review the Legislative Council Standing Committee System, and on motion by Hon Tom Stephens (Leader of the Opposition) it was resolved -

> That the report be printed.

[See paper No 720.]

MOTION - STANDING ORDERS COMMITTEE

Private Members' Business

Resumed from 26 August.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.08 pm]: It is fortuitous that my motion is still before the House following the presentation of the report of the committee on committees and the decision of

this House that the report be printed. There will be an opportunity I am sure, possibly as early as tomorrow, for some formal consideration of the issues canvassed in the report.

It is fortuitous because some of the issues raised in that report are germane to the matters connected with the motion before the House. The motion calls upon the Standing Orders Committee to consider ways of ensuring there is a procedure that enables private members' business to be considered and cleared at regular intervals. I am pleased to see that the House will have an early opportunity to take steps down that path if it embraces some of the recommendations of the report.

Interestingly, this report has within it recommendations that reinforce the motion I have before the House; that is, it contains recommendations that the Standing Orders Committee focus some attention on the processes of this place so as to accommodate the inevitable competing, and sometimes clashing, needs of government and non-government members.

As we all know, such competing needs arose as an issue before the recent winter recess on the question of committees. That issue was resolved with a gridlock followed by successful behind-the-Chair negotiations on behalf of all members. It is important that the House have available to it methods of ensuring that it avoids such a gridlock in future. It appears most likely that it could be a private member's Bill, maybe one for which notice has been given, which leads to such a gridlock.

I note that the Australian Democrats leader has given notice of her intention to introduce a Bill in relation to the Labour Relations Legislation Amendment Act. I note also that the Greens (WA) have indicated their intention to introduce a Bill concerning equal opportunity. Hon Norm Kelly has given notice of an Anti-Corruption Amendment Bill; Hon John Cowdell, a Bill relating to the Constitution of Western Australia; Hon Norm Kelly, a Voluntary Euthanasia (Referendum) Bill; Hon Jim Scott, a Public Interest Disclosures Bill; and I have given notice of a Labour Relations Legislation Amendment Act Repeal Bill.

These matters will come before the House, yet no mechanism is available to the House to ensure that those private members' Bills, whenever they are introduced and given a second reading, will proceed beyond that second reading speech. That will apply no matter how determined members on this side of the House may be to see the resolution of consideration of such legislation. I predict that an increasing appetite will emerge in this House, certainly on this side, and eventually opposite, to put in place mechanisms to guarantee the consideration of government and non-government business.

I will not jump the gun - the President would not allow me to do so - by commenting on the select committee's report into the standing committee system which will be considered tomorrow. However, I make fleeting reference to the fact that the report outlines the right of the Government, or any Government, to have its legislative agenda considered and brought to resolution by this House. The report refers to that as a "pre-eminent right". That report is well balanced by some additional thoughts: Another right exists in this House; namely, the right of non-government members to scrutinise the Government, to hold it accountable, and for non-government members to have the opportunity to deal with their legislative agenda.

There are two competing rights. For what it is worth, in my view the Government's right, if measured on scales, is above that of non-government members. The Government has the pre-eminent right, and my view to that effect is outlined in the select committee's report. However, another right must be balanced against that process.

Hon E.J. Charlton: This is how it operated, certainly at some time, when I was in Opposition: I had Bills to introduce and the then Leader of the House said, "Let's work it out. We will prepare a timetable and once all government business is out of the way, we will bring in your Bill."

Hon TOM STEPHENS: The process described by Hon Eric Charlton may well emerge as a suitable measure to accommodate that process without necessarily amending the standing orders dramatically. The select committee's report refers to the establishment of a business management committee to conduct negotiations and to ensure that everyone gets a fair chance to consider the issues they want to consider; that is, the Government's program, and the non-government members' Bills and accountability mechanisms. The business management committee may be the process which obviates the need for a dramatic rewrite of standing orders. Nevertheless, the Standing Orders Committee must look at this report and my motion. Also, it must look at standing orders to see whether we can avoid the prospect of gridlock in this House to the point where it is dysfunctional.

Hon N.F. Moore: When has that ever happened?

Hon TOM STEPHENS: It has not happened yet.

Hon N.F. Moore: Not in my time.

Hon TOM STEPHENS: That is because so far non-government members have been extremely obliging to the Government. So far we have not insisted on consideration of items for which we have given notice.

Hon N.F. Moore: I have said, "Let me know what you want to deal with, and we will organise to do it." You have never asked.

Hon TOM STEPHENS: That is only in reference to Bills.

Hon N.F. Moore: It is in relation to everything on the Notice Paper.

Hon TOM STEPHENS: I have previously said I would like certain matters brought forward; for example, I previously said I would like the native title select committee considered.

Hon N.F. Moore: You have not raised that matter with me since the House resumed.

Hon TOM STEPHENS: That is correct.

Hon N.F. Moore: I said to you, and to other members of the House, that if you want to deal with certain business, tell me and we will work something out. However, we have done no government business since the House resumed from the winter recess.

Hon TOM STEPHENS: It was a government regulation which occupied the House until about 10 o'clock last night.

Hon N.F. Moore: That is the longest bow I have heard you draw yet.

Hon TOM STEPHENS: It was government business as it was the Government's regulation which had to be handled by the House as outlined in a report of a government member; namely, Mr Wiese.

Hon N.F. Moore: It was a joint House committee.

The PRESIDENT: Order! The Leader of the Opposition should address the Chair.

Hon TOM STEPHENS: I take issue with the Leader of the Government: It was a government regulation, and a government member chairing a parliamentary committee which -

Hon N.F. Moore: The Government does not have a majority on the committee.

Hon TOM STEPHENS: I have not studied the numbers on the committee.

Hon N.F. Moore: You should.

Hon TOM STEPHENS: I did not see any dissent reported by the members, although I noticed unusual voting patterns despite the absence of dissent.

Hon Simon O'Brien: We spoke last night about the member to whom you refer. One of the things we covered was that we did not have time to adequately consider some of the issues before the committee; therefore, we hardly had time to present dissenting reports.

The PRESIDENT: Order! The Leader of the Opposition will address his comments to me. He will not encourage other members to interject.

Hon TOM STEPHENS: You are right, Mr President, I was diverted far away from my arguments.

The PRESIDENT: Order! I certainly did not divert you as you decided to talk to other members.

Hon TOM STEPHENS: I will avoid doing so and will address myself to the issue at hand.

Non-government members to this point have been extremely patient in waiting for the handling of their program. Much of the program is now on the Notice Paper. It may well be that the mechanisms as envisaged in the report, if implemented, will ensure that no problems emerge in the future and will ensure the speedy passage of these measures. However, as the Leader of the Opposition in this place, I am concerned about the processes to this point that have not yet seen adequate time volunteered by the Government for the handling of a non-government agenda. I am also unhappy with the processes of accountability displayed during the handling of question time, which is another area that lends itself for consideration by the Standing Orders Committee.

Upper Houses of Parliaments around the world with roles similar to ours have processes which ensure the handling of the non-government agenda, not least of which is the Australian Senate. It has permanent procedures for recalling the Senate at the request of an absolute majority of senators. It has a procedure for establishing a deadline for the introduction of government Bills to avoid the end of sitting rush. It has procedures to ensure Acts of Parliament are

proclaimed to commence in a timely way after their passage and are not suspended by the Government.

It has an extensive use of orders for the production of documents to obtain unpublished information and to have documents created. It has other processes, some of which have been introduced in this place. Processes that have not been introduced here are time limits on questions and answers during question time and on motions to take note of answers, a 30 day rule for questions on notice and a revision of sitting hours of the Senate. Thankfully the Leader of the Government has put in place a rule so that this House no longer sits beyond 10.00 pm without the consent of a majority. That is a good development and emulates what took place in the Senate.

Some of those and other processes for upper Houses around the parliamentary world could be utilised in this place to ensure that the Government cannot hide from accountability to protect itself, or defeat or deflect a non-government agenda that the Government might not want to be considered. They could also ensure resolution of Bills and motions that non-government members put before the House.

I referred to difficulties I have seen developing during question time which almost invite the House to amend the motion I put before it so that the Standing Orders Committee might consider question time. For instance, I have before me an answer to question on notice 289 from the Attorney General in which he says -

> (1)-(6) This question is a multiplication with variations on the same point which will require considerable expenditure and research. I do not believe an answer beyond this is justified. In any event it duplicates question 287 which I have already answered.

The answer to question 287 says -

> (1)-(6) I refer the member to my response to question 289 of 1997.

The answer to question 287 refers to the answer to question 289 and the answer to question 289 refers to the answer to question 287. That is the answer of the Attorney General to a question asked in the Parliament. What extraordinary processes and what an amazingly patient Opposition and non-government members we are with this Government over accountability issues for which we on this side of the House have particular responsibility.

Hon W.N. Stretch: You should check some of Minister Grill's answers.

Hon TOM STEPHENS: Hon Bill Stretch could ask me to check what Fred Flintstone did in the year 2000 BC. It is of no relevance to parliamentary processes post royal commission and post Commission on Government. We are left with holding Governments accountable for their actions. If members of the Government use question time to avoid accountability they are inviting the Standing Orders Committee to implement standing orders to improve the mechanisms that are in place. Another answer by a Minister is an exact repeat of the previous answer. Since the House returned from the recess Minister Moore has dealt with approximately 25 per cent of all questions asked of him without notice - as members know, we face delays in receiving responses of sometimes up to three or four months if we are lucky - by indicating he did not have an answer at all or did not have the answer that day. Yesterday I saw the Minister holding an answer to a question that had been provided for him.

Point of Order

Hon N.F. MOORE: That is a complete misrepresentation of the facts and I ask the member to withdraw the imputation that I had an answer to the question but did not give it. I had a copy of the question.

The PRESIDENT: Order! There is no point of order. The Leader of the Opposition may have made a statement that the Leader of the House believes is inaccurate. That in itself is insufficient to require him to withdraw it.

Debate Resumed

Hon TOM STEPHENS: I accept the assurance of the Minister.

Hon N.F. Moore: I told you yesterday; you do not believe anything.

Hon TOM STEPHENS: The Tourism portfolio is the Minister's responsibility. It is not good enough -

Hon N.F. Moore: I will answer the questions to the best of my capacity. If you do not think it is good enough, that is bad luck for you.

Hon TOM STEPHENS: The Minister needs to improve his capacity.

Hon N.F. Moore: You ask about 40 questions a day. The Tourism Commission does nothing else but answer questions asked by you and your colleagues. I intend to discuss answers with the agency before I give an answer. I will not spend all my life running down to the agency organising questions to satisfy your timetable. You will get the answers when they are ready.

Hon Ljiljanna Ravlich: The Minister should know the answers.

Hon N.F. Moore interjected.

The PRESIDENT: Order! I do not want cross-Chamber chatter. It is difficult enough for Hansard to hear the Leader of the Opposition.

Withdrawal of Remark

Hon Ljiljanna Ravlich: I object to being a called a stupid woman.

The PRESIDENT: Order! I did not hear that, but if someone called Hon Ljiljanna Ravlich a stupid woman she is entitled have it withdrawn. If that is the point of order and she is seeking to have it withdrawn she should tell me who said it and I will find out if it was said.

Hon LJILJANNA RAVLICH: Hon Norman Moore said it and I ask that it be withdrawn.

Hon N.F. Moore: I withdraw.

Debate Resumed

The PRESIDENT: Members must understand that I might not be able to hear everything that is said, but Hansard is trying to take down what is said. Members should be good enough to give a bit of consideration; that is, have good manners, by making sure that Hansard can hear. Members on the frontbench on both sides are the closest members to Hansard and they are often the ones who offend the most.

Hon TOM STEPHENS: The Leader of the Government has been asked 200 questions since the start of the session - an average of five questions a day -

Hon N.F. Moore: Two hundred?

The PRESIDENT: Order!

Hon TOM STEPHENS: - of which he has deflected 25 per cent. I ask him to lift his game or the House will have to take steps to get him to lift his game. The Attorney General has asked that approximately 20 per cent of questions be placed on notice because he did not have an answer on the day or was unaware of an answer. He has had 141 questions asked of him - an average of four questions a day. The statistics reveal that Ministers are refusing to be accountable at question time. At this stage I am not asking for this matter to be tackled by this motion. However, I ask that the Government start recognising the need for this House to put in place mechanisms to ensure that we can all do our job.

Governments can govern and legislate while non-government members hold the Government accountable and have the opportunity of initiating moves to ensure that.

HON J.A. COWDELL (South West) [4.29 pm]: I second this motion. This is a motion for the review of standing orders. Although I do not subscribe entirely to Paul Murray's view that our standing orders necessarily encourage a voodoo ritual, I believe it is appropriate to review some of our standing orders, particularly in this regard. This motion identifies one area in which review is appropriate; that is, bringing private members' business to determination. Many other areas of standing orders are being reviewed currently. I have not had a chance to read the report of the committee on committees, but obviously suggestions will be made in that report for a review of the standing orders as they pertain to standing committees or select committees of this Chamber. Members will review the current sessional orders in the not too distant future to see what we want to put in our permanent standing orders rather than having mere sessional orders.

As I read standing orders it becomes clear that other orders are no longer appropriate. I note the privileged position accorded to the National Party, for example, with three members. That privileged position is accorded in the standing orders to the Leader of the National Party or the representative of the Leader of the National Party, but no such privilege is accorded to, for example, the leader or representative of the leader of the Greens (WA) or the Australian Democrats. A range of standing orders must be reviewed. Some are being reviewed. Two aspects will come to the attention of the Standing Orders Committee. It is appropriate that other aspects be considered as well.

Private members' business must be considered. We must allow an expression of the will of the House. Current standing orders encourage extended debate, but without any resolution of the opinion of the House. Many members are frustrated with not being able to bring motions - or Bills for that matter - to a vote. Standing orders must be reviewed to avoid the tactics of obstruction. Standing orders contain an imbalance that favours obstruction and time wasting, rather than progressing the business of the House.

Hon N.F. Moore: By whom?

Hon J.A. COWDELL: By any member who chooses to use standing orders in that way. It is not necessary to provide additional time out of government time, if time is allocated that way, for private members. Many matters could be resolved within the three hours that are usually provided each week for such business. Members want to be able to come to a resolution of certain issues; they do not necessarily want an extension of time. It is certainly not a claim to take the business of the House out of the hands of the Government or to ask for a reduction of the time spent by this House considering the business of the Government. Standing orders can secure the same time or a greater period for government business while satisfying the just requests of individual members that this House express its opinion on motions or private Bills.

I am astounded that in a House of Review, in which we have debates about even the presence of Ministers of the Crown, the order of business should be subjected to a straitjacket by the Executive Government of this State. It is for those reasons that I support this motion.

Many other aspects of standing orders are being reviewed at the moment by various committees and will be the subject of a report, and members will have to consider the current sessional orders as well. It is appropriate that at that time other standing orders be considered. In giving consideration to those standing orders we should give particular consideration to the alteration of orders such that the will of the House may be more easily expressed from time to time. This does not require additional time. It certainly does not require additional time at the expense of the Government or of considering government business and government legislation. It involves an alteration of the balance so that the time members spend in considering private members' business is used more constructively. That must be the consideration to which the Standing Orders Committee puts its mind.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.36 pm]: I am pleased to be given the call. I hoped debate would not be adjourned because if that occurred I would not have had the chance to respond to some of the comments that have been made. I have had a long and detailed interest in the affairs of the Legislative Council; in fact, longer than anybody else in this Chamber if we go on the basis of membership of the Chamber. I have always been of the view that the Chamber's rules must be changed and must evolve from time to time. Last year I put in place an informal committee to examine the way the House operated. Out of that committee came some significant changes in the context of sessional orders, and the House is operating under those sessional orders at present.

I find extraordinary the total change of views of people such as Hon Tom Stephens. I sat in this Chamber for 10 years in opposition. I sat in various seats on the other side, on the front bench and back bench, depending on circumstances in the Liberal Party at the time. Over a 10 year period I watched many efforts being made by members from my side at that time to put in place a committee system. I witnessed the incredible capacity of the leaders of the Labor Government at that time to ensure that nothing was done about any of those suggestions. It was not until very late in the 10 year term that the committee system was put in place in a way that we came to recognise when the coalition became the Government. Over that 10 year period I witnessed an ongoing strategy by the then Government to ensure that this Chamber was totally irrelevant. We were told the committee system would not get any money. The Standing Committee on Government Agencies did not have an officer for about 18 months because there was no money in the budget of the Legislative Council to pay for one. There was no such thing as travelling for committees - that was not in anybody's vocabulary - and scrutinising the Government was strongly resisted by the Government of the day.

Hon N.D. Griffiths: Nothing has changed.

Hon N.F. MOORE: I recall moving a motion to require some papers to be tabled. It was like sending someone to the dentist to have his teeth drawn and it took a long time, to the point that the then Leader of the Government, Hon Des Dans, virtually threatened not to do what the House ordered. Eventually some papers were tabled. The result of the tabling of those papers was the establishment of a select committee to investigate the Seaman land rights inquiry. Surprise, surprise, halfway through the second meeting of that committee the Parliament was prorogued! Talk about scrutiny! In this instance Hon Tom Stephens is giving government members a lecture on how this House is a House of Review and how, for the first time in its history, proper review will take place. However, he was a member of the Government that prorogued this House to prevent a select committee from even commencing its inquiry, leave alone scrutinising the activities of the Seaman land rights inquiry.

The absolute and total hypocrisy of the Labor Party on the question of the Legislative Council and its review function is astounding. I sit in this place and day after day listen to the garbage coming from Hon Tom Stephens. I cannot believe the hypocritical nature of the man.

Today Hon Tom Stephens talked about question time. When I first came to this place nobody asked questions without notice. It was the way the Chamber operated. That changed over time and we reached the stage where three or four members would ask questions without notice and when they finished we would go on to the next item of

business. No time limit was imposed on questions without notice; it continued until people finished asking questions. That was the procedure until Hon Joe Berinson became the Labor Party Leader of this House and he decided that half an hour would be allocated to questions without notice. Hon Tom Stephens is demanding proper scrutiny and an extended question time when the first Leader of the House to bring in time limits on questions without notice was one of his former leaders.

Hon Kim Chance: You must have thought it was a good idea.

Hon N.F. MOORE: We did not think that at all. We had no choice. He stood up after half an hour, as I do, and said, "I ask that the business of the House be resumed." That is the right thing to do. I reiterate that the decision to limit the time for questions without notice was made by a former leader of members opposite.

Hon Kim Chance: And you.

Hon N.F. MOORE: Members opposite should not dare to come into this place and say that government members have a different view from them on questions without notice and that the time allocated to question time is inadequate. This House is operating under the rules set down by a former Labor Party leader.

Hon Kim Chance: You are endorsing them.

Hon N.F. MOORE: I am not endorsing them. I am happy to sit down and discuss the question time issue in a positive way with the Leader of the Opposition. However, I am not prepared to do that across the Chamber when he accuses me of refusing to answer questions. He said that out of the 200 questions which have been put to me this session I have answered only 75 per cent of them. For most of the 20 years I have been in this place there would not have been a total of 200 questions asked in the whole year. The dramatic change in the last four years has been the increase in the number of questions asked in this Chamber. Many of them should not have been asked in the Parliament. Members could find the answers to many of them by reading the relevant reports. It represents a laziness on the part of some members in respect of research. The questions asked in this place tie up the time of countless public servants because they have to go back in antiquity to get the answers. I will arrange for research into the matter of questions without notice in this Chamber over the past 10 or 20 years to see what are the trends and to determine how much time is spent by public servants in getting answers to questions.

I remember during the 10 dark years of Labor the answer that was repeatedly given by the then Ministers of the Crown was along the lines, "I do not propose to make available the resources necessary to answer this question. If the member has a problem with a particular issue, he should direct the question to that issue."

In Opposition the members of the Liberal Party worked under the rules that applied at the time and they did not whinge about the way the system worked. Unlike Hon Tom Stephens, we did not complain bitterly that this is not a House of Review, when he knows it is. We did complain, as he does, that we were not getting a fair go. He talks about not having enough time for non-government business. In the last two sitting days not one Bill has been touched. Last night we spent the whole time debating regulations. Members opposite argue it is government business. They can be as pedantic as they like, but the bottom line is that this House was debating an issue on the motion of an opposition member. That is what we did all yesterday and for most of last Thursday. That is the way the House operates and I do not complain about it.

However, Hon Tom Stephens complains that he does not have enough time, yet we are spending time doing the things he condones and supports and, at the end of the day, he puts up his hand to disallow regulations. We are doing things in this Chamber that he has sought to achieve. He is complaining that he wants more time. How much more time did he want yesterday? The first hour of business was allocated to issues he wanted to talk about and that is the motion which is now before the House. In addition, there was question time and most of the questions came from the Opposition. Question time is for all members. Hon Tom Stephens gets carried away when someone from this side of the House asks a question, as if to say, "What are you doing on your feet?"

The standing orders of the House do not recognise Governments and non-Governments - they recognise members and each member has the same right to ask a question without notice. That is how it will be. Hon Tom Stephens seems to think that if a member from this side of the Chamber asks a question he is out of order. Government members will continue to ask questions, but by the nature of this Chamber most of the questions will be asked by the Opposition, and that is the way it is in most Parliaments. I do not have a problem with that. Again Hon Tom Stephens seems to think that the Opposition does not have enough time.

Following question time yesterday the House debated disallowance motions and those debates continued until 10 o'clock. Not one bit of Government legislation was dealt with yesterday. I am not complaining about that.

Hon N.D. Griffiths: Nor should you.

Hon N.F. MOORE: I am making the point that no government business was dealt with yesterday and I am doing that in the context of Hon Tom Stephens' argument that he does not have enough time to debate issues in this Chamber. He said today that the House will finish at 10 o'clock, and that is how it will be, and he is pleased we brought in a 10 o'clock close. At 10 o'clock last night I moved that the House adjourn and we had not done any government business.

Several members interjected.

Hon N.F. MOORE: Members opposite can argue that it was government business, but they are being pedantic. This House did not debate any legislation yesterday.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: The point I am trying to make in a laborious way - because it takes time for some members to understand what I am saying - is that yesterday's disallowance motions were at the behest of the Opposition. The time was taken up doing what the Opposition sought to do. If Hon Tom Stephens says opposition business is opposition legislation he has it wrong. Oppositions do not legislate - Parliaments and Governments do. If he thinks that opposition time is opposition legislation, I seriously worry about where this Chamber will finish up. Oppositions can move to disallow regulations, but that is not government business; it is business of the House being orchestrated by the person who moves the disallowance motion.

Hon Tom Stephens: Will you not countenance private members' Bills?

Hon N.F. MOORE: Of course we will countenance private members' Bills.

I want to respond to Hon Tom Stephens' comment that I had a question in my hand and did not give the answer. I suspect that sometimes Hon Tom Stephens ascribes to others his own motives and assumes that others operate in the way that he does. His problem is that because he has a mind that is devious and underhand and he tries to create difficulties for everyone with whom he comes into contact, he thinks that everyone operates in the same way. Because he has probably thought, and perhaps has even done at some time in the past, that if he has an answer that he does not like he will put it in the drawer and not give it, he assumes that everybody else does that.

Yesterday, a question was read out, and I had a copy of the question but I did not have an answer. Therefore, I told the person who asked the question that I wanted the question put on notice so that I could talk to the person who could give me information about the question. I had written on the bottom of the question, "Put on notice", and when the member read out the question, I said," Put it on notice." That is all that happened. Hon Tom Stephens accused me yesterday of not reading out the answer when I had it in my hand. I said to him yesterday, "That is not true; I do not have the answer", yet again today in the House he said that I had misled him by having in my hand an answer that I did not give him. I cannot help it that he cannot accept what somebody tells him is a fact.

Again yesterday, Hon Tom Stephens suggested that I had been blowing taxpayers' money. He keeps repeating that in the hope that one day someone will believe it, but he cannot prove it, because one cannot prove that which is not true.

That is the problem that we have in trying to work out how this House will work. I am happy to sit down with the Labor Party, the Democrats and the Greens to work out what business they want to deal with and when to deal with it. Already in this part of this session I have decided that the Bills committee will meet every Wednesday at 3.30 pm, and I have invited the Democrats and the Greens to attend those meetings because it will be good for their views to be heard by that committee on an ongoing basis. That meeting will give us the capacity to collectively decide what business we want to deal with.

Today's Notice Paper contains 10 Bills for introduction, I think only two of which are from the Government. I have told people who have Bills for introduction to let me know when they want to move those Bills and we will provide the time, but so far no-one has done that. Those Bills have been on the Notice Paper since 10 June.

Hon Tom Stephens: Will you deal with motions?

Hon N.F. MOORE: Today Hon Helen Hodgson indicated that she might be ready to deal with one of her Bills this week, and I said, "Okay, let me know, and we will find the time." That might be at 5.50 pm, but that does not matter so long as it is done, because we have not dealt with any government business this week. I have been happy to cooperate in that way. I have also said to other members who have orders of the day on the Notice Paper to let me know which ones they want to deal with and we will talk about how they can fit into the program.

Hon Tom Stephens: I will send you a note!

Hon N.F. MOORE: Please do not sent me a note; say to me, "Mr Leader, I would like to deal with Order of the Day No 22", and we will have a discussion about that in the context of the legislative program.

Hon N.D. Griffiths: What about Order of the Day No 20?

Hon N.F. MOORE: If Hon Nick Griffiths wants to talk about Order of the Day No 20, he should talk to me about that.

Hon N.D. Griffiths: I have raised it often and I get no satisfactory answer.

Hon N.F. MOORE: Hon Nick Griffiths has not raised it with me. I am the person who organises the business of the House. All members need to do is ask me whether we can deal with a particular order of the day and I will work out when it can be dealt with. That is how it works. I know, and I have been threatened with it, that it is possible for the Opposition to move motions in order to get orders of the day dealt with, because I was probably the first person to ever do that in this Chamber.

Hon N.D. Griffiths: I understand it was the only time you have smiled!

Hon N.F. MOORE: I do not smile much because I do not have a lot to smile about, regrettably. Hon Tom Stephens makes threats from time to time. He threatened today to do something about question time because we were not answering enough questions. He then said that we should all be friends and work it out together like sensible, mature adults who can work through a problem and reach a solution, but if we do not do that, he will do it anyway.

Hon Peter Foss: As he did yesterday when he told the public he would have me thrown out of the Parliament because I did not answer his question. What an amazing suggestion!

Hon Tom Stephens: We got an answer!

The PRESIDENT: Order!

Hon N.F. MOORE: It is difficult to deal with someone who has that mentality, because Hon Tom Stephens has been sitting here for the second longest time of any person in this Chamber and he cannot wait for the opportunity to sit in the seat that I am occupying. I do not think it will ever happen; his party will not allow it to happen. His absolute determination to destroy the Government at all costs is apparent and demonstrates to all who watch him that he has a bit of a problem in respect of that ambition.

I want to refer also, in dealing with the way this House operates, to a matter that was raised in another motion, and that concerns standing committees. I argued in this House that we should review the standing committee system before we made any changes, but I was defeated in the Chamber by the tyranny of numbers. We made some changes to the standing committees, and the first thing that happened after we had a wonderful debate about how this was a House of Review, about how important it was that we have these committees because these committees would look at things in a proper way, and about how we would all be friends and work together to make things happen, was that the Standing Committee on Public Administration decided to get straight down to politics. Hon Kim Chance's attitude was that the Trades and Labor Council should write that committee a letter, regardless of whether that had anything to do with the committee's terms of reference.

The Standing Committee on Government Agencies is very dear to my heart. It was suggested that it become the Standing Committee on Public Administration when we had the numbers on that committee, and I agreed, although to some extent I regret that now. That committee had never had a problem from a political perspective in its history, with the exception of one occasion when we had different views about the Urban Lands Council and the vote was 3:3 and the chairman did not use a casting vote, so two reports came out of that committee. However, the moment the Labor Party got hold of that committee, or got hold of enough of its members because someone was not there, it decided to use it for blatant, grossly political purposes. There is no doubt that that is what members opposite want to do with this House. All this bleating and nonsense about this being a genuine House of Review -

Hon Tom Stephens: Let us not introduce politics into this place.

Several members interjected.

The PRESIDENT: Order! I want members to come to order before I call the Leader of the House again.

Hon N.F. MOORE: That ironical remark by Hon Tom Stephens - let us not introduce politics into this place - exactly typifies and makes absolutely clear what I am talking about. Members opposite are not here to make this House operate as a Chamber in which there is cross-party analysis, with a genuine review function by people working collectively for the benefit of Western Australia.

Debate adjourned, pursuant to Standing Orders.

STATEMENT - PRESIDENT

Questions without Notice

THE PRESIDENT (Hon George Cash): Yesterday at the conclusion of question time both the Leader of the Opposition and the Attorney General raised a matter relating to questions generally.

I advise members that I have considered the points raised by both the Leader of the Opposition and the Attorney General relating to the asking and answering of questions. Standing Order No 139 is clear in its intent. A question asked orally may be answered orally immediately. Alternatively, the respondent may request that the question be placed on notice; that is, for a written answer. At that point, the member asking the question has a choice; either to put it on notice or to let the question lapse. To answer the Attorney's point, it is the practice of Chamber officers to inquire of the member if the question is to go on notice albeit that, strictly speaking, it is the member's responsibility to ensure the question is placed on notice.

A question that is not placed on notice after request cannot be asked again orally on a subsequent day. It is not because it is the "same question" subject to Standing Order No 170; in that context "question" means a question put for a decision of the House on a matter. Rather it is because the Standing Order No 139 request alters the character of the question by converting it into one which, if it is to be answered, must follow the rules governing written questions, which always require notice and a written answer.

PARLIAMENT HOUSE - VISITORS AND GUESTS

THE PRESIDENT (Hon George Cash): I draw to members' attention the presence in the President's Gallery of Hon Don Wing, a member of the Tasmanian Legislative Council. Hon Don Wing is also the regional representative of the Commonwealth Parliamentary Association, and I welcome him to Perth.

[Applause.]

[Questions without notice taken.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Assembly's Resolution

Message from the Assembly requesting concurrence in the following resolution now considered -

> The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -
>
> > That Rule 10 of the Joint Standing Committee on Delegated Legislation be amended by deleting the words "of whom not less than 2 shall be members of the Assembly and not less than 2 members of the Legislative Council" and substituting the following words -
> >
> > > provided that each House is represented at all times

Motion to Concur

On motion by Hon N.F. Moore (Leader of the House), resolved -

> That the Legislative Council concur with the resolution of the Legislative Assembly.

Report

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

STATEMENT - ATTORNEY GENERAL

Victims of Crime Act Review

HON PETER FOSS (East Metropolitan - Attorney General) [5.34 pm] - by leave: I have tabled today a report titled "A Review of the operations and effectiveness of the Victims of Crime Act, Ministry of Justice, January 1997". This is the first review of the Victims of Crime Act 1994, which was proclaimed on 19 January 1995. The review and the tabling of this report are in compliance with section 6 of the Act. The Act is intended to restore victims' sense of wellbeing, justice and equity and to allow them formal participation in the criminal justice system. A steering committee comprising senior staff within the Ministry of Justice commissioned an independent consultant, Social Systems and Evaluation, to conduct an evaluation.

The purpose of the evaluation was to determine whether the Act had been efficient and effective in terms of its

implementation and whether it had achieved its purposes. The evaluation included a telephone survey of 189 victims and interviews with key stakeholders from the relevant agencies. Aboriginal victims were consulted through a series of four focus groups, and public submissions on the Act also formed part of the evaluation.

The key findings indicate that implementation of the Act has been effective, particularly for victims of more serious crimes. While there have been some teething problems, there is also evidence to suggest that, as these problems are addressed, the Act will further reduce victims' alienation from the criminal justice system.

The following findings of the evaluation are of note -

> The extent to which victims felt their needs were considered and addressed varied across the range of agencies and services accessed by victims of crime and as an illustration I will touch on some of the issues.
>
> Comments about the police were generally positive and there was high praise for their skill and compassion. Fifty-five percent of victims felt that the police had kept them informed about the progress of the investigation. There was a strong relationship between being kept informed and victim satisfaction.
>
> Many comments that victims made about the trial process were negative. These comments centred mostly on a perceived lack of information. However, not all the comments were negative. Some victims commented favourably on the court support they had received from the Victim Support Service, offers of screens to shield them from the offenders, and judges' management of the trial.

To address some of the problems experienced by victims in the courts the report recommends changes related to -

> improvement to facilities for victims in some courts;
>
> hearing of certain categories of cases in closed court; and
>
> increased use of closed circuit television.

Members will be pleased to hear that these issues are being addressed. The Government recently endorsed an eight-year program to upgrade regional court houses. These upgrades will, of course, take into account the needs of victims and other vulnerable witnesses. I can also advise that the closed circuit television and video conferencing facilities are being upgraded at the Central Law Courts and that this enhanced technology will be progressively introduced into regional courts over the next few years.

Slightly under half of the victims surveyed had used the Victim Support Service. On the whole, victims found the service willing, helpful, practical and "very supportive". Apart from a perception on the part of some victims that there was a lack of resources, victims did not identify any shortcomings with the service. The Victim Support Service is to be commended for this positive result.

This review indicates that victims were not well informed about criminal injuries compensation. Most of the critical comments related to the time taken to settle a claim or the cost of making claims. These issues are being addressed. Members will recall the amendments to the Criminal Injuries Compensation Act to allow for the appointment of more than one assessor were recently enacted and will impact positively on the delay in settling claims. Other issues raised in the report will be addressed through the independent review of criminal injuries compensation being undertaken by the ministry. The evaluation also recommends liaison between the Victim Support Service and the Office of the Assessor of Criminal Injuries Compensation to examine ways of improving victims' knowledge of compensation.

Victim impact statements have been well received. The proportion of victims who made positive comments about the difference it made to them to present a victim impact statement is noteworthy. For many victims, the victim impact statement was their way of contributing to the process of seeing justice done. Other victims pointed to the important therapeutic role played by victim impact statements in their recovery.

This evaluation identified that public officers in the criminal justice system are generally aware of their responsibilities under the Act although consultations with police officers identified a less widespread knowledge of the Act than would have been expected. Public officers in agencies such as hospitals, Homeswest and the Department for Family and Children's Services have only limited knowledge of the Act but have a strong focus on domestic violence and, in the case of Family and Children's Services, child abuse and neglect.

Wide consultation with police and other officers within the criminal justice system indicates that officers do act on their responsibilities under the Act. Where shortcomings exist, they are shortcomings in systems, not the individuals concerned. The evaluators have been struck by the general commitment of officers to do their best for victims. I am sure that members will agree this is to be commended.

The report noted that in some areas the processes that have been put in place to address the operational aspects of

the Act are very strong. However, there are other areas in which the processes need some fine tuning and still others where they have yet to be developed. These include -

keeping victims informed of the progress of an investigation, charges and bail;

keeping victims informed about the trial process and court outcomes;

the current arrangements in place regarding notification of victims of an offender's release from custody and related matters; and

the presentation of victim impact statements.

The report recommends a range of procedural and educational strategies for dealing with these issues, which are now being considered by the Ministry of Justice.

Consultation with the Aboriginal community and those providing services to Aboriginal people suggests that the impact of the Victims of Crime Act in reducing their alienation from the criminal justice system has been minimal. The criminal justice system is foreign to many Aboriginal people who do not see it as delivering justice to them as victims. There are also barriers to Aboriginal people accessing the criminal justice system and support services when they need to use the system for protection or redress. The report recommends that with increased consultation, training, and dissemination of information, access to victims' services by the Aboriginal community can be enhanced.

Positive steps have already been made in this regard. The Ministry of Justice is currently negotiating with service providers about the training of Aboriginal court interpreters. In addition, a video and accompanying booklet are being developed by the ministry in conjunction with related commonwealth and state agencies to train people dealing with Aboriginal customers, including victims.

Finally, the evaluation found that services, policies and procedures for victims are fragmented with separate provision for domestic violence, sexual assault and child abuse, as well as a general service for all victims of crime. In an area where resources are scarce, this is far from optimal. The Victims of Crime Act provides an opportunity to develop a more integrated approach. A new Victims of Crime Implementation and Advisory Committee with an independent chairperson and members from the criminal justice system, other relevant government agencies and the community will assist this process. An early focus for the committee could be the development of proposals for better integration.

ENERGY COORDINATION AMENDMENT BILL

Second Reading

Resumed from 10 June.

HON MARK NEVILL (Mining and Pastoral) [5.42 pm]: The Opposition supports the general thrust of the Energy Coordination Amendment Bill. It does so with little enthusiasm. The Bill is deficient in many respects and unduly intrusive in other respects. I ask the question of this House: Are all the regulations in this Bill necessary? I believe the answer to that is a clear no. This legislation builds upon an unsatisfactory principal Act which was passed in 1994. Mr President, you had the carriage of that Bill as the Minister handling energy matters in this House. When the issue of an independent regulator was raised during that debate you said that as the industry became more complicated that would be required. This Bill has not moved in that direction at all. I believe that you, Mr President, as the Minister for Mines handling energy matters in this House, had a better understanding of this issue in 1994 - partly because you had been to California and considered its regulation system - than the current Minister has in 1997. I foreshadow that at the end of the second reading debate the Opposition will move to refer this Bill to the Standing Committee on Legislation. That committee is well placed to review this Bill as it currently has no legislation before it to consider.

I will speak in some detail about the clauses of this Bill for two reasons: Firstly, so that government members can be convinced of the merit of the course of action of referring the Bill to the Legislation Committee and, secondly, for the benefit of government members to alert them to the deficiencies in this Bill. I do not believe that a Bill in this form should have got through the coalition's party room, let alone reached the Parliament. We did not deal with this Bill before the mid year break and I expected it to be withdrawn and redrafted. To my amazement it is still here in its present form. That is quite a surprise to me.

This Bill passed through the other place relatively unscathed. The process that we will go through before the Bill is adopted by this House will show the useful role that the House of Review can fulfil.

My first general criticism of this Bill is that there has been no consultation. This Bill was introduced in the House on 10 June 1997. When I went out to industry for comments on this Bill I found no-one was aware of it. They

expressed absolute amazement, and when they read the Bill they were annoyed and angry. I can safely say that AlintaGas, the Government's own gas corporation, major gas transmission and distribution companies, such as Boral Energy, AGL Pipelines (WA) Pty Ltd, and the Australian Gas Producers Association were not consulted in the formulation of this Bill. When I read the Bill I was not impressed by its approach and could not understand how industry could have entertained some of the provisions of this Bill. If the Minister handling the Bill disputes my information that the Minister for Energy and the Office of Energy failed to consult industry before this Bill was introduced I ask the Minister to advise the House who was consulted and on what dates.

The second area of criticism is that the policy behind this Bill is at best confusing.

Hon Peter Foss: Are you supporting the Bill?

Hon MARK NEVILL: Yes, I said that in my opening remarks.

Hon Peter Foss: You are following the Democrats' style.

Hon MARK NEVILL: I made my support of this Bill clear. If the Attorney General would put away his toy and listen he might not have to interject.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Instead of responding to unruly interjections I suggest that Hon Mark Nevill direct his remarks to the Chair and members who are making those unruly interjections will desist.

Hon MARK NEVILL: Mr Deputy President, I would happily ignore those unruly interjections except that during the urgency debate yesterday some of those unruly interjections were incorporated in *Hansard*. I showed a copy to someone from the industry whom I met today. They were horrified that the Attorney General could call me a socialist simply because I said that there should be transparency of costs on a monopoly pipeline, which occurs in every other capitalist country in the world. They thought the Attorney's comments were ridiculous. I would happily ignore the Attorney's interjections if they were not included in *Hansard*.

Hon Peter Foss interjected.

The DEPUTY PRESIDENT: Order! It would be easier for the member to be happy about ignoring interjections which are not made.

Point of Order

Hon PETER FOSS: Hon Mark Nevill should speak to the Bill. Referring to yesterday's debate and the fact that he is a socialist is hardly relevant.

The DEPUTY PRESIDENT: Order! There is no point of order.

Debate Resumed

Hon MARK NEVILL: Perhaps we can get back to the business at hand. The gas business will be further fragmented by this Bill.

The Bill fails to put together a coherent process to regulate the petroleum industry, which includes oil and gas. The Office of Energy was set up as an advisory body to the Minister for Energy. As part of its brief it had a small safety inspection function. This Bill changes the advisory body to a regulator, which is unnecessarily intrusive. It will be a heavy handed regulator.

The new reforms under this Bill will be administered by the Office of Energy, which will report to the Minister for Energy. Those requirements are additional to the existing requirements under the Petroleum Pipelines Act, which is administered by the Minister for Mines who will be handling this Bill tomorrow. The fragmented approach to this area strikes me as being ad hoc policy. There is no coherence in it. I will demonstrate that point further during my comments. It is time that the Minister for Mines stood up for himself in this policy area, because he administers the Petroleum Pipelines Act. He is acquiring a reputation of being a person who can be overridden. We have seen that in his Tourism portfolio and in relation to the gold royalty matter, which is part of his portfolio.

My third criticism is the lack of independence of the regulator. Every other jurisdiction in Australia has an independent regulator or is moving in that direction. This Bill will give important regulatory powers to the Coordinator of Energy, who will report to the Minister for Energy. The national access code documents which were published recently - titled "Policy Information Paper - National Access Regime for the Natural Gas Industry - July 1997" indicate which States have independent regulators. New South Wales and Victoria have an independent regulator. In the case of Victoria it is the Office of the Regulator General. The Northern Territory has a similar body; Western Australia does not. Queensland is moving towards an independent regulator, as is the Australian Capital Territory. Western Australia is on its own in that respect.

This Bill reflects a bureaucratic grab for power. It is a case of the control freaks being in charge of the operation. This Government commenced deregulation of energy without much criticism from the Australian Labor Party or the industry. That blueprint was generally mapped out in the report of the Carnegie inquiry, which was set up in 1992 and reported shortly after the Court Government was elected. The Minister certainly got off to a good start during the first year, but since then he seems to have dropped the ball. The inadequate and ad hoc arrangements in the Bill reflect the mess in which the Government finds itself. As part of the process of deregulation of energy, the Government split SECWA into two corporations - Western Power and AlintaGas, which compete in areas where gas is reticulated.

By the measures proposed in this Bill the Government will insert an unnecessary and unwanted layer of bureaucracy between the industry and the Minister. We should be trying to simplify the licensing requirements, not make them unnecessarily complicated. Already the Office of Energy has become the defacto regulator of Western Power and AlintaGas through its oversight of statements of corporate intent and strategic plans.

The bureaucratic regime set up by the Bill will hinder effective competition. It will result in higher costs to consumers and I see no discernible public benefit in the measure. In a deregulated competitive market, producers, traders and customers should have flexibility to deal with each other. With this Bill the bureaucracy interferes with every process, and the powers of the Coordinator of Energy are excessive and unacceptable. I will go through this aspect in detail later, addressing particularly the setting of conditions and standards and the form of application for licences, and the way that flexibility will be denied to specify the technical and commercial terms of contracts.

The whole thrust of the Bill is contrary to the national access code. I find that amazing. The national competition policy is replacing state-based legislation. At the very least this Bill should contain a sunset clause so that its provisions will cease to apply when the national access code comes into force. The preamble to the Gas Supply Act of New South Wales reads -

> This Code takes effect when proclaimed by the Minister for Energy pursuant to section 31 of the Gas Supply Act 1996. It has been developed to provide NSW with an Interim Code for third party access; and will be superseded by a National Access Code following its approval by the Council of Australian Governments and subsequent proclamation by the NSW Government.

Parts of that Act will become redundant when the national access code is proclaimed. That is the path we should be taking with our legislation.

The second reading speech claims that consistency with the Water Services Coordination Act has some merit. We do not see any virtue in this move. It appears to be a forerunner for a similar scheme to be adopted for the electricity sector. Under the Water Services Coordination Act and the provision of service area licences, water has been arbitrarily cut off to one town. This approach is a possible threat to every small community because services can be cut where policy goals are not related to the service itself. It does not appear that this legislation will be of any great benefit.

Having strictly defined areas creates problems. Gas and electricity should be freely traded commodities. They are not different from cattle, sheep or other commodities. Because the Bill interferes with trading, secondary markets or spot markets for gas will not develop as they do in other jurisdictions in Australia or other countries.

Sitting suspended from 6.00 to 7.30 pm

Hon MARK NEVILL: Prior to the dinner suspension I mentioned the interference of regulations in the free trade of gas and electricity. These two commodities should be freely traded. There is no need for the Government to be involved in many aspects of this trading as the Bill sets out. I said it would prevent the development of active secondary and spot markets for gas. Those markets are features of all deregulated systems in Canada and the United States and in other States of Australia. They are commercial arrangements between different companies and there is no real need for any government interference. The development of those secondary markets ensures efficiency in the system from production to processing to transmission and then distribution to the consumer.

The Minister's second reading speech outlines a reticulation area for Kalgoorlie and the provision of transmission, distribution and trading licences. We have been informed in the Press in Kalgoorlie that AlintaGas has won a contract to reticulate and supply gas to Kalgoorlie-Boulder, and that the cost of gas will be 6 per cent higher than in Perth. I am concerned about that. I do not believe we should be paying higher gas prices than are people in Perth. I think it is a conflict of interest these days for the company that reticulates the gas to be the only company selling the gas. It is a monopoly, with no transparency of costs on the distribution systems, the company can set its own rate of return. There is no competition.

The same applies to the goldfields gas pipeline. There is no real competition at the moment because prices are

pitched just under the cost of replacing diesel. That is not true competition. If AlintaGas has the distribution network in Kalgoorlie, it should be regulated. It should get a commercial rate of return on the investment and anyone should be allowed to sell gas into that area.

The Bill does not contemplate those issues; they are real issues in the United States and Canada. If companies reticulating gas have exclusive rights to sell the gas in those areas, in effect competition is excluded. That is what the arrangements in this Bill will do in Kalgoorlie-Boulder. If a company sets up a gold refinery within that reticulation area, will it be allowed to negotiate its own contracts and put in its own gas laterals, or will it be locked into the distribution arrangements within that licence area owned by AlintaGas? If the latter is the case, the whole system will lack competition. It is only through competition that energy prices will come down and jobs and development will be created in those areas.

I have been very disappointed by the role of the Office of Energy in determining the Goldfields Gas Transmission's tariffs. I made that clear in yesterday's debate. I am also concerned about the role of the Office of Energy in the contracts and supervision of gas reticulation in the Kalgoorlie area and other areas of the State to which it extends.

When we debated the principal Act in 1994 a number of comments were made, none of which has been addressed in this amending Bill. One of the criticisms at the time was that the functions and powers of the Coordinator of Energy were not clearly set out in the Bill.

The coordinator's functions are partially set out in section 6(c)(vii) of the principal Act, which states that the functions of the coordinator are to advise the Minister on all aspects of energy policy, including "matters relating to the operation of relevant legislation".

I propose that the Goldfields Gas Pipeline Agreement Act is relevant legislation under the Energy Coordination Act. The association may not have been intended by the drafters of the Act, but it encompasses that legislation. The Goldfields Gas Pipeline Agreement Act is relevant legislation under the terms of that provision. Section 6(h) of the principal Act states that the functions of the coordinator are to advise the Minister on all aspects of energy policy, including "to provide support in the resolution of dispute on energy-related matters".

Clearly, that provision would apply to the Goldfields Gas Pipeline Agreement Act, even though it may not have been contemplated when the Act was drafted. Nevertheless, that is exactly what it says. In the 1994 debate on the Energy Coordination Bill, I mentioned that at a briefing the staff stated that the dispute resolution provision applied only to the Gas Corporation Act and the Electricity Corporation Act. However, the Act does not say that. This discrepancy could create a mess because the Act reads a lot wider than perhaps the draftspersons contemplated. If that was the intention, I am pleased that the Act applies wider.

Section 6(d)(i) of the principal Act states that the functions of coordinator are, for the purposes of paragraphs (a), (b) and (c), "to monitor the operation of the State's energy industry and its participants". That clearly covers the Goldfields Gas Pipeline Agreement Act. Section 6(c)(vii) is the provision relating to the operation of relevant legislation. The Coordinator of Energy has extensive powers, yet he has not been exercising them - he probably has not been aware of their extent. The legislation is a bit of a dog's breakfast.

Section 7 of the principal Act outlines the functions of the Director of Energy Safety. The three-line clause tells us that his functions are those vested under the Electricity Act, the Gas Standards Act and the Liquid Petroleum Gas Act. Therefore, it is necessary to search the other legislation to find the function of the Director of Energy Safety. I was critical of that aspect in the 1994 Bill. That matter has not been addressed.

It is clear from the four Bills discussed in 1994 that the Gas Corporation Act and the Electricity Corporation Act were drafted very competently; however, the Energy Coordination Act was slapped together at the last minute. The final act, the Energy Corporations (Powers) Act of 1979 had pieces deleted from it and it has not been rewritten or consolidated. In other words, the parliamentary draftsman ran out of time. It is clear that the two major Acts dealt with at that time were well drafted, and the other two measures left a lot to be desired, and none of those problems has been cleaned up in the drafting of this amendment Bill.

During the 1994 debate, I expressed concern that an independent regulator was not to be appointed. Mr President, you were handling the Bill at the time, and you said that as the industry became more complex, we would probably move to an independent regulator. That was three year ago. We now have the Pilbara energy project and the goldfields gas pipeline project, and a number of companies are operating gas laterals. The industry is complex enough now for us to have moved to an independent regulator already. It is unsatisfactory to continue under the current system. The Minister handling the 1994 Bill - the current President - foresaw the problem back then, a problem which has not been addressed in this Bill by the current Minister for Energy.

Section 11ZQ of clause 7 of this Bill relates to the regulations extending certain provisions in the Energy

Corporations (Powers) Act. If one reads that clause, proposed section 11ZQ(2) is almost unintelligible. The provision applies to schedule 2 of the Bill which contains a list of provisions in the Energy Corporations (Powers) Act which apply. It is a fairly useless schedule to try to apply to the Energy Coordination Act. It is a complex and unsatisfactory way of drafting legislation. The Energy Corporations (Powers) Act should have been redrafted by now so that the measures could be better coordinated and more intelligible. I now turn to a few clauses in a little more detail.

I refer to clause 7 at page 5 of the Bill which provides for new section 11A, which constitutes the supply areas. As I said earlier, it parallels the Water Services Coordination Act 1995. I am concerned about this provision. Last week a paper was tabled in this House which extended Wittenoom's supply area licence until 30 September 1997. That town has had its water licence extended for six weeks. I hope that corporations with licences for gas supplies to specified areas are not dealt with under that sort of regime.

Surely Governments should treat corporations differently from the people who live in small towns. That regime as it applies to Wittenoom is open to abuse. It was clearly shown in the Wittenoom case that the water licence was being revoked because of government policy. It had nothing to do with the service or the obligations of the authority under its Act to supply water.

Clause 7 at page 6 provides for new section 11D and provides for the new classification of licences. The three licences established are a transmission licence, a distribution licence and a trading licence. This is regulation to excess. The requirements of this new section are obtrusive and onerous. They are unnecessary, particularly in the light of the other technical and regulatory requirements under regulations that cover the transmission of gas. This is an unnecessary impost which could affect our competition with other States, let alone those pipelines which could cross state borders such as from the Bonaparte Gulf in the Kimberley.

I am concerned about the requirement for a trading licence. Under this Bill, if the management of a mineral processing company, for example, in the south west that consumed 50 terajoules of natural gas a day, with an 80 per cent take or pay provision in the gas supply contract and gas transportation contract, wished to partially close the plant for modifications and reduce the gas demand to 30 TJ a day for, say, three months, the company would first have to apply for a licence to trade gas and sell gas transportation services if it wanted to sell at least 10 TJ of gas a day and its associated transportation contract to others for a three month period to overcome its take or pay provisions. Anywhere else in the world the company would ask another company to agree to take the 20 TJ of gas. The regulation is absolutely unnecessary. Discussions I have had with industry see it as bureaucracy interfering with the free trade of a commodity and serving no real benefit. I can see the Office of Energy doubling in size in a few years if it is left unchecked.

The situation becomes more ridiculous considering daily gas surpluses and shortages frequently arise in processing industries. They are traded on the spot market. Under this Bill would the company have to apply for a licence to trade those surpluses or make up those shortfalls? As I said, the requirement for a trading licence in these situations will effectively stifle the development of those secondary and spot markets. As gas is moving all the time users of gas do all sorts of things; they have spot contracts and secondary markets. Under this regime those secondary markets will not develop as efficiently as they should. I question the need for the Government to even be involved at that level. It will be imposing unnecessary costs on consumers and it will probably hinder the development of industry and perhaps even export sales.

Clause 7, new section 11FZ(1)(a) at page 21 relating to the cancellation of licences reads -

> (1) The Governor may cancel a licence if he or she is satisfied that the licensee -
>
> (a) Has failed to comply with the conditions imposed by section 11X . . .

Proposed section 11X(2) provides a general duty to supply and reads -

> In respect of any licence granted to the Gas Corporation, subsection (1) does not affect the protection given to that corporation by section 28(4) of the Gas Corporation Act.

Requirements are placed on private suppliers that do not apply to AlintaGas. What does section 28(4) of the Gas Corporation Act give AlintaGas in terms of protection? Section 28(4) of the Gas Corporation Act under the heading of "Functions" reads -

> This section or section 29 does not impose on the corporation any duty to perform any function that is enforceable by proceedings in a court.

I do not know whether I have understood it correctly. However, there is no duty for AlintaGas to perform any function that is enforceable by a proceeding of a court, but there is for everyone else. Does that comply with the principles of competition?

Why does AlintaGas need that protection? If it needs it, why can the other corporations not have it? We need an explanation on that score. AlintaGas should not be treated differently from private corporations when it is in direct competition with them.

New section 11ZF on the cancellation of licences states that the Governor may cancel a licence if he or she is satisfied that the licensee has within a period of 24 months been convicted of more than three offences for which the prescribed punishment is a fine of $10 000 or more, or imprisonment of 12 months or more. To which Acts does that refer, or does it relate to any Act? That is not a precise clause. Does that provision apply to AlintaGas as well as these other corporations?

New section 11ZG requires operators to leave the system in a safe condition if they lose the licence. My reading of that new section is that it would allow someone who had lost a licence to remove part of the system. All an operator is required to do is leave the system safe. A requirement should exist to, if necessary, leave the system intact. A system can be dismantled and still left safe and that provision can be complied with. I suspect there may be an omission under that new section.

Under new section 11ZI an appeal against the decision of the coordinator can be made only to the Minister. The Opposition is concerned about that. What right is there beyond an appeal to the Minister? In the event of an abuse of power or powers under the proposed legislation the recourse must be to an independent body. In other States appeals are made to independent bodies. Large amounts of capital are invested in gas pipelines and it is essential that persons who hear appeals be independent. The policy information paper from which I quoted earlier on the national access regime for the natural gas industry lists the appeals. In Queensland there is judicial review. Western Australia has a terrible mishmash. Under the Gas Corporation Act this State has a gas referee, and commercial disputes are handled under the Commercial Arbitration Act. This legislation requires appeals to the Minister after the Coordinator of Energy deals with the matter. Tasmania will move to judicial review and when the national arrangements come in, Tasmania will fall under the Australian Competition and Consumers Commission. The Australian Capital Territory also has judicial review, plus it comes under the aegis of the ACCC. The Northern Territory has judicial review and the regulator will be the ACCC; South Australia has judicial review of decisions and the regulator is the ACCC. Victoria and New South Wales will eventually come under the ACCC and there will be judicial review once the national access regime comes in. Western Australia is out on a limb. The Government is bringing in legislation to take us in a different direction - one that I do not believe is in the interests of the State or of commerce in this State.

New section 11ZQ(3) will extend the Energy Corporation (Powers) Act to licensees. New paragraph (a) is a Henry VIII clause. Hon Bruce Donaldson and Hon Derrick Tomlinson spoke eloquently about the undesirability of these types of clauses as they relate to the Hire-Purchase Act. This is an interesting provision. New subsection (3) states -

> Regulations referred to in subsection (1) may be made in terms that -
>
> (a) modify the operation of, add a further requirement to, or make inapplicable an enactment or part of an enactment in relation to a licensee or class of licensees;

This provision will provide the power, by regulation, to modify an Act for licensees and classes of licensees. That is an unacceptable provision. It is a case of the people who had this Bill drafted seeking powers to themselves that they should not possess. This clause confuses me. I understood that regulations could be disallowed. However, new subsection (2) states that the prescription of a licensee under new subsection (1)(a) includes any transferee of the relevant licence under new section 11S. New section 11S relates to the transfer of licences and is subject to new section 11ZR, which is for parliamentary disallowance. I would be horrified if a company transferred a trading licence and that transfer was subject to disallowance by this Parliament. That could occur six months after the licence was transferred. That proposed section of the legislation needs to be made very clear because that is the interpretation some people have put on it. I am not sure whether it was intended, but I certainly hope it was not because we cannot interfere with commerce in that way.

The disallowance provision is under proposed section 11ZR and it is interesting that paragraph (b) states that the regulations must be -

> laid before each House of Parliament and either -
>
> (i) 15 sitting days of each House have passed after the regulations were so laid . . .

Section 42 of the Interpretation Act states that the regulations must be laid before the House for 14 days. Why should this legislation be any different from other legislation? If it applies to the transfer of trading licences, it should not. It should disallow regulations, but certainly not licences. With the new found muscle in this place imagine what would happen if we disallowed AlintaGas' trading licence six months after it was busy reticulating gas in Kalgoorlie-

Boulder? It is an untenable situation to even contemplate. Proposed section 11ZQ(3) states that -

> Regulations referred to in subsection (1) may be made in terms that -
>
> . . .
>
> (d) require consent or approval to be obtained for the doing of, or the manner of doing, any thing.

That is also subject to disallowance under the following proposed section 11ZR. It is a very broadly worded provision and could unduly interfere with normal commercial arrangements.

Proposed section 11J gives the Governor the power to provide exemptions from section 11I - that is, the requirement for a licence to supply gas into a supply area. The power to exempt in proposed section 11J will give the Minister the authority to allow a person to supply gas into a supply area for which a licence is held by someone else. What protection does a licence confer if a Minister can have that power? What security is there for someone who has a licence to supply, and what redress is there? I wonder whether that provision is appropriate in its present form.

New section 11L, which applies to the application for a licence, outlines a number of requirements which must be satisfied. The applicant for a licence must inform the coordinator of a number of things which are listed in proposed subsections (2)(a) to (f). Under proposed paragraphs (b), (d) and (f) the information required to be provided to the coordinator should be used for information only and should not sensibly be used as a determinant in the coordinator's review of applications.

Proposed section 11L reads in part that an applicant for a licence is to inform the coordinator of -

> (b) where, if a licence is granted, the applicant will have power to determine its prices or charges, the methods or principles that the applicant proposes to apply in doing so;

If there is competition there is absolutely no need for that provision. Proposed paragraph (d) reads -

> where, if a licence is granted, the applicant will be required to provide access to gas distribution capacity or gas transmission capacity to other persons, the methods or principles that the applicant proposes to apply in determining the terms and conditions on which such access will be provided;

Again, that provision is fine in terms of seeking information, but it should not be a consideration in the granting of a licence. Proposed paragraph (f) reads -

> the terms and conditions of any proposed standard customer contract between the applicant and any purchaser of gas from the applicant.

Competition should not be a determinant in whether a licence should be granted.

Hon Simon O'Brien: Do you think that will be addressed at least in part by proposed section 11M(b), which refers to the interests of the public in matters that need to be considered by the coordinator in granting a licence? I can only assume that is what it is there for.

Hon MARK NEVILL: I do not think there is any objection to that information being provided to the coordinator, but it should not be used as a determinant in whether a person is granted a licence. People are happy with paragraphs (a), (c) and (e) of proposed section 11L(2). To get a licence the applicant must inform the coordinator of the nature of the business activities to be undertaken, the methods or standards the applicant proposes to apply in supplying the gas and, in the case of an application for a distribution licence, the nature and extent of the construction, alteration, operation or maintenance of a distribution system undertaken or to be undertaken to supply gas. Public interest is certainly important, but people are saying that those other matters should be provided for information only and should not be taken into account in the decision on whether an applicant is granted or refused a licence.

New section 11N(1) states -

> A licence is subject to such terms and conditions as are determined by the Coordinator.

Some commentators believe that the terms and conditions must be attached in a non-discriminatory way, considering that AlintaGas is an operator in many spheres. Subsection (3) states -

> Despite subsections (1) and (2), conditions relating to any matter referred to in paragraph (e), (f), (k)(i) or (iii) or (n) of Schedule 1 cannot be included in a licence granted to the Gas Corporation.

Therefore, the Gas Corporation will receive preferential treatment compared with other private corporations. Subsection (4) states -

> A requirement made under paragraph (d) of Schedule 1 in a licence granted to the Gas Corporation must not be inconsistent with any enactment that regulates the financial administration of that corporation.

The competition principles oblige the State to treat crown corporations and competitors equally, yet these provisions will ensure that they are treated unequally. Why is that necessary? If there is a problem, we should amend the Gas Corporation Act.

New section 11R deals with licence fees. There is some concern that the Office of Energy has the potential to grow like topsy and that licence fees may be set at the level necessary to fund an unnecessarily large bureaucracy. Subsection (3) states -

> If the Coordinator is satisfied that payment of the prescribed licence fee would make it uneconomic for a licensee to supply gas as authorized by a licence, the coordinator may reduce the amount of the fee payable by the licensee on such terms and conditions as are determined by the Coordinator.

There is concern that the power to reduce a licence fee may influence the competitive position of other licensees in the market. Some indication should be given, perhaps in Committee, of the level at which fees will be set.

New section 11S(1) states -

> A licence cannot be transferred except with the approval of the Coordinator.

The view expressed to me is that this section should include a requirement that the coordinator's approval cannot be unreasonably withheld. There appears to be no constraint upon the power of the coordinator to withhold approval for the transfer of a licence.

New section 11Z(1) deals with the asset management system. There is widespread concern about this section, and also about new section 11ZB, which deals with performance audits, because it is believed that these two sections are unnecessary, particularly in the light of the technical and regulatory requirements that exist under the gas standards regulations and other regulations that govern these bodies.

New section 11Z(1)(c) states that it is a condition of every distribution licence that the licensee is to, not less than once in every period of 24 months, or such longer period as the coordinator allows, calculated from the grant of the licence, provide the coordinator with a report by an independent expert acceptable to the coordinator as to the effectiveness of the system. This is considered to be a fairly onerous and unnecessary requirement which may affect the competitiveness of our system compared with those in other States, and I will ask the Committee to see whether this is regulation to excess and whether these asset management systems need to be provided to the coordinator. This new section also requires performance audits every 24 months. I am not sure whether that is essential. What we are doing here in all probability is just loading extra bureaucratic requirements and costs onto pipeline operators.

Paragraph (c) of schedule 1 states that a licence may include provisions requiring the licensee to provide access to gas distribution capacity or gas transmission capacity to other persons on such terms and conditions as may be determined by the coordinator. In other words, the coordinator will specify third party access terms and conditions. That is contrary to the draft national access code, under which the regulator approves terms put forward by the licensee and can impose terms only in restricted circumstances. This provision will give the coordinator rather broad powers.

Paragraph (k) of schedule 1 states that a licence may include provisions -

> relating to the performance of functions by the licensee including -
>
> (iii) community service obligations, that is obligations that are not commercially justified, to be discharged by the licensee;

In plain English it means the coordinator can require private pipeline owners to fulfil community service obligations. I put it to the House that social welfare is the domain of the Government and it should be divorced from the activity of these licensees. Even AlintaGas has community service obligations quarantined and paid for by the Government. There appears to be one rule for AlintaGas and another in this legislation which will include community service obligations in a licence. For the past five or six years these obligations have been removed from government departments, and they are now paid by Treasury. However, the opposite is applied in the case of private corporations. I do not believe those obligations should be imposed on licensees. If they are necessary, the Government should pay these corporations to fulfil the obligations.

The Opposition has supported this Bill at the second reading stage. In some ways I am not comfortable doing that because it implies support for the policy of the Bill. I hope the Government will consider appointing an independent regulator now. It will be necessary to do so in the next year or two because the current system will not work. The

national access code will overtake the regime in this Bill and I do not think Western Australia will be exempt from that code. It generally has widespread industry support and the only way to decrease gas prices is by competition, fair access and transparency of costs in the case of monopolies. Without monopolies, competition should ensure the market is efficient. The Western Australian market is maturing very rapidly. An independent regulator should be appointed now, and this should be removed from the province of the Minister and the Coordinator of Energy. The structure proposed in this Bill is inappropriate. Any change might impinge on the policy of the Bill, but something could be done about it.

Finally, I refer to two sections in the national access code that indicate how complex the system is in Western Australia. The document provides a summary for each State and describes the current system in Western Australia for a regulator as follows -

> Minister for Energy, assisted by Coordinator of Energy and support of Office of Energy (for State owned pipelines and distribution systems). All other licensed pipelines - Minister for Mines assisted by Director General of DME.

It is a mishmash. Arbitrators are not currently identified in any of the legislation. Many of these issues between companies are best sorted out by mediators rather than through the legal adversarial process. Generally, the situation in Western Australia is ad hoc and fragmented. The regulator for the scheme in Western Australia for the gas transmission pipelines is summarised as follows -

> Minister for Energy, assisted by Coordinator of Energy & support of Office of Energy (State owned pipelines & distribution systems).
>
> Min. for Resources Devt, assisted by the CEO of Dept. of Resources Devt. (Goldfields Gas Pipeline & Pilbara Energy Project Ltd Pipeline).
>
> All other licensed pipelines - Min. for Mines assisted by Director General of DME.

There are three different regimes for regulating pipelines in Western Australia. If that is not ad hoc and fragmented, nothing is. In other States either an independent regulator has been appointed or moves are being made in that direction. It is more cohesive. That reflects the point I made at the beginning of my speech; that is, the Minister for Energy started well for this State, but after the first year he dropped the ball. The current arrangements are a dog's breakfast.

At the end of the second reading stage I shall move to refer this Bill to the Standing Committee on Legislation. I would like it to take up some of the matters I have raised and many others I have not mentioned to ensure that one of the key areas of Western Australia's economy - energy costs and supply - is run efficiently. I do not believe the legislation will achieve that end. I hope the committee's deliberations can assist that process. I support the Bill.

HON HELEN HODGSON (North Metropolitan) [8.37 pm]: Having read the Bill, I would like to address two major issues in the policy of the Bill. The first is the basic competition policy, which to a large extent has been addressed by Hon Mark Nevill. The second is the use of regulations to implement this policy.

It is stated in the second reading speech that this Bill will take the deregulation of the gas industry in Western Australia one step further. The Australian Democrats are not yet convinced about deregulation as a policy. We are concerned about the extent of deregulation and competition policy in this State, how it is leading to privatisation, and the impact it has on the sale of assets for short term benefits which may not be to the benefit of the State in the long term. Where moves are made down each of those paths, careful analysis is needed to ensure the right thing is being done. An assessment must be made of the impact of deregulation, and a number of organisations are assessing that impact; for example, the Institute of Public Affairs published a paper in May 1997 which assesses some of the issues involved in deregulation.

The energy issues in Western Australia are different from those in other States. As a practical matter, Western Australia cannot link to the national grid. Therefore, I question whether it is so important to be linked to the national policies in this area. Unfortunately, Western Australia is linked and the State is committed to that direction because of the national competition policy, the Hilmer report and the implications that follow.

I refer to a document put out by the Institute of Public Affairs. As I understand the situation, all Australian jurisdictions have agreed to reform the regulatory arrangements under which competition takes place. The document states -

> These reforms followed jurisdictions' endorsement of the thrust of the Hilmer Report and the subsequent agreement at the 1995 Council of Australian Governments (COAG) to the National Competition Policy Agreements. The agreements establish common rules which include:

. removal of all barriers to trade in gas and electricity;

. no legislative or regulatory barriers to new entrants into the market; and

. cost-reflective pricing for the 'essential facility' component of the industry.

Here is the sting in the tail. It goes on -

> These agreements also involve special payments from the Commonwealth totalling over $16 billion which are to be made over the years 1997-2006. The payments, which for WA amount to about $1.6 billion, are contingent upon the Commonwealth's agreeing that sufficient progress has been made in implementing the agreements. This decision is to be made following reports of the National Competition Council.

Essentially we are locked into the competition policy when it comes to energy. We are already having enough problems with our funding in the context of state-federal relations without trying to go it alone in a matter like this.

We are not totally sure that the Hilmer reforms are correct. One of the basic reasons for saying this is that we believe the State has an obligation to supply certain amenities to the community; that is, its community service obligation. At times it will not be competitive to supply facilities when there must be an element of state subsidisation. We see this regularly in remote regions; for example, the Mining and Pastoral Region which Hon Mark Nevill represents. If we were to go on a true cost recovery basis, we would find that often it would be impossible to provide a service to those regions without an enormous increase in price. This community service obligation is the prime role of the Government to ensure the community is protected. That goes beyond the issue merely of continuity of supply. That is addressed in the Bill. There is a requirement that people who tender make sure there is continuity of supply; however, we think the community service obligation should be going further than that.

I also note that in its 1997 annual report AlintaGas declared a profit of $35.6m. I have already referred to the fact that this State is having enough problems with its funding situation. We have been told that a large element of our tax base is now denied to this State; yet we are forgoing future revenue in the prospect of selling off parts of the industry. I question whether we are selling off the farm and whether we would be better looking at ways of ensuring that profit is retained within the public sector.

The Bill is based on protecting AlintaGas' current distribution area. I find that a little hard to follow when analysing the Bill. It is hard to see the mechanisms that ensure that will take place. It is allowing AlintaGas to continue to distribute within its current distribution area without requiring it to meet licence requirements. We should question whether we are truly lowering the entry barriers, because we are allowing a monopoly to continue. If a competitor wants to distribute within the same distribution area, the competitor may get a licence; however, that is discretionary and depends on the way the application is handled and on the licence application.

Hon Mark Nevill: How do you determine what charge the person is to pay for the use of the pipes?

Hon HELEN HODGSON: I have no idea. That is a good point. It is very hard to work out the charges when an infrastructure is in place already. It is similar to the Telstra situation in which competitors are using the same cabling. It is hard to work out a competitive structure.

It is interesting that the mechanism to allow AlintaGas to continue to operate is not contained in the Bill. As I understand it, the second reading speech says that the Cabinet has noted the intention of the Minister for Energy to apply for an exemption from the operation of the Act for the current areas of operation of AlintaGas. That is very uncertain. It means Cabinet has said that this is what will happen; however, there is nothing concrete before this House to lock in this decision. I will return to this issue later.

Hon Mark Nevill: This legislation is not required to reticulate gas in Kalgoorlie. They are going ahead with that anyway. You do not need this legislation to do that.

Hon HELEN HODGSON: No; that is right. Three types of licences are being brought in under this legislation. The first is transmission licences, which will cover the infrastructure between points A and B. Distribution licences will cover the infrastructure from point B to the consumer, although sometimes those two licences will overlap because it is the same infrastructure. Things start to get very grey here. Can we have two licences for the same infrastructure that will deliver gas to the same customer and will it be a transmission licence or a distribution licence? I find that aspect a little hard to follow. The sale of the gas is covered by the third licence, and of course the gas will flow through the infrastructure from the original point to the consumer. Generally a separate licence will be granted for each function in an area, so I have been told. I find it hard to see how the three will lock together in a true competitive environment.

The regulatory framework is established through the schedule. AlintaGas and its subsidiaries are excluded from some

of the requirements in that schedule. They tend to be areas where AlintaGas has formerly been protected. By excluding some of those areas in the schedule, it is intended to prevent AlintaGas from monopolising the market in the areas where it has the licence.

We still believe that the insistence on competition in an area is contrary to the obligation this Government has to provide basic services to all citizens, no matter where they live. There is absolutely no reason people in remote areas should pay more for their gas than do people in the metropolitan area. I note under this framework the cost of gas provision in the Kalgoorlie-Boulder region is expected to be between 4 per cent and 6 per cent more than in the metropolitan area. That is another example of problems faced by rural communities.

I will go back to the point raised by Hon Mark Nevill earlier that we do not need this legislation to allow deregulation in Kalgoorlie. I note it has already happened. I have with me some extracts from the statement of corporate intent of AlintaGas which were tabled last week.

Hon Greg Smith interjected.

Hon HELEN HODGSON: There should be comparable pricing. All people should have access at a fair and reasonable price. I do not think people should be penalised excessively because they live in a remote area. They should have access to those facilities. The statement of corporate intent states -

> From a commercial and organisational perspective, AlintaGas will need to refocus its resources and business and operational strategies to position itself as Western Australia's preferred supplier of gas and value added services. It is essential that AlintaGas maintains its momentum in terms of growth and market development.

The statement of corporate intent continues -

> AlintaGas has been chosen as the preferred proponent to supply reticulated natural gas in the Kalgoorlie-Boulder area. The bulk of its services will be subcontracted to the Distribution, Retail and Trading Businesses. This will provide gas at least cost by reducing and avoiding duplication.

It continues -

> The reticulation system will be developed commencing the first quarter of 1997/98. Gas will be available to 95% of Kalgoorlie-Boulder, after two years from receiving the appropriate licences.
>
> With the expansion into the Kalgoorlie area, new contracts with larger gas users will be negotiated.
>
> To assure the viability of the cost of installing the gas reticulation system, a retail marketing plan to ensure potential customers are aware of the benefits of natural gas will be established and implemented.

The point is that AlintaGas is already able to compete. It has tendered and been granted the tender in this area. It has started work on this aspect. Whether one believes in competition or not, we have a subsidiary of AlintaGas already starting operations in the Kalgoorlie-Boulder area.

The second point about which we have major concerns is the implementation of this legislation. I will return to a theme about which I have spoken during the past week and a couple of weeks ago, which is the use of regulations. Once again in the case of this legislation we are expected to approve a framework while leaving the detail of it so open ended that we cannot say what will be done by regulation in the future. We have spent the last couple of days in this House debating regulations which have been put in place under legislation which has allowed authorities to table regulations on the assumption that this House will approve them. We have found that this House has not approved those regulations. It is surely simpler to ensure that the framework is set so clearly in the first place that the authority knows what it is doing and that what it does is in accordance with the policy that this Parliament has set in place. That is my concern about the excessive use of regulations in legislation. We are told that the legislation relating to any area can be proclaimed by the Government and the area in question dealt with by way of regulation. According to the second reading speech, we are talking about the area of Kalgoorlie-Boulder. I will thank the Minister if he tables a map of the affected area. I am informed that it may involve up to 10 areas throughout the State and that an area can be subdivided to allow for the appropriate distribution mechanisms, and that all this would be consistent with the Water Services Coordination Act.

I am concerned that we have not been told that AlintaGas areas will be excluded. What will the process be from now? AlintaGas will presumably be excluded by regulation, which means that the question comes back to the Parliament, we look at it and say, "Yes, that is fine." In future, for anybody else who wants to compete, the process of declaring an area will be done by regulation. What happens if we want to look at an area within the metropolitan district, which currently is serviced by AlintaGas and currently will be excluded from the operation of this regime? We may find a pocket which is not reticulated. A competitor may come in and say, "I want to reticulate Leederville

and West Perth." I do not know whether they are already reticulated - they probably are. In those circumstances a regulation is tabled. This Parliament then has the opportunity to disallow and go through the painful, drawn out process that we had over the last couple of days. That is not a very efficient way of doing business. A better way of proceeding is to say, "This is the area, and any references to future areas have to come before Parliament for approval in the first instance and then go to tender." That would give this Parliament the opportunity to exercise its role of scrutiny and to ensure that the authorities were acting in accordance with the policy of the legislation, to review what was happening and to fulfil its proper role of governing the State.

The Energy Coordination Act sets up the authority of the Coordinator of Energy. I am concerned here about the interrelationship between the Minister and the Coordinator of Energy. Section 10 of that Act provides that the Minister can always override the recommendations of the Coordinator of Energy. Here again we have a philosophical difference. If the Minister overrides such a recommendation, it must be laid before Parliament, but there is no opportunity for Parliament to disallow, scrutinise or review it. We can have a debate, but the debate may never result in any real action taking place. That Act is reviewable in 1999. I will be very interested to see the results of the review.

Another issue I am concerned about is that appeals of decisions of the Coordinator of Energy go straight to the Minister. Given that the Minister can override the Coordinator of Energy at any time, I question whether that is a truly independent review mechanism. The whole point of reviews is that justice must be seen to be done; there must be independence. When we have a Minister who is part of the Executive and part of the decision making process who will review that decision, it does not appear that independence has been observed; it appears that the umpire is making the decision. We need to look at that aspect when the Act is reviewed in 1999.

The Democrats have problems with the mechanisms for dealing with defaults which are contained in the Bill. The provisions are very discretionary. The Minister "may" serve a default notice; the Minister "may" issue a reprimand or a fine; or he "may" demand rectification. Surely if there is a fault and a breach of the licensing conditions, the Minister must demand rectification. If the Minister does not demand rectification, it makes a nonsense of the whole regime we are setting up. Similarly, the Governor "may" cancel a licence if gas is not supplied or the licensee fails to rectify a default when it has been given notice of the default. Again, that makes a nonsense of the process. If we are setting up a licence and saying that there are not really any sanctions or penalties if the licensee does not comply with the licence, we are setting up a recipe for cowboys to come in and set up an ineffective system.

Hon E.R.J. Dermer: Or cowgirls.

Hon HELEN HODGSON: We are allowing cowpersons to come in and set up a system which will not operate effectively and allowing them to be wrapped over the knuckles and walk away. AlintaGas will have to come in and clean up the mess. In the absence of any ability to obtain financial compensation, which applies not only to the Act but also to the fact the licensee may go bankrupt, AlintaGas and effectively the consumers will be picking up the Bill. I have serious concerns about the discretionary nature of the sanctions if the licensee fails to fulfil its obligations under the Act.

I will wind up my comments with a few general issues. We acknowledge an increase in demand for energy, which is largely from industrial customers. With the energy sources we have available in this State at the moment gas is a relatively clean form of fuel. It is all relative, and we would far prefer to see further reliance on alternative energy sources, such as solar energy and wind turbines.

Realistically, we know that those sources will not cope with increases in the short term. Gas is relatively clean, and we would not want to be seen to be obstructing access to such a fuel. However, we would like to ensure that competition policy is meeting consumer service obligations and that it is providing uniform access at a fair price across the State. If that involves cross-subsidisation, we would go along with that.

Hon Greg Smith interjected.

The PRESIDENT: Order! There is a standing order precluding Hon Greg Smith from interjecting out of his seat.

Hon HELEN HODGSON: This is yet another Bill that raises concerns about the delegation of legislative power. Matters properly within the jurisdiction of this Parliament are being delegated to public officials to an extent that is not in the interests of good government.

HON J.A. SCOTT (South Metropolitan) [9.01 pm]: I, too, have some concerns about this Bill. While I am a very keen supporter of the Kalgoorlie gas pipeline, my concerns relate to the distribution process. In the first instance, I agree with Hon Mark Nevill's comment regarding the need for an independent regulator for two reasons: First, the environment and, second, price.

Developments in power provision in other States are very interesting. New South Wales is moving towards the same

open market system that operates in Victoria. It is a very open system with many power transporters and providers. Prior to privatisation, the New South Wales power system was working successfully. The State was enjoying a good return and the price of power was continually going down. In addition, the then ownership and regulatory structure of the industry caused a slowing down in the growth of greenhouse gases and pollution because the State Government introduced many measures to achieve that end. In fact, it ensured that a certain amount of power was provided from alternative sources and insisted that the power stations work to reduce their emissions and, importantly, that they work on demand side management.

Problems arise when one moves into an industry with many competitors, such as the power industry. As happened in Victoria, there will be a large move to increase the use of the energy source.

I sometimes wonder just how many competitors the Kalgoorlie market can carry. It is probably too small. In his report, Hilmer said that the Australian energy market could be constrained in competition because of its level.

Hon Mark Nevill: There are two levels: First, the supply of the gas; and, second, the transmission of the gas through the pipeline. There is only one pipeline but many different people can supply gas down that pipeline.

Hon J.A. SCOTT: That is correct. However, those people will all be trying to supply the most gas to achieve the greatest profit. Therefore, they will drop their prices to compete. That will not encourage down side management of energy use in Kalgoorlie or anywhere else. We could be encouraging the wasteful use of energy if we are not careful.

As Hon Mark Nevill has already said in another debate, since the line has been put in place the transmission costs have declined considerably. That affects the margin in relation to the use of diesel fuel. Anyone who is concerned about the environment would rather see the use of gas. That differential has been so reduced that, rather than renewing their equipment and getting into gas power, people are continuing to use diesel. That is a problem. Further problems are created down the track if multiple providers of gas come on the scene. If one already has a high transmission cost, the margins become very low for the providers if they can capture the market in Kalgoorlie.

Hon B.K. Donaldson: Are you against competition?

Hon J.A. SCOTT: No. Without any regulatory body to ensure some sort of fairness, problems develop. Those problems have already arisen in other States.

Hon B.K. Donaldson: Are you supporting the Bill?

Hon J.A. SCOTT: Victoria, which has a very open and competitive electricity market, has been experiencing major problems. The companies that spent a huge amount of money buying up the state power stations and began to provide electricity all started competing with one another to drive down the price. In fact, in an attempt to corner the market, some were contracting to supply power at less than the cost of getting coal to the gate of the power station.

There has been a massive upsurge in the use of power. Even at the household level people are starting to buy many more electrical appliances, such as air conditioners, because running them has become cheaper.

Hon B.K. Donaldson interjected.

Hon J.A. SCOTT: That would be all very well, but the problem is yet to arise. There has been a huge over provision of electricity in Victoria. Because there are such low margins, those companies are not building new power stations but are simply buying the old ones. With these very low margins and lack of new infrastructure and power stations, gradually they are starting to whittle away the excess power. It is estimated that power prices will rise steeply as soon as that demand and supply situation reaches a point where the demand takes up the complete supply.

I will quote from a few articles that were provided to me from Ausinet. One article came from Natural Language Search, Semantic Expansion. The search text was "Electricity Utilities" and "Privatisation and Victoria." The search publication was *The Australian Financial Review*. The article was repeated in the *Countryman, Sun Herald, The Sydney Morning Herald, The Age, Sunday Times* and *The West Australian*. The article states that New South Wales power stations already compete on an open Australian wholesale power market, because Australians kept building power stations in the 1980s - even as demand flattened out - this market is bulging with electricity for sale. It states that every month brings rumours of new cheaper private deals between generators and big companies, and last week one big retailer is supposed to have signed a deal to buy power at 1.1¢ per MW hour. On many calculations that is less than NSW power stations pay to bring to coal to their doors.

The article also states that Victorian Treasurer Alan Stockdale promised in 1994 that his State's real after inflation residential power prices would fall by 10 per cent by the year 2000 and small business prices would drop by 22 per

cent. It states that the New South Wales Independent Pricing Review Tribunal presides over real reductions in retail power prices right now and businesses that have been free to choose their retailer in Victoria's open market have found that they can negotiate price cuts of more than 30 per cent.

That all sounds rosy. The article states that today's wholesale price will not last forever, and that consumers are buying air conditioners, down lights, power tools and computers far faster than power companies are adding new generators. Soon after the turn of the century most observers say that demand will begin closing in on supply and wholesale power prices will push firmly upwards. Coincidentally the turn of the century is when Victoria's small electricity users will be left to the market.

The big companies are buying that unregulated power, but the ordinary consumers will come into the market just when the price starts to really climb. The article also states that if Victorian prices stay low in the years after 2000 it will be largely because the regulator general limits the prices that distributors can charge for transporting power across the wires to individual homes and work places.

The crux of this article is that unless we have some sort of regulator instead of all these providers competing and not providing extra infrastructure, the prices will start to climb. That is backed up with financial figures that show that a number of the power companies are already in some trouble, and they have been unable to meet their projected success levels. They have not cut employment to the level they thought they would. Some people may not consider that a success; it is to the companies. This is an article from the "Power Industry News" of Monday, 14 July 1997. This section is entitled "Debt Warning FPR Industry" and states -

> Debt levels in Australia's privatised power industry were higher than elsewhere, and high debt levels could spell trouble for the Victorian power industry an analyst with the agency Standard & Poor's says.

That is a fairly well regarded agency. To continue -

> S&P analyst Michael Wilkins told Nine's Business Sunday program that in Victoria "you're seeing a much more aggressive market and generators with higher levels of debt and really you could see that as being a recipe for disaster unless things changed".
>
> "What we're seeing in the Victorian side is quite a high level of gearing, low levels of interest coverage and at the same time market prices which are either low or declining," he said. "For us that's not a very good situation at all."
>
> He also warned the NSW not to expect Victorian-style pricing in privatisation " because market prices have fallen and investors and bankers alike have realised that the market is not as fertile as first thought.

The article continues-

> Chairman of NSW generator Pacific Power, Fred Hilmer, said people had to expect winners and losers in the electricity market. "You can bet there will be some people who stuff it up and some people who will act in a way that gives them very good returns."

That is all very well as long as one does not suddenly run out of power, or in this case gas. There are problems with operating in a completely unregulated market system. Unfortunately, those problems will be suffered by the ordinary consumer.

The other angle that I am concerned about is the wasteful use of energy with this type of system; that is, unless we have regulation of some sort. As was seen in New South Wales, we need to ensure that suppliers adhere to proper environmental standards to reduce greenhouse gas production and so on. We need some sort of regulation because the private market simply will go for profit and maximum sales. The problem with leaving this to be managed by an authority like the Environmental Protection Authority is that if each individual user is not exceeding a certain level of emission they will say there will not be a problem. However, if we are causing massive overuse of energy we will increase greenhouse gas production. Furthermore, we will waste a really good resource. I have pointed out in this House before that one of the major differences between Australian industry and Japanese industry is that for every dollar we make out of a unit of electricity the Japanese make four dollars. It is not just because they are more efficient users; it is partly the types of industry we each have. However, our wasteful use of energy is a significant reason that our economy is not doing as well as it could. This Bill will encourage that sort of wastage. We should consider some of the experiences in other countries in this type of deregulation of the market for power or gas generation.

Hon B.K. Donaldson: Aladdin lamps might come back in vogue.

Hon J.A. SCOTT: That is a silly comment. I am talking about a real problem.

Currently the Australian Government is going through a very regrettable exercise. It has the Australian Bureau of Agricultural and Resource Economics producing dodgy reports to prove that we should be allowed to produce more greenhouse gases in Australia! That exercise has been funded by the coal industry and other high energy users because we could have trade embargoes inflicted on us as a result of our greenhouse gas production. The United States and Europe have made threats in that regard, and we must take the situation seriously. It is a real possibility that Australia will face trade sanctions unless it does something about the excessive use of energy which is producing greenhouse gases. We must have a balance. We must provide areas such as Kalgoorlie with the ability to use a less polluting gas; but on the other hand we do not want a market situation which forces the wasteful use of energy. One can only achieve that with some sort of regulation.

Hon B.K. Donaldson: A unit of power in Norway is 3¢ Australian. It is cheap power; and that country does not waste power.

Hon J.A. SCOTT: Cheaper power comes at a cost. Most companies are going broke.

Hon B.K. Donaldson: A lot of it is hydro power.

Hon J.A. SCOTT: I am talking about privatised companies in Victoria. I will provide an example. I have some information from Ausinet obtained on 17 July 1997. The search text was "electricity" and the search author was David Walker. It reads -

> Success in Australian electricity investing right now rests on an ability to judge just what short-term strife will yield to long-term profit.
>
> In the short-term electricity market, up to 1998 or 2000, a massive oversupply or baseload electricity is expected to keep Australia's coal-fired power stations churning out the megawatts at bargain prices.

That is not very sensible. It continues -

> If you're going to invest, you need to be able to overlook those short-term problems and envisage a market where oversupply dries up and prices rise quite sharply.
>
> So far, investors have shown just that sort of imagination. They have offered up billions for Victoria's power generation industry, and are considering paying $22 billion or more for the NSW power industry.
>
> Now Macquarie Bank must persuade people that vision is right: that prices will rise quickly and dramatically, leaving the market on the verge of power shortages just a few years hence while power companies scramble to add new capacity.
>
> Macquarie Bank advised the US groups CMS and NRG on their April acquisition of the Loy Yang A power station. It also took $75 million of direct equity - a big dip for a bank with a $500 million balance sheet - and sent another $160 million to the Macquarie-managed Infrastructure Trust of Australia. This week, according to John Caldon, a Macquarie Bank director, Macquarie and its Infrastructure Trust of Australia will start seriously trying to sell down that equity.
>
> Mr Caldon said yesterday that Macquarie already had expressions of interest for more stock than it had for sale.
>
> But as he readily admits, "interest" doesn't mean people will actually buy.
>
> And Macquarie's timing looks rotten. Prices in the spot electricity market are sitting in the basement: last week they were $15.55 per megawatt-hour in NSW and just $14.23 in Victoria. Many market participants expect those prices to stay awhile; according to one observer, a big two-year power contract was written this month at $18 per megawatt-hour.
>
> The short-term power price is already creating ructions in the industry. The owners of Yallourn and Hazelwood power stations, who were hoping to refinance their debt this year, are finding themselves standing in the outer offices of some very nervous banks. Hazelwood, according to several sources, is living on the edge, with very little cash left over making interest payments.

We have an environment in which the unreal competition to take over the market is already sending many suppliers close to the wall. Until power prices start to rise in the next century, we will have an overuse of power, and the sale of power will be less than its real price. If we allow this multiplicity of providers and transmitters of gas we must have some regulatory framework. I agree with Hon Mark Nevill: The benefits will be enjoyed by ordinary householders and the environment. That aspect must be taken into consideration.

I think we are moving towards the next stage of the sale of AlintaGas. It has been set up for sale; having had another

string added to its bow, it has beaten other companies and won its first contract. I am interested to know how profitable AlintaGas hopes to be as a result of that enterprise. If AlintaGas has merely been given the contract to assist its sale, I would be very worried. I seek some assurance from the Minister that this is not the first stage of the sale of AlintaGas. The argument that we should sell the State's assets because we believe a privatised company can do better is defeated by AlintaGas winning this contract - unless it was won at a price because it cannot make any money from the venture. I agree with the comments made by Hon Mark Nevill and I would like to see the introduction of some regulation in this process.

Debate adjourned, on motion by Hon E.J. Charlton (Minister for Transport).

HAIRDRESSERS REGISTRATION REPEAL BILL

Second Reading

Resumed from 24 June.

HON LJILJANNA RAVLICH (East Metropolitan) [9.29 pm]: The Bill contains not one positive provision. It does not represent the interests of the hairdressing industry. It is all about deregulation and the reduction of the quality and quantity of training in the hairdressing industry.

It is about reducing standards and ultimately it is about deregulation. It appears to me that this Government is hell-bent on deregulation.

Hon E.J. Charlton: Does this Bill differ much from the one the Labor Party agreed to not so long ago?

Hon LJILJANNA RAVLICH: The Minister can ask, but it does not mean I will answer.

Hon E.J. Charlton: I was just interested to know.

Hon LJILJANNA RAVLICH: My concern about deregulation is that if it is such a good thing, we would not have regulated so many industries some time ago. I do not believe deregulation is necessarily the best way to go.

In my consultations with members of the hairdressing industry they made one point very clear: The Hairdressers Registration Board was outdated and in need of change. There has been a misinterpretation of what the industry communicated to the Government, and as a result we have before us a Bill which does away not only with the Hairdressers Registration Board, but also with training and industry standards, and that should be of immense concern to us all.

I believe this Bill is a simplistic response from the Government because instead of listening to what the industry was saying about deregulation, the Government has thrown the baby out with the bath water. I suspect many people in the hairdressing industry in this State have grave concerns about their future. I intend to ensure that this Bill does not become an Act and that it will not see the light of day.

Deregulation is a very important matter and the Government seems to be preoccupied with it. The Government's view is that deregulation was a recommendation of the Government Agencies Committee report on the Hairdressers Registration Repeal Bill 1994. That is not my assessment from a reading of the committee's determination. It is an important report because it spells out clearly the industry's position in relation to its future. The report says on page 2 -

> The green paper is a Bill for the repeal of the *Hairdressers Registration Act 1946*. Enactment of the legislation would result in the abolition of the Hairdressers Registration Board and those aspects of industry regulation carried on under HRB authority.
>
> It is evident that the committee has taken some time to reach a conclusion that may have been obvious to others before the inquiry commenced. What the committee discovered was that the issue was not as clear cut.

Further on it states -

> It was obvious from those discussions, later reinforced by others' submissions, that the HRB was seen as obsolete and that the ongoing discrete regulatory framework for the industry should be dismantled.

Although the industry was of the view that the board should be dismantled, or was no longer relevant - I have my own view as to why that may have been the case - the industry at no time indicated it was in favour of deregulation. I can see how the hairdressing industry regulation board may have become obsolete in the past four or five years. Members may recall a piece of legislation passed under the Labor Government, the State Employment and Skills Development Authority Act, commonly known as SESDA. It had an important role in determining industry training standards.

At one time it was considered the hairdressing industry should have its own industry training council under the SESDA Act. However, the Labor Government saw fit to have only 21 industry training councils and as a consequence the hairdressing industry dipped out. What has happened to the hairdressing industry since then has been a little unfortunate because it has now become a part of a broader industry training council, the Wholesale Retail and Personal Services Industry Training Council. I suspect that although that council spends some time on matters relating to the hairdressing industry and its training requirements and standards, it is probably not sufficient because it is not a hairdressing industry ITC in its own right. Given that the hairdressing industry is part of an existing ITC, it would seem that the ITC has some roles which may overlap with the Hairdressers Registration Board. So we have two regulatory bodies and obviously the industry would not support that situation. Therefore, the industry has determined one of them should go, and the less relevant of the two is the Hairdressers Registration Board.

Hon Simon O'Brien: At least they have funding for the wholesale-retail ITC.

Hon LJILJANNA RAVLICH: It does have funding. This is an important issue, but I will not spend too much time on it. The operations of the ITCs are nothing like what they were intended to be. My concern is that the ITC structure has become bureaucratic and it is no more than an extension of the Western Australian Department of Training. That was not the intent under the SESDA legislation. It was intended ITCs would be tripartite bodies with strong industry input and they would be the voice of industry. Through them training policy would be delivered by the Government. Unfortunately the intended ITC model never came to fruition and it is another example of where the Court Government has let down the whole training area.

One of the coalition's promises prior to the 1993 election was that it would not repeal the SESDA Act. However, it was only a matter of a year or so before the coalition Government moved to repeal the Act, and that has caused some dislocation in the system.

An area of grave concern to me is that without regulation in the industry, matters of safety, industrial relations, standards and the like are put at risk.

I have some great concerns about WorkSafe WA in a deregulated industry having the capacity to fulfil the role required of it. For example, we have heard in recent weeks allegations of WorkSafe inspectors not entering worksites and not taking the precautionary measures required to prevent accidents and similar occurrences. WorkSafe's operation causes real concern in relation to safety standards within the hairdressing industry.

The view of the stakeholders in this matter, as was discovered by the Government Agencies Committee, was that a great need existed for industry standards, and they agreed that such standards could be best defined by the industry through its representative body. As I have already explained, the Hairdressers Registration Board has historically been the representative body. If we repeal the Hairdressers Registration Act, no representative body will be in place and the industry will suffer. Had the Government, for example, given the hairdressing industry its own operational industry training council, that ITC could have taken over at least some of the regulatory functions of the Hairdressers Registration Board. If that were the case, the Opposition would view the Bill in a much more favourable light. However, leaving the industry exposed in that way is not in the best interests of the industry or its consumers.

I turn now to training in the hairdressing industry. If we do away with the registration board and its associated roles, training in the hairdressing industry will suffer. I took time to secure figures on training trends within the hairdressing industry. It is very interesting to note that in 1992 the hairdressing industry had 1 268 apprentices; in 1993 the number fell to 1 155; in 1994 it fell further to 1 123; in 1995 it fell to 1 092; in 1996 it was 1 011; and sadly in 1997 it reached 987. Therefore, only 987 young people are training in an industry which can offer them some future.

I spoke at length last night - or it seemed to be at length as I packed a lot into the adjournment debate - about the lack of opportunity for young people, which is a matter of grave concern to me. If we do away with the Hairdressers Registration Board and its associated functions, a further 987 young people may not have apprenticeship opportunities in the future. That is certainly another reason for not supporting this Bill.

Registration and regulation are needed to ensure industry standards, both in this industry and in all industries, but the Minister went to great length to argue against that point in the second reading speech. The Minister stated -

> The need to register hairdressers no longer exists as a number of broader and more appropriate legislative instruments regulate the operations of hairdressing salons.

The Minister must have forgotten to put those other legislative instruments into operation in the hairdressing industry. Certainly, none operates to my knowledge, apart from those with the board and the ITC. The speech continues -

> These include legislation relating to occupational health and safety, public health, fair trading and local government by-laws. Complementary to this legislative control is the state training system which supports training and provides for hairdressers' qualifications.

Further -

> In its report the Standing Committee on Government Agencies recommended that the Minister establish a body to advise on matters affecting hairdressing, including training, accreditation, health and safety.

That has clearly not happened. Therefore, the Opposition cannot support the Bill. The second reading speech continued -

> In relation to training and accreditation of training programs, the industry has a voice through its representatives on the wholesale, retail and personal services industry training council.

I must admit that members of the industry have told me they believe that under current arrangements their voice is very weak under the Wholesale, Retail and Personal Service Industry Training Council. That is of some concern. The Minister continued -

> In conclusion, the Government is committed to removing unnecessary regulation and financial burden on this sector of small business. The current legislation does not apply uniformly across the State and does not contribute to enhancing the delivery of hairdressing services.

When I read that part of the second reading speech, I wondered about the motivation for the repeal Bill. I thought that this might be a Bill for small business. I wondered, in the absence of any real policy direction in the small business area, whether the Government was using this measure to try and attract small business support. Frankly, if it delivers that consequence, at least it will have delivered something. I am sure the small business sector out there is very disappointed with this Government's delivery to that sector. The small business sector has not performed particularly well in a number of quarters, especially the retail sector. I wonder whether this Bill is not a way in which the Government is trying to score a few brownie points with that sector. If it is, it is a very cheap and nasty way of doing so.

I am also very concerned about the lack of consultation with the industry on this Bill. It appears that very little consultation has taken place. This is very much in line with the way government policy seems to be drawn up by this Government. I asked many people their views on this Bill and very few with whom I discussed the possibility of a deregulated industry knew that this Bill was before the Legislative Council. In fact very few people even knew that the Bill had completed its passage through the Legislative Assembly. When I spoke to people about the consequences of this Bill they were aghast that the Government should be thinking of taking this line. The fact that the Government has gone down this line and failed in the consultation process is an indication that it only pretends to listen; it does not take in the information conveyed to it. If it genuinely listened this Bill would not be before the House.

Hon E.J. Charlton: We had it here before and it was passed.

Hon LJILJANNA RAVLICH: It is clear that the industry does not want deregulation. It wants to retain licensing with better regulations to monitor itself. The industry is particularly concerned with the maintenance of standards. Under the original State Employment and Skills Development Authority proposal, the 21 industry training councils were part of the national framework. There is no doubt that hairdressing is part of a national framework. National standards govern the industry. The absence of any regulation or of a training focus in this State would ensure that hairdressers could no longer be part of a national training framework because in a sense they would become irrelevant. Concern already exists about the number of unqualified people working in the industry. At its most basic level the implication of deregulation of this industry means that people would not necessarily get what they paid for. It can cause a major crisis for a woman - and no doubt for a gentleman - when she has a very bad hair cut.

Several members interjected.

Hon LJILJANNA RAVLICH: I must admit the Minister for Transport's hair is quite unusual!

Hon E.J. Charlton: The worst part of it is that it is disappearing.

Hon LJILJANNA RAVLICH: I did not subscribe to the view that the difference between a good and a bad hair cut is only a couple of weeks. Certainly if people have difficult hair it can be traumatic trying to grow out a bad hair cut. This should be of significance to all of us because we are all consumers. Consumers can rightly expect to get what they pay for. Under this Bill the industry standards would not exist to ensure that was the case. We must consider the issue from a broad community perspective.

The Opposition will not support this Bill until it knows what will be in its place. Based on the information before us nothing is in its place. A promise was made by the Government that it would establish a committee to examine a substitute for the Hairdressers Registration Board. That has not happened; it is another broken promise. The

Opposition sees no benefit in amending legislation that is so fundamentally flawed.

HON NORM KELLY (East Metropolitan) [9.56 pm]: In researching this Bill I noted that it has quite a long history. Hon Tom Stephens in his remarks about the Bill last year - I will not go too much into them - indicated that when the Labor Government came to power in 1983 it inherited the need to address the Hairdressers Registration Board in the light of its inadequacies. It did not do that. It has involved an ongoing process since then; nonetheless the legislation is still flawed.

I note the Opposition's position on the Bill now compared to six months ago. Judging by the words of Hon Ljiljanna Ravlich it is not a radical turnaround in position; it is probably more a shift -

Hon Kim Chance: Just from yes to no.

Hon NORM KELLY: That is right. I am not here to defend the Labor Party. I appreciate the concerns expressed.

The PRESIDENT: Order! It is getting late.

Hon Mark Nevill interjected.

The PRESIDENT: Order, Hon Mark Nevill.

Hon NORM KELLY: I will not say whether the shift in thinking is due to the presence of other parties in this House. However, we can always speculate on these issues.

Hon N.D. Griffiths: I can assure you it is not.

Hon Max Evans: It is a case of the tail wagging the dog.

Hon NORM KELLY: The Australian Democrats would be happier with this Bill if there were more substance to it. It is unfortunate that it has been introduced into this House in its current form. Although the Government has previously stated its commitment to the protection and maintenance of standards in the hairdressing industry, unfortunately those protections are not in this Bill.

Hon Mark Nevill: Which is the centrepiece of our legislative agenda, you realise!

Hon NORM KELLY: In the Minister's second reading speech one of the main concerns was the residual funds accumulated by the board over a number of years. The Minister pointed out that those residual funds would be returned to the industry for the provision of training and support for the industry. Clause 6 provides that the moneys are to be applied in a manner directed by the Minister for purposes related to the hairdressing industry in the State. These residual funds are to the tune of approximately $700 000. In last year's debates the amount referred to was about $500 000. The board does a good job of accruing money each year.

Debate adjourned, pursuant to Standing Orders.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON E.J. CHARLTON (Agricultural - Minister for Transport) [10.00 pm]: I move -

> That the House do now adjourn.

Adjournment Debate - Public Service Employees - Sickness Absence

HON LJILJANNA RAVLICH (East Metropolitan) [10.00 pm]: As the opposition spokesperson for public sector management I must comment on a report that was released today by the Auditor General entitled "Get Better Soon: The Management of Sickness Absence in the WA Public Sector". I will outline some concerns I have. The Western Australian public sector employs 90 000 full time equivalents at a cost of $4b. It is estimated that sickness absence accounts for between $80m and $100m annually, which is a substantial sum in anybody's book. Much of the dissatisfaction in the public sector has been as a result of privatisation and contracting out. Few people are left in the Public Service and those who are left are expected to carry an increased workload. The fact that under this Government the public sector has continued to dwindle in size does not make it a fantastic place to work because one would have to be concerned about whether one has a job from week to week and month to month.

Under current arrangements many public servants are on short term contracts and some may be employed under other contractual arrangements. There is no longer a sense of permanency about being a public servant. Once upon a time if one was a public servant, one had a job for life, provided one did the right thing. However, these days, irrespective of how good a person may be or what an asset he or she may be to the organisation, the bottom line is that he or she is not guaranteed of ongoing work. This has enormous implications for people's ability to plan for the future, their capacity to borrow money and a range of other matters. Therefore, it is not surprising that public servants have a

higher rate of sickness absence than that of people employed in the private sector.

Since this Government came to power we have seen reduced levels of government services, especially in essential services. Between 12 000 and 15 000 public servants have lost their jobs. That is an enormous number of people. Those job losses alone add additional pressure on people to perform existing tasks. The public sector is being almost deskilled in some policy areas as much of the work it used to do is contracted out to private consultants. Many public servants now spend a large proportion of their day preparing job briefs for contractors to do the work. Job insecurity is resulting from workers being forced onto contracts or other short term contractual arrangements.

I draw the attention of the House to the "Profile of the Western Australian State Government Workforce", which was released on 30 June 1996. It is a revealing document. It demonstrates the reason public servants might be feeling the pressure. A graph on permanent and non-permanent employment on page 15 indicates that in 1993, for example, 81 per cent of the Public Service was permanent and 19 per cent was non-permanent, whereas in 1996, 76 per cent of state public servants were permanent employees and a growing proportion, 24 per cent, were non-permanent. In 1993, 76 per cent of public servants were employed full time and 24 per cent were employed non-full time, whereas in 1996 that figure for full time employment dropped to 70 per cent and non-full time employment increased to 30 per cent. I draw the attention of the House to figures on permanent full time and permanent part time staff. We see a corresponding increase in the number of people who are employed on a permanent part time basis rather than a permanent full time basis. In 1993, 70 per cent were permanent full time employees and only 12 per cent were permanent part time, whereas in 1996, 62 per cent were employed permanent full time and 14 per cent permanent part time. This demonstrates a shift in the employment arrangements of public servants.

Reductions have been made in most departments to permanent full time employment, yet the Ministry of the Premier and Cabinet had a 50 per cent increase in permanent full time employment between June 1993 and June 1996. It is a case of "Do as I say, not as I do."

The Auditor General's report indicates that the highest sick leave hours for each full time equivalent at a medium size agency was recorded at WorkSafe WA. It therefore should not be surprising that unions are screaming and saying they are not getting the service they want. Other agencies that recorded a high level of sick leave hours for each FTE were WorkCover and the State Government Insurance Commission. I took the liberty of checking on their funding in this profile. It is interesting to note that SGIC, WorkSafe and WorkCover all had a reduction of about 3 to 5 per cent in average staffing levels between 1994-95 to 1995-96. This Government has caused a major deterioration of the Public Service. I can conclude only that all public servants are hurting as a result of Court Government policies.

Question put and passed.

House adjourned at 10.09 pm

QUESTIONS ON NOTICE

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

POLICE - CHASES

Stolen Vehicles - Guidelines

167. Hon J.A. SCOTT to the Attorney General representing the Minister for Police:

(1) Are any guidelines applied to police pursuits of stolen cars?

(2) If so, what are those guidelines?

(3) What measures are being taken to reduce car theft besides pursuits of stolen vehicles?

(4) Is there any evidence of organised car stealing occurring in Western Australia?

(5) Are many cars being stolen to sell or use for parts?

(6) Have any stolen cars been found in licensed car yards in the last year?

(7) If so, how many?

Hon PETER FOSS replied:

(1) Yes.

(2) Pursuit Guidelines of the Commissioner's Orders and Procedures Manual. Current policy was subject to a review which was finalised and came into effect on 23 June 1997.

(3) Initiatives and strategies include:

- $18 million three-year vehicle immobiliser rebate scheme
- establishment of the Vehicle Crime Unit within the Western Australia Police Service.
- introduction of the Crime Stoppers Program in Western Australia
- formation of the Motor Vehicle Theft Steering Committee
- representation on the National Motor Vehicle Theft Task Force
- establishment of strategic partnerships eg. between Western Australia Police Service and Motor Traders' Association
  Insurance Council of Australia, Ministry of Justice

The number of motor vehicle thefts in 1995/96 decreased by 17.2% when compared with 1994/95 statistics.

(4) Yes.

(5) There is an indication that some stolen vehicles are sold or used for parts. The number cannot be determined as the fate of unrecovered stolen vehicles is not known.

(6) This information is not recorded.

(7) Not applicable.

FIREARMS - BUYBACK SCHEME

Number Repurchased

195. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

I refer to the Firearms Buyback Scheme -

(1) At the end of the most recent period for which figures are available for Western Australia, how many -

(a) licensed firearms were repurchased; and

(b) unlicensed firearms were repurchased?

(2) What was the amount paid out in each of the categories in (1) above?

Hon PETER FOSS replied:

As at 8 August 1997.

(1) (a) 29,703
(b) 1,593

(2) (a) $10,386,401
(b) $621,070

POLICE - WARRANTS

Ms Norbury

479. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to question on notice 415 (3) of 1997 -

(1) Is it not correct that Ms Norbury did not have to satisfy the warrant as the warrant was a company matter?

(2) Are there doubts with regards to the legality of obtaining the Warrant of Commitment?

(3) If so, by whom?

Hon PETER FOSS replied:

(1) The warrant was issued against both Norbury and the company, therefore, Ms Norbury was responsible for satisfying the warrant.

(2)-(3) This question seeks a legal opinion.

POLICE - BRENNAN CASE

Return of Documents

517. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of the Brennan car/drug case and further to question without notice 126(8) answered on March 28, 1996 -

(1) Were personal documents belonging to Mr R Brennan seized during the Bureau of Criminal Intelligence officers raid on Mr Brennan's property?

(2) If yes, have these personal documents or copy of these been returned to Mr R Brennan?

Hon PETER FOSS replied:

(1)-(2) 15 separate documents, which were unauthorised copies of confidential documentation, the property of the Western Australia Police Service, were seized.

POLICE - BRENNAN CASE

Mr Hunter and Mr Duggan - Warrants

548. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of the Brennan stolen car/drugs case and further to question on notice 214, notice of which was given on March 13, 1997 -

(1) What Provisional Warrants were issued in Western Australia at the request of the Criminal Justice Commission in Queensland for the arrest of Mr Neil Hunter and Mr Nicolas Duggan?

(2) For what reasons was each issued and what offences were alleged in each case?

(3) On what dates was each Provisional Warrant -

(a) received;
(b) executed; and
(c) voided?

(4) In whose possession were the Provisional Warrants after their arrival in Western Australia?

Hon PETER FOSS replied:

(1) Records indicate that no Provisional Warrants for Mr Neil Geoffrey Hunter or Mr Nicolas Duggan were

issued in Western Australia at the request of the Queensland Criminal Justice Commission. The only Provisional Warrant issued in regard to either party was against Mr Hunter at the request of the Queensland Fraud Squad who were working in conjunction with the Queensland Criminal Justice Commission.

(2) I refer the member to my response to parliamentary question 480 of 1997 part (f).

(3) (a) As the warrant was raised and issued in Western Australia, it was never received, as such, from interstate.

(b) Refer to my response to parliamentary question 480 of 1997.

(c) Not applicable.

(4) I refer the member to my response to parliamentary question 480 of 1997 part (e).

POLICE - SERVICE

Advertising - Expenditure

551. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

(1) What has been the expenditure of the police service on advertising each month since July 1, 1996?

(2) What is the advertising budget for the financial year 1997/98?

(3) What payments were made and/or incurred for advertisements shown between November 14, 1996 and December 14, 1996?

(4) What is budgeted to be spent on advertising for the vehicle immobilisers scheme for the financial year 1996/97 and the financial year 1997/98?

Hon PETER FOSS replied:

(1) Payment by month on advertising is as follows:

MONTH	$
July	744.12
August	14,665.04
September	1,275.20
October	9,912.62
November	30,007.97
December	45,377.00
January	17,619.76
February	5,562.41
March	21,550.47
April	8,968.63
May	231,974.75
June (to 17/6)	54,874.39
TOTAL to 17 June 1997	442,532.36

Advertising expenditure also includes costs for the promotion of the Vehicle Immobiliser Scheme and the Commonwealth Buyback Program for surrendering Firearms, for which the Police Service is the host agency. The Commonwealth Government fully funds the Firearms Buyback Program.

(2) Final 1997/98 budget allocations have yet to be finalised to a sufficient level that would allow projected expenditure on advertising to be identified.

(3) Electronic records of payments are recorded by date of payment. To compile the requested information will require a manual search of records, an extremely resource intensive activity and I am not prepared to dedicate the resources necessary for this request.

(4) In 1996/97, $250,000 was allocated for the Car Immobiliser Rebate Scheme. Further advertising in the 1997/98 financial year will be considered.

POLICE - INVESTIGATIONS

Media Statements

624. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Police:

(1) On how many occasions since the current Police Commissioner's appointment has he announced the laying of charges against any party?

(2) On how many occasions, over the last year, has the Western Australia Police Service issued media statements updating the media on the status of police investigations and identifying individuals who are the subject of the investigations?

Hon PETER FOSS replied:

(1) Twice.

(2) It is not the practice of the Western Australia Police Service to issue statements to the media on on-going operational matters involving individuals, however, in these particular cases the media were quite aware of the inquiry and were continually asking as to its status following the story titled "Lawrence may face perjury charges: police" which appeared in the Australian Financial Review on March 25, 1997. The statement released on March 25, 1997 by Assistant Commissioner Mackaay corrected the mistake that appeared in the article which inferred the Director of Public Prosecutions would decide whether charges would be pressed against Dr. Lawrence. Mr Mackaay stated that the Western Australia Police Service would be the authority to prefer charges if they were to be laid and the inquiry would be completed in approximately three weeks.

PLANNING - LOTS 11-15 ALDERSEA DRIVE, MANJIMUP

Letter from Manjimup Shire Council

678. Hon BOB THOMAS to the Attorney General representing the Minister for Planning:

(1) Did the then Minister for Planning receive a letter from the Manjimup Shire Council sent some time after its June 13, 1996 meeting requesting that correspondence from the council regarding Amendment No 73 (Proposed subdivision of Lots 11-15, Aldersea Drive, Manjimup) be returned to it for further consideration?

(2) What action did the Minister for Planning take on receipt of this letter?

(3) Will the Minister table a copy of this letter?

Hon PETER FOSS replied:

(1) Yes, the then Minister for Planning received such a letter from the Shire dated 28 June 1996 via the Western Australian Planning Commission.

(2) The procedures for processing town planning scheme amendments is controlled by the provisions of the Town Planning and Development Act. The Act requires the Shire to forward the amendment documents to the Minister for determination. The legislative options are:

  (a) approve of the town planning scheme amendment;

  (b) require the Shire to modify the amendment and resubmit it for his determination; or

  (c) refuse the amendment.

The Minister did not have the option of returning the document. The amendment was approved by the Minister. In reaching the decision to approve the amendment the Minister was mindful of all submissions made during the advertising period which were upheld, in part, resulting in changes to the amendment as finally approved. Having considered the public submissions, the Shire's comments and advice from the Commission, the Minister decided to have the subdivision guide plan forming part of the amendment modified to reduce the proposed number of lots from the 19 lots (of between 2000sq m and 5600 sq m) originally applied for, to nine lots (of between 5000sq m and one hectare).

Accordingly, the approved amendment provided for a substantially reduced density to that originally proposed which also lessened potential impacts on the amenity and character of the area, on the possibility for traffic conflict, and on effluent disposal and drainage.

(3) Yes, copy of the letter is attached to be tabled. [See paper No 721.]

AGRICULTURE WESTERN AUSTRALIA - ACCOUNTING SYSTEM

699. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

With regard to Agriculture Western Australia's accounting system -

(1) Are industry funds still kept separate from funds sourced from the Consolidated Fund?

(2) If not, what is the reason for this change?

Hon E.J. CHARLTON replied:

(1) All Industry Funds are still kept in separate trust accounts within Agriculture Western Australia's operating accounts at the Reserve Bank.

(2) Not applicable.

INDUSTRIAL RELATIONS - "WORKPLACE FOCUS SPECIAL EDITION"

Cost and Distribution

718. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Labour Relations:

(1) Who printed the brochure entitled "Workplace Focus Special Edition, Issue No 18, Winter 1997"?

(2) What was the total cost of the brochure?

(3) What was the cost of the distribution of the brochure?

(4) To whom was the brochure distributed?

Hon PETER FOSS replied:

(1) Lamb Print.

(2) Cost of design, layout, photography and printing was $3 297.

(3) $874.

(4) The brochure was distributed to 3 100 subscribers on the mailing list, which comprises businesses, schools, private residences, government departments and overseas organisations.

AGRICULTURE WESTERN AUSTRALIA - COMPUTER SYSTEM

Contract

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

(1) Has the Primary Industry Department recently contracted out the management of its computer system?

(2) Was a contract let for a consultancy to write a brief for the specifications for this new system?

(3) Which firm won this brief and how much was it paid?

(4) Which firm won the contract to develop the new computer system and what was the contract price?

(5) What was the amount of the cost overrun and what was its cause?

(6) Has the contractor met all of its obligations under the terms of its contract?

(7) If not, in what areas is the contractor's performance deficient?

Hon E.J. CHARLTON replied:

(1) Agriculture Western Australia has contracted the technical support of its computer systems network.

(2) A contract was let to develop the specification.

(3) The specification was developed by COMSWEST under the auspices of a State Government contract. The design, audit, project management and commissioning cost $121,000. The ongoing engineering support provided by COMSWEST costs $120,000 per annum.

(4) Telstra won the contract to implement the new network. The network implementation cost, including carrier costs, was $582,000.

(5) There was no cost overrun.

(6) The contractor has met all obligations.

(7) Not applicable.

INDUSTRIAL RELATIONS - EMPLOYEES

Injured - Number

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

How many people were injured in their course of work in the following years -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992	-	28,873
1992/1993	-	29,679
1993/1994	-	30,973
1994/1995	-	30,348
1995/1996	-	29,279
1996/1997	-	not currently available

INDUSTRIAL RELATIONS - EMPLOYEES

Deaths - Crushing

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

How many people have died after being crushed to death in their course of work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992	-	5
1992/1993	-	6
1993/1994	-	9
1994/1995	-	11
1995/1996	-	8
1996/1997	-	9

INDUSTRIAL RELATIONS - EMPLOYEES

Deaths - Burning

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

How many people have died after being burned in their course of work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

(a)-(g) Nil.

INDUSTRIAL RELATIONS - EMPLOYEES

Deaths - Drowning

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

How many people have died after being drowned in the course of their work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992 - 5
1992/1993 - 1
1993/1994 - 3
1994/1995 - 8 (7 from Cyclone Bobby)
1995/1996 - 1
1996/1997 - 1

INDUSTRIAL RELATIONS - EMPLOYEES

Deaths - Chemical Exposure

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

How many people have died after being injured by chemicals at work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992 - Nil
1992/1993 - 1
1993/1994 - Nil
1994/1995 - 1
1995/1996 - Nil
1996/1997 - Nil

INDUSTRIAL RELATIONS - EMPLOYEES

Injured - Crushing

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

How many people have sustained injuries from being crushed in the course of their work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992 - 3,019
1992/1993 - 3,060
1993/1994 - 3,179
1994/1995 - 3,107
1995/1996 - 2,898
1996/1997 - not currently available

INDUSTRIAL RELATIONS - EMPLOYEES

Injured - Burning

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

How many people have sustained injuries from being burned in the course of their work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992 - 1,037
1992/1993 - 931
1993/1994 - 1,043
1994/1995 - 999
1995/1996 - 990
1996/1997 - not currently available

INDUSTRIAL RELATIONS - EMPLOYEES

Injured - Drowning

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

How many people have sustained injuries from being drowned (partially) in the course of their work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

(a)-(g) Data for people injured whilst partially drowned is not available.

INDUSTRIAL RELATIONS - EMPLOYEES

Injured - Chemical Exposure

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

How many people have been injured by being exposed to chemicals in the course of their work in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

Data relating to fatalities, lost time injuries and disease are analysed by financial year.

1991/1992	-	841
1992/1993	-	839
1993/1994	-	776
1994/1995	-	833
1995/1996	-	788
1996/1997	-	not currently available

INDUSTRIAL RELATIONS - EMPLOYEES

Deaths - Motor Vehicle Accidents

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

How many people were recorded as having died as a result of motor vehicle accidents on their way to or from work in -

(a) 1980;
(b) 1981;
(c) 1982;
(d) 1983;
(e) 1984;
(f) 1985;
(g) 1986;
(h) 1987;
(i) 1988;
(j) 1989;
(k) 1990;
(l) 1991;
(m) 1992;
(n) 1993;
(o) 1994;
(p) 1995;
(q) 1996; and
(r) 1997?

Hon PETER FOSS replied:

Data is available for workers' compensation claims made for motor vehicle accidents occurring on the way to or from work for the years ended 31 December 1989, 1990, 1991 and 1992, and for the period 1 January 1993 to 24 December 1993 only. Figures are not available prior to 1989 as the WorkCover WA database was only commenced mid-1988, or for accidents occurring after 24 December 1993, when changes to the Workers' Compensation and Rehabilitation Act 1981 made these accidents non-compensable. The following figures relate to workers' compensation claims for which the insurer reported the outcome as "death".

(a)-(i) Not available.
(j) 10
(k) 14
(l) 4
(m) 8
(n) 7 (1 January 1993 to 24 December 1993)
(o)-(r) Not applicable.

INDUSTRIAL RELATIONS - EMPLOYEES

Injured - Motor Vehicle Accidents

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

How many people were recorded as having sustained an injury as a result of a motor vehicle accident on their way to or from work in -

(a) 1980;
(b) 1981;
(c) 1982;
(d) 1983;
(e) 1984;
(f) 1985;
(g) 1986;
(h) 1987;

(i) 1988;
(j) 1989;
(k) 1990;
(l) 1991;
(m) 1992;
(n) 1993;
(o) 1994;
(p) 1995;
(q) 1996; and
(r) 1997?

Hon PETER FOSS replied:

Data is available for workers' compensation claims made for motor vehicle accidents occurring on the way to or from work for the years ended 31 December 1989, 1990, 1991 and 1992, and for the period 1 January 1993 to 24 December 1993 only. Figures are not available prior to 1989 as the WorkCover WA database was only commenced mid-1988, or for accidents occurring after 24 December 1993, when changes to the Workers' Compensation and Rehabilitation Act 1981 made these accidents non-compensable. Due to the reporting arrangements that existed with insurers at the time, some claims for which less than one day or shift was lost from work may not have been included.

(a)-(i) Not available.
(j) 1,968
(k) 2,054
(l) 2,041
(m) 2,018
(n) 1,995 (1 January 1993 to 24 December 1993)
(o)-(r) Not applicable

INDUSTRIAL RELATIONS - CONTRACTORS AND SUBCONTRACTORS

Fatalities

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

(1) Are "on the job" fatalities of contractors and sub-contractors included in the official WorkSafe WA statistics?

(2) How many "on the job" fatalities of contractors and sub-contractors were recorded in the official WorkSafe WA statistics for the following years -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

(1) Yes.

(2) Data relating to fatalities, lost time injuries and diseases are analysed by financial year.

1991/1992	-	2
1992/1993	-	2
1993/1994	-	4
1994/1995	-	3
1995/1996	-	3
1996/1997	-	3

INDUSTRIAL RELATIONS - CONTRACTORS AND SUBCONTRACTORS

Accidents

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

How many "on the job" accidents of contractors and subcontractors were recorded in the official WorkSafe WA statistics for the following years -

(a) 1991;
(b) 1992;
(c) 1993;

(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon PETER FOSS replied:

(a)-(g) The data does not allow for the separate identification of injuries and/or diseases to contractors and sub-contractors.

WORKSAFE WESTERN AUSTRALIA - STATISTICS

Compilation

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

(1) Have WorkSafe statistics been compiled differently since -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

(2) If so, what are the differences in the way they are compiled?

Hon PETER FOSS replied:

(1) No.

(2) Not applicable.

QUESTIONS WITHOUT NOTICE

TOURISM - EVENTSCORP

Caretaker Conventions during Election Campaigns

701. Hon TOM STEPHENS to the Minister for Tourism:

(1) Is it a fact that EventsCorp and the Western Australian Tourism Commission, as with all government agencies, are bound by the caretaker conventions applicable during state election campaign periods?

(2) If so, will the Minister explain why on 22 November 1996 EventsCorp sent John Harvey a list of questions and answers it described as political to be used by the Premier and Elle Macpherson in a proposed radio interview?

(3) Will the Minister refer this prima facie breach of the caretaker conventions to the Commissioner for Public Sector Standards?

(4) If not, why not?

Hon N.F. MOORE replied:

(1) Yes, to my knowledge they are subject to the normal caretaker provisions.

(2)-(4) The member is referring to a letter sent by Jennie Fitzhardinge of EventsCorp to John Harvey, which relates to the suggestion by Jennie Fitzhardinge and others, of whom I am unaware, that an interview could be arranged between the Premier and Elle Macpherson on the "Sattler File" on Tuesday, 26 November 1996 between 9.00 and 9.30 am. The member suggested something political about this?

Hon Tom Stephens: Yes. If you read the questions provided to Ms Macpherson, you will see they were encouraging her to distance herself from the Liberal Party in the middle of the election campaign.

Hon N.F. MOORE: I have not seen that letter. I have information on a letter from Jennie Fitzhardinge to John Harvey, and it is about trying to organise an interview between the Premier and Elle Macpherson on the "Sattler File".

Hon Tom Stephens: Because the Premier is anxious for it.

Hon N.F. MOORE: No. To the best of my knowledge, but I have not discussed this with him today, the Premier knows nothing about this. This is news to him today, as it is news to me. It may well be that somebody from EventsCorp sought to set up an interview between Elle Macpherson and the Premier on the Sattler program. I know nothing about it and this is the first I have heard of it. I am advised the Premier is in a similar situation. The letter states that as the Premier is in the middle of an election campaign, that could be difficult so a lot of notice is needed. It goes on to provide two possible times when it might be held. Nothing in the letter relates to the election other than the fact that the Premier is busy. I do not know of any other correspondence. If the Leader of the Opposition has another letter and will give me a copy of it, I will look into it. I can assure members that this is the first I have heard of it and I understand it is the first the Premier has heard of it.

SCHOOLS - PRIMARY

Landsdale - Construction

702. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

(1) On what date were tenders called for the provision of a relocatable or transportable school in Landsdale?

(2) What were the specifications in the tender?

(3) What was the lowest tender price received by the department?

(4) What is the approximate cost of building a permanent primary school in Landsdale?

(5) Have funds been allocated in the Budget to commence building a permanent primary school in Landsdale?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Expressions of interest for a fixed life, relocatable school were advertised on 21 December 1996. Requests for proposals were sent to five short listed consultant firms on 30 April 1997.

(2) Respondents were requested to provide information for two options, describing the primary school facilities they intended to provide in response to the project brief. Option 1 was for a private sector funded, designed and constructed school to be leased to the State. Option 2 was for a state funded school designed and constructed by the private sector.

(3) Only one conforming proposal was received. For option 2 the tendered cost of the proposal was $4.98m which, when added to the cost of removal from the site at the end of the school's fixed life of 12 years, represents a net present value of $5.2m. Option 1 cost was for leased payments, and it is not readily comparable to the capital cost of a new school.

(4) The approximate cost is $3.8m.

(5) Yes.

LIBERAL PARTY - STATE COUNCIL

Gender Reassignment Legislation - Delay

703. Hon N.D. GRIFFITHS to the Attorney General:

(1) Can the Attorney General confirm that his legislative objectives with respect to gender reassignment are being held up because of the views of the Liberal Party State Council?

(2) When were these views conveyed to him?

(3) What other proposed measures in his portfolio areas have been held up by the views of the Liberal Party State Council?

(4) Who are these faceless people?

Hon PETER FOSS replied:

(1) I cannot confirm it because they are not.

(2) I first learnt of people's views some time ago.

(3)-(4) Not applicable.

ENVIRONMENT - POLYCHLORINATED BIPHENYLS

Quantity Stored in Western Australia

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

(1) What quantity of polychlorinated biphenyls is being stored in Western Australia?

(2) Where are these PCBs stored, and how much at each site?

(3) When are these PCBs to be destroyed?

(4) Where and how are these PCBs to be destroyed?

(5) Are PCBs or other toxic or intractable wastes being brought into Western Australia from other States? If yes, how much of each type of waste and what is their point of origin?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) I am advised that the inventory of PCBs and PCB contaminated equipment in store in Western Australia is estimated at between 700 and 1 000 tonnes.

(2) A list of the storage sites is not available, but I will ask the Department of Environmental Protection to compile a list as soon as possible and will provide this to the member.

(3) A PCB stockpile has existed in Western Australia since the 1970s when PCBs were withdrawn from service. I am advised that several hundred tonnes of PCB and organochlorine waste have been destroyed or exported from the State since the storage of PCBs commenced. The Department of Environmental Protection is working with holders of waste to encourage destruction of all stored PCBs in accordance with the national PCB management plan, which has been endorsed by the Australian and New Zealand Environment and Conservation Council.

(4) It is proposed that PCBs in Western Australia would be destroyed by the ELI Eco Logic plant operating in Kwinana.

(5) Yes. The ELI Eco Logic plant at Kwinana is licensed to treat PCBs and other organochlorine waste. The licence does not preclude the acceptance of waste from other States. My predecessor made a public announcement during 1996 that the plant would be permitted to treat waste from other States, in recognition of the fact that several hundred tonnes of hazardous waste are shipped from Western Australia to other States for destruction each year.

(6) I am advised that since the ELI Eco Logic plant commenced operation, approximately 220 tonnes of waste from other States have been accepted.

MAIN ROADS WESTERN AUSTRALIA AND GOVERNMENT EMPLOYEES SUPERANNUATION FUND - ASSETS

705. Hon RAY HALLIGAN to the Minister for Finance:

(1) What is the correct figure of the assets of the Main Roads Western Australia - that used by the Treasury or that used by the department?

(2) What is the correct figure relating to assets of the government employees superannuation fund - that used by the Government Employees Superannuation Board or that of the State Treasury?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) On the basis of currently accepted valuation approaches, both figures are acceptable for use in annual accounts under current accounting practice, provided the basis of valuation is disclosed. There is a significant degree of debate across the country on what is the most appropriate method of valuation, and there is no consistency of view between jurisdictions or, in fact, among practitioners. While both valuations

have been acceptable, the Treasury has agreed in principle to adopt the valuation approach preferred by the Auditor General.

(2) The difference referred to by the Auditor General and the board was, in fact, in relation to superannuation unfunded liability, not assets. In this respect Treasury used a different actuary to assess this liability, not the actuary used by the board. Consideration is being given to the use of the same actuary by the Treasury and the board in the future. This will overcome any differences in timing and methodology which may have contributed to the difference highlighted by the Auditor General.

It is news to both me and the chief executive officer of the superannuation board that Treasury has sought a separate figure. There is a total liability of the Government Employees Superannuation Board over the different funds - the pension fund, the gold state fund and the west fund. Then there is an unfunded liability which is the State's liability to the fund. The State does not contribute to the superannuation of all employees in the agencies. The GTEs contribute towards the fund. The unfunded liability is in respect of the State's liability. That is why the Treasury put out a figure. The two actuaries did not speak to each other. The figure brought out by Treasury removed half a million dollars of liabilities from the Government Employees Superannuation Board. The article in the newspaper misinterpreted the situation. We encountered problems with the SGIC changing actuaries. Until the same common denominator is used, the figures will be different.

FORESTS AND FORESTRY - SAWMILLS

Closure

706. Hon NORM KELLY to the Minister representing the Minister for the Environment:

I refer to the report in today's *The West Australian* that the Bunnings group intends to close another native forest timber sawmill and sack 57 workers.

(1) How many mills have been closed in the south west over the past five years, and how many workers were employed at those mills at the time of closure?

(2) Where were those mills?

(3) The stated reason for the closure of the Jarrahdale mill, as with other closures, is the ongoing slump in demand for timber. Given that woodchipping is claimed to be based on waste left over from sawlog driven operations in native forests, what reduction in the volume of chipped logs supplied from native forests has occurred over the past five years as a result of the slump in demand for sawn timber?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(2) There is no requirement for the Department of Conservation and Land Management to maintain details of mill closures. Consequently there is no procedure to advise CALM regarding any mill closure. Therefore this question cannot be answered. For those companies which purchase logs from CALM under contractual conditions, controlling species, grade and volume are with the company rather than individual sawmills.

(3) At this time the action by Bunnings has not reduced the total quantity of sawlogs contracted to be supplied by CALM.

MINISTERS OF THE CROWN - ATTORNEY GENERAL

Trip to the United States, Canada and London - Itinerary and Cost

707. Hon N.D. GRIFFITHS to the Attorney General:

With respect to his recent trip to the United States, Canada and London, can the Attorney General advise -

(1) What was the cost of the trip?

(2) Will he now table a report detailing, firstly, where he visited; secondly, what he investigated; thirdly, when he went; and finally, the results, if any?

Hon PETER FOSS replied:

(1)-(2) I have already indicated that I intend to give such a report. I am one of the few people who gives such a

report. My only regret is that no members seem to read it or pay any attention to it. I feel a little hurt by that. My last visit overseas was extremely useful and one from which I am still getting benefit, as is the State, in discussions I have had with the current Minister for the Environment. While members are waiting for my next report, perhaps they can read the last one and we could discuss some of the very beneficial consequences of that trip. If members opposite are impatient and are waiting for something to read, I ask them to read it while they are waiting for my next report. I will not be able to advise the costs involved until such time as all the bills come in because some are in foreign currencies and must be converted.

WORKERS' COMPENSATION - PREMIUM RATES

708. Hon MURIEL PATTERSON to the Minister representing the Minister for Labour Relations:

Can the Minister inform the House about the levels of premium rates for workers' compensation since 1993-94?

Hon PETER FOSS replied:

I thank the member for some notice of this question. There was a great deal of criticism when this Government introduced long overdue reforms of the workers' compensation system in 1993. Since those reforms, workers have benefited greatly by having their cases settled faster, by having substantially increased maximum statutory payments, and by being eligible for the very first time for statutory payments for certain soft tissue injuries and delayed onset diseases.

The workers are not the only beneficiaries. Since 1993-94 the recommended premium rates have decreased as follows: In 1994-95, by 12.5 per cent; in 1995-96, by 2.5 per cent; in 1996-97, by 10.5 per cent; and in 1997-98, by 10 per cent. The overall decrease between 1994-95 and 1997-98 is a massive 35.5 per cent. This is due to several factors, including removal of excess and counter-productive legal expenses; improved rehabilitation regimes; and an improvement in general workplace safety in the State. These lower premiums represent savings of thousands of dollars to employers, money which they can now use to employ more Western Australians and to be more competitive with the rest of the country and the rest of the world.

TOURISM - EVENTSCORP

Aerobics Event - Trip to the United States

709. Hon TOM STEPHENS to the Minister for Tourism:

(1) Did an EventsCorp officer fly to the United States in 1995 to discuss the staging of an aerobics event in Perth?

(2) If so, who was this officer?

(3) Did anyone accompany this officer?

(4) What was the total cost to EventsCorp for this trip for accommodation, transport etc?

Hon N.F. MOORE replied:

I ask the Leader of the Opposition to repeat the question because what I have with me for question (3) is different from what he read out.

The PRESIDENT: Order! When the Leader of the Opposition repeats the third part of the question, I ask that he slow down so that I understand it.

Hon Tom Stephens: I asked whether anyone accompanied this officer.

Hon N.F. MOORE: I thank the member for some notice of this question.

(1) Yes. An EventsCorp officer flew to the United States in June 1995 to bid for the World Aerobics Championships.

(2) Alan Melchert was the officer and at that time was the manager, sport, EventsCorp.

(3)-(4) Yes. Mr Melchert was accompanied by the President of the Australian Competitive Aerobics Federation, Peter Gianoli. EventsCorp paid for the trip from its allocated bidding costs.

(5) The cost was $9 020 for both members.

ABORIGINES - PARNPAJINYA COMMUNITY

Living Conditions

710. Hon GREG SMITH to the Minister representing the Minister for Housing:

I refer to an issue raised by Hon Tom Helm before the mid-year parliamentary recess. What measures have been taken to improve the living conditions for the people in Parnpajinya?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Parnpajinya working party, consisting of representatives from various State Government and industry providers - including the Aboriginal Affairs Department, Homeswest, Family and Children's Services, Western Australia Police Service, Education Department, Health Department, the local shire and the BHP group - have been meeting regularly to undertake activities to improve living conditions in the community. These activities have consisted of -

calling for quotes to construct external living areas, such as verandahs to shield residents from dust, wind and rain. This work will also include the installation of appropriate floors, water outlets and cooking facilities. The estimated cost is $100 000.

internal roadways have been graded, with raised areas levelled and worked to ensure appropriate drainage occurs;

consultation between the community and Family and Children's Services to nominate an appropriate location to deliver a breakfast program for the children and mothers of Parnpajinya;

the Pilbara Public Health Unit have carried out repairs to the ablution blocks within the community;

the numerous vehicles and waste metal have been located to an area of the community while waiting collection;

Homeswest is also currently considering the following matters -

possibility of pensioner accommodation in Newman;

further family rental units in Newman;

possibility of a maintenance support program in the future at Parnpajinya;

possibility of transient accommodation Parnpajinya.

DETENTION CENTRE - JUVENILE

Banksia - Inspection by Coalition Members

711. Hon CHERYL DAVENPORT to the Minister for Justice:

It has come to my attention that the Minister's chief of staff, Karry Smith, has circularised an invitation to coalition members to inspect the new Banksia Hill juvenile detention centre prior to its official opening in late September.

(1) Does the Minister intend to offer members of the non-government parties the same opportunity?

(2) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes, but at or after the opening.

(2) It is part of the Government's undertaking to its back bench to keep it informed of government initiatives so that when matters become publicly available they are in a position to speak knowledgeably on the actions of the Government. Banksia Hill is an important law and order initiative of the Government.

I note that the Lawrence Government did not even invite opposition members to some of its openings.

Several members interjected.

The PRESIDENT: Order!

MAIN ROADS WESTERN AUSTRALIA - COMMISSIONER

Appointment

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

(1) Has a replacement for Dr Ken Michael's position as Commissioner of Main Roads been finalised?

(2) If so, when will this appointment be announced publicly?

Hon E.J. CHARLTON replied:

(1)-(2) The announcement should be made public about now. Mr Ross Drabble, who is currently the Commissioner of Railways, has been appointed Acting Commissioner of Main Roads. He will replace Dr Ken Michael, who retired a couple of weeks ago. Ross Drabble has been appointed initially for 12 months. He comes with an outstanding record from Westrail. He has turned that organisation into something beyond all expectations. I look to his expertise being carried forward in Main Roads and to all members in this place having an opportunity to discuss anything they like with him as the new Commissioner of Main Roads.

HOSPITALS - FREMANTLE

Accident and Emergency Department - Vacant Ward

713. Hon TOM STEPHENS to the Minister representing the Minister for Health:

I refer to the Fremantle Hospital accident and emergency department where a vacant three room, 10 bed ward remains unused, and the Minister's assertion that this is due to the shortage of nurses in WA.

(1) When did Fremantle Hospital last advertise for full time nursing staff?

(2) What percentage of hospital nursing staff are casuals?

(3) Are 1 000 registered nurses in WA not working as nurses?

(4) Has the hospital been using untrained people to perform any duties usually undertaken by nurses and, if so, what duties?

(5) When will ward B3 be opened for patients?

Hon MAX EVANS replied:

(1) Saturday, 23 August 1997. Advertised for registered nurses for all areas.

(2) Fremantle Hospital has 100 nurses on the casual call list; however, not all of them are immediately available to fill urgent vacancies, nor would all of these persons be employed at any one time.

Hon Mark Nevill interjected.

The PRESIDENT: Order!

Hon MAX EVANS: The nursing staff establishment of Fremantle Hospital is 697 FTEs; however, it is noted that within this number the hospital requires a particular skill mix to meet the needs of its diverse range of clinical services.

(3) Some 1 153 nurses in WA are registered but not working.

(4) No.

(5) At this stage there is no plan to commission ward B3. Any future opening of ward B3 will be dependent upon securing a sufficient number of appropriately skilled registered nurses.

SCHOOLS - TRANSPORTABLE

Feasibility Study

714. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

(1) Has the Education Department undertaken any feasibility studies regarding the costing of relocatable or transportable schools in comparison with permanent schools?

(2) When was this study undertaken?

(3) Did the study conclude that transportable or relocatable schools were not cost efficient in comparison with permanent schools?

(4) If so, why has the Education Department continued to promise to erect relocatable and transportable schools?

Hon N.F. MOORE replied:

(1) Yes. Two studies were recently undertaken.

(a) An assessment by a consultant of the likely cost of providing a primary school of modular system build construction at Cooke Point, Port Hedland.

(b) In 1996 officers of the Education Department studied relocatable schools in the Eastern States which are similar to the relocatable school proposed for Landsdale. Discussions were also held with the Department of Contract and Management Services and the Western Australian building industry. These studies and discussions indicated that a relocatable school was likely to be feasible in Western Australia. In February 1997, following receipt of expressions of interest for the proposed Landsdale school, further analysis involving a private consultant and the Treasury Department was also undertaken. Issues such as leasing, life cycle costing and maintenance were considered at this time. The style of building being considered for the Landsdale project was significantly different from that considered earlier at Cooke Point.

(2) (a) September 1996.

(b) February 1997.

(3) (a) From the point of view of capital cost the indications were that Cooke Point's modular system would be more expensive than a traditional construction.

(b) The studies and discussions initiated by the Education Department and the analysis by the consultant all indicated that the relocatable school option could be feasible in a Western Australian context. However, when five companies were asked to submit more detailed proposals, only three responded, and of those, only one conformed with the criteria. Subsequent assessment indicated that this proposal was not cost effective in comparison with a permanent school.

(4) Historically, accommodation at a number of schools has become underutilised, as population changes over time. Relocatable facilities may enable underutilised buildings to be removed, with a consequential reduction in maintenance and operating costs. The Education Department is investigating the whole of life costs of this type of facility.

LOCAL GOVERNMENT - CITY OF WANNEROO

Effect of Split

715. Hon KEN TRAVERS to the Minister representing the Minister for Local Government:

(1) Has the Government carried out any research into the expected effect of the split of the City of Wanneroo on rates for residents in -

(a) the proposed new City of Wanneroo;

(b) the proposed new City of Joondalup?

(2) If so, what is the detail of that research?

(3) Will the Minister table that research, and if not, why not?

(4) What will be the cost of the new capital works required as a result of the proposed split?

(5) How does the Government intend that these capital works will be funded?

Hon E.J. CHARLTON replied:

The Minister has advised as follows -

(1)-(2) In its preliminary report the Local Government Advisory Board considered a range of factors and it is currently undertaking further research into my proposal to create a new City of Joondalup and a Shire of Wanneroo.

(3) I expect to receive a report from the advisory board when it has completed its investigations and will table it in Parliament.

(4)-(5) The advisory board has not yet completed its research into these matters.

HOSPITALS - MANDURAH DISTRICT

Closure of Beds

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

(1) Will the Minister confirm that the Mandurah District Hospital has recently closed beds at the hospital?

(2) If yes -

(a) how many beds have been closed;

(b) when were they closed; and

(c) for how long is it expected they will be closed?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No beds have been closed at Mandurah District Hospital.

(2) Not applicable.

PLANNING - PRIVATE NATURE SANCTUARIES

Protection

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

(1) What is the Government doing to protect land that is used for private nature sanctuaries from other forms of development?

(2) Will the Government give private nature sanctuaries the same recognition as a government gazetted reserve and, if not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(2) The question is somewhat puzzling. Perhaps I could have a discussion about it with Hon Jim Scott. I think he is somewhat confused as to the effect of a government reservation. Private nature sanctuary land is a matter of choice of an individual owner. The owner can protect it because he can do with it as he wishes and other people will not be able to do things to it. It is obviously important that people have private nature sanctuaries, which can complement existing crown land reserves.

It is very difficult to answer that question unless I have some idea of what the member thinks is the effect of a reservation under any form of regional or local scheme. Perhaps we can have a discussion about that.

LOCAL GOVERNMENT - MEAT INSPECTORS

Responsibilities

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

In the event of company-employed meat inspectors replacing those employed by a local government authority, can the Minister advise -

(1) (a) Will the local government authority be compelled to cease its meat inspection operations at an abattoir that has opted to employ its own meat inspectors; and

(b) if so, will the cost of redundancy have to be met by the local government authority concerned?

(2) Is it correct that under the Health Act 1911, local government authorities are obliged to provide a meat inspection service? If so, does the local government authority remain responsible for the quality of services even after in-house inspectors have been employed?

(3) Is Western Australia bound by the mutual recognition principles to accept the qualifications of an interstate meat inspector where those qualifications are less than those required in Western Australia?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) (a) No.

(b) Not relevant.

(2)-(3) Yes.