

Mr Paul Miles; Mr David Templeman; Ms Janine Freeman; Ms Lisa Baker; Ms Rita Saffioti; Ms Simone McGurk; Chairman

Division 45: Commerce, \$65 749 000 —

Mr N.W. Morton, Chairman.

Mr P.T. Miles, Parliamentary Secretary to the Minister for Commerce.

Ms A. Driscoll, Acting Director General.

Mr D. Goodwin, Chief Finance Officer.

Mr P. Gow, Executive Director, Building Commission.

Ms K. Berger, Acting Executive Director, Labour Relations, Industry and Innovation Division.

Mr D.M. Hillyard, Acting Executive Director, Consumer Protection.

Mr L. McCulloch, Executive Director, WorkSafe.

Mr K.D. Bowron, Executive Director, EnergySafety.

Mr J. Lee, Principal Policy Adviser.

[Witnesses introduced.]

The CHAIRMAN: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day.

It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. 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 account. Questions must be clearly related to a page number, item, program or amount in the current division. It will greatly assist Hansard if members can give these details in preface to their question.

The parliamentary secretary may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. I ask the parliamentary secretary to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the parliamentary secretary's cooperation in ensuring that it is delivered to the principal clerk by Friday, 3 June 2016. I caution members that if the parliamentary secretary 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.

I give the call to the member for Mandurah.

Mr D.A. TEMPLEMAN: I refer to pages 507 and 512, "Energy Safety". I have a couple of questions about some serious incidents. The first question relates to the electrocution of two young Mandurah students in March 2015 and the subsequent EnergySafety investigation. Has a final report into that incident been completed? If so, why has that report not been made public given that immediately after the incident, the Minister for Energy initially blamed the City of Mandurah as a pole ownership issue. The pole became electrified and electrocuted the two students. If a report has been completed, why has it not been made public?

Mr P.T. MILES: I will refer that question directly to Ken Bowron, whose agency is responsible for that report.

Mr K.D. Bowron: The incident was in March 2015 and the two children were hurt in that incident. Obviously, it was to do with a metal street pole that had been struck by a vehicle some significant time before the incident. Dr Nahan, the Minister for Energy, informed Parliament in April that Western Power's internal investigation had found that the network operator was partially responsible for that accident. We have now completed our investigation. It took some significant time because of the complexity of the case and getting access to the victims who were hurt in the incident. At this stage we will not be publishing our findings of the investigation, because we have initiated legal proceedings against parties and we need that information for those proceedings. Certainly as a corrective action, we have sought and been given assurances by Western Power that whenever any incident like this occurs, it will ensure that poles are made properly safe at the beginning.

Mr D.A. TEMPLEMAN: In speaking to the chief executive officer of the City of Mandurah recently, the city would like formal feedback about the report's outcomes, even if they are not made public, because it was initially blamed by the Minister for Energy for being responsible for the poles. The poles are not the issue essentially; rather, it is how they became electrified, and that would have been part of the investigation. The City of Mandurah—it is a key stakeholder having been blamed by the Minister for Energy—would like to know when it might receive some formal assurances and feedback about the report, even if that feedback is confidential. Will that happen, parliamentary secretary?

Mr P.T. MILES: I will need to refer that to Ken for comment because obviously the commission is responsible for the investigation. I want to make it clear that we know what happened on the day. It is my understanding from the

briefings I have had that when the department does its investigations, it needs to go right the way back to how the pole became energised. I think that is part of the report, which I have not seen and to which I am not privy. I will ask Ken Bowron to add further.

Mr K.D. Bowron: The member is certainly right in that the prime issue of pole ownership is not something that was particularly part of our primary investigation. We do believe the pole is owned by the City of Mandurah, but that is secondary to what we were looking at. We looked at what caused the situation to be such that there was live infrastructure in a public place, and that is what the investigation has focused on. We will certainly be able to talk to the City of Mandurah once we have dealt with the case.

Mr D.A. TEMPLEMAN: I again refer to “Energy Safety” on page 512 of the *Budget Statements*. My further question relates to an incident in February 2015 after a fatal explosion at Morley Galleria shopping centre. The government committed to include minimum safety standards for safe electrical work practices. Why has this not been done? Is it still being proposed? Since the announcement of the proposed changes back in February 2015, have any other workplace fatalities been caused by electrocution?

[9.10 am]

Mr K.D. Bowron: We immediately moved—well not immediately—within two weeks of the Morley Galleria shopping centre incident to ban live work on that particular brand of switchgear. Further investigation meant that within another two weeks of that, we had banned that type of switchgear rather than the specific brand. Those bans have been in place since relatively soon after the incident. That switchgear was designed and brought into practice some 40 years ago, when standards and practices were significantly different from what they are today. The incident raised concerns about people working on switchgear and doing live work. I think the second part of the member’s question was whether there had been any further incidents.

Mr D.A. TEMPLEMAN: Yes.

Mr K.D. Bowron: There has been one fatality of an electrician working in a roof space since that time. The preliminary investigations of that incident indicate that it involved live work. That really concerned us, and it concerned WorkSafe as well, and we have approached the government on that basis. The incident of the death in the ceiling space was very similar to the electrocution of Jayden Zappelli in East Bunbury in 2011. We constantly remind electricians and electrical contractors of the importance of isolating work. Both EnergySafety and WorkSafe have codes of practice that state that people should do that, but, obviously, live work is still being done. We have proposed an amendment to the legislation to mandate safety precautions. In July 2015, the minister endorsed the general policy principles of the legislation and in October 2015 we received clearance to draft the amendments from the regulatory gatekeeping unit. We have undertaken significant stakeholder communications to make sure that these amendments were supported by all sides of industry and to make sure that the basis of the legislation would not preclude people from being able to do their jobs. Effectively, Parliamentary Counsel is drafting legislation for both WorkSafe and EnergySafety that will ban live work, with certain exemptions, and will make it mandatory for workers to turn the power off whenever they enter a roof space.

Mr P.T. MILES: I will just ask the WorkSafe Western Australia Commissioner to add what that agency is doing about this matter as well, because obviously it was a workplace accident. I know that both these agencies are working in tandem on these issues. Can Lex McCulloch add what WorkSafe is doing in this space, please?

Mr L. McCulloch: We are doing an investigation as well. EnergySafety is looking at its responsibilities and we are looking at ours in relation to the incident at Morley Galleria. Obviously, when the regulation comes in about turning power off when people are working in roof spaces, it will affect a lot of people in general industry, because not just electricians go into roof spaces; people put in batts and security and those types of things. We will get information out to those groups as well to remind them that power needs to be turned off when they are working in the roof space.

Mr D.A. TEMPLEMAN: This is serious and it concerns me how long this has taken. The government promised in February last year after the serious incident at Morley Galleria that these new sections would be added to the regulations. We now know that this process was signed off by the minister in July last year in terms of general acceptance. Why has the process taken so long and when will these amended regulations be tabled so we can make sure that electricians and others working in roof spaces or whatever are safe? This process has taken too long. When will the regulations come into this Parliament to be tabled so we can sort this issue out? We have known about this issue for a long time—it is over a year now—and I think the government is dragging its feet. When will we see these regulations in place?

Mr P.T. MILES: Thank you, member. The issue has been dealt with. Obviously, once the investigations had been done, I understand that some immediate orders were issued about working on live sites. The minister made that very clear at the time. I think he made a public statement as well as statements in this house. I will refer the

question about the regulations to the acting director general and ask her to respond, because I know the department has been working quite diligently with Parliamentary Counsel to get those regulations up.

Mr D.A. TEMPLEMAN: Will the regulations be here before July, because that will be one year since the incident?

The CHAIRMAN: Wait for the answer, member. Then you can ask a further question.

Mr P.T. MILES: I ask the acting director to respond.

Ms A. Driscoll: It has taken some time because there has been quite a lot of consultation with the Commission for Occupational Safety and Health and EnergySafety stakeholders. The important thing for industry is that there will not be unintended consequences on productivity and efficiency, because there are some incidences in which live equipment needs to be maintained and/or managed in a particular way. There has been extensive consultation to allow for processes in exceptional circumstances and to avoid unintended consequences. The situation right now is that the drafting is well and truly underway, and there has been much exchange between Parliamentary Counsel and the agency to settle those regulations.

The other thing important to say here is that WorkSafe's general advice to electricians, in particular, has always been that they need to switch off power when they are working in spaces that are likely to have a live electricity flow. Obviously, that information is out there and people understand the risk. That raises questions. Of course it is important to regulate, but it is well known that it is dangerous and people have been educated from day one that this is a dangerous activity and they must turn off the power. Electricians know that air-conditioning systems et cetera are not covered by residual-current devices and the like, and this education program has been in place for decades. So, yes, we can regulate, but the issue is that people then need to comply; they should already know the dangers associated with this practice. It is a high-priority issue and Parliamentary Counsel is actively working on the draft, and we hope to have it finalised as quickly as we can.

Ms J.M. FREEMAN: I refer to page 513 of the *Budget Statements* and the line item "Employees (Full Time Equivalents)" in table 4, "Labour Relations". In 2014–15, we were told at the estimates committee hearing that there had been a reduction of 19 workers, and in 2015–16, we were told there had been a reduction of another 16 workers, but it appears in the budget papers that only an additional eight workers lost their jobs. Can the parliamentary secretary confirm that since 2013–14, the government has gutted 27 staff positions in labour relations in order to meet milestones? What does the mean for the agency in terms of delivering services?

Mr P.T. MILES: I will ask the acting DG to respond to that day-to-day matter about full-time equivalent positions.

[9.20 am]

Ms A. Driscoll: I would have to take on notice the detail of what was said in past estimates. In broad terms, the way that the full-time equivalent positions are allocated in the budget papers reflects the dollar allocations that are applicable to each division. Over the last 12 months we have undertaken an agency expenditure review process and a range of other savings were applied. As members would imagine, over that 12 months we have had a number of changes to our staffing profiles. We are now seeing an FTE that reflects the current allocation across divisions. It is helpful that it has been recognised that labour relations has had significant reductions in past years. What we are seeing between 2015–16 and 2016–17 is obviously the same reduction. Yes, there has been a process to somewhat recalibrate labour relations relative to cuts that have occurred in past years—in 2014–15 and the prior year. Our focus has been on getting the best possible structure for that area but we have not made major imposts on salary allocation. I am not sure whether the CFO would like to further elaborate.

Mr D. Goodwin: Certainly over the last few years some budget cuts have been applied to labour relations, as they have been applied to all sections of —

Ms J.M. FREEMAN: Extreme budget cuts have been applied to labour relations. That is very polite.

The CHAIRMAN: Let us just listen to the answer and then the member can ask further questions.

Mr D. Goodwin: Nonetheless, two or three years ago the numbers were sitting at around 60 FTE. The number targeted for the next financial year is 49, as per the budget papers. I think that represents the fact that management has sought to minimise the impact on the FTE by restructuring any efficiency gains et cetera. In fact, I do not think the FTE reflects the full extent of the challenges that have been faced in that area.

Ms J.M. FREEMAN: The acting director general said that she would take on notice or provide by way of supplementary information the specifics of the staff reduction since 2013–14 and whether 27 staff have gone. I count it to be 27 staff. Can the parliamentary secretary confirm by way of supplementary information that that is the case?

Mr P.T. MILES: I will ask Ms Driscoll to respond.

Extract from Hansard

[ASSEMBLY ESTIMATES COMMITTEE B — Thursday, 26 May 2016]

p521c-539a

Mr Paul Miles; Mr David Templeman; Ms Janine Freeman; Ms Lisa Baker; Ms Rita Saffioti; Ms Simone McGurk; Chairman

Ms A. Driscoll: We are very happy to go back and have a look but I reiterate that that may have been the case historically. This year we have looked across all divisions as to the appropriate resourcing and the degree of —

Ms J.M. FREEMAN: It has been gutted everywhere. I get that.

Ms A. Driscoll: What might have existed back then does not necessarily apply now. I am happy to take that on notice.

The CHAIRMAN: Parliamentary secretary, can you just clarify what will be provided?

Mr P.T. MILES: I am happy to provide by way of supplementary information past FTE counts. I think that is what the member is looking for.

The CHAIRMAN: I think the member was seeking the number of FTE in 2013–14.

Mr P.T. MILES: I am happy to provide that information.

[*Supplementary Information No B65.*]

Ms L.L. BAKER: I wish to continue the discussion about efficiency indicators, the average cost an hour et cetera and staff, as set out on page 513 of the *Budget Statements*. The 27 staff that we have calculated over the last two years have gone and \$1.5 million in funding has gone with that. I am not at all surprised that a number of things are not being done anymore. In relation to the pay equity unit, which was closed last year, and the fact that the gender pay equity gap has increased substantially under this government, could the parliamentary secretary please let me know whether pay equity is still a policy project? Is any work being done to try to address this or is that one of the decreases?

Mr P.T. MILES: I think there were a couple questions there. Pay equity in the public service, which is mainly in that policy range, is still very much always looked at by all agencies within government across the board.

Ms L.L. BAKER: But there was a unit, parliamentary secretary.

The CHAIRMAN: Member, you can ask a further question. That is not a problem. Just listen to the answer.

Mr P.T. MILES: Because there may be a unit in an agency does not necessarily reflect that it goes around to all the other agencies and says, “You haven’t paid somebody this or you haven’t paid somebody that.” The whole policy of equal wages for equal jobs in the public sector has very much been done and has always been monitored by the appropriate directors general and ED people around the government sector.

The member was also suggesting that she has worked out that 27 jobs have been taken out of IR. We can get that information for the member.

Ms L.L. BAKER: That is okay. I think that has been covered already.

Mr P.T. MILES: We obviously need to reflect on the fact that the industrial relations area of Commerce has had a considerable change in a way that it now needs to move forward.

Ms J.M. FREEMAN: Chair, the parliamentary secretary is just filibustering.

Mr P.T. MILES: Obviously the Fair Work Commission takes on quite a bit of the work that it used to do.

Ms J.M. FREEMAN: Parliamentary secretary, stop filibustering.

The CHAIRMAN: Member, you can ask further questions.

Ms J.M. FREEMAN: He needs to give answers.

The CHAIRMAN: He will give answers how he sees fit and you will ask questions how you see fit. I did say at the start that questions and answers should be short and to the point, so, parliamentary secretary, I will ask you to keep that in mind; but, members, you cannot ask him to answer the question how you want to hear it answered. I will give you as many further questions as you want and I will make that a priority, but allow the parliamentary secretary to answer and then I will obviously allow you to ask further questions. Have you finished, parliamentary secretary?

Mr P.T. MILES: Yes, I was finishing and I was going to refer to the director general so she could add to the answer that was asked by the member for Maylands.

The CHAIRMAN: I will make the point that no government member has put their name down for a question, so, at this point, it is all opposition questions. You will get as much opportunity as you like.

Ms J.M. FREEMAN: I am just trying to get them to focus on the fact that it notes —

Mr P.T. MILES: Chair —

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Mr Paul Miles; Mr David Templeman; Ms Janine Freeman; Ms Lisa Baker; Ms Rita Saffioti; Ms Simone McGurk; Chairman

The CHAIRMAN: Parliamentary secretary, a question is now being asked so we will listen to the question.

Ms J.M. FREEMAN: All I am saying is that in relation to the question that was asked of the parliamentary secretary, if he goes to the second note under service 4, “Labour Relations”—if he bothers to look at the budget—it states —

This is due to a decrease in the number of policy projects expected to be progressed.

The question is very clear: does that mean that one of the things that the government is no longer doing as a policy project is pay equity?

Mr P.T. MILES: I am happy to complete the previous answer I was giving by referring that specific part to the director general.

Ms A. Driscoll: It is the case that the pay equity unit closed on 30 June 2015. The labour relations and industry innovation division continues to monitor and provide policy advice to government on pay equity as it applies industrially and in terms of legislative issues. It is important to note that part of the thinking in its closure is a recognition that this work is now being done at the federal level. The Workplace Gender Equality Act requires reporting by employers of greater than 100 people. Importantly for small business, extensive information and resources are available for business on how to apply and audit pay equity. There is some recognition that there was duplication. In times of having to weigh up the maximum impact of resources, the change reflects the uptake in the federal arena.

Ms L.L. BAKER: The department is required to provide advice to government. Has the government asked the department for advice on pay equity and the gender pay gap in the last 12 months? Has it provided anything in response to that request?

Mr P.T. MILES: I will refer that direct question to Kristin Berger, who is our executive director.

Ms K. Berger: As was stated by Ms Driscoll, we provide regular advice. Whether there was a specific question last year, I will have to take that on notice.

[9.30 am]

Ms L.L. BAKER: Would you? Thank you.

The CHAIRMAN: Is the parliamentary secretary providing supplementary information?

Mr P.T. MILES: The supplementary information is on what advice —

Ms L.L. BAKER: What advice has been requested by government to the department concerning the gender pay gap and pay equity.

Mr P.T. MILES: I am happy to provide that to the member as supplementary information.

[*Supplementary Information No B66.*]

Ms J.M. FREEMAN: I refer to the heading “Labour Relations” on page 513. In 2015–16 the total cost of services was \$9.2 million, which was revised down to \$8.4 million in the agency expenditure review. The estimated actual for 2015–16 is \$7.6 million. Can the parliamentary secretary confirm that labour relations has been gutted by \$1.589 million over the last year?

Mr P.T. MILES: There have been some changes to its budget. I would not say that it has been gutted; that is being very alarmist. I will ask the acting director general for further comments about the budget.

Ms A. Driscoll: The observation that the estimated actual for labour relations is low does not reflect the fact that that is more broadly the case for all divisions. The estimated actual of 2015–16 was really low because the department imposed a recruitment freeze as soon as it knew it was part of the agency expenditure review in November 2014. It began to constrain its spending then so that by the time we kicked into 2015–16 we had already been subject to a freeze. Then, of course, a government-wide freeze was imposed after that. That very much contained expenditure. To some extent the labour relations spend was, for some years, having difficulty in dealing with the cost cutting that occurred. The important thing here is that the staffing allocation continues at much the same level. As I said, in some ways what the member is seeing is a reflection of what is happening across the agency. The AER savings have hit us broadly. I can report that we are making a lot of savings in the new year that fortunately do not impact our effectiveness. We are rationalising our accommodation to two sites rather than three, which will save us \$2 million. Therefore, some of this is savings, too, that are non-salary impacts. We have tried to be as cautious as we can with our cost cutting. As reported last year, we have very much focused on administrative roles as well as moving to web-based education rather than publications et cetera, but I will not go on any further.

Ms L.L. BAKER: Under the same category of labour relations on page 513, can the parliamentary secretary tell me whether the Wageline service will continue and be staffed?

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Mr P.T. MILES: I will refer to Kristin for that information. I have seen Wageline in practice. It is one of those good parts of the agency at which people can make contact, especially if they are under the state awards. There is still quite a bit of confusion out there because of the fair work stuff, but I will ask Kristin to comment further on Wageline.

Ms K. Berger: Yes, the Wageline service is continuing.

Ms J.M. FREEMAN: In 2015–16, the Department of Commerce’s Wageline referred 127 clients to the Employment Law Centre of WA. During the last estimates, the department could not tell us how many clients were referred in 2014. Can the parliamentary secretary tell me how many clients the department has referred to the Employment Law Centre in 2014, in 2015 and so far in 2016? Given that Commerce discontinued funding to the Employment Law Centre, which was \$440 000 in 2014–15, is it fair that it continues to refer people to a service that it does not fund?

Mr P.T. MILES: Yes, at a state level we do not fund the law centre. Previously it was funded in part by the Department of the Attorney General because the minister was discussing it further with his federal colleagues. My understanding is that it is funded purely for federal workplace —

Ms J.M. FREEMAN: Does Commerce not refer anyone from Wageline to the Employment Law Centre?

Mr P.T. MILES: I personally do not have that information. For the member’s information, Wageline takes 35 000 inquiries a year, which is substantial. I will ask whether Kristin has any information about referrals to the law centre. It would only be that way because that is the federal space.

Ms K. Berger: I have no statistics to hand on referrals to the Employment Law Centre. I would have to check whether we still keep those statistics.

Ms J.M. FREEMAN: Has Commerce specifically directed Wageline not to refer to the Employment Law Centre on the basis that it does not fund it?

Mr P.T. MILES: I am not aware of that.

Ms K. Berger: There has been no such direction.

Ms J.M. FREEMAN: The income in the table on page 513 is in continual decline. We are gutting the agency of money and then the income is in continual decline. In 2013–14, it was \$93 000; in 2014–15, it was \$46 000, despite the budget forecast of \$189 000; and, in 2016–17, the forecast is for \$40 000. Can the parliamentary secretary explain why the income is in continual decline?

Mr P.T. MILES: I will refer to David, the chief finance officer, who is now advising the advisers. I will reiterate some of the comments that have already been made. Part of the savings that this agency has been able to gain is from the consolidation of its services into two locations, which has had a substantial saving in accommodation costs.

The CHAIRMAN: Could we use surnames because there are at least three advisers called David, just so I know who you are giving the call to.

Mr P.T. MILES: Okay, no worries. I think we might have to come back to —

Ms J.M. FREEMAN: I can have it as supplementary information.

Mr P.T. MILES: I will refer to Ms Driscoll.

Ms A. Driscoll: My recollection was that income for this area was a small amount of federal funding, but we will need to take the question on notice.

The CHAIRMAN: Is the parliamentary secretary prepared to give that as supplementary information?

Mr P.T. MILES: We are happy to take that on —

The CHAIRMAN: Can you just clarify what you are providing, then?

Mr P.T. MILES: Does the member want to know where the funding is from?

Ms J.M. FREEMAN: No, I want to know why it is in continual decline.

Mr P.T. MILES: For labour relations?

Ms J.M. FREEMAN: Yes.

Mr P.T. MILES: We will provide supplementary information about where the funding for the agency has come from and why it has declined over the last couple of budget cycles.

[*Supplementary Information No B67.*]

[9.40 am]

Ms L.L. BAKER: My question is also about labour relations. I refer again to the same table on page 513 and the average cost per inspection or investigation. I note the figures show across the estimates that investigations and inspections will decrease by 28.3 per cent this year, and that is after it decreased last year by nearly 10 per cent. Can the minister tell me why? Are there still the same number of inspectors or has the inspectorate been gutted as well?

Mr P.T. MILES: I will refer the question to Ms Driscoll first and then I will follow up.

Ms A. Driscoll: Firstly, I make the observation that this is about the unit cost per inspection investigation. It is not necessarily about the number of investigators; it is about how effectively that is done. There has been, as I mentioned before, a major restructure in this area, with the intention of providing an integration of the legal policy area with the compliance team to provide more depth in the analysis of issues and to some extent a bit more firepower in the review of compliance issues and the actions that are taken. Just because there is a change in the unit costs, it can be about the effectiveness of the process as opposed to less staff, but I will ask Ms Berger to comment.

Mr P.T. MILES: We ask Kristin Berger to respond.

Ms K. Berger: Is the question I am responding to: are there fewer inspectors?

Ms L.L. BAKER: Yes, thank you.

Ms K. Berger: There has not been any decline in the number of inspectors in the last year, but, as has been pointed out, we have reorganised and restructured, and that is reflected in the staff numbers.

Ms J.M. FREEMAN: Further to that, not in the last year, but since 2013–14, which is during the same period that the agency lost 27 staff, has the agency lost inspectors in the inspectorate area? Are inspectors part of the 27 staff that have been gutted from the agency since 2013–14?

Mr P.T. MILES: We are talking about this year's budget; the member should have asked that last year.

Ms J.M. FREEMAN: I did ask this last year and the year before, and that is a why I know that 27 staff have been gutted. I have been here every year asking why the government is gutting staff from the agency and I am just asking what implication that is having.

Mr P.T. MILES: The agency —

The CHAIRMAN: I think the parliamentary secretary will be providing information on the declining numbers.

Mr P.T. MILES: We are providing in the supplementary information what the member asked for before, so we will be getting that information to her.

Ms J.M. FREEMAN: Could the parliamentary secretary make sure that information also has the classifications and job titles of the workers who have been removed from the department?

Mr P.T. MILES: We said that we will be getting that information to the member in the prior supplementary information, so we will make sure that we do.

The CHAIRMAN: To clarify, that supplementary information was allocated under supplementary information No B67.

Ms R. SAFFIOTI: I refer to page 515 and the activities of the Building Commission. My question relates to some information provided to the Parliament on 10 May about inspection works and some unlicensed and unregulated works at Elizabeth Quay. On 10 May, the Building Commission stated that it was investigating who carried out the plumbing work at Elizabeth Quay. Have those investigations concluded? Can the Building Commission provide information on who instigated the investigation? Can it confirm that unlicensed or unregulated plumbers undertook work at Elizabeth Quay?

Mr P.T. MILES: We are happy to provide that information via the executive director, Mr Gow.

Mr P. Gow: The investigation is continuing. In answer to the second part of the question about unlicensed plumbing work, yes, unlicensed plumbing work has been found. Who did that and the circumstances of that are part of the investigation that is currently underway. Sorry, what was the third part of the question?

Ms R. SAFFIOTI: In the answer it said that there was a contractor from interstate who was not regulated in WA. Can it be confirmed that that is the case?

Mr P. Gow: Yes, that is the case; a contractor from the eastern states was not licensed in Western Australia.

Ms R. SAFFIOTI: How was the investigation instigated? Were reports conveyed to the Building Commission? For example, what prompted the Building Commission to begin investigations?

Mr P. Gow: The Building Commission, on behalf of the Plumbers Licensing Board, carries out a regular and comprehensive program of inspections and audits. That was carried out as part of this. It was on the commission's volition to carry out that inspection; it was not asked to do so by anybody. In terms of the timing, the concerns that were raised about Elizabeth Quay and the water playground certainly sparked the first investigations down there, although I must emphasise that we have found nothing that is related to the problems with the water park; our plumbing issues are different.

Ms R. SAFFIOTI: On what date were the investigations started? In relation to what has been found so far, can the parliamentary secretary provide an update on other faults or defects in the plumbing at Elizabeth Quay?

Mr P. Gow: I cannot now give you the exact date on which the investigation commenced, but I can take that on notice and provide it.

The CHAIRMAN: Is the parliamentary secretary prepared to provide that?

Mr P.T. MILES: Does the member need that?

Ms R. SAFFIOTI: That would be fantastic, by way of supplementary information.

Mr P.T. MILES: I am happy to provide the date of commencement of the investigation.

[*Supplementary Information No B68.*]

Mr P. Gow: I will give the types of noncompliant plumbing work in broad terms rather than in technical detail, which I would have to get specific advice on. In the water park plant room, there was a failure to put a non-return device or back-flow prevention device in one of the water supply lines. There was noncompliance with the standards in the way an overflow was connected to the sewer. Elsewhere in the general area of Elizabeth Quay there have been sewer installations without the required inspection points or manholes to give access to those inspection points. One pipe was found not to be graded correctly.

Ms R. SAFFIOTI: That is quite a comprehensive list. Again, I am not a plumber, but my question relates to the initial point the executive director made about the lack of back-flow devices in the plumbing room. Can he explain what that device should do or currently is not doing?

Mr P.T. MILES: Before I refer that question to Mr Gow, I also need to make it clear on the record that the investigations that the commission is doing are against the company that did all the works, which in this case is Leighton and its subcontractors, so the commission's investigation is nothing to do with the Metropolitan Redevelopment Authority. I am happy for Mr Gow to speak about the back flow.

Mr P. Gow: In principle, fresh water is in the pipes from the Water Corporation and it is fed through the plumbing supply. They are often fixed-connected to devices such as hot water systems and then specialist things that we might get in hospitals, such as a calorifiers, autoclaves and things like that. In this case there was a direct connection to the chlorinator that chlorinates the water for the water park. Correctly, under the rules, that should have a device to prevent excessively chlorinated water going back into the normal water supply. That was missing.

Mr P.T. MILES: Is this the fresh water supply, not the sewer pipe?

Mr P. Gow: Yes.

[9.50 am]

Ms R. SAFFIOTI: Was the risk there that heavily chlorinated water was coming through the drinking fountains?

Mr P. Gow: No, there was a risk that that could happen if the chlorinator failed in some way. If the chlorinator worked properly, there would not be any backflow, but the backflow prevention device is a belt-and-braces thing in case there is a failure. There was no failure and as a result there was no actual backflow, but there was noncompliance with the rules that require a prevention device.

Ms R. SAFFIOTI: There was a lack of inspection pipes; points, I can understand; not enough manholes or person holes —

Ms J.M. FREEMAN: Access holes. I can help the member there!

Ms R. SAFFIOTI: There were not enough access holes. The other point was the pipes being laid at the wrong grade. I understand they were the drainage pipes.

Mr P. Gow: Yes, it was a sewerage drainage pipe. We detected that using an inline camera. Effectively, the pipe has bowed down, so that instead of the water and contents flowing uniformly, it ponds in the bottom of the pipe.

Ms R. SAFFIOTTI: The drainage pipes drain into the inlet; is that correct? Was there any risk of contamination?

Mr P.T. MILES: Did the member ask whether they drain into the inlet?

Ms R. SAFFIOTTI: Yes, the drainage pipes, not the sewerage pipes, as in the stormwater drains.

Mr P.T. MILES: The member is talking about stormwater drains. I doubt it, but I will have to refer that question to Mr Gow.

Mr P. Gow: The jargon in plumbing terms is that there is freshwater supply plumbing and there is drainage plumbing that flows into the sewers. We are talking about pipes that are connected to the sewer, not stormwater drainage that might flow out into the inlet. None of what I am talking about flows into the inlet; it is all connected to the Water Corporation's sewer.

Mr P.T. MILES: I do not think even stormwater would go directly into the Swan River. The member would probably need to clarify that through another agency.

Ms R. SAFFIOTTI: I think it does.

Mr P.T. MILES: I have a sneaky suspicion that goes into the sewer line as well.

Ms R. SAFFIOTTI: The stormwater?

Mr P.T. MILES: I believe so.

Ms R. SAFFIOTTI: I will check that with the Water Corporation.

The other key point was that the contractors did not issue notices of intention to conduct work. I think that was eight failures. What was the total fine for that and have those fines been paid?

Mr P. Gow: I am not able to give the member up-to-date information on whether the fines have been paid or the exact value of them. I am happy to take that on notice.

Mr P.T. MILES: We are happy to provide supplementary information on the fines that were issued and whether they have been paid.

[Supplementary Information No B69.]

Ms R. SAFFIOTTI: Was the overflow connection at all connected to the sewer? The executive director spoke about the issues with the backflow device in the plumbing room, but he also mentioned the overflow issue. Can he explain what issue that was in relation to the overflow facility?

Mr P. Gow: The member would be aware that in things like baths and hand basins there is a slot high at the back so that if they are overfilled or if the tap is accidentally left on, the water can overflow. That flows into the drainage system and down into the sewer; it is a fairly normal approach. The plant room that served the water park had the risk of water building up excessively and that then had an overflow that was connected to the sewer. That connection, though, did not comply with the plumbing standards for the venting of gases and ultimate backflow prevention devices, so that has now been capped and other arrangements are being made to deal with the overflow.

Ms R. SAFFIOTTI: Can I just clarify that there was not sufficient prevention of backflow in that connection and as a result that pipe has now been capped to prevent any risk of backflow from that sewer connection?

Mr P. Gow: Yes.

Ms R. SAFFIOTTI: Are the defaults or problems that have been identified in this particular project stock standard for government projects around the city or is this a unique situation?

Mr P.T. MILES: It is not stock standard at all. That is why the government uses tier 1 level contractors who, as we know, did the work on this site. I understand that contractor may need to review some of its policies on how it employs subcontractors.

Ms R. SAFFIOTTI: You think?

Can I ask for confirmation from the Building Commission that that is not something that happens on a regular basis? I want to satisfy myself that when I send my children to water parks this is not something that is stock standard that happens on projects around Perth.

Mr P.T. MILES: I am happy for the Building Commissioner, Mr Gow, to comment on projects around town and how they are inspected.

Mr P. Gow: Unfortunately, it is not uncommon to find plumbing installations that do not comply with the standards, be they on government or private projects. It is not a high rate of noncompliance, but it does exist.

However, I can say that some of the types of noncompliance we have found at Elizabeth Quay are not ones we would expect to see on a major project.

Ms L.L. BAKER: While we are on the subject of plumbing and pipe checking, I thought I would ask this question. Has there been an occasion in the past three years when the Building Commission has checked the pipes at Fiona Stanley Hospital, particularly in relation to water recycling? If they have been checked, has there been an occasion on which they have not been compliant with Australian standards?

Mr P. Gow: Yes, the Building Commission plumbing inspectors have inspected plumbing work at Fiona Stanley on a number of occasions. Some issues have arisen, but I am not able to give the member the detail of them now. I am happy to do so as supplementary information.

Ms L.L. BAKER: That would be fantastic.

Mr P.T. MILES: The supplementary information we will provide the member is what has been inspected at Fiona Stanley Hospital and has not conformed to the building code.

Ms L.L. BAKER: Particularly to the Australian standards around plumbing.

[*Supplementary Information No B70.*]

Ms J.M. FREEMAN: I have a plumbing question on the same section. Last year, the member for Mandurah asked about proposals for Indigenous communities, specifically plumbing for water supply and drainage. The commissioner outlined that while there was a general agreement, a consultation paper was being released and an outcome was pending in the near future. Has that been completed? I just need a quick yes or no.

Mr P.T. MILES: I have just been advised that it has been completed and it is currently with the minister.

Ms J.M. FREEMAN: The Building Commission sat on the white set plaster working group. When will the white set plaster report be presented to the minister and released to the public? Given the Building Commission's press release on 26 June 2014, I think it was, recognising the issue, how has the commission ensured that consumers are fully aware that the standards on lime content and the moisture of plaster must be upheld to ensure that walls are durable? When is the report coming to the minister and how is the commission telling consumers about the issue?

Mr P. Gow: The working party examining white set plaster was established through Master Painters and Decorators Australia and the Building Commission is participating in that, but it is up to the master painters to release the report. It is not a government report, so it is not going to the minister per se. I am advised that it is due in the middle of this year, so it is imminent. In terms of the issues relating to white set plaster, broadly that group has found that if the plaster is done in accordance with the Australian standard and the recommended processes, it should be adequate. We are preparing industry bulletins and technical notes ready to go out in association with the report when it is released, to ensure that plasterers and builders are aware of the need to comply strictly with the relevant standards.

[10.00 am]

[Mr I.C. Blayney took the chair.]

Ms J.M. FREEMAN: I did not ask about the industry; I asked about the consumers. There is concern that one in six houses has substandard plaster on its walls. This means that paint does not stick and that bits of plaster fall off. That is a huge consumer issue. Consumers think that this is just normal plaster. The department has known about this issue for two years. How are consumers being told to make sure that the plaster on their walls is up to the standard that it needs to be?

Mr P.T. MILES: I refer to Mr Gow.

Mr P. Gow: At this point, we do not have a specific consumer-focused or consumer-oriented information program. That is partly because it is difficult for a consumer to tell, by looking at plaster, whether it is good or bad.

Ms J.M. FREEMAN: When it falls off the walls, or their paint does not stick, they might know.

Mr P. Gow: The effort that we believe is needed is to ensure that the plasterers and the builders are doing it correctly in the first place. That has been our focus, but I can certainly take the point that there is a need to ensure that consumers are advised as well, and we will look at that.

Ms S.F. McGURK: I do not know whether I am on the right track and whether it is different, but, as I understand, the Building Commission worked with the City of Perth to determine whether the use of cladding in identified buildings complied with the fire performance requirements in the Building Code of Australia. I think there were some buildings in the central business district that had a type of cladding similar to that used in

the construction of the Lacrosse building. The specified cladding had been certified as compliant, but that was found not to be the case. Have there been inspections in the CBD of the cladding that might have been at risk, and how often have there been inspections?

Mr P.T. MILES: Yes, there have been inspections, and I will refer to Mr Gow in a moment. This issue came up at a minister's building forum that I attended in Brisbane a couple of months ago because of the Lacrosse incident in Victoria. All agencies around the country did an urgent review of that particular product. I will refer to Mr Gow, because I know that his agency has been involved in that investigation.

Mr P. Gow: As the parliamentary secretary said, after the Lacrosse fire in November 2014, there was a rapid response by all jurisdictions to test whether there was a significant hazard. In Western Australia we did that, initially in association with the City of Perth and then in association with the Town of Victoria Park, particularly looking at high-rise residential buildings where the risk was seen to be greatest. The audits carried out in association with the City of Perth have not identified any noncompliance in the use of those aluminium panels. They were used in about eight or nine of the 70 or so buildings that were examined, so it is not a product in common use in apartment buildings here. Those audits with the City of Perth and the Town of Victoria Park are now essentially complete. We have found no noncompliance of concern. There are some detail issues, as can be imagined when anything is audited. We have found some small areas that we are continuing to investigate, but nothing of major concern. We are now moving on and looking to see whether there are any other areas of risk. We are working with Building Management and Works to look at large public buildings, and we are also looking at the potential of apartment buildings in other local government areas. In general, our rapid response and investigation indicated that there are no major problems here, so we are now taking a more measured approach to determine whether there are any specific problems with these panels.

Ms J.M. FREEMAN: I would like to move on to WorkSafe. I refer to the WorkSafe table on page 514 of the *Budget Statements*. I note that the total cost of service has changed from \$30 million to \$25 million and then to \$26 million. I note that last year's forward estimate for 2016–17 was actually \$27 million, and that has decreased to \$26 million. I will not say that the government is gutting that part of the department, but is it slowly starving WorkSafe of funds; and, if not, given past performance, what assurances are there that WorkSafe's allocated 2016–17 budget of \$26.674 million will not face further cuts?

Mr P.T. MILES: I will ask Mr Goodwin to respond to that one.

Mr D. Goodwin: As previously noted, several factors have influenced the total cost of all services over a period. Notably in the case of WorkSafe, the revenue estimates that were made in 2015–16 were perhaps, in hindsight, overly optimistic.

Ms J.M. FREEMAN: They were wrong!

Mr D. Goodwin: Wrong, but also the changing market conditions mean that there has been a downturn in the level of activity, so through the midyear review process alone, the revenues and, therefore, the related expenditure for WorkSafe were revised downwards, if you like, to the tune of about \$3 million. I think that accounts for the majority of the fluctuation there.

Ms J.M. FREEMAN: Last year the parliamentary secretary said that the government was reviewing the whole agency, which included WorkSafe. In answer to a question about the WorkSafe library, he could not at that time confirm that the WorkSafe library would still operate because he was reviewing the whole agency. Has that review been completed; is the WorkSafe library safe and still operating; and what is the staffing of the library?

Mr P.T. MILES: I will refer to Mr McCulloch, but my understanding is that the WorkSafe library is safe. I will ask Mr McCulloch to give some further information on that.

Mr L. McCulloch: At the time we were here last year we were looking at a whole lot of things across Commerce. I am pleased to say that the WorkSafe library is still open; it is located at Cannington, and we have one librarian, Judith, who is still there working away.

Ms J.M. FREEMAN: It is out at Cannington. It was not always out at Cannington, was it? It used to be in West Perth.

Mr L. McCulloch: In August 2014, WorkSafe moved from West Perth to Cannington, so there you go; we have relocated out there and we work away.

Ms J.M. FREEMAN: In 2013–14 WorkSafe employed 182 full-time equivalent employees. Despite the budget target in 2015–16 being 182, in last year's budget the workforce was reduced by 27 staff to 156 in

2015–16. How many staff took redundancies, and can the parliamentary secretary give me supplementary information on the classifications and titles of the jobs made redundant?

Mr P.T. MILES: I think that level of detail would have to be provided by way of supplementary information. I am happy to provide that. We will provide the member with the detail of the redundancy packages.

[Supplementary Information No B71.]

[10.10 am]

Ms J.M. FREEMAN: The 2016–17 budget target is for an additional nine workers, so we are now up to 36 staff gutted from the agency. I am sorry, the word is not gutted, but the 2016–17 budget target shows an additional nine workers coming back into the agency. What positions are vacant? What levels are these workers? The explanation for significant movement states that \$929 000 is to be added to the budget to fill the vacancy. Are these vacancies being filled at reduced classification rates under the new workplace change policy in which positions are at a lesser classification? What is that policy called?

Ms A. Driscoll: It is the public sector workforce renewal policy.

Ms J.M. FREEMAN: It is the workforce renewal policy; thank you. Can the parliamentary secretary give me the classification of the additional nine workers coming in and are they part of the workforce renewal policy?

Mr P.T. MILES: Initially I will get Ms Driscoll to respond and then take it from there.

Ms A. Driscoll: In some ways the full-time equivalent positions that are allocated here directly relate to the allocation. To some extent there is flexibility about how we staff, which I think is the question. It is the case that six inspector positions are currently not filled due to the recruitment freeze, so they will obviously be a priority. It is the case that the amount of available salary to the Department of Commerce into this new year is more than we had in the previous year by a considerable amount and, therefore, we can do some additional recruiting through the other positions that have become vacant over the freeze period. But we need to have an eye on the future as well, in that, as the member mentioned before, we have a continuing requirement to manage out year reductions associated with the public sector workforce renewal process.

Mr P.T. MILES: I ask Lex to add to that, because he has some advertising in process at the moment.

Mr L. McCulloch: We have nine positions we want to fill, which works out at about \$900 000. We have six inspectors who will be at the same level as previously. We have three other positions in our legal area. We have two legal officer positions for which we have had people on secondment, so we will fill them; and there is a sort of paralegal vacancy. There are only nine vacant positions in WorkSafe for which we will advertise to bring those people in permanently.

Ms J.M. FREEMAN: In answer to a question asked by Hon Kate Doust on 24 March, the minister outlined that there were 87 WorkSafe inspectors and he detailed their responsibilities. Is it right that the additional six inspectors will take that up to 93 WorkSafe inspectors? Will WorkSafe employ 93 inspectors? The authorisation is usually for 103 but WorkSafe employs only about 92, but in March 2016 the minister advised there were 87 inspectors, so another six inspectors will take the number to 93. Will the number of inspectors increase to 93?

Mr L. McCulloch: Yes.

Mr P.T. MILES: Mr Lex McCulloch has already answered that, and the answer is yes.

Ms J.M. FREEMAN: On page 507 of budget paper No 2 the last dot point refers to the proposed work health and safety bill. The parliamentary secretary does not need to refer to that page as I have a general question on that bill. Given the protracted nature of the introduction of the bill, when will the review of the health and safety regulations be completed so that the bill can go ahead? Is it a lack of human resources that continues to delay the implementation of the bill? Will the three additional legal officers be allocated to progressing the bill, regulations, codes of practice, guidance material, community consultation and education?

Mr P.T. MILES: My understanding is that the bill is just waiting to be brought into the parliamentary cycle. I do not think we are able to get it into Parliament and get it through both houses before it drops off the table because of the election. The agency is still working towards completing all aspects of that so it can come in straight after the election, no matter what. It is now out for consultation on the regulations, but I ask Ms Driscoll to add some finesse to that.

Ms A. Driscoll: The tenor of the member's question was whether the available policy staff impacted on the process. The answer is no. The legal officers to whom Mr McCulloch referred are involved in prosecution actions et cetera. We have dedicated policy staff, who have been working very effectively to finalise some

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consultation papers on the regulations, and we are now moving ahead of the bill and have already had some preliminary consultation with the commission. An extensive discussion paper will be released on 1 June. It is imminent and progressing very proactively.

Ms J.M. FREEMAN: On page 514, under “WorkSafe”, I refer to the line item “Average Cost per Client Contact to Provide Information and Advice”. I referred last year to the 10-year successful ThinkSafe small business program that was abolished in 2014. Again I ask: What has been done to educate businesses and workers on their responsibility under the act? What new materials have been produced in 2015–16 to do this? Will the trade engagement program have anything to add to the understanding of small businesses and businesses of occupational health and safety, or does that relate only to consumer protection?

Mr P.T. MILES: I ask Mr McCulloch to respond to that.

Mr L. McCulloch: Yes, the ThinkSafe small business program did cease, but we did some work around what is a sort of online tool that small businesses can use to get to understand their responsibilities. When our inspectors are out and about, they promote the use of that tool to small businesses. This resource takes them to a series of questions and if they answer “No, I don’t know that”, then they can go to links on our website for the things that they need to know. We also run a number of workshops. I give the member a bit of an example. We had a focus on bullying, and when a complaint has come in from someone saying they are being bullied, we have gone back to businesses and held workshops with businesses saying, “We are not saying there’s bullying going on at your business, but come in and learn some of the things you need to know about what happens in the space.” That is something we have developed this year, particularly around that issue. Our community education officers are also running workshops, and our forethought sessions are continuing.

Ms J.M. FREEMAN: I have been told of a significant reduction in the number of workplace health and safety representatives in businesses, which is concerning, especially with the growth in the number of employees in Western Australia. Is the parliamentary secretary able to give me details about the number of occupational health and safety representatives authorised in 2014–15, 2015–16 and 2016–17 up to this point in the cycle? That is, for the last two years and up to date, what is the number of workplace OHS representatives who have been authorised through the agency, so that we can confirm anecdotal advice that there has been a large reduction in the number?

Mr P.T. MILES: I ask Mr McCulloch to finish off, but my understanding is that workplace safety officers are not authorised by WorkSafe, so I am not aware of that.

[10.20 am]

Mr L. McCulloch: I will take it from there, parliamentary secretary. The number of health and safety reps across the state has stayed at around 6 000, but I do not know off the top of my head what the trends have been over the last three years, which is what the member asked for. If the parliamentary secretary is happy to do so, we will be able to provide that information. I check the mail a couple of times a week and see the forms come in for the —

Ms J.M. FREEMAN: Accreditation, if it is not authorisation.

Mr L. McCulloch: Yes, for the membership—for them to be health and safety representatives, yes.

Ms J.M. FREEMAN: Can we get the supplementary information on that?

Mr P.T. MILES: What is the member asking for?

Ms J.M. FREEMAN: Can we get the number of occupational health and safety representatives for the past three years and how many have come through and been accredited, authorised or whatever the word is, because they have to be trained and various things because they can give notices? Can we get them for the past three years and as a proportion of the total workforce?

Mr P.T. MILES: We can take that on supplementary, Mr Chairman. We are happy to provide the last three years of the number of authorised —

MS S.F. McGURK: Can the parliamentary secretary include the raw numbers as well as the proportion of the workforce? A consistent Australian Bureau of Statistics figure on the workforce can be used so that we have an idea.

[*Supplementary Information No B72.*]

Ms S.F. McGURK: My question relates partly to the number of inspectors and the work that is being done, but really all the work of WorkSafe Western Australia. How many fatalities were there in 2014–15, and from July 2015 to the end of May 2016? Were any of the fatalities suicides; and, if so, how many of them were suicides?

Mr L. McCulloch: In answer to the first part of the question, in 2014–15 there were 22 workplace fatalities. So far this financial year there have been 16 workplace fatalities. The second part of the question referred to suicides. I have just had a quick look and none of the 16 workplace fatalities from July 2015 to date have been suicides.

Ms S.F. McGURK: I can see that over the last, say, five or six years the numbers have been fairly steady, if not increasing slightly. Is there any thinking about whether fatalities are happening in different industries or whether those fatalities have different characteristics?

Mr P.T. MILES: From what I have seen, member, clearly some industries are a lot more dangerous than others, but I will refer that question to Mr McCulloch to maybe provide a breakdown by industry. I think you have that information there, Lex.

Mr L. McCulloch: The three big ones, which account for 50 per cent of fatalities, are construction and mining, agriculture and forestry, and fishing. Those are the three industries that still create challenges for us. Given the nature of the fatalities, it is very hard to see a trend. One trend that has been emerging is that of people being hit by moving objects on both construction sites and farms. We are doing a lot of work around that. One of our proactive projects in the next year will be around that. We have a particularly good relationship with the agriculture sector. We have an agriculture safety advisory committee, which comprises members from Farmsafe WA Alliance, WAFarmers and the Pastoralists and Graziers Association. They provide a strong voice for us about those issues through their magazines. Touch wood, we do not have the same quad bike workplace fatalities in Western Australia as there seem to be in other states. We have had only three quad bike workplace fatalities since 2009, whereas the number of quad bike workplace fatalities in other states seems to be out of control. We use the agriculture groups. We target those industries. Obviously, in the mining sector, Resources Safety has responsibility in that space.

The CHAIRMAN: Members, can you keep your conversation down, because it is starting to distract me.

Ms S.F. McGURK: I understand that in the instance of a fatality that occurs when people are driving to and from work on a mine site, such a fatality may not be considered in the statistics. Can the parliamentary secretary confirm whether that is the case for people who drive from a work camp to the mine site itself?

Mr L. McCulloch: I cannot confirm that about the mining space because I do not know how Resources Safety does that. However, in general industry there are lots of road accidents in which people may be working and driving, but we do not count every road accident in which a worker is killed as one of our fatalities. The police do their investigation initially and if they believe that factors such as fatigue or poor maintenance of equipment are involved, they refer the incident to us and then we look at it from that perspective. If something has happened under our act, it will be counted. For example, if I had an accident while I was driving to or from work, it would not be counted. I cannot say that about the mining industry, sorry.

Ms L.L. BAKER: I refer to the heading “Consumer Protection” on page 511. My question relates to a project that the Consumer Protection Division was embarking on about a year ago. I would like to know what happened to it because it vanished. This is a slight change of pace and gears. I am sure that the parliamentary secretary would have been expecting a question like this from me at some point during the estimates. I refer to the sale of puppies and kittens in pet shops. Consumer Protection started to do research into an education campaign that told consumers why they should not do that. Consumer Protection sent somebody to interview me about the work that we are doing on this, but it has disappeared. I have not heard any news about it being progressed. It is important that Consumer Protection does this. I am interested to know what happened to it.

Mr P.T. MILES: I refer that question to Mr Hillyard.

Mr D.M. Hillyard: Thank you, and through the parliamentary secretary, there was certainly some media coverage of those things —

The CHAIRMAN: Members, can you take conversations outside because they are slowly getting louder and louder and distracting everybody.

Mr D.M. Hillyard: There was media activity around complaints that had been coming in and some particular issues. It has not progressed into a major education campaign, if you like, in putting out publications, developing websites and the like, but it has been a fairly consistent and constant theme in consumer products around consumers’ rights when buying pets and their rights under the Australian Consumer Law.

[10.30 am]

Ms L.L. BAKER: I think that has partly answered my question, but at the time that I was approached, I understood a more intensive campaign would be produced around this to lift awareness of the issue and educate

consumers. I know that it is an ongoing issue within the department, and I am grateful for the department's interest, but is there a plan to do any more to intensify the education campaign?

Mr P.T. MILES: I will refer this one to Ms Driscoll.

Ms A. Driscoll: As I understand it, there is a dilemma of consumer rights versus the way that the puppies are bred. If people go to private breeders —

Ms L.L. BAKER: I am terribly sorry, but I do not need to know about that; I am very aware of that.

Ms A. Driscoll: In terms of a consumer getting redress —

Ms L.L. BAKER: I am sorry to interrupt. I totally understand all of that and the department does a great job, but is any more money going to be spent to do more on this issue?

Ms A. Driscoll: Yes, obviously, it is a balancing act and there is a range of issues that we are continuing to manage. There is material available, generally.

Ms L.L. BAKER: So the answer is no; there is nothing planned at the moment.

Ms A. Driscoll: In terms of consumers buying a puppy and being able to seek redress, there is information available.

Ms L.L. BAKER: I am aware of that.

Ms A. Driscoll: In terms of the conditions under which puppies are bred, to some extent that becomes a consumer choice. If there are issues about animal welfare, there are probably other arenas in which that can be managed.

Ms L.L. BAKER: There is not, but thank you.

Mr D.A. TEMPLEMAN: I will stand because I may be hidden behind a chair.

The CHAIRMAN: It is called a commanding presence.

Mr D.A. TEMPLEMAN: I have always wanted to stand in this place—like they do in the House of Lords.

I refer to page 508 and the seventh dot point on the statutory review of the retirement villages legislation. I am aware that one bill has passed through this place that relates to a range of concerns and issues associated with the operation of retirement villages, but a second bill needs to be presented to Parliament. Firstly, when will we expect to see that second bill introduced to Parliament? Secondly, I would like to know how many retirement village owners or villages are currently under investigation by the department for alleged breaches of the act or other acts?

Ms A. Driscoll: Perhaps I will deal with the last question first. It is necessary for us to provide that list on notice. Certainly, both the acting commissioner and I regularly keep an eye on investigations in this domain. To make sure that we do not miss any investigations, we will get back to the member with the list.

Mr D.A. TEMPLEMAN: I am happy to receive that list as supplementary information.

Mr P.T. MILES: I will provide by way of supplementary information how many retirement village owners and/or retirement villages are currently under investigation for alleged breaches of the act or other acts.

[Supplementary Information No B73.]

Mr D.A. TEMPLEMAN: The parliamentary secretary may not be able to answer the second question. The department is aware of one Mandurah retirement village. I would like to know the status of the department's investigation into the Willow Creek Mews retirement village at this point?

Mr P.T. MILES: We will not need to provide that by way of supplementary information; I think Ms Driscoll can answer that question. We will provide supplementary information for the other question. I will ask Ms Driscoll to answer the remainder of this question.

Ms A. Driscoll: Firstly, I can respond to the member's question about the second bill relating to retirement villages. Work is underway to advance that legislation, but it is exceedingly complex. The issues being dealt with include memorials on titles and pre-contract transparency. Importantly, the member will be pleased to know, there will be further consideration of the registration of retirement villages and there will be a process to ensure that memorials are in place for each organisation portraying itself as a retirement village. Probably the most difficult area is the question of reserve funds, given we are dealing with the history of various villages that have quite different frameworks for that, but we want to provide transparency in arrangements going forward. There is also the treatment of strata title villages. Again, we have a bill that tries to deal with every scenario and

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there are complexities associated with that. A new issue that is emerging, particularly as villages age, is that there are often long and short-term rental tenancies in place as well as long-term leases. Those are the sorts of issues that we are trying to address in the second bill. Work is underway on that legislation, but I really cannot give the member a date for when we might have a discussion paper for that.

Mr D.A. TEMPLEMAN: And what is the status of the Willow Creek Mews investigation?

Ms A. Driscoll: There are two aspects to the Willow Creek Mews case. At first blush, the Consumer Protection Division was quite concerned about the contracts the village had in place and that there appeared to be a number of elements of those contracts that did not comply with the law. Now, through intensive work done by the division and the provider, all tenants, with one exception, have new leases. The remaining tenant without a new lease is in the process of selling their occupancy or their lease. Another thing to point out is that there is a new management arrangement at that village. The owners do not have day-to-day contact with the village and a third party is now involved in the management of that village. An investigation into a number of other breaches has been finalised. I understand that the findings and the legal assessment from that investigation will be presented to the commissioner in the near future.

Mr D.A. TEMPLEMAN: Thank you.

The CHAIRMAN: Members, can I get some guidance; at 11 o'clock I have to put division 45 and division 46.

Ms J.M. FREEMAN: Although the Western Australian Industrial Relations Commission does great work, we only need five minutes for division 46.

The CHAIRMAN: That is all I need to know. Member for Mirrabooka.

Ms J.M. FREEMAN: I want to talk about commerce and consumer protection at page 522 and the line item "Rental Accommodation Account" in the table "Details of Administered Transactions", particularly how the account allocation has been reduced. I will jump around a bit, but it will make sense. Note 2 under the heading "Explanation of Significant Movements" at page 511 states —

The increase in income between the 2014–15 Actual and the 2015–16 Budget of \$6.8 million ... is largely due to the Department abstaining from fully recouping its operational costs from the Rental Accommodation Account in 2014–15.

But I was given supplementary information that a \$6.3 million reimbursement would be taken from the rental accommodation account in 2014–15. The budget papers state that the difference will be \$6.8 million because the department abstained from recouping its operational costs. Was any money taken from the account? Given there is a difference of \$6.8 million, how much money did the department take from the rental accommodation account? I will come back with a question about the breakdown of the rest of the \$6.8 million.

[10.40 am]

Ms A. Driscoll: I will just paint a picture of why this occurred. The member would recall that I mentioned earlier that we have learned about the AER saving and other savings that would be required. The agency constrained its expenditure immediately, knowing it had quite a few serious issues to deal with in the upcoming financial year. In that process, it found itself significantly underspending. It was also very worried about the interest being earned on the rental accommodation account and the impact that would have on the tenancy advice network and also obviously the funds for the Magistrates Court. Because it had a surplus coming out of that year, it sought the Treasurer's agreement to not take any money out of the rental accommodation account for that year.

Ms J.M. FREEMAN: Did the department not take the \$6.3 million?

Ms A. Driscoll: The timing of that decision and our capacity to do that may have conflicted with these estimates in that we realised that we could not drawdown the normal \$6 million. Usually we would draw down about \$6 million and use about \$2 million from our own savings. That year we thought, "Hold on a second; we can actually not draw down anything", so that was the decision made and the agreement that was reached with the Treasurer.

Ms J.M. FREEMAN: So the department drew down nothing. The supplementary information that was given to me last year about the residential accommodation account that provides funding for 16 not-for-profit agencies that provide tenancy advice and education services for residential tenancies stated that in 2014–15, it was \$3.6 million; in 2015–16, it was \$3.7 million; in 2016–17, it is \$3.8 million; in 2017–18, it will be \$3.9 million; and in 2018–19, it will be \$4 million. Is it true that these amounts have now been reduced to \$3 million in each of the next three years, effectively cutting \$2.7 million of significant funds from the delivery of those services?

Ms A. Driscoll: That is correct. With interest rates as they are, both Commerce and the tenancy advice network have been asked to make considerable savings and find efficiencies because the fund cannot manage. Within Commerce we will be saving \$2 million in 2016–17. Some of that is being achieved through the efficiencies of

the online tenancy bond arrangements. We decided to be very up-front with the tenancy advice network. We have given it over 12 months' notice that we would have to impose this. There is transparency through this process about the earnings on that account. If we compare the predicted earnings last year with this year, we can see the difficulties. We have worked intensively with each of the network providers. We are now comfortable that they can all operate under a new extension, albeit with limited resources and, of course, we will be renegotiating the sorts of outcomes that are expected. We are well placed to collectively manage the reality that we confront.

Ms J.M. FREEMAN: I want to go to the issue of transparency and being transparent in this budget. In last year's budget, there was a line item in the table headed "Details of Administered Transactions" that showed the expenses of grants to charitable and other public bodies and rental accommodation account grants for \$3.6 million, \$3.6 million and \$3.8 million. Although this budget shows the amount that Commerce is receiving from that account on page 522, I cannot see—I am happy to be shown otherwise—that payment to those not-for-profits in the budget. In terms of transparency, the seniors have been shifted to "Supplies and services". Have the rental accommodation account grants also been shifted from "Details of Administered Transactions" to the line item "Supplies and services" under the heading "Expenses" in the income statement?

Mr P.T. MILES: I will ask Mr Goodwin to respond.

Mr D. Goodwin: The member is quite correct. In reviewing last year's and this year's budget papers, there does seem to be a consolidation of both those accounts. I cannot give the member a precise answer at this stage, except to say that the format of the budget papers is done in liaison with Treasury, and it would seem that that would be its preference this year.

Ms J.M. FREEMAN: It is not very transparent though, is it? In the interests of transparency and so we know exactly what is occurring, can the parliamentary secretary give a breakdown of "Supplies and services", as shown on page 518, for 2015–16, 2016–17 and into the forward estimates? I would like to know where those supplies and services are going so we are clear about the amounts being allocated to the rental accommodation grants and the senior housing information service; otherwise, although we will know how much is in the rental accommodation grant in future budgets, we will not be aware of how much is being afforded to the not-for-profits. As the parliamentary secretary knows, the schedule to the act sets out who gets the money, but the thing about the not-for-profits is that it is all at the discretion of the minister. The budget needs to be clear how much those not-for-profits are getting paid. I just think that needs to be done by the parliamentary secretary outlining the supplies and services, not giving me just that account amount, so that we will know what is going on in that line item.

Mr P.T. MILES: I will ask Ms Driscoll to respond to that.

Ms A. Driscoll: I am not aware of why the format was changed either. It is interesting why the government would herald its anticipated spend for independent suppliers. Again, I do not know the rationale for this. We had contracts in the past and they were optional for future years. It was probably reflecting the anticipated spend. It is interesting. It is the case, as the member outlined before, that the average amount per annum was about \$4 million and now it is moving to \$3 million. As I said, it has been an open process. Whether we should be indicating how much we expect to spend on services that we are effectively procuring into the future is an interesting question in itself. Normally, we would leave it to the market to determine a reasonable price for services.

Ms J.M. FREEMAN: I am asking for a detailed outline of the supplies and services referred to on page 518. What was or will the \$24 million in 2015–16, \$23 million in 2016–17, \$25 million in 2017–18, \$27 million in 2018–19 and \$26 million in 2019–20 be spent on?

Mr P.T. MILES: I will ask Mr Goodwin to respond.

Mr D. Goodwin: The payments to the NGOs that the member initially started to discuss are on the administered part of the budget statements. They are considered to be administered because the department does not necessarily have direct control over those. The analysis that the member is seeking for the NGOs, if I understand that is what she is after, would be analysis of the payments under the "administered" line.

Ms J.M. FREEMAN: Where is that?

Mr D. Goodwin: It is in the first table that the member was referring to—the "administered" items towards the end of the budget papers.

Ms J.M. FREEMAN: What is the page number?

Mr D. Goodwin: It is on page 522. The payments to the NGOs would be part of the line item "Rental Accommodation Account" under "Expenses" and "Other". The other line item that the member was

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particularly referring to in the income statement on page 518 is “Supplies and services”. That is payments to supplies and services for the department to deliver its services. That would be quite different.

[10.50 am]

Ms J.M. FREEMAN: Does that include the seniors housing information service payment but not the rental accommodation?

Mr D. Goodwin: It does not include the rental accommodation because that is in the administrative —

Ms J.M. FREEMAN: But it includes the seniors housing information service payment.

Mr D. Goodwin: To the extent that it may use it, yes.

Ms J.M. FREEMAN: The seniors housing information service payment used to be a separate item under controlled grants and subsidies. The seniors housing information service payment is now under supplies and services. Under that \$23 million, is there any other supplies and services money that goes to non-government organisations similar to the seniors housing information service? I do not want to know about the department’s paper clips or paper, but clearly the seniors housing information service payment is being put into supplies and services, which does not seem very transparent in terms of grants to not-for-profit organisations.

Mr P.T. MILES: I was just speaking to Mr Goodwin. It is found on page 519 of the budget papers. I will ask Mr Goodwin to take the member through it.

Ms J.M. FREEMAN: Can we get the answer by way of supplementary information?

Mr P.T. MILES: It is there.

Mr D. Goodwin: I draw the member’s attention to the heading “Details of Controlled Grants and Subsidies” on page 519. The member will see the payments listed for the seniors housing information service. I am sorry if I misled the member earlier; it is not part of supplies and services. The payment to the seniors housing information service is part of grants and subsidies.

Ms S.F. McGURK: Can the parliamentary secretary tell me which line item the money to Tenancy WA, for instance, and other tenancy services comes under?

Ms J.M. FREEMAN: It is the residential accommodation account.

Ms S.F. McGURK: I just got an answer from this side. Is it the residential accommodation account?

Ms A. Driscoll: Yes.

Ms S.F. McGURK: I understand that those not-for-profits have been advised of a 25 per cent reduction.

Mr P.T. MILES: Yes.

Ms S.F. McGURK: I have visited not only Tenancy WA, but also other not-for-profits that give tenancy advice—for instance, Midland Information Debt and Legal Advocacy Service Inc. Would that include advice for women escaping domestic violence situations?

Mr P.T. MILES: Yes, that would be correct. It would be advice for anybody seeking —

Ms S.F. McGURK: So there has been a 25 per cent reduction in funding for those not-for-profits that give tenancy advice, including advice to people escaping family and domestic violence situations. Has any assessment been done on what impact that could have on victims of domestic violence?

Mr P.T. MILES: I will refer to Ms Driscoll to answer that detail.

Ms A. Driscoll: There has been engagement with each of the 16 providers and quite a detailed analysis of the profile of the people they work with. Certainly, the new contractual arrangements will emphasise that services need to be directed to those with the greatest need. That will be very much part of the contractual parameter.

The CHAIRMAN: Members, if you want to spend five minutes on the next division, we need to close this one.

Ms S.F. McGURK: I have a further question. Is that analysis available?

Mr P.T. MILES: I refer to Ms Driscoll.

Ms A. Driscoll: That is really commercial in confidence. It has been part of the detailed review of the activities of each provider. Detailed information has been provided about their profiles, capacity, leases, staff costs and all sorts of issues. No; it is really a contractual inquiry with each of the providers to make an assessment of what is reasonable going forward.

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Ms S.F. McGURK: However, there has been a 25 per cent cut in funding to those services. What work will they not be able to perform now as a result of those cuts?

Mr P.T. MILES: I refer to Ms Driscoll.

Ms A. Driscoll: Obviously, an array of people come in to seek assistance. As I said, an assessment will need to be done of those with the greatest need. It is important to say that the Consumer Protection Division itself provides an enormous level of support to people in terms of tenancy advice and dealing with breaches of the regulations et cetera. Consumer Protection is the better place to go to when people have greater means. However, we also recognise the importance of having services situated in the local area where people feel safe and secure to make inquiries. It is about balancing the resources and directing those who can help themselves to a greater degree into Consumer Protection.

Ms S.F. McGURK: With due respect, I imagine that if they could help themselves, they would not be coming in for help. I have one quick last question. Were bushfire victims directed to any of those agencies that received —

Mr P.T. MILES: No, I do not think we have any information about that specifically.

Ms S.F. McGURK: I can see from Tenancy WA's website that it provided advice to bushfire victims.

Mr P.T. MILES: We have no specific advice on who accessed what after the bushfires. Specific agencies went down there to help those people out, but not our department.

Ms S.F. McGURK: Can I have supplementary information on whether any of the 16 agencies receiving funding under that line item gave advice to the bushfire victims in Yarloop or Esperance in any of those other situations?

Mr P.T. MILES: We have no specific information on that. We can ask the agencies whether they were involved with any of the victims of those specific fires to which the member referred and provide that by way of supplementary information.

[Supplementary Information No B74.]

Ms J.M. FREEMAN: We will not worry about moving on to the Western Australian Industrial Relations Commission division. I apologise to the commission for that but we have run out of time. We can ask whatever we need to know through questions on notice.

In finishing off, I refer to the line item "Sale of Goods and Services" on page 522. How is it that in the 2014–15 budget the sale of goods and services was \$6.2 million, but the net appropriation spent was only \$261 000? The budget then goes back up to \$5 million and \$5.2 million in the forward estimates.

Mr P.T. MILES: I will ask Mr Goodwin to respond.

Mr D. Goodwin: I believe the inconsistency would arise out of reclassification of the revenues during the period, but I would need to —

Ms J.M. FREEMAN: Can that be given to me as supplementary information?

Mr P.T. MILES: In what regard?

Ms J.M. FREEMAN: Explain to me why there is a drop in the budget figure for the sale of goods and services from \$6.2 million to \$261 000.

Mr P.T. MILES: By way of supplementary information, we can provide information on why that figure dropped from \$6 million to \$261 000 and how that was reclassified.

[Supplementary Information No B75.]

The appropriation was recommended.

[11.00 am]