Division 25: Consumer and Employment Protection, $46 670 000 -

Chairman, Mr A.D. McRae.

Mr J.C. Kobelke, Minister for Consumer and Employment Protection.

Mr B.T. Bradley, Director General.

Mr P. Walker, Commissioner for Fair Trading; and Executive Director, Consumer Protection.

Ms L. Field, Director, Compliance and Education.

Mr J. Radisich, Executive Director, Labour Relations.

Mr. D. Goodwin, Acting Director, Finance.

Mr A. Koenig, Director of Energy Safety.

The CHAIRMAN (Mr A.D. McRae): This estimates committee will be reported by Hansard staff. The daily proof Hansard will be published at 9.00 am on Monday.

The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated fund. This is the prime focus of the committee. While there is scope for members to examine many matters, questions need to be clearly related to a page number, item program or amount within the volumes. For example, members are free to pursue performance indicators which are included in the *Budget Statements* when there remains a clear link between the questions and the estimates.

It is the intention of the Chairman to ensure that as many questions as possible are asked and answered.

The minister may agree to provide supplementary information to the committee, rather than ask that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee clerk by 11 June 2004, so that members may read it before the report and third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available.

Details in relation to supplementary information have been provided to both members and advisers and accordingly I ask the minister to cooperate with those requirements.

I caution members that if the minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information that the minister agrees to provide will be sought by 11 June 2004.

Mrs C.L. EDWARDES: I refer the minister to the total consolidated fund appropriations on page 414 of the *Budget Statements*. During the year I asked a question about monthly mobile telephone charges for the past three years. The answer revealed marked changes in expenditure, particularly in the month of August because the total mobile telephone expenditure was $17 000, whereas in the previous year it was $13 000 and in the year before that it was $9 500. In October it was $14 800; however, in the previous year it was nearly $8 000. In December the mobile telephone charge was $15 800; however, in the previous year it was nearly $9 000. In January, which I imagine would be a fairly quiet month, it was nearly $17 000 above the previous year's expenditure of $14 400 - I am comparing months with months. Can the minister explain why mobile telephone charges have increased markedly for those particular months during the last financial year?

Mr J.C. KOBELKE: That level of detail will be difficult to obtain. Obviously we monitor usage to try to ensure it is under control. There are two main points. First, if we compare the list of expenditure of the department with other agencies, we do not appear to be a big spender. However, we still have a responsibility to monitor usage and ensure that abuses do not occur. The second part of the member's question related to the monthly variations. The difficulty with that is that often a procedural matter can lump them into one month because processes are required for certification before accounts are paid. We might receive two bills from the service provider in the same month; therefore, what is recorded as payment is simply due to the billing that has come in. I am advised it is more likely due to the clearance process for payment, which means that we could be paying more in one month than in another month. I am also advised that on a year-by-year basis, we are not seeing a major shift.

Mrs C.L. EDWARDES: In comparison with other departments - I do not want to go through them - there is not the same level of variation. That might come down to the fact that some offices are not putting through the

accounts as the minister indicated. Will the minister investigate the reasons for such a huge change in those particular months, because it is not happening to the same extent in other departments and agencies?

Mr J.C. KOBELKE: I am happy to provide what information we can to explain the monthly variations by way of supplementary information.

[*Supplementary Information No B35.*]

Mr D.F. BARRON-SULLIVAN: I refer the minister to the eighth dot point on page 420 of the *Budget Statements*. One of the areas of proposed legislative change that will have quite an impact in the minister's portfolio is the introduction of the State Administrative Tribunal. One of the major initiatives on page 420 is to amend legislation to enable the implementation of the review of boards and committees in the consumer and employment protection portfolio. I presume that refers to the necessary restructure to enable the transfer of some DOCEP board powers to the State Administrative Tribunal. How many submissions has the department received from settlement agents or their representatives in particular? What is the general tone of those submissions? Has DOCEP given consideration to a regulatory board that operates outside of government that is similar to the South Australian model?

Mr J.C. KOBELKE: I will start with the review and come back to answer the question on settlement agents. As the member is well aware, the State Administrative Tribunal is a major initiative of the Government to set up an independent and standardised approach to review administrative decisions of government. It will also take on in some areas key responsibilities as the primary arbitrator. It is a big undertaking. The legislation has been stuck in the Legislative Council for the best part of a year. It has implications across a range of boards that sit within the consumer and employment protection portfolio. Some key decisions have been made and, flowing from the decision of the State Administrative Tribunal, disciplinary matters will pass to the State Administrative Tribunal, whereas currently those matters sit with boards. That will not require legislative change for our portfolio. However, legislative change, which is in the Parliament, has implications for the boards in the consumer and employment protection portfolio. Administrative tasks are required for that, such as advising people that their appointments could be subject to change when the new structure is implemented. We have given a clear commitment to the boards that they will have an ongoing role. We have had discussions with those boards and the various industry sectors that the boards service, discipline or license. They have not been finalised. Although we have given a very clear idea of what we think is the best model, we are open to discussion with them. The purpose of the changes is to have a more standard approach. That will achieve greater efficiencies, and it will be much easier to explain to the public and the industry sectors if boards that are licensing in parallel areas work on a similar basis. We are seeking to achieve a more standardised approach and to ensure that we have greater consumer representation on those boards. Some boards have adequate consumer representation and others have next to none. A clear commitment of the Gallop Government was to improve consumer representation on boards and committees. We need to amend representation to improve consumer representation on some boards. That is what we are alluding to in terms of amending legislation.

The further aspect of amending legislation is that we want to see the State Administrative Tribunal up and running so that, based on what emerges from it, we can make an assessment of whether further legislative change is required in some of these specific industry boards. On that basis, discussions with the various boards and the industries they service are ongoing. However, they are somewhat on the backburner now because we want to wait until SAT is up and running before we determine the package of legislative amendments that will be needed. That is the general picture.

[9.10 am]

Mr D.F. BARRON-SULLIVAN: What has been the gist of submissions and approaches from settlement agents?

Mr J.C. KOBELKE: Many of those industries have come forward with suggestions. I cannot recall specifically the details of the settlement agents' submissions. However, in some industries there is interest in where the membership should come from. In other industries one or two groups are not too happy that we are increasing consumer representation. That is an issue of ongoing discussion with those groups. Although we will not resile from our intention to improve consumer representation, we might be able to find a compromise for how we do that. Those matters are open for discussion. I will ask the Commissioner for Consumer Affairs whether he can provide more specific information on settlement agents and what discussions he has had with them on this area.

Mr WALKER: I cannot add much to what the minister said. Not a great number of submissions have been received but some have come in from industry groups. The minister touched on that subject matter. Concern has been expressed by some members about proposed new arrangements but there has not been a great range of submissions from individual settlement agents.

Mr D.F. BARRON-SULLIVAN: I believe the Australian Institute of Conveyancers, for example, has indicated that its preferred model is along the lines of the Legal Practice Board. The issue has been raised that the code and the regulations under the Settlement Agents Act do not apply to legal practitioners. How does the minister see this being resolved should SAT be implemented? What consideration did the minister give to the institute's proposal that something be established along the lines of the Legal Practice Board instead?

Mr J.C. KOBELKE: It would help me to answer that question if the member indicates the date of that submission. I suspect it might have been quite some time ago.

Mr D.F. BARRON-SULLIVAN: I think it was some time last year. The commissioner might recall.

Mr J.C. KOBELKE: That helps me. The question related to legislative changes. That is what we have been dealing with for the past 12 months. Prior to that, the issue of establishing the State Administrative Tribunal arose, so representation was made from a range of groups. I suspect that issues regarding the Institute of Conveyancing related to whether there was a State Administrative Tribunal and what model it might be. That decision was made by the Government; therefore, the proposals were not accepted from people who suggested an alternative means of registering, licensing and disciplining people who operate a particular industry. The proposal is for a State Administrative Tribunal - one body - and a much more standardised approach. Following that decision, when legislation was being drafted or already introduced in Parliament, some groups, of which the Institute of Conveyancers may have been one, made recommendations. Clearly, very productive engagement with those groups was not likely to occur if the Government's proposal had progressed well down that road and those groups were seeking to go down a different road. Without having the full details of the issue to which the member was alluding, their submission might have been to establish an alternative system to SAT.

Given that the Government's decision has been accepted and strongly supported, we are dealing with the implications for the boards that govern industry within the consumer and employment protection portfolio. We examine not only how we can ensure that SAT will work well for them - I am convinced that it will although it might need some finetuning - but also the best possible form of registration, investigation and support for these industries can be achieved through the boards. The boards will then have to interface with the State Administrative Tribunal on matters.

Mr F.M. LOGAN: The final major achievement for 2003-04 on page 422 refers to the follow-up targeted compliance campaign into the restaurant and cafe industry. What has been the outcome of that compliance campaign? Was it successful?

Mr J.C. KOBELKE: I thank the member for the question. The Gallop Government has been clearly committed to protecting the employment entitlements of Western Australians whose terms and conditions are governed by awards. In doing so, the Government supports the hard work and commitment of the compliance and education section of the labour relations division. It has a difficult task because there are very many workplaces and, therefore, an education role should be undertaken first. Clearly, it is important that compliance be followed up after that. Since coming to office at the beginning of 2001, compliance has recovered close to $5 million from employers in unpaid wages in the state jurisdiction and something like $400 000 in the federal jurisdiction. We have a contract with the federal Government to investigate compliance matters under the commonwealth Workplace Relations Act. The follow-up targeting compliance campaign in the restaurant and cafe industry is in the process of being finalised, with only 10 employers still to make back payments. To date, $145 000 has been recovered in unpaid wages. Only eight employers were found not to have breached the award. That highlights the importance of these ongoing awareness raising education campaigns. Many of the non-compliance cases involved technical issues and, based on what I have been advised, the general response was that when the employers were informed of their obligations, they were willing to comply. No action is taken in those cases, but when employers are not willing to comply it may be necessary for prosecutions to follow. A heavy education component is a key part of these targeting campaigns to assist employers to understand and fulfil their obligations.

At present, an education campaign is being undertaken in Malaga and Canning Vale, where 310 employers have been visited to assist them to understand their obligations. It is an education and awareness raising campaign across a broad spectrum of industries in those particular geographic locations. I am also advised that, in addition, approximately 4 400 other employer and business associations in the areas were sent information on the requirements of keeping proper time and wage records. We were invited to a number of successful seminars. People can avail themselves of Wageline. I am advised that it has taken over 150 000 calls a year from the public seeking information on employees' entitlements and employers' obligations. It is a very important area. We seek to get maximum return on the resources available within the department.

[9.20 am]

Mrs C.L. EDWARDES: I refer the minister to page 414 where the output and appropriations summary again deals with the total consolidated fund appropriations. Last year the Department of Consumer and Employment Protection leave liability was above the average current leave liability for the whole of the Western Australian public sector as a percentage of its payroll. The average for the whole of the public sector as at 30 June 2003 was 16 per cent and the figure for the Department of Consumer and Employment Protection was well and truly above that. Last year the department had something like 124 years worth of leave accrued; the average per employee at the time was 12 weeks. The minister could almost close his department for three months in an endeavour to get rid of its leave liability. What policy has been put into place for 2003-04 in an endeavour to reduce that amount of leave liability? The average current annual leave and long service leave liability per current full-time employee as at 30 June was also above the average at 10.7 weeks.

Mr J.C. KOBELKE: Accumulated annual leave and other forms of leave are a management issue. Accumulated leave had some priority for good reason a few years ago. It has dropped in our priorities, which does not mean that it should not be an important issue to deal with, but in the past three years we have amalgamated the separate agencies of WorkSafe, the Department of Fair Trading and Department of Productivity and Labour Relations into the one agency of the Department of Consumer and Employment Protection. We have also incorporated the Office of Energy Safety, which was previously in the energy portfolio. I am thankful to all the officers here and to the many others who have put the new department together very smoothly. It has involved a huge amount of work. Clearly any change of that magnitude will put a lot of pressure on people. People are uncertain about their jobs and, therefore, reduction in leave liability has not been given priority. I would not expect it to be.

The priority was making sure that the very important services that were provided by all the agencies continued to be provided and to function smoothly during that major change when people were in an acting capacity for over a year. It is a matter of getting the department working really well. If we go through the budgets, we will see that there is not the continuity that we would like but the Department of Consumer and Employment Protection is functioning as a single agency with quite distinct divisions. All the focus on that and delivering services within the new structure has meant that although trying to reduce leave liability is an issue that needs to be taken seriously, it has not been able to be given priority. The member can see the way in which officers have responded to the changes, which has been to make a huge commitment and therefore not take the additional leave that would be necessary to reduce that liability.

Mrs C.L. EDWARDES: I can understand that. Obviously they would be in great need of some leave, having pulled the department together. Could the minister provide by way of supplementary information where he expects the percentages and the number of weeks to be on average at 30 June 2004 and what strategies he will be putting in place for 2004-05 to ensure that there is some level of reduction, at least to the average of the rest of the public service?

Mr J.C. KOBELKE: I do not think I can give figures, because we have not said that we will conduct a study on that as a priority in this budget or in the coming year, but I can give the commitment that now the department has amalgamated we will give the issue greater attention.

Mr D.F. BARRON-SULLIVAN: Referring to the proposed transition to the State Administrative Tribunal, as it will be taking over the disciplinary powers of the Settlement Agents Supervisory Board, I have three areas on which I seek information. The references are to the first dot point on page 413 and the finances under general receipts and so on set out on page 426. I am trying to get some idea of the sort of workload that will be transferred. I do not know whether the commissioner will be able to provide the information now or perhaps in some detail later on. How many inquiries does the Settlement Agents Supervisory Board receive in a year, how many formal complaints against settlement agents a year are there, and how many are investigated in detail? I want some information about the process to get some idea of the workload that will be transferred.

Mr J.C. KOBELKE: I am happy to provide the answers to those three or four specific questions. That information will be contained in the annual report. We will be happy to provide by way of supplementary information what was contained in the last annual report.

Mr D.F. BARRON-SULLIVAN: Could the minister provide more recent information than that in the annual report?

Mr J.C. KOBELKE: The board keeps those figures. In addition to providing the figures from the last annual report, we will provide, to the extent that it is possible, more recent figures on a monthly or quarterly basis.

[*Supplementary Information No B36.*]

Mr D.F. BARRON-SULLIVAN: How many cases in which the conduct of an agent is not appropriate but does not warrant disciplinary action have resulted in a warning from the registrar, again after the publication of the

annual report if possible? In relation to disciplinary punishments, how many cases are referred to the board for a formal inquiry, how many formally heard cases result in a reprimand and how many formally heard cases result in fines or an agent's licence being cancelled? Can the minister or the commissioner give some indication of what is expected by way of the transfer of the workload; in particular, if the Settlement Agents Supervisory Board funds Department of Consumer and Employment Protection at the moment to investigate complaints on its behalf, what will happen down the track when powers from the board are transferred to the State Administrative Tribunal? Will the board require the same level of funding? What will happen with the transfer of funds and so on?

[9.30 am]

Mr J.C. KOBELKE: I will ask Mr Walker to respond in a moment, but the general principle behind the establishment of SAT is that boards that are industry funded will not be required to pass money to the consolidated fund for the maintenance and running of SAT. SAT will be funded from the consolidated fund. All, or part, of the money from the consolidated fund that previously went to DOCEP to support these boards has been clawed back and will be applied to SAT. That accounting procedure was done at the time that we made the commitment to draft the SAT legislation. The clear principle is that industry-funded boards will not be asked to make a commitment to the running of SAT.

The member asked about disciplinary matters that are currently dealt with by the Settlements Agents Supervisory Board. The Settlements Agents Supervisory Board will continue to pay a role. We are seeking to establish a more standard model by which disciplinary matters will first go to the board, and it will be asked to recommend whether disciplinary action should be taken, rather than go straight from the department to SAT, and we are proposing legislative changes to put that into effect.

Mr D.F. BARRON-SULLIVAN: Where in the statement of cash flow does it indicate a reduction of moneys to the department as a result of SAT being funded through the consolidated fund?

Mr J.C. KOBELKE: SAT has not been established yet. We hope it will be established in the next year.

Mr D.F. BARRON-SULLIVAN: Even in the forward estimates no provision has been made for that.

Mr J.C. KOBELKE: I am advised that the relevant amount across all of the boards is $80 000. Therefore, in terms of the total budget it will not be an issue. Mr Walker may want to add to that answer.

Mr WALKER: The transfer of the disciplinary functions will result in the transfer of about $80 000 across all of the statutory boards, which is an estimate of the cost of the board sitting as a board of inquiry to hear those matters; that is, the cost of the fees of board members, etc. With regard to the other budgets, the investigation and licensing work will continue to be done by the existing staff who are currently performing that function. Therefore, there will not be any significant changes. One of the important things that the minister has touched on and that is of great interest to many occupational licensing groups is that the existing fidelity funds that a number of the boards have will remain in place and continue their current purposes.

Mr F.M. LOGAN: I refer to the ninth dot point on page 419 under major achievements for 2003-04, which states -

> Amendments to the *Occupational Safety and Health Act 1984*, as a result of recommendations made in a report by Mr Robert Laing, have been tabled in Parliament.

One of the proposed amendments is that WorkSafe officers will work in close cooperation with mines safety officers who work under the Mines Inspection and Safety Act. I bring to the minister's attention yesterday's explosion at the Port Hedland hot briquetted iron plant, which has left four workers in an appalling state. That is the third hydrogen accident in two years at the BHP Billiton Boodarie site. Given that the amendments to the Occupational Safety and Health Act are before the House at the moment, will the minister consider the call by the public for an independent investigation or audit of BHP's safety practices and standards at that plant?

Mr J.C. KOBELKE: I thank the member for the question. I think all of us were very distressed to hear the news yesterday of that accident. As the member has indicated, it was not the first accident at that site. The changes to the Act that are being envisaged follow the Laing report. That legislation is currently being debated in the Legislative Assembly. A key element of that legislation is to give primacy to WorkSafe for safety across all industries. The Robens approach is that one agency be responsible for safety across industry generally. The changes proposed in that legislation will achieve that. We have also made a commitment, because of the need to maintain expertise in the mining industry, that the inspectorate role will remain with the mines department, or whatever it is called; it is now called the Department of Industry and Resources. Even though the name of the department may change from time to time, the agencies responsible for the mining industry will be aware of

where the particular inspectorate resides. In order to ensure that we take a holistic approach, what is now the Mines Occupational Safety and Health Advisory Board will become a statutory committee of WorkSafe, so there will be a direct link to the mining industry within the WorkSafe structure.

The incident to which the member referred will be investigated by the mines safety division within the Department of Industry and Resources. Clearly WorkSafe would be very happy to assist if that was appropriate. However, it would not do that unless it was asked, because it does not have coverage of that site. I also suspect that the site is a major hazard facility, in which case it will be subject to certain requirements at the national level, so there may be support from that area as well. Major hazard facilities are treated in a special way, because they are often large and complex plants, with the potential for things to go very wrong, and therefore the need for high safety standards to be applied. Again, WorkSafe does not have direct responsibility for these types of facilities. However, under the new structure we may consider whether WorkSafe should have more directly involvement with such facilities.

Mr F.M. LOGAN: I an seeking the minister's response and view about the public call for an independent audit or investigation of that plant, given that this is the third explosion at that plant in two years.

Mr J.C. KOBELKE: That matter resides with the Minister for State Development. He and I work together very closely, and he knows full well, without any need for me to say it, that he has my full support. However, it is not my position to make such a call, because it is not within my portfolio.

Mrs C.L. EDWARDES: I refer to page 424, statement of financial performance. Footnote (a) states that the number of full-time equivalents for 2002-03 actual, 2003-04 estimated actual and 2004-05 estimate are 642, 659 and 675 respectively. The report on the profile of the Western Australian State Government work force as at June 2003 indicates that the number of FTEs in the department in 2002-03 was 622, not 642. Can the minister provide an explanation of that figure? Further, for the current financial year, can the minister give a breakdown of the headcount in the department; that is, the number of full-time permanent, part-time permanent, full-time fixed term, part-time fixed term, and casual or trainee staff? I refer in particular to the 12 casuals who were employed in the department to 30 June 2003. What were their positions, what were those people doing, and are those people still working in the department?

[9.40 am]

Mr J.C. KOBELKE: I am seeking advice on whether we can provide that answer by way of supplementary information. Clearly we do not have it with us. We will seek to do that, but I need to clarify the information we will provide. We will provide the data that is most readily available and that best answers the member's question. As the member knows, things change all the time in this area. Part of the core of the issue that the member is trying to get to is that there may have been lags in appointing people, and that might be part of the reason they may have been part of the establishment but not on board. It depends on what time of the year the count was taken. I do not know whether the member wants to go through it again a bit more carefully. Certainly we want to try to provide the information, but we want to provide information that is accurate for what the member has sought. Depending on the exact time the count was taken, there will be different numbers.

Mrs C.L. EDWARDES: I understand that; that is why I was specifically looking at the cut-off point of 30 June 2003. Obviously, if a figure of 622 as at that date has been provided to the Department of the Premier and Cabinet, yet the budget figures for this department indicate that it is 642, it should correlate. There must be a reason there is a difference. If it is a reporting issue, obviously some form of consistency needs to be achieved. It might be very simple. I know that the department would want to make sure that the figures provided, and on two different web sites, are in fact the same figure.

Mr J.C. KOBELKE: Sure. Budget reporting can be done on a different basis from that which is reported at a fixed time and which is passed on to the Department of the Premier and Cabinet, which may ask for the figures as at 30 June, and that is what it will get. The figure that is reported here is not necessarily the figure as at 30 June; it may be the average for the year. It could have been done on a different basis. By way of supplementary information, we will seek to answer the questions the member has asked to reconcile those figures.

Mrs C.L. EDWARDES: Does that include the breakdowns and the 12 casuals?

Mr J.C. KOBELKE: We will try to reconcile the figure for 30 June with the figure in the budget papers. We will also provide the details on the 12 casuals as at 30 June.

Mrs C.L. EDWARDES: And a breakdown of the headcount of full-time permanent, part-time permanent, full-time fixed term, part-time fixed term and trainees, which is information that the department provides to the Department of the Premier and Cabinet.

Mr J.C. KOBELKE: As at 30 June 2003?

Mrs C.L. EDWARDES: Yes.

Mr J.C. KOBELKE: We will provide that information.

[*Supplementary Information No B37*.]

Mr D.F. BARRON-SULLIVAN: Let us have a bit of fun. I refer to the output performance measures on page 416. I am intrigued. We are talking about a department the essence of which is the provision of services to the community. If I am to give credence to these budget output performance measures, I expect that the targets that are set by this department for 2004-05 would be at least as good as the actual results for the previous financial year. However, it is quite interesting to look at the output performance measures. Under the heading "Quantity", the number of responses to consumer inquiries is expected to go down by 40 000. It is not a small number - 40 000 fewer responses to customer inquiries. Does that mean that there will not be the inquiries or that the people at the department will not answer the telephones? Under the heading "Quality", 87 per cent of customer inquiries met quality standards in 2003-04, yet the minister is happy to see a reduction to 80 per cent in the percentage of customer inquiries that meet quality standards this coming year. The minister is also happy to see the advice and assistance services that meet quality standards reduce from 90 per cent to 80 per cent. It goes on. Under the heading "Timeliness" is the line item for information and education services that meet timeliness standards. Obviously the minister does not think that is a good thing, because at the moment 93 per cent of those services are carried out on time, but the minister thinks that should be 80 per cent. He wants to see a significant reduction in timeliness in his department. There is a reduction from 86 per cent to 80 per cent for advice and assistance services that meet timeliness standards. Despite the fact that there has been a reduction in the target levels in five areas, the actual average cost per response to customer inquiries will go up from $7.30 to $7.84. I do not say that too flippantly. It is a golden rule that if we set our sights too high, even if we cannot achieve the highest goals, at least we are achieving the best we can. For the life of me I cannot understand why a department would want to reduce the goals it achieved in 2003-04 for the following fiscal year, especially the Department of Consumer and Employment Protection. Over to the minister.

Mrs C.L. EDWARDES: Public servants need the holidays!

Mr J.C. KOBELKE: It is wonderful how an accounting adjustment can activate the member for Mitchell.

Mrs C.L. EDWARDES: Give them their holidays!

Mr J.C. KOBELKE: The issue is that the biggest reduction is in the responses to e-mail and written correspondence on general consumer issues. In the 2003-04 budget the number was expected to be 50 000. We estimate that there will be nearly 65 000. In 2004-05 we expect that number to be down to 7 000. I can give the member the breakdown of these figures by way of supplementary information. The expected reduction in quantities reported is due to a decision to exclude a number of e-mail responses about REVS, or the register of encumbered vehicles scheme. That has been in place for many years. It is a very useful scheme for people who are purchasing a vehicle from a friend or someone who is not a licensed dealer, so that they can check whether there is some credit or finance on the car, in which case the person selling it may not be the owner. It is very important that people have the opportunity to use that service. It has been determined that most e-mail inquiries about REVS relate to other REVS transactions and therefore there was double counting. Those transactions will be taken out of our collection and will be left as part of the REVS count and not included in this section, which relates to general e-mail and written correspondence. That is the reduction the member can see of more than 40 000, which then goes into the total.

Mr D.F. BARRON-SULLIVAN: Where will those REVS inquiries go? Where will they be accounted for?

Mr J.C. KOBELKE: Under the figure that the member is looking at is a line item for units of information and education. The total of 2.25 million for 2003-04 goes up to 2.8 million. That is another 550 000.

Mr D.F. BARRON-SULLIVAN: No. It is 2.77 million and it goes up to 2.8 million, which is not 40 000 and does not allow for increases.

Mr J.C. KOBELKE: I am looking at the budget.

Mr D.F. BARRON-SULLIVAN: I am using what actually happens. That does not allow for the 40 000 REVS transactions, nor does it allow for an increase in units of information and education to keep up with general growth. In other words, even on the basis of the minister's explanation, there is a reduction in the number of customer inquiries according to his targeting. The minister just wants an easy year.

Mr J.C. KOBELKE: No, not at all. These people are working very hard and the department is providing an exemplary service, as can be seen in the successes it has had in many areas. The member must keep in mind also

that we are dealing with a new department. This is the first time the budget reflects it fully as a single agency. There is no figure for the 2002-03 actuals, because it was a totally new system for output performance measures. That has been discussed very extensively with the Auditor General in terms of meeting the criteria and being acceptable to certain standards. The 2003-04 budget started from a totally new base. The suggestion that it would be 16 500 was clearly an estimate based on a totally new system. The fact that we now estimate 9 000, when we are getting towards the end of the year, indicates that we overestimated in establishing a totally new system. We now believe the figure of 9 000 is more realistic. Therefore, the figure of 10 000 shows an increase in outputs.

[9.50 am]

Mr D.F. BARRON-SULLIVAN: I did not query that one, because that is an actual figure of 9 000. However, let us take one of the timeliness figures; for example, the figure for information and education services meeting timeliness standards. A result of 93 per cent has been achieved. I suggest that is pretty commendable. However, why on earth, having achieved 93 per cent, is the minister prepared to say to his department that the Government will accept 80 per cent next year? Why does the minister not say, "This year, let's go for 95 per cent. Let's do the big one"?

Mr J.C. KOBELKE: The issue is that this is a whole new system. We will make sure that it works and provides quite proper indicators. These are composite figures. When agencies try to put in place performance measures and such indicators, they can go into a huge amount of detail, covering pages and pages. How do people then find their way through it, and what does it actually mean? Otherwise, they can go the other way and have a smaller number of measures or numbers, which are an aggregation or a composite of a range of factors. That is what we have in these figures. Within the various divisions is a range of activities and customer services. A small number of those are chosen. We get the figure of 80 per cent by combining a range of measures - I think there are about a dozen.

Mr D.F. BARRON-SULLIVAN: Sir Humphrey would have been proud of that answer, minister. Basically, the minister is saying that he does not place much credence on these performance measures.

Mr J.C. KOBELKE: No, I do.

Mr D.F. BARRON-SULLIVAN: Reading between the lines, the minister is implying -

Mr J.C. KOBELKE: No, I am saying to the member that there are about a dozen measures. What is to be collected can be varied from year to year. Assessments will be made on those measures. They are then put together into an aggregate to give these figures.

Mr D.F. BARRON-SULLIVAN: My last question on this issue is: if there are such significant differences between the 2003-04 estimated figures and the 2004-05 target, why are they not explained in the right-hand column? The minister just referred to REVS, which explains to some extent, but nowhere near the full extent, the difference. However, there must be other reasons. Why has the minister not explained it? Does the minister not consider that a reduction from 93 per cent to 80 per cent, or from 90 per cent to 80 per cent, or from 800 000 to 760 000 is significant? I just wonder why it has not been explained in the right-hand column.

Mr J.C. KOBELKE: In the light of the member's question, it may have been more appropriate to include the reason that this is the first full year of operation of a totally new system, and it will be the benchmark for the future. Therefore, it would not be unusual to expect, when a whole new system is put in place, that the estimate for the first year is just the base that we are starting from, and we would not be surprised if we got it wrong in making estimates for a new system. I point out that what I just said is explained underneath that table at note (a) on page 418.

Mr N.R. MARLBOROUGH: I draw the minister's attention to an earlier statement, when he referred to the ability of his department to recover some $5.5 million in outstanding wages and allowances to Western Australian workers. I wonder whether the minister could advise us how that figure compares with the previous four years of the Liberal Government.

The CHAIRMAN: Is the member for Peel referring to the question that was asked about the major achievements on page 422?

Mr N.R. MARLBOROUGH: I am - the thirteenth dot point.

Mr J.C. KOBELKE: It will help us find the details if the page is designated, because I have extensive notes made out according to page numbers.

The CHAIRMAN: The member for Cockburn asked a question previously on this matter.

Mr J.C. KOBELKE: That question related to the restaurant and cafe industry.

Mr N.R. MARLBOROUGH: As I understand it, the $5.5 million was broader than the restaurant and cafe industry. That is what I am seeking to find out. How does the total recovery of lost wages and conditions compare with that in previous years?

Mr J.C. KOBELKE: We do not have that information available now, but we can provide it by way of supplementary information.

The CHAIRMAN: The minister will provide supplementary information relating to compliance -

Mr J.C. KOBELKE: I take it that the member is interested in information on the success in recovering underpayment of wages over a period of about four or five years.

[*Supplementary Information No B38*.]

Mrs C.L. EDWARDES: I refer the minister to output 2 on page 418, which deals with the regulatory framework. I would like to talk about the Occupational Safety and Health Regulations, which would come within this output. The issue I am raising does not appear as an achievement. However, there was a change to the regulation that required pressure vessels to be design-verified to ensure compliance with Australian standard 1200, which deals with pressure equipment. In January 2003, those regulations relating to pressure vessels were amended to call up a revised version of AS 1200. As a result of that change, the registration of pressure equipment for use in Western Australian workplaces now needs to comply with AS/NZS 1200:2000. There are implications for projects that are being carried out in Western Australia by overseas companies. Pressure vessels that are manufactured in Western Australia are no longer required to comply with Australian standards, to which that equipment has already been set. Overseas companies now require the Western Australian companies to comply with the standards in the overseas company's country. That means that companies in Western Australia are losing out on the opportunity to manufacture these pressure vessels.

This matter has been brought to the attention of both the Minister for State Development and the Premier. I was asked to bring it to the attention of the Minister for Consumer and Employment Protection, because this situation has been brought about as a result of the change to the Occupational Safety and Health Regulations. Jobs are being lost as a result of companies not being able to comply with the overseas standards. As such, we need a commitment by the minister to reverse that regulation, so that opportunities and jobs are not lost in Western Australia.

Mr J.C. KOBELKE: We cannot necessarily go into all the detail. In a moment I will ask the director general, Mr Bradley, to provide a response, because he also has wide experience and expertise in the safety area. My understanding is that there was a need to move to the new standard, and I will ask Mr Bradley to explain that. The concern is mainly in the area that comes under the responsibility of the Minister for State Development. He and his department are seeking to sort out this matter. I will ask Mr Bradley to explain some of the background to it.

[Mrs D.J. Guise took the Chair.]

Mr BRADLEY: The difficulty we had was that the Australian standard, which we referred to in our regulations at that time - I think it was January 2003 - was superseded, and people could not get access to that standard. Therefore, we implemented a change to our regulations, which made reference to the new Australian standard. The new Australian standard referred to compliance with the Australian standard or the American Society of Mechanical Engineers instructions.

Mrs C.L. EDWARDES: It is the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section VIII.

[10.00 am]

Mr BRADLEY: The difficulty when people tender offshore for components of these major contracts is that the overseas companies seem to require acceptance of an ASME qualification as opposed to the Australian standard. That issue has been raised in the Western Australian Occupational Safety and Health Commission. The advice from government was that the Minister for State Development would take on the issue in an attempt to resolve it.

Mrs C.L. EDWARDES: You cannot just change regulations and therefore change standards without properly investigating and consulting with companies. The impact of that change now prevents nearly all Western Australian companies that are able to design and manufacture to the AS 1210 standard from competitively tendering for work in Australia because they do not have the American certificate of authorisation. That is because of the change in the regulation. If it were purely because the AS 1210 standard was not available or was

not able to be accessed, that would have a major impact on business and competitiveness and, therefore, jobs in Western Australia. As a matter of urgency I urge the minister to talk with his colleague in an endeavour to achieve a change that is reflective of maintaining the competitiveness of Western Australian companies.

Mr J.C. KOBELKE: I am aware of that issue and, given the question asked by the member for Kingsley, I will have another look at it to see whether we can provide more support and sort that matter out.

Mr N.R. MARLBOROUGH: I draw the minister's attention to the eleventh dot point on page 422, which refers to the first eight of a total of 20 new occupational safety and health inspectors to be recruited over the three years to 2005-06. The minister would be aware that in recent times, and particularly in light of the incident at BHP in the past 24 hours, there has been a need to give this area of government serious attention. I commend the minister for doing that with the employment of 20 new occupational safety and health inspectors. Firstly, what is the training regime for those officers, what length of time does it take to train them and what sort of people are being sought for those jobs? Secondly, the budget papers indicate that a further six inspectors will be employed in mid 2004. Can this program be escalated so that the further six inspectors making up the 20 can be employed before the end of the financial year 2004-05? The information contained in this dot point seems to indicate that the total of 20 will not be in place before the end of the financial year in 2006. This is a major concern. Can the employment of the 20 be completed this financial year? Will the minister also give me some advice about the training regime and the prerequisites that the department is looking for in these inspectors?

Mr J.C. KOBELKE: I thank the member for the question. The commitment was for the employment of eight inspectors in the first year, six in the second and six in the third. The department was keen to have them appointed from the first day of the year. Advertising commenced in February this year for the six due to start from the beginning of the financial year on 1 July 2004, and the selection process is well advanced.

Mr N.R. MARLBOROUGH: Will that be the start of their training?

Mr J.C. KOBELKE: We cannot start training until they are employed. That is when they start their training.

Mr N.R. MARLBOROUGH: In real terms, how long is the training regime and when will they commence duties?

Mr J.C. KOBELKE: I will refer to the broader issue the member raised and then move to answer that part of the question. We have experienced a challenge in finding people with the necessary qualifications and experience. The facts of life are that good people who are working in the department are paid much higher salaries if they go out into private industry. Therefore, there is the potential for people who have qualifications that they obtained while working for WorkSafe as inspectors being attracted by higher salaries in the private sector. The whole training program is crucial for making sure that the inspectors are well equipped to do their very important job, for not only WorkSafe but also their inspectorate roles in labour relations and consumer protection. A huge effort goes into training to make sure that these people are appropriately skilled to perform their important tasks. It is often an issue that in order to get prosecutions, which is only one element of their training, they need to understand the way in which they can gather evidence, and the importance of evidence and the presentation of that evidence, so that if a matter goes to prosecution, it will be successful. Training is a lot more than that, but that is one example. If the training is inadequate and these people do not perform their role to the standard required, there will be a very clear test, because the prosecutions will fail. Therefore, we need people with the required skills.

I will now return to the specifics of the question concerning the new people coming into WorkSafe. We have natural attrition anyway, so we are always bringing in new people and training them in addition to these extra full-time equivalents. The first step is three months of basic inspector induction training, then three months of supervised fieldwork with a coach when they are out doing the job but are still under supervision, and then six months of applied enforcement training carrying out independent fieldwork with minimum supervision. I suppose one could say that after six months they are able to operate independently as inspectors but still have a higher level of supervision for that following six months to make sure they are able to do the job and to provide them with support so they can do it.

The CHAIRMAN: This session is set down for quite a lengthy period today. Members might like to think about when they would like a break. The Chair will change again at 11 o'clock and the committee might like to think about having a break then or before.

Mrs C.L. EDWARDES: Morning tea is finished by that time.

The CHAIRMAN: The Chair will be guided by the committee. We will have a break from 10.45 am to 11.00 am. Members can advise the Chair of their decision about further breaks.

Mr N.R. MARLBOROUGH: I have a further question on the same issue. What is the situation with the first eight inspectors? Are they presently out in the field having done their initial six months training? As a result of the recruitment of those extra eight people and the possibility of inspectors within the system leaving, is that an additional eight or, because of natural attrition, is the number something less than that?

Mr J.C. KOBELKE: They are eight additional. As I have indicated, the department and WorkSafe are keen to have them on board from the first day. Similarly, the process for the first eight started before the beginning of the financial year. They were not able to start on 1 July, but there was an attempt to have them start at the beginning of the financial year and not at the end. Those eight are now fully fledged inspectors.

[10.10 am]

Mr D.F. BARRON-SULLIVAN: The first major initiative for 2004-05 on page 420 refers to the introduction into Parliament of new legislation in the area of uniform trade measurement. Are we looking at once again having lines on beer glasses?

Mr J.C. KOBELKE: Absolutely.

Mr D.F. BARRON-SULLIVAN: Is the Government committed to telling us to what extent our middy should be filled?

Mr J.C. KOBELKE: I would hate for the member to be short-changed when his beer is poured!

Mrs C.L. EDWARDES: I want to be part of the review team!

Mr J.C. KOBELKE: I have had a lot of volunteers for the inspectorate!

Mr D.F. BARRON-SULLIVAN: Is there a real problem? Has the minister been to a pub and had a middy filled well below the brim? It will cause great inconvenience and expense for the industry. Why does the Government have to go down this path?

Mr J.C. KOBELKE: It will not cause great expense for the industry, and people do make complaints. People get in touch with the Department of Consumer and Employment Protection because they feel that an establishment has not given them the full drop.

Mr N.R. MARLBOROUGH: My mate Eddie McDermott complains about how often he knocks it over!

Mr D.F. BARRON-SULLIVAN: The minister says it is not an expense for industry, but it is an expense. Establishments will have to change the type of glassware they use and so on.

Mr J.C. KOBELKE: That is not true. This is a minor element in the whole regime. Uniform trade legislation has been requested by a range of industry sectors. They do not want a different regime in Western Australia from that in the rest of Australia. Our regime is very old - it is covered by a 1920s or 1930s Act - and was implemented when there were probably a couple of hundred weighing devices in the whole of Western Australia; now there are tens of thousands. The legislation is out of date and we must modernise it. I do not want a system in Western Australia that is different from that of the rest of Australia. Standard glasses do not have to be marked with a Plimsoll line. That is one part of the regime. That requirement is applied throughout the rest of Australia. To my knowledge, there are no glass manufacturers in Western Australia. They all come from the eastern States and they are made to comply with the national standard. Surveys have indicated that the glassware in Western Australia is already largely compliant. I have given an undertaking to the Australian Hotels Association and the registered clubs association that they will be given sufficient transition time so that even the very small percentage of non-compliant glassware can be phased out - they have a breakage rate. They are already on notice that the national standard will apply. However, that is one small aspect of the legislation.

As members are well aware, approximately 28 per cent of national exports, most of which is in product, come from Western Australia and it must be weighed. If the weight of $1 billion worth of product were out by one per cent, it could amount to a lot of money. For example, in the mining industry, when I think the member for Kingsley was the Minister for Labour Relations, that involved bulk weighing of low quality product - I think it started in about 2000. It was important to make sure, when contractors paid by the tonne - and they were moving thousands of tonnes - that the weights were reasonably accurate. They should meet a certain standard, given the huge quantities involved, and that has been acknowledged, as has been the fact that an unbearable expense should not be imposed on the industry. We gave them time to comply and we worked with them. That is now operating. It is a different issue from that which the member raised. The legislation is needed. It has had low priority with Governments for decades. I want to introduce it into Parliament this year, although I am not confident it will be passed. It will provide the standards that the industry is seeking and a regime that is in common with that in the rest of Australia.

Mr D.F. BARRON-SULLIVAN: Is the minister saying that a middy glass does not need a line on it?

Mr J.C. KOBELKE: I cannot talk specifically about a middy glass, but I understand that if a standard glass is marked on the bottom, that is acceptable. I am advised that that is correct.

Mr D.F. BARRON-SULLIVAN: How will customers know whether their middy glass has been filled properly?

Mr J.C. KOBELKE: I think the standard glass has a mark on the bottom of it.

Mr D.F. BARRON-SULLIVAN: How will people know where on the glass the beer should end and the froth should start? I am serious. The minister says there have been complaints. I would like to know how many complaints have been made and how many have been upheld. Consumers cannot turn their glass upside down when it is full of beer to see whether there is a mark on the bottom. How will people know whether it is a standard glass? This is absolute bureaucratic nonsense.

Mr J.C. KOBELKE: The education of the member could be a very interesting experience!

Mr D.F. BARRON-SULLIVAN: How many complaints about beer levels have been made and how many have been upheld?

Mr J.C. KOBELKE: The issue in part is also a health issue. Campaigns are held to reduce the amount of drink driving and to get people to understand how much they can drink before they get behind the wheel. The issue is about the alcohol content in a standard drink. That relies on the measure being served, albeit that is a different issue from the protection of consumers regarding a couple of millilitres less in their drink than they should have. However, the standardisation across the whole area has health implications as well as providing consumer protection.

I have also given an undertaking to boutique liquor outlets - those that might have a special size glass that goes with a particular product - that regulations will be written to include exemptions.

Mr D.F. BARRON-SULLIVAN: How many complaints have been upheld in the past few months?

Mr J.C. KOBELKE: It is not a matter of upholding them. If people make a complaint to the Department of Consumer and Employment Protection, they are advised of the law and what action they might take. It does not necessarily lead to a formal complaint that warrants investigation. The number of formal complaints that have been investigated is quite small.

Mr D.F. BARRON-SULLIVAN: Can I have a figure? The Government will make the industry go through strife and turmoil because the minister has said complaints have been made. I have not had one complaint as shadow minister and I have done my fair share of front bar work to assess the situation.

Mr N.R. MARLBOROUGH: Some people think that is where the member should still be. I am not necessarily one of them, but that is a view.

Mr J.C. KOBELKE: The issue is not a problem for the industry. We have negotiated with both the AHA and the licensed clubs over about a two-year period, so we have given them plenty of notice. Hopefully, they have consulted widely.

Mr F.M. LOGAN: The third major initiative for 2004-05 refers to targeting unlicensed motor vehicle dealers through a heightened compliance program. This relates to the recent passing of the Motor Vehicle Dealers Amendment Bill. Can the minister advise of the success of any compliance program that has been or will be applied?

[10.20 am]

Mr J.C. KOBELKE: I am advised that since April 2002, when three staff were specially recruited for the unlicensed dealer program, four major prosecutions have been conducted with three convictions and one unsuccessful attempt to get a conviction. Over the past six months the Department of Consumer and Employment Protection and the Motor Trade Association have been working closely together to focus on how the department can expedite the investigation process and how the MTA can support the department's activities. I am very grateful for the support of the MTA in this area, which is clearly of concern to its members. Significant progress has been made in developing the skills and expertise of investigators, an understanding of the legal framework surrounding unlicensed dealing and gaining experience from several prosecutions. The motor vehicle branch of the department has also acquired a store of intelligence about unlicensed dealing, and networks and patterns of activity are now emerging. The department has given the MTA advice on how information that the MTA or its members can provide to the department can assist in the investigation process.

The department has developed a response mechanism for complaints about persons who are suspected of unlicensed dealing. Where the evidence may not be sufficient to support prosecution action, the department issues a warning letter. The MTA has indicated its appreciation for the prompt response by the department to

new complaints, the advice given about how the MTA can assist the department and the proposed strategy to deal with the ever-increasing number of complaints. Two significant prosecution briefs have been completed, with one an approved prosecution and the other under consideration. A further major investigation is near completion and about 70-plus matters are under investigation. The motor vehicle branch has also looked to having additional staff, given its level of work. We are working with a range of other government agencies, such as the Department for Planning and Infrastructure, the Police Service, the Australian Customs Service, the Australian Taxation Office and the Australian Crime Commission. We take the matter very seriously.

The public needs to be warned that some people are trading in vehicles illegally. This not only has the potential to damage the industry, which is regulated and has good standards, so it is an important consumer protection issue in a regulated area that we take action to stop backyard dealers undercutting the sound and professional industry, but it is also a real issue that some operators are selling unroadworthy vehicles. There is a real risk that people's lives could be put in danger. It is an important area. The department has adopted this whole new initiative and has taken on additional staff. We are grateful to the MTA, which has sought to highlight this area. It is very concerned about it because of what it does to its members and how it tarnishes the reputation of the industry. The public needs to be very clearly warned that some operators seek to cover up their operations while we are seeking to track them down, which means they might be operating in some areas at the moment. The public needs to be warned. Operators are also on notice that we are on their tail. If those operators continue to operate in this area, we will catch them and apply the full force of the law.

Mrs C.L. EDWARDES: I refer the minister to the second dot point on page 420. One of the major achievements for 2003-04 is the facilitation of a major review and updating of 41 private sector awards by providing cash grants to key award parties and a contribution to the establishment of guidelines for the updating of all state awards. Have all those 41 private sector awards been updated? Is there a list on the department's web site that indicates that those awards have been updated; and, if not, could we receive that information? Who received the cash grants and what amount did they receive in an endeavour to assist them? I note that there is no reference to any more updating of awards in 2004-05. Will that not be the case?

Mr J.C. KOBELKE: In answer to the last part of the question, yes, we do propose to continue the program. I am not sure that it will be at exactly the same level, but it is an ongoing issue. The Government established a legislative requirement for the Western Australian Industrial Relations Commission to vary awards to ensure that awards do not contain wages that are less favourable than the current minimum award wage; conditions of employment that are less favourable than those prescribed in the Minimum Conditions of Employment Act 1993; and provisions that unlawfully discriminate against an employee that are obsolete or need updating. The Government also established a legislative requirement for the Industrial Relations Commission to facilitate the effective organisation of work, balancing the needs of employers and employees. Clearly, that is what instigated our putting up funds to encourage the various parties to undertake that process. The Government provides a number of cash grants to relevant employee organisations and employer associations for the updating of private sector awards in accordance with the new legislative award updating provisions. Some 41 private sector awards are being updated under the cash grant arrangements.

Mrs C.L. EDWARDES: Have they not been completed?

Mr J.C. KOBELKE: Some have been, but it is work in progress. The number could be different in any one week from that in the week before. Cash grants were provided to UnionsWA, the WA branch of the Liquor, Hospitality and Miscellaneous Union, the Australian Hotels Association, the Australian Workers Union and the Motor Trade Association. Cash grants were also provided to the Independent School Salaried Officers Association, which is an arrangement that I think was completed; the WA Council of Retailers Association, for both award updating and collective agreements; the Australian Retailers Association (WA) for collective agreements; and the Shop, Distributive and Allied Employees Union for a collective agreement. Grants were provided for the negotiation of creative agreements in the retail industry in which none previously existed. The member will be aware that a number of small retailers who may have been using workplace agreements saw that if they were forced onto the award, they would not have the flexibility they wanted. A number of them sought to put in place a collective agreement to give them that flexibility. Again, we provided some funding to encourage and assist them to do that.

Mrs C.L. EDWARDES: Could the minister provide a breakdown of the cash grants made available to each of those organisations? Are those that have been updated and/or in the process of being updated listed on the department's web site? If that information is not on the web site, could it be provided by way of supplementary information on the specific awards?

Mr J.C. KOBELKE: Page 429 sets out the totals of the award updating for the unions and employer associations. For 2002-03 the actual was $106 000; for the current financial year it is estimated to be $112 000;

and for the coming financial year it is budgeted at $150 000. I am happy to provide a breakdown to individual amounts by way of supplementary information. I will also provide the last record of the number of awards that have been updated and completed.

[*Supplementary Information No B39.*]

Mrs C.L. EDWARDES: Rather than merely the number of awards that have been updated or are progressing, could I have the names of the specific awards so that we know which ones will be changing or have been changed, because some of the information is out of date?

Mr J.C. KOBELKE: I will provide that as part of the supplementary information.

Mr N.R. MARLBOROUGH: On page 422 the fifth dot point refers to successful prosecution actions in relation to consumer protection matters, which includes breaches of the Petroleum Products Pricing Act. I understand that relates to the FuelWatch program. I understand that FuelWatch has recently implemented some changes to its web site. Given the impact of international hikes in oil prices at the moment, will the minister explain what benefits these changes have provided for Western Australian motorists?

[10.30 am]

Mr J.C. KOBELKE: The whole of Australia is currently seeing how successful FuelWatch has been. One can take a snapshot, but the position changes from day to day and from week to week. However, an article in *The Australian* of Tuesday clearly showed that Perth had the cheapest fuel prices of any of the capital cities, and that has been the consistent position for a few weeks. As the international price of oil has gone up, it has had a major inflationary effect. Prices have spiralled and broken through the dollar barrier in all capital cities, except Brisbane, where the State Government makes a direct subsidy. Even without that subsidy, Brisbane's prices are more expensive than those in Western Australia. We have a good record.

The prosecutions are one element of the whole program. It also includes signboards, FuelWatch and the promotion of petrol. Some of the prosecutions related to the transparency of fuel at the wholesale level. In July 2003, BP was successfully prosecuted after pleading guilty to not correctly displaying terminal gate prices as required by the Petrol Product Pricing Act 1983. It was fined $4 500 plus costs. Following legislative amendments introduced in 2001, offences committed since 1 January 2002 will attract fines of $100 000. Obviously, that was prior to the Government upping the maximum penalty. In addition to prosecution action, FuelWatch can also issue infringement notices to oil companies and retailers for lesser offences, which reduces the need for costly litigation. Since May 2002, 40 infringements totalling $60 200 have been issued - 33 to oil companies and seven to retailers. So far this year, 29 infringement notices totalling $56 200 have been issued. Of those, 28 were issued to oil companies. The oil company infringements issued this year have been for either failing to display terminal gate prices as required by law, or not displaying them correctly. This financial year infringements have been incurred by the BP terminal in Geraldton, which was fined $20 000; the BP terminal in North Fremantle, which was fined $4 000; the Shell terminal in North Fremantle, which was fined $16 000; and the Shell terminal in Geraldton, which was fined $16 000.

Mr D.F. BARRON-SULLIVAN: A range of items in the *Budget Statements* relate to the investigatory powers and responsibilities of the department; therefore, I will ask my questions under the general provision of appropriation and forward estimates. I would like to talk briefly about the situation that has arisen at the Lake Joondalup Lifestyle Village. There may be complications in talking about this issue because legal action is under way. The minister may prefer to talk in general terms rather than specifically about Mr and Mrs Dean's situation, or those of other residents who have made complaints. Can the minister or the commissioner bring me up to speed on the departmental investigation and, in particular, on the other types of support the department will provide to those residents? I do not need to go into the details of this issue, because it has been widely publicised. The department is undoubtedly on top of this issue. It is a major concern and will have significant policy ramifications. What support is the department providing? Is there any prospect under the current legislative provisions for any form of compensation, should any action be successful? The commissioner indicated earlier this month that the department's investigation had been going on for five months. Will the minister explain why that investigation has taken so long and when we might see it draw to a close?

Mr J.C. KOBELKE: As my parliamentary secretary, the member for Peel was asked to put together proposals for legislative changes to provide protection to park home owners. He did an excellent job and I thank him for that. Hopefully legislation will be drafted and presented before Parliament some time this year. Although most of the main issues have been tied up, we are trying to resolve some of the smaller issues. Crucial to the whole process was ensuring that we engaged the park home owners and those who run the major sites and have an interest in the caravan park industry. The member for Peel, who is well known for his skills in engaging people and bringing them together, conducted that review and was able to bring people to the table. To a large degree,

we were able to get unanimity on the issue. One of the things that came out of that process - I was not aware of the situation previously - was the particular issue to which the member referred. Given that it is now before the courts, I will be guarded with what I say. That issue does not simply involve the Department of Consumer and Employment Protection, although it is keen to provide what support it can. The situation also relates to the Strata Titles Act 1985 and, to the extent that it applies, it falls within a different portfolio. In other cases, government land is involved; therefore, the fact that crown land is involved impinges on the way the Act works. The department is working through this issue to assist these people. Mr Walker, as the Commissioner for Consumer Affairs, can give more details because I understand he has written a letter that will be going out today or tomorrow.

Mr WALKER: I will keep it general, because both legal action and private civil proceedings are likely to result from this issue. The investigation has almost drawn to a close. It required consultation with other government agencies and we also sought external expert counsel advice on the legal position. Over 100 residents at the Lake Joondalup Lifestyle Village are affected by this issue, which, fundamentally, is about the quality of a lease that those residents have with the owner of the caravan park, National Lifestyle Villages. Yesterday afternoon, I arranged for a letter to be sent to all the residents indicating that the issue will be resolved shortly. I invited them to indicate, among other things, whether they wanted the department to act on their behalf in terms of the potential legal action and negotiations with the company. Our approach fundamentally will be to achieve the best outcome for the residents. Some residents, such as Mr and Mrs Dean, are clearly disaffected. The Magistrates Court will determine their eviction case today. Although many of the other residents are very happy with the lifestyle, I believe they are concerned about the nature of their lease, which they understood was in perpetuity. Essentially, these are serious issues. We will meet with Mr Wood. Our legal representatives met with him yesterday. There will probably be a further meeting early next week, but I imagine I will make a public statement on this case in the next few days.

Mr D.F. BARRON-SULLIVAN: The commissioner indicated that he would offer to act on behalf of the residents. Will he act on their behalf in any private civil proceedings? Will they get assistance in that area or will he act only in relation to departmental action?

Mr WALKER: Under the Consumer Affairs Act, the commissioner has the power to act on behalf of individuals if it is in the public interest. That power can be exercised only with the approval of the minister. Certainly that is a possibility in this issue.

Mr D.F. BARRON-SULLIVAN: Has that matter gone to the minister?

Mr J.C. KOBELKE: Not yet.

Mr D.F. BARRON-SULLIVAN: Is that something that could happen rapidly?

Mr J.C. KOBELKE: Mr Walker said that we are keen to assist people with this issue. It is quite a complex issue. Given that a group of people is involved, working with them collectively is more likely to give a positive outcome. It is up to the Commissioner for Consumer Affairs as to what action he takes. However, he just indicated that the Act provides, among other things, one particular avenue. If he pursues that avenue, he requires the minister's support.

[10.40 am]

Mr D.F. BARRON-SULLIVAN: I know. That is why I asked the minister whether he would support legal action and civil proceedings, because, frankly, that is what the residents need. It would give the residents great comfort if the minister would give a commitment now that if the commissioner were to recommend that such support be provided, the Government would do so.

Mr J.C. KOBELKE: The commitment that we are giving is to make sure that the department is fully engaged and very proactive - as it is - in providing support. I cannot forejudge what decision I or any minister might make in the future. However, I give a clear commitment to work with these people and assist them. As the member for Kingsley would know, having been a minister, for a minister to forejudge what his or her decision will be might form a basis for a legal challenge to that decision in the future. I need to make a decision based on the facts presented to me. The member will know from my track record that when there was a dispute in the Building Disputes Tribunal of Western Australia about the goods and services tax, I backed the decision - it required the minister's backing - to take that matter through the courts.

Mr D.F. BARRON-SULLIVAN: What I asked was if the commissioner were to make a recommendation -

Mr J.C. KOBELKE: That case was the first time we could recall - it was not necessarily the first time that it had happened, but it was the first time we could recall for many years - that such action had been taken by

Government, with the backing of the minister. It is evident from the action that I took in that case that I have a track record of saying yes, we will be proactive. In that particular case that was presented to me by the commissioner, I was very strongly in support of it. However, if I were to signal in this case what might be my answer to a hypothetical decision, I could be providing a technical point that people could take issue with. I need to wait until the case is presented to me, and judge it on its merits, and that is what I will do; and, in doing that, I will be very mindful of the fact that these people are in a difficult position and need the support of Government.

Mr D.F. BARRON-SULLIVAN: What I asked was: if the commissioner were to make that recommendation to the minister, will the minister give a commitment now that he will agree to such a recommendation? The commissioner obviously would have done his homework to ensure that there would not be any adverse legal ramifications for the Government. If the commissioner were to recommend that the Government support the residents in their legal action, will the minister give a commitment today that he will support them, even if that is just to say that he will take on board that recommendation and consider it in a favourable light, or something like that? I am meeting with the residents later today. They would love to have some comfort from the minister. I assure the minister that if he were to take such action on the commissioner's advice, he will have full support from the Liberal Party.

Mr J.C. KOBELKE: I think the member did not listen to my answer to his earlier question. I said that I am fully supportive of the department assisting these people. I am aware of the difficulty in which these people have been placed. We will do as a Government what we can to assist them. For me to give a response on a specific legal requirement, without having had the case put to me and without knowing the full detail of it, is only likely to create a legal technicality that could be used to undermine the process. I cannot give that commitment until the actual proposition has been put to me.

Mr D.F. BARRON-SULLIVAN: We have just had an indication -

The CHAIRMAN: I think the member is aware of Standing Order No 77 and its reference to hypothetical questions. I appreciate the member's line of questioning. Of course as the member for Wanneroo I have a distinct interest in and an active carriage of this issue. I am happy for the member to pursue this issue if he has a further question. However, it needs to be a bit more than just a hypothetical question.

Mr D.F. BARRON-SULLIVAN: In that case I will ask a further non-hypothetical question. In light of the advice that the commissioner gave a moment ago, which is not hypothetical, because the commissioner gave that advice, if the commissioner were to make the recommendation to the minister that he referred to earlier, will the minister agree with it and support the residents? It is as simple as that.

Mr J.C. KOBELKE I have total confidence in the commissioner. The commissioner is very keen to ensure that the department gives whatever assistance it can to these people, and he knows that he has my backing, as the minister, and the backing of the Government, and that we will give whatever assistance we can, whether that be through negotiation or legal action.

The CHAIRMAN: I will take this opportunity - I have done this rarely, as chairperson - to ask a question. The commissioner indicated in response to the questions from the member for Mitchell that the investigation was drawing to a close. Does the minister have any indication of when the investigation will be completed?

Mr J.C. KOBELKE: I will ask Mr Walker to respond.

Mr WALKER: At this stage I anticipate being in a position to make a final determination and publicise a decision next week.

Sitting suspended from 10.45 am to 11.00 am

[Ms J.A. Radisich took the Chair.]

Mrs C.L. EDWARDES: I refer to outputs 1 and 2 on pages 417 and 419, and in particular to the police and the new occupational safety and health process that has been put in place for them. Can the minister outline exactly how those arrangements will work under the agreement between the two agencies? If an officer has a complaint about his workplace etc, where would he go first?

Mr J.C. KOBELKE: I thank the member for the question. Guidance notes were approved at the meeting of 5 May. We can provide the member with a copy of those guidance notes by way of supplementary information.

Mrs C.L. EDWARDES: Will that outline the exact arrangements between the two respective agencies?

Mr J.C. KOBELKE: Not between the agencies. The issue is the guidance, particularly for how covert operations will be handled.

The CHAIRMAN: Can the minister confirm that he will provide supplementary information to the member?

Mr J.C. KOBELKE: Yes. The question asked by the member can, in large part, be answered by the provision of those guidance notes, which have only just been approved, so they may not have been widely distributed as yet. We will ensure the member has a copy of them.

[*Supplementary Information No B40*.]

Mrs C.L. EDWARDES: Further to that, one of the big issues is that some stations are quite bad in that they do not provide an adequate or safe workplace etc. What is happening between WorkSafe and the police department to ensure that those workplaces are brought up to standard?

Mr J.C. KOBELKE: Obviously the extension of health and safety requirements to the police has been a major initiative of this Government and has been a long time coming. I know the police certainly welcome it. The requirements for duty of care by their employer should apply as it does to every other employer. That responsibility rests with the Police Service, as the employer. An officer from WorkSafe has worked with the Police Service to give it guidance and provide it with the assistance it needs to understand what is required. It is a responsibility for the Police Service. If there is a complaint, that is a matter that would be taken up by WorkSafe and followed through the normal processes. It may simply be that the matter could be resolved through further assistance to the Police Service, or it may follow the various avenues that are followed when a complaint is made.

Mr D.F. BARRON-SULLIVAN: Earlier the minister answered a question from the member for Peel about FuelWatch and the Government's policies in that regard. I would like to ask a supplementary question to that of the member for Peel.

Mr J.C. KOBELKE: It is clearly within the budget. However, it would be helpful if the member could refer to a page, because I have a large number of notes.

[11.10 am]

Mr D.F. BARRON-SULLIVAN: The fifth dot point on page 422 refers to prosecutions. Output 1 relates to community information and assistance. There are a few items. They are the same items as those raised by the member for Peel. On 19 December 2002, the minister and his Government made the decision to abandon the maximum wholesale price system that they had been unable to make work effectively, and left it up to the oil companies to post and implement their own terminal gate price system. Today, as we speak, the terminal gate price at the Caltex service station in North Fremantle is 100.39c a litre for unleaded fuel. The average retail price for unleaded fuel in the metropolitan area, as I am saying this, is 99.4c a litre. The cheapest metropolitan price, I am told, is 96.5c a litre, and that does not include the discounts that some companies are offering on top of that. The bottom line is that in the metropolitan area, as we speak, the average price of fuel is less than the terminal gate price; in other words, the retail price is less than the wholesale price. This is a common occurrence, and it has been raised numerous times.

My first question is: would the minister not agree with not only me but also a range of people in the industry that the terminal gate price is virtually meaningless? It certainly does not reflect a true and fair wholesale price, as indicated today when many stations around Perth are selling at prices that are lower than the wholesale price or the terminal gate price.

I will ask my second question. All this issue arose some years ago when the previous Government had the foresight, along with the Independent member for Pilbara at the time, to initiate a review of fuel pricing with a view to trying to work out how to reduce the gap between country and metropolitan fuel prices. As we speak today, that gap is still absolutely phenomenal. It does not matter which region we look at, the simple fact is that today - I will use the average prices, although I could use the cheapest; it does really not make much difference - the average price in the south west is over $1.08 a litre, compared with 99c a litre in Perth. In the Pilbara it is $1.16. I was in Derby yesterday, and it was $1.25 or something like that. In the wheatbelt it is about $1.07 a litre.

I am sure the minister will spit out some figures that show that the gap has closed in certain areas. However, people are not fooled. It does not matter whether they live in Albany, Bunbury, the wheatbelt, Geraldton or up north -

The CHAIRMAN: Will the member move to formulating his specific question?

Mr D.F. BARRON-SULLIVAN: I will. I am asking two very short questions with a fair bit of preamble. My question is very simple. In view of the fact that the minister is letting the oil companies decide the maximum wholesale price, and in view of the fact that the oil companies dominate the industry at the moment, is it the Government's intention to do anything further to try to reduce the gap between Perth and country fuel prices?

Mr J.C. KOBELKE: The Government has been very successful in reducing that. We will continue to work on it so that we can be more successful in reducing the gap between the prices people pay in Perth and in regional centres. I will give some examples. Because these are FuelWatch figures, they are not just samples; they are the figures taken on a daily basis across every site in metropolitan Perth or in the regional centres. In 2001, the gap between Albany and Perth averaged 12c a litre. In 2003, that had gone down to 9.1c a litre, which was a drop of nearly 3c. I will give the figure for year to date, because a number of months have already passed this year. The year to date gap is down to 8.9c a litre, which is a drop of 3.1c. Bunbury had a gap of 7.7c throughout the whole of 2001. Year to date, that gap has gone down to 5.9c, which is a drop of 1.8c. In fact, we did even better last year. In Busselton, the gap in 2001 was 7.6c. Year to date, that is now down to 6c, although the figure was in the 4c range in the past couple of years. However, the gap in price between Busselton and Perth has been lowered by 1.6c a litre. Throughout 2001, the differential between Perth and Geraldton-Greenough was 12.4c. It is now down to 9.7c, which is a reduction of 2.7c a litre. The gap between the price in Kalgoorlie-Boulder and Perth in 2001 was 12.5c and this year it is 9.9c, a reduction of 2.5c a litre. In Port Hedland the reduction has not been as dramatic - only about half a cent. The program is effective, we would like it to be more effective and we will continue to push it. We will do that through a whole range of methods. It has been clearly demonstrated that the policies and programs we have put in place have meant that Perth motorists, during a time of very high fuel prices, are clearly getting a better deal than motorists in all the other capital cities.

[11.20 am]

Mr D.F. BARRON-SULLIVAN: The minister did not answer either of my questions. Can he tell me why -

The CHAIRMAN: Does the member for Mitchell have a further question?

Mr D.F. BARRON-SULLIVAN: No, just the same questions that I would like answered.

The CHAIRMAN: Unless the member has a further question, an answer has been given.

Mr D.F. BARRON-SULLIVAN: I have two supplementary questions.

The CHAIRMAN: Does the member have a further question?

Mr D.F. BARRON-SULLIVAN: I have a further question. Firstly, can the minister explain why today a significant proportion of petrol stations in Perth are retailing fuel for less than the terminal gate price? Secondly, as the minister is obviously happy with the results of the FuelWatch system, I take it that this Government will not be introducing any new initiatives to reduce the country-metro price gap? Can the minister confirm that?

Mr J.C. KOBELKE: As to the second question, we are continuing to implement a range of new initiatives to make sure that more motorists can gain the advantage of FuelWatch. In fact, almost every other week we introduce some initiative to try to improve things for country motorists and motorists in metropolitan Perth. This is not an issue about which we can win the battle in one day or one month; it is an ongoing fight to make sure that motorists in Perth and regional Western Australia get the best possible deal. There is ample objective evidence that the system is working and that motorists in WA are getting a much better deal than do motorists in the other cities. That answers the first part of the member's question.

The second part of the question related to terminal gate price. The TGP was not going to be a cure-all, but it gives greater transparency. The fact that retail outlets are selling below the terminal gate price is indicative of price support. The end result is certainly a better deal for motorists, and the terminal gate price gives that transparency. As I have indicated, we have already had successful prosecutions and have issued infringement notices to people who do not wish to follow the procedure, and it gives us a basis for better understanding the industry. When we institute new initiatives, as we regularly do, we are then better informed. It is a very good indicator of how the market is performing; it is one of many indicators and pieces of information we use. The fact that retail prices are below the TGP at various times is something we take account of and it goes into the mix of the responses we make to get a better deal for motorists.

Mrs C.L. EDWARDES: The seventh dot point on page 417 under major achievements for 2003-04 refers to an information and education campaign targeting youth, migrants, disabled and Aboriginal workers regarding employment rights. Who conducted that program? If it was not done from within the agency, what was the cost of the program?

Mr J.C. KOBELKE: The labour relations division regularly updates its youth web site and maintains an ongoing program of information advice on youth employment rights. This has been extended to include information services to job agencies, group trainers and new apprenticeship centres. Labor relations officers attended the 2004 university orientation days at Murdoch University, the University of Western Australia and Curtin University of Technology. The information distributed included brochures on casual versus part time and types of employment. We also advertised the Wageline service number so that people can get in touch at other times

for specific information. A joint seminar program between the Department of Labour Relations and the Department of Immigration and Multicultural and Indigenous Affairs will be carried out in May-June 2004 for migrants entering on business visas. These seminars will provide information on state and federal employment laws as well as employment options to assist business migrants understand their employment obligations. A program of visits by labour relations officers to various migrant centres will be carried out in May and June of this year as part of an ongoing process of ensuring clients are aware of and know how to contact the Wageline and advisory services. A labour relations advertising campaign to increase indigenous people's awareness of their employment rights and the services offered by Wageline is being finalised for release on indigenous radio stations. In addition, employment information and contact details for Wageline and the advisory services will be included in the information packs for distribution to indigenous groups and agencies throughout Western Australia. The Department of Labour Relations continues to provide information seminars on employment rights and the use of employer-employee agreements for disabled workers to peak disability organisations, government agencies and disabled workers.

The fourth dot point under major achievements for 2003-04 on page 419 refers to a review of national long service leave provisions for consideration of the development of a national long service leave standard. I have previously raised with the minister this issue about the critical problem facing workers in the fabrication industry, particularly fabrication workshops, who from time to time work on construction sites and as a result, not of the transfer of their employment - they are always with the same employer - but because of where they are employed, they come under two separate Acts of Parliament:- the Industrial Relations Act 1979 and the general standards provisions for long service leave under the Long Service Leave Act. When they go out on site they are covered by the Construction Industry Portable Paid Long Service Leave Act. Those employees accumulate long service leave under those two Acts. There have been occasions - I think the minister already knows about this - when workers have not accumulated enough hours or enough time in the construction and long service leave industry to access their leave entitlements under the Construction Industry Portable Paid Long Service Leave Act, because they may have left the workshops to work on site for short periods during construction phases and as a result they have never accumulated the required number of hours that is equivalent to at least 10 years long service leave, which is the trigger point for them to get access to the accumulated long service leave in the construction industry fund. Despite having worked for more than 15 years, and in some cases 20 or 25 years, in the industry, they have never been able to accumulate enough long service leave either under the Industrial Relations Act or the Construction Industry Portable Paid Long Service Leave Act to get access to long service leave. I would hope that issue is addressed in any review of the long service leave provisions for national standards. This issue has been going on ever since the Construction Industry Portable Paid Long Service Leave Act has been in force. I have raised this anomaly a number of times and have sought to have it addressed. The other issue that I hope will be addressed by the national review and the creation of national long service leave standards is the fact that those standards are based on best practice, which is in South Australia and New South Wales, where employees receive 13 weeks leave for 10 years service, and not the practice that applies in the other States where employees receive 13 weeks for 15 years service. I hope we are looking at the creation of a progressive national standard and not trying to encourage States like New South Wales and South Australia to go back to the dark ages that we are still facing in Western Australia.

[11.30 am]

Mr J.C. KOBELKE: I thank the member for his question. He raises very valid issues about people who change their workplace without changing the nature of their work and then miss out on the portable long service leave provisions. The potential exists in a number of areas to improve the long service leave scheme in Western Australia. In a totally different industry there is interest in establishing some form of scheme, because people tend to work at the same place for 10 or 20 years and, when the contractor changes, their contract of employment changes and they do not have continuity. They miss out in that way. I am very keen to see what we can do in this area. It is not possible this year because we must do a lot of work to sort out the priorities for improvements to the scheme. Also the costing must be done, and all employees must be represented through their unions and employer organisations to agree on how we can do that.

The item in the budget relates to a national review. Although the national review might inform us of what we can best do in Western Australia, I do not want us to be limited by it or restrained by its time line. National reviews looking to what can be done to standardise systems across Australia can roll on for years, but we can be more proactive in Western Australia. Earlier this week I was in Sydney for a meeting of the Workplace Relations Ministers' Council. I had hoped this would be an item on the agenda but it was not. Throughout the States the matter is progressing perhaps more slowly than we thought it would. Nonetheless, our portable long service leave scheme should be put on the agenda in Western Australia to see how we can improve it.

Mr D.F. BARRON-SULLIVAN: The first dot point on page 414 indicates that demographic and economic trends impacting upon the department include the continued growth of the small business sector, increased use of labour hire, subcontractors and non-traditional employment arrangements. Another item, the ODCO provision, specifically relates to one of those alternatives. On page 422 a major achievement for 2003-04 was an investigation by the department into the use of ODCO-style service contracts administered by a third party for employment situations not traditionally associated with subcontract arrangements. Was the investigation into the ODCO-style contracts about a specific arrangement or was it in relation to the ODCO arrangement as a whole? What were the conclusions of that investigation? What will be the impact on the department of an increased reliance by the small business sector on what has been termed non-traditional employment arrangements?

Mr J.C. KOBELKE: This does not relate to one employer or one complaint. There have been a range of complaints among different employers. It is an issue of concern. I think the first part of the member's question was about the change in demographic and economic trends, increased use of labour hire and subcontractors etc. This is an issue in which the standards have been implemented assuming a certain style of employment contract. When they change, the responsibilities will fall back onto the department to provide advice to people on those services, and to make sure the regulatory regime maintains a level of protection and support for people. The regulations also need to be updated. That is clearly the key issue to which the member first alluded; that is, about coping with that change. Those changes can be of benefit to small businesses in providing greater flexibility and enabling higher productivity in a particular industry. One of the issues is to discern from that positive approach, situations in which the changes can be applied in a very negative way because people simply use them to lower community standards. This Government will not support that and it will seek to make sure proper standards are maintained. That is our record across a range of areas in a State that is leading Australia in economic growth and exports. We do not see why we should lower standards for people who do the work to create that work. We believe in standards and want to enforce them. Therefore, we face the challenge of allowing for flexibility, which is good for industry, but not allowing a small number of operators to undercut community standards. The ODCO case is an example of that. ODCO-style contracts involve workers in a tripartite working arrangement with themselves, the business for which they provide labour, and the third party that hires that labour exclusively for the other business. The construction of the arrangement renders the workers to be contractors and, hence, not employees of either of the other parties. Such contracting arrangements are a common feature in the building industry. However, the ODCO system has recently moved into covering labour-only arrangements in the retail and hospitality areas. The labour relations division has received numerous inquiries from people working under these arrangements about the legitimacy of the ODCO system. Clearly, some of those are complaints. A project team comprising two industrial inspectors was established in January 2004 to investigate matters pertaining to ODCO-style arrangements. The object of the ODCO project team is to determine whether employment arrangements made under these contracts are legally sound or in breach of the current labour relations laws in Western Australia.

Mr D.F. BARRON-SULLIVAN: Has that advice come through yet? Are they legally sound?

Mr J.C. KOBELKE: It depends on each one.

Mr D.F. BARRON-SULLIVAN: I was referring to the ODCO process as a whole.

Mr J.C. KOBELKE: That is not the point of the inquiry. It is accepted that the ODCO arrangement is legitimate and legal in certain circumstances.

Mr D.F. BARRON-SULLIVAN: That is not what the minister told Parliament a while ago about one particular ODCO arrangement with small business.

Mr J.C. KOBELKE: In making that comment, the member said one thing and then said the opposite and accused me of it. I just said in my response that the ODCO arrangement can be legitimate in certain circumstances and illegal in others. Then the member for Mitchell said that that was not what I told Parliament because I had said in one instance that it was legal. That is exactly what I said: in one instance it is legal, and in other instances it is dubious, and we want to check whether or not it is legal. Some of those cases may be found to be illegal, in which case action will be taken. The determination of that is not always straightforward. We are very keen to make sure that we maintain minimum standards and protect people when, on some occasions, there might be an attempt to undermine standards and abuse the rights of those people. The ODCO arrangement is one instance in which that could happen.

Mr D.F. BARRON-SULLIVAN: Earlier on I asked specifically whether the investigation was in relation to specific cases or the ODCO process as a whole. The minister indicated that it was general. He is now saying that it seems to relate to specific cases. Does the ODCO process in any way transgress state law?

Mr J.C. KOBELKE: I will attempt to answer the question again. If the member listens, I might be able to impart some knowledge. I perhaps misunderstood the first question about whether all the investigations were into one ODCO arrangement within one sector or with one employer. The answer is no. We are looking at a number of ODCO arrangements. Each one must be investigated in its own circumstance and judged on the merit of the application of ODCO-style arrangements in that particular circumstance. We are looking at a number of cases that are using the ODCO-style of contracting. This team is looking at all of them. They relate to specific cases.

[11.40 am]

Mrs C.L. EDWARDES: On page 420 the tenth dot point of the major initiatives for 2004-05 refers to the second wave of the Government's labour relations laws. The first wave did not go down too well. What does the Government next have in store for employers?

Mr J.C. KOBELKE: I thank the member for the dorothy dix question! The first of our major reforms to industrial relations laws in this State has been an outstanding success.

Mrs C.L. EDWARDES: We will get to that when we get to the Industrial Relations Commission figures.

Mr D.F. BARRON-SULLIVAN: What a sense of humour!

Mr J.C. KOBELKE: They have resulted in the minimum wage being increased by more than $80 a week. For anyone who wants to see the Government delivering benefits to ordinary working men and women in Australia, it is an outstanding success. We have supported the national wage case, which recently determined an extra $19 a week for the minimum wage. We supported the flow-on into the state jurisdiction, which will hopefully occur and which will mean that the increases in the state minimum wage in just over three years of Labor Government will be very close to $100 a week for men and women on the lowest wage. That is a clear achievement of those legislative changes.

Mrs C.L. EDWARDES: That was not part of the Government's legislation. Let us talk about the success or otherwise of the Government's legislation.

The CHAIRMAN: I know the member wants to hear the minister's answer.

Mr J.C. KOBELKE: The change we have made to the hourly divider has meant that the minimum hourly rate in Western Australia, if the state wage case flows on from the national decision, will have increased by 34 per cent in just over three years. We have done that while, according to the Australian Bureau of Statistics employment figures that came out last week, we have achieved the lowest unemployment rate that this State has seen for nearly 30 years since data was collected.

Mrs C.L. EDWARDES: That is why you should keep voting for John Howard.

Mr J.C. KOBELKE: If John Howard did it, why did he not do it for the rest of Australia? We inherited an economy that had shrunk by 1.2 per cent in the last year of the Liberal Government. We are now experiencing an economic growth in the current financial year of over six per cent. We are predicting an economic growth of 4.5 per cent for next year. We have record low unemployment and a fantastic increase in the minimum wage. We are giving workers greater rights to negotiate and bargain so that they get the benefits of the economic growth that is being brought to this State, while we have ensured that employers have the opportunity to be able to take advantage of the economic growth. It has been a win-win situation all the way round. I thank the member for the question. It enables me to make sure that people are again aware of just how well we are doing following those changes to the Industrial Relations Act.

Mrs C.L. EDWARDES: Now that the minister is off his soapbox, will he please answer the question? Irrespective of what the minister has just stated, his first wave of industrial legislation had nothing to do with the changes, which would have happened in any event had his policy been directed to that end. Let us cut out the nonsense. What has the minister in store with his second wave of industrial legislation?

The CHAIRMAN: What page of the budget papers is the member referring to?

Mrs C.L. EDWARDES: It is the same page.

Mr J.C. KOBELKE: I am happy to take the question. May I first put a contrary point of view? The increase of $100 a week in the state minimum wage would not have occurred without the changes made to the Industrial Relations Act, which the member has referred to as the first wave. The member quite rightly points to the fact that we are working to further changes to industrial relations laws in this State. That has progressed more slowly than I would have wished, because we have had so many other pieces of legislation being developed. As the member is well aware, we have the workers compensation package of legislation, major changes to occupational safety and health legislation and a whole range of other legislation. The further changes to industrial relations

laws have therefore not moved as quickly as I would have liked and will not come before the Parliament this year. The announcement made prior to the last election was that the second round of legislation would be largely concerned with reforming the functioning of the Industrial Relations Commission and making sure that it would work effectively and efficiently. The Cawley report has been public for some time now. It dealt with reports produced by the previous Government and refined them. I believe there is general agreement on a whole range of matters that we need to undertake to ensure that the commission will work more effectively. They must wait until the second term of the Gallop Labor Government. Some bigger issues might also be put into the package, but the work that has been done so far is on the standard mechanisms and functioning of the commission.

Mr D.F. BARRON-SULLIVAN: The third dot point on page 414 refers to a number of energy industry trends, security and technical issues impacting on the department and states that action will be required on ageing overhead electricity network infrastructure, which is an increasing concern with the quality and reliability of supply, as well as community safety. When did the department first become involved in that particular matter? When was the network infrastructure deemed to be a matter of concern for community safety?

Mr J.C. KOBELKE: The question is hard for me to answer, and I will seek some advice in a moment, because energy safety is a new division of the Department of Consumer and Employment Protection. The rearrangement is seen as being opportune with the changes taking place in the energy market and also necessary because the regulatory body needs to be independent of the service provider. For years the service was within the major provider. The Government has made sure that the regulatory role of the Office of Energy is independent in a new structure of government. It has therefore amalgamated it within the department, which regulates a whole range of other industries. That is clearly seen as a way of making the regulatory role independent. The regulations came into being in 2001, which was the starting point, and energy safety came under the responsibility of the department in 2002-03.

Mr D.F. BARRON-SULLIVAN: In 2002 did the department have concern about community safety with regard to the network infrastructure?

Mr J.C. KOBELKE: The concerns were expressed then. I am trying to separate when government was dealing with the issue from when energy safety structurally became part of the department.

Mr D.F. BARRON-SULLIVAN: I want to know when the department was aware of or considered that there were community safety issues with the electricity network infrastructure in this State. I assume that it would have been very close to the time when the department took over responsibility for energy safety.

[11.50 am]

Mr J.C. KOBELKE: I am advised that the concern arose only from the information that became available after the implementation of the new regulations. The new regulations were introduced in late 2001 and became effective in 2002. Energy safety was incorporated into DOCEP in 2002.

Mr D.F. BARRON-SULLIVAN: So two and a half years ago, the department had concerns about community safety issues to do with the electricity network infrastructure. A tragedy occurred recently in the south west. The minister's department was concerned about that matter two and a half years ago. What took place between the minister's department and the electricity authorities two and a half years ago, when the department first had those concerns, to ensure that those community safety concerns were addressed?

Mr J.C. KOBELKE: The issue is that when the information came in that caused those concerns, that matter was progressed; that is, it was looked into, further information was ascertained -

Mr D.F. BARRON-SULLIVAN: What was done specifically? This is an extremely important matter. The minister has just admitted that his department was aware of these problems two and half years ago. The minister would know that in my region there was a tragedy recently. The minister's department knew about these concerns two and a half years ago. I want to know what took place between the minister's department and the electricity generation authorities to address the concerns that the department had two and half years ago. What did the minister do, as the minister responsible for this area, to ensure that the community safety concerns, which are mentioned in these budget papers, and which the minister is now admitting were known about by his department two and a half years ago, were addressed adequately?

Mr J.C. KOBELKE: It depends on which concerns the member is talking about. The member has bundled them all up as though there was suddenly one concern. There is a growing body of understanding of the extent of the problem and the issues, and the matter has to be dealt with both in a holistic way and on the basis of issue by issue.

Mr D.F. BARRON-SULLIVAN: What were those concerns?

Mr J.C. KOBELKE: I am coming to some of the background of it. The electricity and gas utility sectors, although structured differently, are both following a trend of declining investment in asset replacement and asset maintenance, which in the case of electricity is already having an impact, and in the case of gas is likely to have an impact in the longer term. The driver appears to be a reduced planning horizon, with a view to investment in projects that bring a more rapid return. One example I can give is the attempt by Western Power to extend the life of its 800 000 wooden poles beyond their normal service life through the use of reinforced steel while the state of upper-pole hardware declines, resulting in an increasing number of pole-top fires. Another example is the effort by Alinta to defer meter replacement as a means of deferring expenditure in the short term, with the possible consequence that future replacement expenditure may become difficult to accommodate. The complaints process available to consumers under the Electricity Act regulations identified during 2003 that some areas of the Western Power south west network, particularly in the central wheatbelt and the Bremer Bay area, fall well below the regulatory benchmark standards for reliable supply. Similarly, pole structural failures are increasingly being reported. Clearly the wildfires in Mt Barker in 2000, Gingin in 2002 and Tenterden in 2003 were the result of the powerline safety failure. The issue then is that as complaints have come in, they have been investigated, and a more detailed picture has then been built up in the areas in which there are deficiencies and what concerns might flow from those deficiencies. This is a matter that has been reported on by the Office of Energy Safety. The important issue is that it was the Gallop Labor Government that set up an independent regulatory organisation to deal with these concerns. Yes, they are coming out into the open. However, the former Government did not want to even deal with them. Therefore, we now have a huge backlog to deal with. That is the responsibility of the Minister for Energy. It does not reside within this portfolio. However, we have put within this portfolio, as a separate and independent entity, an organisation that can make the energy providers, whether it be Western Power, Alinta or others, accountable.

Mr D.F. BARRON-SULLIVAN: This is a very important question. Two and a half years ago, after the department had taken over responsibility for this area, and when it first had these concerns, how quickly did it notify the electricity generation authorities of these concerns?

Mr J.C. KOBELKE: The member makes it sound as though it is just a one-off. It is a matter of the extra information coming in, the complaints being investigated, and the picture then being developed and flowing through. That has been done through a reporting procedure. Those reports were made public. I will check whether we have the dates. I am informed by the Director of Energy Safety that it was in late 2003 that the report was provided about the deficiencies in the Western Power distribution structure. There was clearly a report. It was made public at the time and was provided to the key agencies to show where the deficiencies were and to prompt them into taking action.

Mr D.F. BARRON-SULLIVAN: I understand what the minister has said about the report. We found out earlier that when the minister's department took over responsibility for this area two and a half years ago, it had concerns about community safety and the electricity network infrastructure. At that time, what concerns were relayed to the energy generation authorities?

Mr J.C. KOBELKE: I will try to expand on or again make clear what I have been saying to the member. Until the regulations came in, this information was not available. Putting in place the regulations does not provide us with a detailed report that gives particular instances or gives an adequate overview of the state of the network within a day, a month or several months. The issue then was that it was through the regulations, and through these concerns being raised, that the Office of Energy Safety was able to collect data, which previously had not been made available, and on the basis of that data start to form a picture. When that picture was formed by 2003, it was reported. While there will always be problems across the system, the issue is trying to gauge the severity in more localised areas and then forming the overall picture. That information was put together as expeditiously as possible, and that report was made available in 2003. The issue is that we have an agency that up until then had not been held accountable in that way. It was a matter of using the regulations to gather that information, and that is what was done.

Mr D.F. BARRON-SULLIVAN: I refer to the first dot point under major initiatives for 2004-05 on page 417, which states -

> Implementing an awareness campaign for consumers about misleading and deceptive advertising and promotions.

I do not expect the minister to know the detail about this matter, but I suspect the commissioner probably does. Myaree Gardens Estate is a retirement village in my electorate. It has been the subject of complaints from residents about the management advertising properties at that facility as being for sale and putting up For Sale signs when the management cannot legally sell these properties because it is a retirement village. That leads to a number of questions about Myaree Gardens and also about some more general policy matters. Is it possible to

get an update now of what is happening with the investigation into the situation at Myaree Gardens, or can the minister commit to provide by way of supplementary information a detailed indication of what the department is doing in this case?

Mr J.C. KOBELKE: I am aware from the correspondence that has come to me that there are issues at Myaree Gardens Estate. From my recollection, this is quite a complex issue. Therefore, I do not think it is appropriate that we provide an answer by way of supplementary information when we have not tied down what specific information the member is seeking. It is a matter in which the department has had some involvement, but unless the member is more specific about the issues he wants a reply to, it will be very difficult to provide information.

[12 noon]

Mr D.F. BARRON-SULLIVAN: For example, For Sale signs have gone up outside. I am interested to know what the department is doing about it. That is one example. There are other issues as well. I am quite happy to put this question on notice, provided I get an undertaking that the minister will provide a really good, detailed explanation of what is being done for Myaree Gardens.

Mr J.C. KOBELKE: We always provide very good, detailed answers.

Mr D.F. BARRON-SULLIVAN: The minister's sense of humour today is bewildering!

Mr J.R. QUIGLEY: I refer to the major initiatives for 2004-05 on page 417. The first dot point refers to implementing an awareness campaign for consumers about misleading and deceptive advertising and promotions. There have been some recent media reports about fish substitution in restaurants. What action has the Department of Consumer and Employment Protection been taking on this misleading advertising?

Mr J.C. KOBELKE: I thank the member for the question. It was Western Australia that took the lead on this issue a couple of years ago in investigating deceptive advertising in the selling of much cheaper species of fish as high-cost fish such as barramundi. There have also been some recent media reports of a Department of Health investigation, and the media have jumped on that issue and said that somehow Western Australia is doing much worse than the rest of Australia. My advice is that that was a misinterpretation of the facts. It is still an issue, but it depends which species is being considered and whether it is sampled sufficiently. It is of ongoing concern. I will ask the commissioner, who has direct responsibility for this area, to advise on exactly what is happening.

Mr WALKER: This is a national issue. It has been taken up by health authorities around Australia. We have been advised recently - we have been pleased to receive it - that the Department of Health, through the network of environmental health officers in local governments throughout Western Australia and Australia, will regularly sample fish. It is possible to prosecute people who make false representations about the quality of fish - for example, supplying barramundi when it might be Nile perch - under health regulations, fisheries regulations or the Fair Trading Act. Our view is that the time has now come to tackle them head-on with the Fair Trading Act, because the regulations provide for minor penalties and they have not been a significant enough incentive. Also, to be fair, health agencies have other priorities. From now on we will act as we have in the past. A prosecution is before the courts. We will continue to take the matter seriously. Consumers deserve to get what they pay for.

Mr J.R. QUIGLEY: I note that the minister said that some species tend to present more of a problem than others in purchasing the real McCoy. Can the minister help us and say what one should be wary of at the fish and chip shop?

Mr J.C. KOBELKE: No. Clearly, if people buy fish and chips, there is no misrepresentation - as long as it is fish. The issue is when people buy something that is labelled as high-priced fish but are provided with something else.

Mr J.R. QUIGLEY: Perhaps I worded the question wrongly. Are any particular species notoriously substituted with others?

Mr J.C. KOBELKE: The early work we did in Western Australia - as I have said, we were an Australian leader on this - was on barramundi. I do not know whether the commissioner has more details on the various species.

Mr WALKER: Certainly barramundi was being misrepresented in Western Australia and was generally substituted with Nile perch or other species. Anecdotally, I can remember when we used to order shark in fish and chip shops because it was cheaper than snapper. The irony nowadays is that that has been reversed. We are doing some sampling at fish and chip shops to see what fish is supplied in the battered product.

The appropriation was recommended.