



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Tuesday, 15 October 1996

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Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

MOTION - CONDOLENCE

Gracetown Tragedy, South West

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.32 pm] - without notice: I move -

That this House expresses its deep regret at the deaths at Gracetown on 27 September 1996 of Lyndell Otto, Madline Wall, Ian Bremner, Peter McFarlane, Lindsay Thompson, Rebecca Morgan, Rachel Waller, Gina Iddon and Nathan Sotiriadis and tenders its profound sympathy to the members of the families of those who died in this tragedy, in their bereavements.

On the afternoon of Friday, 27 September 1996 nine people - five adults and four children - were killed in a tragic rockfall at Gracetown in the State's south west. As we know, the group was watching the closing stages of a surfing competition taking place between the Cowaramup and the Margaret River Primary Schools. The tragedy occurred in mid afternoon when a limestone cliff collapsed on the group who were seeking shelter from the rain and wind. It was a very dismal day, with howling wind and pelting rain. Amongst those who died were a father and son and the parents of a girl who survived. As I have said, those who were trapped were taking shelter under the limestone cliff face, which was exposed to north westerly winds and prone to crumbling. An excess of rain and heavy winds during this winter are thought to have led to the cliff face being in a weakened condition.

Three local people survived the disaster when tonnes of overhanging limestone and sand dropped without any warning at all. Two of the survivors were father and son. However, one of the survivors lost both her parents in the tragedy. The tragic impact of an accident of this magnitude cannot be easily expressed, particularly when this happens in small communities, such as we have in the south west of Western Australia. When we have a tragedy of this magnitude with the numbers of people involved and we have small communities such as Margaret River, Cowaramup and Gracetown, the effect is felt right throughout the whole community because everybody in those communities knows at least one of the persons involved. Therefore, it is a particularly tragic time for that part of the south west of Western Australia. It is appropriate that we as the Legislative Council in this Parliament should express our sympathy for all those who have lost loved ones.

Although on this occasion we mourn the tragic and unnecessary deaths of those who were killed, as is often the case the tragedy brought out the best in the local community. Many of the stories surrounding the incident testify to the way in which various authorities, community organisations and individuals went beyond the normal call of duty to try to assist and do what they could to help those who were trapped and to look after those people who were clearly affected by what occurred. I am told that the Education Department in particular, because it was a school function, responded quite magnificently to the circumstances surrounding the tragedy.

It is especially distressing when we hear of tragedies such as this which involve children. On this occasion, it being a school function and children being involved add to the dimension of the tragedy that occurred. The Education Department, as the agency which had most to do with those involved and had to deal with those young children who lost friends, as I explained, performed magnificently in its duties in a very professional, dedicated and caring manner. Many of the stories I have heard about the way in which the Education Department has gone about trying to overcome the problems existing at the present time have been very enlightening indeed.

This is a very sad occasion for Western Australia and for those small communities in our south west, but it does demonstrate the way in which our communities can come together in times of stress. We know the way in which the communities in that area have come together to support those who are grieving and to recognise that life must go on. That advice and support is very necessary at a time like this. On behalf of the Government and the members of this House, I extend sincere sympathy to the families, friends and relatives of all those who were killed. We know only too well that time is the only way in which the pain associated with a tragedy such as this can be healed. On behalf of the House I extend to those people our sincere sympathy.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [3.39 pm]: On behalf of the Opposition I join with the Leader of the House and all members in expressing our support for the motion. This tragedy affected every one of us. I do not believe that anybody can ever be ready for an event of this kind. Such events, like major traffic accidents and airline accidents, come literally as a bolt from the blue. All of us were touched, particularly by the fact

that the incident involved a number of children and their parents who were doing nothing more than enjoying a day's surfing and watching the competition.

Coming from a small community, as many members do, I can just begin to understand the effect of this loss on the people of those south west coastal communities, because it involves more than Gracetown alone. I can understand to some extent the effect that it has had on the surfing community and our goodwill and sympathy go out to all those people. Although I say I can begin to understand, I do not think any of us can ever put ourselves in a position where we feel that we can entirely relate to the enormous loss which has occurred. About all we can do as a group of people somewhat removed from the incident is to offer our friendship and our support to those communities and our goodwill and hope that the pain can be tolerated, and that people ultimately can see that there is life after the event and that life must go on.

I appreciate the degree of support provided by agencies such as Family and Children's Services, and the extent of the counselling made available to the community. I also join with the Leader of the House in offering my deep appreciation to the local emergency services and other local people who worked under what must have been a cloud of anxiety and depression in their efforts to uncover the accident site. It is of some consolation perhaps that their work in those conditions brought rewards and remarkably one child was found very slightly injured. That is perhaps a ray of light in what must be the south west coastal community's worst day ever. Tragically that child's mother was killed in the incident. My colleagues from the region will join me in expressing my grief. They have a better appreciation than I could begin to have, because they know the area and the people concerned. The Opposition joins with the Government in this sad moment.

HON BARRY HOUSE (South West) [3.43 pm]: This incident was an enormous tragedy for the community that I know very well. News of the tragedy came to me when I was in Melbourne. It was a tremendous shock. I knew three of the victims very well and many of the other families involved. Gracetown, Cowaramup and Margaret River are close knit communities where everyone knew the people involved in the tragedy, those who had narrowly escaped, or those who were involved in rescue attempts and emergency services.

On the following Thursday, along with several other members, I attended the memorial service at Gracetown. It was a very moving tribute and farewell to the victims. Very moving testimonials were given at that service by the Governor, the Premier, Lloyd and Anne Shepherdson on behalf of the community, Ross Hastie, the former principal of the Cowaramup Primary School on behalf of schools in the area and the Education Department, and Dave Macaulay, formerly the world's number two surfer and a resident of Gracetown. He spoke in glowing terms of people like Lindsay Thompson and the grommets - as they are known in the surfing community - on behalf of the surfing community. Other people like Pastor Jack Hough did a tremendous job at that memorial service and several of the funerals which I also attended. The memorial service finished with a paddle out to Huzza's surf break by about 300 people. They formed a large circle around a smaller circle which consisted of the families and the children of the victims. One of the most moving sounds that I have heard for quite a while were the three cheers that loudly rang out across the bay at Gracetown, so that the people on the surfboards could give vent to their emotions.

I also join the Leader of the House and the Leader of the Opposition in applauding the response of the community. For the people at the scene at the time, the spectacle in front of them must have been horrific, and something that will play on their minds forever. However, they coped magnificently. We can only begin to wonder how it would have been digging through dirt and limestone for people who were one's relatives and friends.

The emergency services of the area coped in magnificent style. The police, led by Sergeant Gary O'Meara at Margaret River, deserve the highest commendation. The State Emergency Service from that area, led by Frank Yates, is an outstanding unit. They have shown on this occasion and many others that they are one of the most efficient and caring units of the State Emergency Service. They certainly deserve commendation. Ambulance officers were at the coalface, and the tale of Jim Swarbrick reaching his hand between those two rocks and having it seized by Sarah Otto is a tremendously moving tale. The fact that they managed to get that little girl out alive lifted the spirits of everybody, I am sure. Other people such as shire rangers, Department of Conservation and Land Management personnel and many others, including the owners and operators of some of the machinery - a front end loader virtually slid down the cliff face - took many risks to get to the site to assist with the rescue operation.

The Education Department and the whole education system responded magnificently to this tragedy, from the Minister for Education who attended the scene with the Premier the morning after, through to the Director General, Cheryl Vardon, the superintendents and the people involved in education in those two school communities. The principal of the Margaret River Primary School, Paul Bradstreet, was shocked, as members can imagine, but his response and his coordination was a marvellous effort. It still is. It was the first day back at school yesterday. Although I could not make it, my parliamentary colleague, the local member, Barry Blaikie, attended those schools. He told me that it was a very difficult day, but it was handled with a great deal of care and understanding. The education system also responded with counselling services. That outstanding response was swift and in number.

Some assistance with counselling also came from Family and Children's Services through people like Sue Ash, Sister Glenis Yeomans from Centrecare in Bunbury, John Szymanski, who is a local guidance officer, and many more.

I applaud all those who have done an outstanding job, and will continue to do so; however, I cannot help comparing this event with a situation in which I was closely involved in 1980. As a youth education officer at Busselton High School, I organised a school tour to the Eastern States. We were involved in an accident in Hay in New South Wales in which two of the girls and the driver were killed. That was an extremely difficult situation for us: We were thousands of miles away from home, suddenly surrounded by media and helicopters, without any counselling services or assistance of any note. I am glad to say that the education system responded superbly on this occasion.

I have mentioned my parliamentary colleague, the member for Vasse, Barry Blaikie. He is a former Cowaramup resident and he deserves a great deal of credit for the way in which he has responded in this situation. He knows the families involved. He attended all the events, was very caring and offered advice.

Unfortunately there was a sour note early in the piece when there was a search for blame. I can understand the anger and frustration of some of those who were involved in these allegations; however, this event can be seen only as an act of God, as an accident, and blame cannot be attributed to any organisation or individual. A few unfair allegations were levelled at the Department of Conservation and Land Management and the Augusta-Margaret River Shire Council. They were reported in a rather irresponsible and sensational fashion. I know that hurt the people in those organisations. I contacted some CALM employees a couple of days after the accident. They were hurting so badly they did not attend the memorial service, and that is a great pity. They were there digging away, with everybody else, at the cliff face at the time. They attended the tragedy and they felt as emotional about the whole scene as everybody else. This is their community and the people are their friends too. Indeed, there is a great deal of doubt whether CALM has the responsibility for the cliff faces. For these people to be hurt as a result of those rather poorly reported accusations is a great pity. I am led to understand that one of the people quoted as making those accusations has written to Syd Shea, the head of CALM, explaining his remarks and how they were taken out of context and were rather unfairly reported. I have not seen that letter; I have just heard that is the case. I hope it is. It is rather ironic that some people in the media, who seem to be very quick to preach accountability and responsibility to everybody else in the community, do not seem to be too quick to take up the cause themselves.

This accident is an enormous tragedy for the communities of Gracetown, Cowaramup and Margaret River. They have coped with the situation extremely well under the circumstances. This community lost some of its leaders and its most precious asset, its children. For any community to recover from that for other than a very long time is too much to expect. I applaud the way in which all people dealt with the situation when they were in a lot of pain themselves. They did not have cares for themselves; they put out to the other people who they knew were suffering as well. I extend my sincere sympathy to the victims' families and friends, and to the community as a whole involved in this unimaginable tragedy.

HON J.A. SCOTT (South Metropolitan) [3.55 pm]: On behalf of the members of the crossbenches, Hon Reg Davies and Hon Sam Piantadosi, I support this motion of condolence. We are all aware that tragedies such as that which happened at Gracetown are always shocking and always painful, not just for the friends and families of those who lost their lives, but for people in the regions that surround these small country towns. If any good can be seen coming from such an event, it is the unifying of the Margaret River community, in not only the grief of the people of this community but also the rebuilding of the lives of families through the support of the community. That support and the rebuilding process have been very evident in the whole of the south west. I think the people in that community have the condolences and the support of everybody in the State. I extend the condolences of the members of the crossbenches to the families, friends and relatives of the victims of the incident.

HON DOUG WENN (South West) [3.56 pm]: I, too, add my condolences to the people who were caught up in this horrific accident. The past couple of weeks have been very sad, and for some the sadness will continue for some time before their pain starts to ease, although the memory of the tragedy will not. Hon Barry House covered the situation very well in his comments about the individuals, the families and the number of people who became involved voluntarily, without any hesitation, who used their hands, shovels and anything they could find at the time to dig out the victims, in some cases at great risk to themselves. The television footage of the event showed the massive rock that had to be pulled down. A couple of helpers had to scramble out of the way to avoid being hurt when the rock started to slide down the bank.

Hon Barry House is absolutely correct in what he said about the chap with the grader: He put himself at risk in getting the grader down the slope to assist. I understand it took him a day and a half to get the grader back up the cliff, because he had to dig a stairwell to reach the top of the beach, so that he could go back to the contracting work in which he was involved.

My son-in-law is a senior member of the State Emergency Service in Bunbury and has been trained specifically to deal with this type of rescue, so I probably have a bit more contact than some with this event. He was instantly called

away from work. I can assure members that some employers do not always look kindly on SES members who are called away from work, although this was not the case with my son-in-law's employer. Given the nature of the job that he has taken on with the SES, after he attended at the accident he needed counselling, which he received. I am not sure yet whether he is better for it because he still has a few problems as a result of what he saw. Although he has been trained to deal with these incidents, he had not been directly involved before. When the accident happened, he was shocked, not so much at the time but certainly afterwards.

I did not know many of those who lost their lives, but I did know Lindsay Thompson. He was regularly a radio announcer on ABC Radio, advising what the surf levels were like right along the south west coastline. I know he will be very sadly missed, not only by the community down that way but also by quite a large number of people who listened to his reports.

The memorial service was extremely sad. I have never attended one like it. I saw men who I thought were pretty rough and ready brought to tears by that service. The response by the community of this State was shown by the attendance at the memorial service of the Governor, who read a eulogy, the Premier, the Leader of the Opposition, Bishop Quinn and many other high ranking people of this State and the south west. About five and a half thousand people attended. When I looked around, I did not think many were there. However, when I was leaving after the 300 surfers paddled out to conduct their own service, I looked around and saw the people in the hills - they were everywhere. I did not see these people during the initial part of the service. I do not think there was a dry eye on the day. A lot of people came away with very sad memories. Although some of those memories will go away, as time goes by I know the people who lost their lives will be thought of often.

Like Hon Barry House, I have a concern about the attitude of some who sought to attribute blame. This tragedy was mother nature doing her own thing. I have a concern that it may not be the last accident of this type that we will see. Many areas of the coastline in that area need to be looked at seriously. Hamelin Bay is a good example. I regularly go there for holidays for two or three days when I can get away. The management of CALM must look at that cliff face because it is in a similar condition to the one that collapsed. Although I have not been down there for a while, I intend to go there on the next couple of weekends to see whether the cliff face has deteriorated after the horrific winter we have had and the huge seas that have pounded the coastline.

I will not say any more because I think it has all been said, but on behalf of my wife and family, I extend my sincere condolences to the families on their loss. Hon Kim Chance has already expressed support for the motion on behalf of the Labor Party. What happened is very sad, and one can only hope that mother nature will be kinder and not let it happen again.

HON MARK NEVILL (Mining and Pastoral) [4.01 pm]: I join the House in this condolence motion to the people of Gracetown and Margaret River. I also extend my appreciation to the people who were involved in the rescue and the aftermath of the disaster that occurred in that area. Normally, we associate deaths of this magnitude with motor vehicle accidents. I know of two such accidents in my area in recent years - a head on collision on the Kambalda Road and another one at Mt Margaret - which claimed a similar number of lives. This disaster was one of the least expected ways for an accident of this magnitude to occur.

I am pleased to see that there has not been an overreaction in the sense of calls to level most of the coastline in that area. Just recently as I drove past the Oyster Beds River Restaurant in East Fremantle I noticed on the cliff face a cave in which I spent many hours as a young boy. Most of the children in the district played there as well. We took risks climbing up and down that cliff. We should be prepared to accept that as time goes by, it seems that we are becoming more averse to risk. In my view, disasters such as this are acts of God, and the anger that some people feel and their need to blame other people is understandable, but these risks are always present, and perhaps we cannot really do a lot about them.

I am not a great watcher of television, but I happened to come into the room as my daughters were watching the Channel Seven coverage of the memorial service. I watched most of that memorial service, and it was very moving. It was broadcast throughout the State - I am not sure whether it was broadcast nationally - and it brought home to many people the effect of that tragedy on the local population. I am sure that after the sadness has gone for the people in that area, many happy memories will remain of those people whose lives were taken in that tragedy.

HON BOB THOMAS (South West) [4.04 pm]: I, too, wish to extend my sympathy to those families and members of the community who lost loved ones as a result of the tragedy on 27 September. The area around Margaret River is one of my favourite parts of my electorate, and one of the reasons is the beauty and formation of its coastline. It is ironic that a coastline as beautiful as that should be responsible for a tragedy of this nature. I congratulate the community on the mature way in which it responded to this tragedy. Literally hundreds of people were involved in the rescue attempt on the day of the accident, and that was followed by the community ensuring very quickly that the children were able to understand the grieving process. The counselling which took place at the two schools the day

after the tragedy was a necessary part of the rehabilitation process for those children. The community bonded together very well, and one need only look at the number of people who went to the funerals and the commemorative service to see how strong the community is now as a result of that tragedy. I also congratulate the Government for acting quickly to ensure that Family and Children's Services has been given the resources to provide a full time trauma counselling service for the community for nine months so that all of the problems can be worked through within the community. I extend my heartfelt sympathy to the residents of the community and those family members who are still grieving. I express my admiration of the way in which the community has dealt with this crisis.

HON J.A. COWDELL (South West) [4.06 pm]: I wish to be associated with this motion. Words are totally inadequate in these circumstances, and this is not the appropriate time for a speech, but it is a time to note the tragic impact of that rock fall. It is time to extend our condolences to the families and friends of the victims of this tragedy. It is time to pay tribute to the rescuers: The police, ambulance, State Emergency Service and Department of Conservation and Land Management officers. It is time to pay tribute to the local community spirit and the efforts of the local schools in the face of such adversity. It is time to give comfort and support, such as we can, to the families and friends of the victims and the local community through this motion of Parliament and by utilising the resources of the State.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.07 pm]: I endorse the comments that have been made about this significant tragedy in this State. One cannot believe that of all the times when this rock fall could have happened, it happened when people were sheltering underneath that limestone rock face. On behalf of the Government and the National Party, I extend our sympathy to the families and friends of the victims of this tragedy. This tragedy brings home to us all that very few families can go through life without having a tragedy beset them at some stage. It is only when a tragedy occurs that people can really attempt to understand the unbelievable significance and hopelessness of such an occurrence. It is only time that tends to balance things out. With those thoughts, I join with all the other members in supporting this motion and offering our sympathy to the families involved.

HON MURRAY MONTGOMERY (South West) [4.09 pm]: I endorse the remarks that have been made by the previous speakers. I have had a few minutes to listen to what other members have said. It is unfortunate for the Margaret River and Cowaramup communities that such devastation was placed upon them, and particularly that nature took its course at a time when such pleasure was being had by students of those two schools. Obviously, the community has had a lot to bear and a motion passed in this House may console them in some way. Those sentiments should be passed to the families who were on the beach at the time and those whose loved ones have been tragically taken from them. I support the motion.

HON B.M. SCOTT (South Metropolitan) [4.10 pm]: I endorse the comments of both the Government and the Opposition in this time of tragedy for the communities at Gracetown, Margaret River and Cowaramup. I have personally experienced the sense of loss that can occur in a small community, and it is always encouraging when sudden death such as this occurs to witness the strength of a small community in riding out and overcoming that sense of loss. I have a son living in that area who surfs regularly at Gracetown. Some of his close friends were at the beach on that Friday afternoon. One was desperately trying to dig out the mother of one of the children who subsequently died.

On the following Sunday morning I attended a church service in Margaret River. I was most impressed by the huge number of people who made a special effort to celebrate the mass that morning. All the television stations from Perth were represented, and the strength of those people who came together could be felt when we shared coffee after the service. I take this opportunity to commend the Minister for Education and his senior staff, the Premier, the Governor and all the members of Parliament who made the effort to be there. I was most impressed by the lead they gave the community and the role model they provided in sharing its sadness. On the Sunday morning when we went to the town of Margaret River, it was most impressive to see that the surf shop of Lindsay Thompson was still open, with his wife and son both working in it. That said a lot about Lindsay Thompson and the courage of his family.

The tribute paid by the surfers was not so much an expression of their sadness as a community expression of the continuity of life and how important that is. They came together in that tragedy and joined hands in a circle, which symbolised for the people on the beach that life is a circle which is ever continuing. It gave everybody a sense of continuity in their lives. It was a great tribute not only to those who died but to the whole of the surfing community, which sometimes does not get the measure of respect it deserves. Those surfers, young and old, battle the elements of the ocean, often on their own, but they have a sense that someone is watching over them.

I join with my colleagues in this condolence motion and I commend those communities for the strength they have shown in this time of sadness. It is proof to us all that life goes on, and must go on, and death is part of that. The

acceptance of that in the community was very impressive. I commend the community and the leaders in that community who came to the rescue and also showed leadership in their acceptance of the tragedy.

Question passed, members standing.

BILLS (8): ASSENT

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

1. Criminal Code Amendment Bill
2. Curtin University of Technology Amendment Bill
3. Road Traffic Amendment (Measuring Equipment) Bill
4. Medical Amendment Bill
5. Chattel Securities Amendment Bill
6. Criminal Law Amendment Bill
7. Censorship Bill
8. Statutory Corporations (Liability of Directors) Bill

PETITION - LIVE SHEEP TRADE

Hon J.A. Scott presented the following petition bearing the signatures of 18 155 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

The People Against Cruelty in Animal Transport [PACAT] and the other undersigned residents of Western Australia are deeply concerned at the continuation of the live sheep trade for the following reasons:

- (i) Annually more than 100,000 sheep exported from Fremantle die traumatically during transhipment to the Middle East.
- (ii) Regulations covering road transportation and loading are not being adequately policed.
- (iii) The live sheep trade is undermining the more lucrative, job creating processed meat trade.

Your petitioners, therefore humbly pray that the Legislative Council will investigate and recommend a time frame in which this cruel, wasteful and uneconomic trade can be terminated.

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

[See paper No 708.]

PERTH PHOTOCHEMICAL SMOG STUDY - TABLING

By leave, Hon J.A. Scott tabled the Perth Photochemical Smog Study 1996.

[See paper No 709.]

MINISTERIAL STATEMENTS - LEADER OF THE HOUSE

Darling Range Regional Park Amendment; South East Corridor Omnibus No 2 Amendment

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.25 pm] - by leave: In June 1993 the coalition Government launched a program of major amendments to the metropolitan region scheme. The aim of the program was to maintain the affordable supply of housing land in Perth and to ensure that the city's environment was preserved for the enjoyment of Western Australians and visitors to our State.

Last year the Government exceeded the program's initial targets, set at 10 000 hectares for urban land and 5 500 ha for parks and recreational areas. Earlier today the State Government marked another significant milestone in the program by being able to present finalised plans for the twenty-fourth and twenty-fifth major amendments to the metropolitan region scheme prepared during its term in office.

The Darling Range Regional Park Amendment and the South East Corridor Omnibus No 2 Amendment reflect great foresight and thoughtful forward planning for the benefit of the wider community. The Darling Range Regional Park Amendment outlines the boundaries for the biggest regional park in Western Australia and again highlights the

Government's strong commitment to the preservation of Perth's natural environment. This amendment adds 11 910 ha to Perth's parks and recreation reserves, which will supplement the existing reserves in the hills to create a regional park of some 35 000 ha. Reserving the additional land and creating the park will protect the outstanding environmental and landscape values of the Darling Range and is a triumph in planning for conservation.

The creation of the regional park further enhances the coalition's excellent record in regard to the preservation of Perth's natural environment. Since our election to office in 1993, more than 31 700 ha of land have been reserved for parks and recreation use compared with 17 540 ha of urban land, which equates to 80 per cent more land for open space than land zoned for urban use. In addition, the total amount of land reserved for parks and recreation in the metropolitan region scheme has risen from 36 523 ha in 1993 to 68 307 ha, which is an increase of nearly 90 per cent. These achievements cannot continue to be ignored by the conservation movement.

As a reflection of the sound balance this Government has struck in regard to urban development and environmental preservation, the second document tabled, the South East Corridor Omnibus No 2 Amendment, provides for future urban development in Perth. The zoning and reservation changes outlined in the amendment will create housing land to accommodate more than 30 000 people in Perth's southern suburbs. Rural land in Canning Vale will be zoned urban and an urban deferred zone will be placed over a large area of rural land in Wungong-South Armadale. A public comment period revealed significant support for the proposals which reflect the objectives of a specially prepared structure plan for the corridor. I seek leave to table the documents and plans.

Leave granted. [See papers Nos 710-713.]

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT BILL

Committee

Resumed from 26 September.

The Chairman of Committees (Hon Barry House) in the Chair; Hon N.F. Moore (Minister for Employment and Training) in charge of the Bill.

Clause 11: Sections 25A, 25B, and 25C inserted -

Progress was reported after the clause had been partly considered.

Hon A.J.G. MacTIERNAN: Could you, Mr Chairman, give us guidance about how we might approach this? I know we are the servants of standing orders, rather than vice versa. I proposed a range of amendments at the last sitting. I understood I had formally moved those amendments, but it appears I did not. I am not sure what I did, but I know I mentioned them. Not all the amendments relate to the same matter. Members know that clause 11 introduces a number of quite distinct provisions. In order to proceed with the debate in a logical fashion, could the Committee deal with some of my amendments together and then come back and deal with the other amendments?

Hon JOHN HALDEN: The questions I would like to ask the Minister are of a generic nature and refer to the clause as it stands. It would be appropriate to deal first with my questions and then confront the issue raised by Hon Alannah MacTiernan.

The CHAIRMAN: I will clarify the situation: The question is that clause 11 stand as printed. It is wise for the Committee to deal with the generic questions first. The Committee has before it Supplementary Notice Paper No 22 and I understand it contains the amendments Hon Alannah MacTiernan wishes to move.

Hon A.J.G. MacTiernan: That is right.

The CHAIRMAN: They will have to be moved one at a time.

Hon A.J.G. MacTIERNAN: Unfortunately, because of an interpretation of the standing orders, it is not sensible to do that because the first four amendments are, in reality, the one amendment. Because of the way members are compelled to interpret the standing orders I have had effectively to break up the one amendment into four separate amendments. I hope that you, Mr Chairman, being in a senior position, will be able to ensure that at some point the standing orders will be reviewed. If they compel members to do that, they are very silly standing orders.

The CHAIRMAN: That is the member's view, but the standing orders adequately cater for that situation. If an amendment is moved and it is lost and the other amendments are consequential to it they cannot be moved.

Hon A.J.G. MacTIERNAN: There is an important larger issue at stake. The way in which members are compelled to move amendments makes it very difficult for them to understand what is going on. It divides the amendments up in such a way that they simply do not make sense.

The CHAIRMAN: I suggest to the member that she should take up this issue with the Standing Orders Committee.

Hon JOHN HALDEN: My first question concerns the policy matter that is basically detailed in this clause and it revolves around the issue of the Minister being able to vary the regime of taxation. It appears that the body responsible for scrutinising taxation is the Parliament. It should be done by way of either legislation or regulation. The consequence of a Minister of the Crown, of any political persuasion, being able to levy or vary the rate of taxation is not a good policy direction and is something that should not be tolerated by this Parliament. There must have been at least one High Court decision regarding matters about the raising of taxation and ministerial prerogative to do that. I recall one such case involving the imposition of a tax on Australian citizens who travelled overseas. They were required to pay a tax to get back into the country. I understand that tax was levied by a Minister of the Crown and without any legislative framework. On that basis, I suggest the Government is stepping on very dangerous ground by putting itself in a position in which it will be able to vary or cancel a level of taxation. I ask the Minister to explain his perception of what this Bill will allow him to do and to advise whether, in his view or the Government's view, it is a good policy of government to be involved in such decisions. I have further matters I will raise on this clause.

Hon N.F. MOORE: I will need to take advice on whether the levy is, in a sense, taxation, and on the general principle of the matter raised by the member. In respect of the practicality of what is being sought in this clause I advise members that currently all persons involved in the building and construction industry are required to pay a levy. The proceeds of the levy go into the building and construction industry training fund. The money is then allocated by the board to various training projects. It is a compulsory arrangement which is applied across the building and construction industry. It was brought in by the previous Government to make sure that everybody involved in the industry made a contribution to training. It allowed the industry to be exempted from the Commonwealth's Australian training guarantee levy collections fund, which was essentially for the same purpose.

This clause has been included in this Bill because it is the Government's view that not everybody should necessarily have to contribute their training funds to this particular fund. In other words, if employers - or project owners, as the Act describes them - have in place training programs which are considered by the board to be adequate for their employees, they will be exempt from part or all of the levy. It is envisaged that some project owners will apply for exemption based upon the criteria published by the Minister because they are able to provide the sort of training that is necessary.

Hon John Halden: Will that be by way of regulation?

Hon N.F. MOORE: Proposed section 25A states that -

After consultation with the Board, the Minister may publish a notice in the *Gazette* providing that, if specified conditions and criteria are met by a project owner, the Board shall grant a specified reduction in, or exemption from, the levy payable by the project owner under this Part.

In other words, the criteria for exemption will be gazetted.

In the event that the board believes that particular project owners meet those criteria, which essentially require that they provide training of a type and magnitude acceptable to the board, they can be exempted from part or all of the levy. Some industry groups, such as the Housing Industry Association or the Master Builders Association or whoever, may collectively determine a particular training regime for their industry. If the various project owners who are members of those associations decide to be part of the association training strategy, they would be exempt from all or part of the levy. That is one of the reasons the Government will not support the amendments foreshadowed by Hon Alannah MacTiernan when we last discussed this legislation. She is seeking to remove the significant flexibility allowed for in this provision. If we are prepared to give to a board the capacity to make decisions about how money is to be spent on training, it is not out of the question that we can give that board the capacity to acknowledge and determine that the training already being provided by the project owner is adequate from the point of view of the board's requirements. If one has a situation, as we do in Western Australia, where everyone involved in the industry must pay into a central body -

Hon A.J.G. MacTiernan: It is not the board but the Minister who has been given the power.

Hon N.F. MOORE: The board makes the decision. I gazette -

Hon A.J.G. MacTiernan: There is no determination; it is merely consultation.

Hon N.F. MOORE: Let me finish my response. Hon John Halden wanted to know the broad purpose of the clause. I am trying very hard to explain that, and my being interrupted with pedantic questions does not help. We are putting in place a method by which people who have employees engaged in training can have themselves exempted from the

levy, but only on the basis that they are providing training that is considered to be as good as and as appropriate as the training approved by the building and construction industry training fund.

The report into the BCITF conducted by Mr Len Hitchen contains some very significant criticism of the fund and its expenditure. This legislation is designed to deal with some of those problems. A significant amount of evidence suggests that the moneys have not been spent very well. Many people contributing to that fund do not get much out of it. They have told the Government that they believe in training and that they are prepared to provide it, but that they will not do so while they are required to pay a levy to someone else. That money is supposed to be spent on training, but they are not benefiting. These groups will not provide their own training and pay someone else to do it as well. The Government has said that if they submit a proposal that is considered worthy of exemption, that will be possible as a result of this legislation.

I want to take some advice about the fundamental principle raised by Hon John Halden about a Minister's varying a levy. I make the point that it will not be increased; it will only be decreased. I am sure that not too many people would have a problem with that.

Hon JOHN HALDEN: I thank the Minister for his indulgence. I am raising this matter in the interests of good legislation. I want to add a little to my argument that may assist the Minister. We have here a tax that the Minister is able to alter without reference to the Parliament in any way. The *Concise Dictionary of Modern Law* defines taxation as follows -

A compulsory exaction of money by a public authority for public purposes, being neither a pecuniary penalty nor a fee for service rendered.

If that definition is encompassing enough - and I do not think it is but it is the only one I have at the moment - we are dealing with a tax. It is appropriate to look at whether that definition is exacting enough to consider whether this is a tax and then to consider whether a Minister of the Crown has the ability to vary a tax without reference to Parliament. That is very important for the very reasons I referred to at the federal level, where a tax levy was struck down by the High Court. We need to be very careful in this area. I am not sure how the Minister intends to proceed, but I have another policy question in relation to this part of the Bill. It is important that this matter be clarified before the Committee makes a decision about what we are doing and its appropriateness.

Hon N.F. MOORE: Perhaps the honourable member should address the other policy issue he wants to raise after I have made a few comments.

I have two options with the building and construction industry training fund and its legislation. First, I can introduce a Bill to abolish it, and that was Mr Hitchen's first recommendation. Second, I can leave it as it is and face the situation we have now of people being grossly dissatisfied with the way in which it operates. We are seeking some middle ground to allow for the fund to continue but also to allow for those employers and project owners who are delivering proper and appropriate training to be able to do so without being encumbered by this levy. Perhaps the member can proceed with the second principle he wishes to raise while I obtain some advice. This Bill was prepared by Crown Law and no doubt it has considered that question. I will seek advice on that.

Hon JOHN HALDEN: In clause 11, proposed section 25C(3) provides -

On receiving an appeal under subsection (1), the Minister shall review the determination by the Board and may appoint a person who, in the Minister's opinion, is independent of the Board . . .

Bearing in mind the Minister's central role in relation to this clause, he or she should not be appointing someone who is independent. The Minister may well have received submissions on this matter from interested parties or may be directly or indirectly involved in the matter. It has an element of Caesar appealing unto Caesar.

In terms of good policy, I have no objection to this whole clause; however, the Minister will be able to appoint whoever he considers to be independent of the board. That person may well be regarded by the Minister as being independent of the board, but may well not be perceived as being, and may not be, independent. Again, the policy question should be reviewed. The appointment should not be made by the Minister who is involved in the process, but by somebody at arm's length from the process to ensure that independence.

I do not mean to be offensive to the Minister, and I do not suggest that any Minister of the Crown would necessarily be partisan or biased in this appointment. However, the potential always exists for such appointment and for unforeseen consequences. It would be better if the Minister were removed from this part of the equation and somebody else determined the independent party.

Hon N.F. MOORE: Simply, the Minister, after consulting the board, decides the criteria for exemption. He then publishes the criteria notice in the gazette, and any project owner who wants to be exempt from the levy makes such

application and the board makes a determination of his motion in respect of the criteria on whether the levy should be reduced or the owner be exempt from the levy. In the event that the project owner does not like the decision of the board, he or she can appeal to the Minister. In seeking to make the right decision on the appeal, the Minister will have the capacity under this clause to seek independent advice. That advice cannot be from the board, against which the appeal is made. Therefore, somebody must appoint an independent person who is removed from the appeal, and that happens to be the Minister.

Hon John Halden: Are you removed from that appeal?

Hon N.F. MOORE: The board will make a decision. If the appellant does not like the decision, the appeal will be made to the Minister, who may take advice from an independent person in making a decision to reject or accept the appeal.

Hon John Halden: You're involved in the process by accepting or rejecting that advice.

Hon N.F. MOORE: Of course, the Minister is the final arbiter. In a great deal of legislation the Minister is the last court of appeal, so to speak. We need not have the appeal; we could say, "Let the board's decision be final." However, Mr Hitchen's decision was that we needed to go somewhere with an appeal.

Hon John Halden: I agree totally; I am trying to extricate the Minister's role from the equation so that the Minister's role is sacrosanct.

Hon N.F. MOORE: It is as sacrosanct as it can be. On some occasions the Minister will not make a decision on an appeal without taking advice. Therefore, that advice must be independent of the board and the appellant. In other words, those involved in the appeal process are not to be involved in providing advice to the Minister. The Minister need not appoint anybody. It seems to be a very good process, and I cannot see the member's problem.

Hon JOHN HALDEN: I refer the Minister to the final paragraph on page 10 of the Bill, which indicates that a determination that is confirmed, varied or cancelled and substituted by the Minister is final. Is the Minister sure that that is exactly the case? Is it not possible that people could appeal under various arrangements to have the Minister's decision investigated or the process investigated?

Hon N.F. MOORE: I have answered this in respect of a number of other matters in recent history. I understand there would be a right of appeal to the court -

Hon A.J.G. MacTiernan: It is a right of review as opposed to an appeal.

Hon N.F. MOORE: Indeed. One could appeal not a decision but the way the decision was reached; that is, if it was believed that a part of the process was not carried out properly. The appeal on whether a person was exempt or should have the levy reduced is determined by the Minister.

Further consideration of the clause and consideration of clause 12 postponed, on motion by Hon N.F. Moore (Minister for Employment and Training).

Clause 13: Section 31 amended -

Hon A.J.G. MacTIERNAN: I want to clarify the impact of this provision. As I understand it, this amendment will mean that the Minister can gazette regulations without making any reference to the board. This provision will delete all reference in the principal Act to "on the recommendation of the Board". I understand that we are seeking an amendment on a regulation making section. Section 31 states that the Governor may, on the recommendation of the board, make regulation prescribing all manner of things.

For some reason the Minister is now determining that that point of consultation with the board will no longer be required. I find that a little odd, given the Minister's statements in discussion on clause 11 as to the involvement of the board in making various recommendations to the Minister about gazettal notices regarding provisions relating to exemption. Why are we changing that principle in this regulation? It was an important principle two clauses ago that the board be consulted, yet now we are taking out an existing provision which says the board shall be consulted, and giving the Minister power to make regulations without any consultation. It seems rather contradictory.

Hon N.F. MOORE: The words "on the recommendation of the Board" mean that the Governor can make regulations only following recommendations by the board. In other words, it is limited to the board's making decisions about regulations. We propose that the Governor be able to make regulations regarding this matter, without needing to get the board's approval initially. I do not think that is a problem. Of course there will be consultation regarding regulations, but section 31 is prescriptive about who can initiate regulations - and that is the board. The board recommends to the Minister who recommends to the Governor regarding regulations. We are saying that the Governor should have power to prescribe regulations. That is all that has been changed. There is no suggestion that

there will be no consultation. The provision will take away from the board the power to recommend before regulations can be prescribed.

[Questions without notice taken.]

Hon A.J.G. MacTIERNAN: I am distracted by the incredible array of non-answers that we have here. The Minister shares his secretiveness with his Cabinet colleagues. What are we looking at now?

Hon N.F. Moore: You are the one who is raising the issues. If you get on with it we might make some progress, instead of your talking about question time. You have had about seven hours already.

Hon A.J.G. MacTIERNAN: The Minister should get out his abacus, because we have not had anywhere near that time.

Hon N.F. Moore: It just seems like it.

Hon A.J.G. MacTIERNAN: The Minister will understand that we are pretty keen to have this Bill subjected to close scrutiny because it is very much a mistake.

Hon N.F. Moore: Maybe we should have got rid of it altogether.

Hon A.J.G. MacTIERNAN: Not at all.

Hon N.F. Moore: Come on!

Hon A.J.G. MacTIERNAN: As the Minister well knows, I have said on many occasions that we did not totally reject the idea that the fund needed to be tightened up and the board needed to be restructured. However, the Minister has gone well beyond that and quite clearly put in jeopardy the whole fund and thereby put in jeopardy training in the building and construction industry, particularly apprenticeship training and semiskilled training. The Minister's point that section 31 of the Act as it stands is overly descriptive is correct. However, rather than simply deleting "on the recommendation of the Board", to set the right tone and be consistent with the earlier provisions that the Minister is introducing, in section 31 we should be recommending "the Governor may, on the recommendation of the Minister, after consultation with the Board". The Minister is quite right that the Minister must not be hamstrung by enacting regulations that are recommended by the board; he needs a broader power than that. It is important that we do as we did in the previous clause and ensure that the Minister takes advice and consults with the board. Having inserted that in the earlier provisions, deleting it here would perhaps send the wrong message. From the point of view of consistency we must amend the current provision. I have no amendment drafted, but could the Minister speak to the point?

Hon N.F. MOORE: The member has acknowledged the problem that the current section 31 creates. Any regulations prescribed are totally dependent upon the board. Clearly the Minister must have the capacity from time to time to make regulations with which the board might not agree. The Government ultimately wears the decisions it makes. I do not want to amend this clause on the run. However, I am quite prepared to contemplate adding a clause which refers to consultation. The member sought a moment ago to make legislation on the run in trying to draft quickly some amendment to cover that. I do not know whether she accepts my position in respect of the fund. That is one of the fundamental problems we will have. I keep saying to her that I am not about making this fund collapse; but I am about trying to make it work better so that it will survive. Her view seems to be that the sunset clause is there to get rid of the fund.

Hon A.J.G. MacTiernan: That is the view of the Clerk. It is a matter we will have to take up later.

Hon N.F. MOORE: We do not normally discuss the views of the Clerk in the Chamber.

Hon A.J.G. MacTiernan: It is very important when you can't get answers. I will take that up later.

The CHAIRMAN: Order! The member cannot take that up at the Committee stage of the Bill or at any time in the House.

Hon N.F. MOORE: I know it is out of order to debate the sunset clause, but it is important for the member to understand that it will take a proactive decision down the track by the Minister who is in charge of this legislation when this clause is invoked to keep the thing going. That is how it should be. We have a report into the BCITF which suggests one of two things: One is to get rid of it and the other is to fix it up. I suggest that we should try to fix it up. That is what we are trying to do, not because I want to get rid of it. If I wanted to get rid of it, I would have accepted the other recommendation. I want to see the fund work better. The amendments we are making will make it work better. If the member would accept my bona fides and where I am coming from, we might not get pedantic about clause 13. I am happy to indicate to the Chamber, and to say as often as is necessary, that whenever regulations

are to be prescribed there will be consultation with the board and anybody who is involved. It would be a crazy Minister who brought forward regulations without consulting with anybody. Rather than a prescriptive requirement to consult with somebody, Hon Alannah MacTiernan can be assured that consultation will take place.

Hon A.J.G. MacTIERNAN: The Minister must accept that in making legislation we must look at the performance not only of the Minister who is presenting the legislation, but also future Ministers. To justify a provision on the basis that the Minister has every good intention is not an adequate way to defend a provision.

Hon George Cash: It is a good start. If it were the opposite, you would have no show; at least you know this Minister will do that.

Hon A.J.G. MacTIERNAN: However, there is no guarantee. If that were the case we need not bother going through the whole legislative process; we could say that the Minister was a good bloke and he could do what he wanted.

Hon George Cash: You know a new Parliament would change it anyway.

Hon A.J.G. MacTIERNAN: We must set up some protections. Although it is not a key provision in the legislation, and I agree the section needs amending, we have amended it too far.

Clause put and passed.

Clause 14: Sections 34 and 35 inserted -

Hon A.J.G. MacTIERNAN: The Opposition is concerned that this legislation is designed, basically, to get rid of the BCITF. The Minister said if that were the case he would have adopted the major recommendation of the Hitchen report and got rid of it immediately. However, the Minister was aware that would have caused a political furore. It must be obvious - even to the Minister - that the BCITF, for all its failings around the edges and all the little problems that it has had, has at its core achieved amazing things in the provision of training. The only area of apprenticeship training that has taken off since 1992 has been the building and construction industry. That has been against the trend in every other industry, so it cannot be accounted for by general economic activity. In fact, the building industry is experiencing a level of economic activity far lower than the general economy. I am sure the Minister is aware enough to realise that is a problem, so he is forestalling acting on the Housing Industry Association's instruction to wind up the fund.

Hon N.F. Moore: Rubbish. I do not take orders from anybody.

Hon A.J.G. MacTIERNAN: That is the intention of the sunset clause. Throughout this debate the Minister has sought to assure us that is not the case and this is the standard sunset clause that is wheeled in to make sure the fund does not extend past its use by date. Let us say that I accept that the Minister is trying to rescue this fund and sharpen its administration, and if it proves successful he will allow it to continue. In that case, when determining the policy of the Bill we should take into account what the Minister says he wants to do; that is, to fix the fund so it can continue on for some considerable time, certainly past 1999. If that is the Minister's intention rather than a sunset clause the legislation should provide for a review of the legislation to be commissioned no later than 30 June 1999 and tabled before the Parliament by 31 December 1999. I have been unable to place that amendment on the Notice Paper apparently because it has been deemed that is contrary to the policy of the Bill. Given the Minister's repeated statements about his intentions, I do not understand that. It is most unfortunate that is the interpretation. I understand that the Minister says he wants to review the fund's effectiveness. What concerns me is that this whole fund could fall out of existence and expire without any scrutiny of what is going on. I would accept that if the scheme had been unsuccessful and this was a patch up job. However, it is a highly successful scheme and, accordingly, a sunset clause is inappropriate. I propose that we put the matter to the test. Rather than allow the fund automatically to expire, a provision should mandate that a review be held and the results tabled in this Parliament, so we have some way of knowing before this fund is abolished what its performance has been under the new regime that the Minister proposes. Accordingly, I move -

Page 11, after line 16 - To insert the following -

34. Review of Act

A review of the Act shall commence no later than 31 June 1999 and the report of the review shall be tabled in Parliament no later than 1 December 1999.

Chairman's Ruling

The CHAIRMAN: I cannot accept the amendment because it is inconsistent with the policy of the Bill, as has already been determined in the second reading stage. The long title of the Bill states -

An Act to amend, and to provide for the expiry of, the *Building and Construction Industry Training Fund and Levy Collection Act 1990*, to provide for the repeal of the *Building and Construction Industry Training Levy Act 1990*, and for related purposes.

Any review is inconsistent with the wording in the long title of the Bill, which has already been agreed to; therefore, I cannot accept the amendment.

Hon A.J.G. MacTIERNAN: Mr Chairman, can I seek to enter into some debate about this matter?

The CHAIRMAN: No.

Hon A.J.G. MacTIERNAN: Can I take a point of order?

The CHAIRMAN: The member can proceed under Standing Order No 289. The crux of the matter is that no debate on the ruling is allowed, but if the member does not agree with the ruling, she has the option of moving dissent from it.

Hon N.F. MOORE: I am trying to reach a reasonable conclusion of this matter. The Chairman has ruled a review out of order, so I do not need to discuss that. The member seems to be saying that if under proposed new section 35(2) the Governor does not proclaim a date other than 31 December 1999, the fund will cease to exist and no-one will know about it. I would not be unhappy to contemplate an additional subclause (3), if it were in order, that said words to the effect that if in the event the Governor does not fix a firm date - that is, that the sunset clause comes into effect - the Minister shall table in Parliament the reasons for the fund being terminated. That would involve the parliamentary process in the sense that the Minister must table documents explaining the reasons. I do not know whether that helps. If that is worth contemplating, and the member can indicate to me whether it is, I can look at having some words drafted over the suspension.

The CHAIRMAN: If the Minister and the member want to discuss that, perhaps we could postpone clause 14 until after the other two are dealt with, and move on with the Bill during the remaining seven minutes before dinner.

Hon A.J.G. MacTIERNAN: We may reach an accommodation provided that this matter is brought into the Parliament at least a month before the demise of the fund, rather than after its demise. Can a provision be written into the proposed new subsection stating that if the day has not been fixed at least one month before, reasons shall be given in Parliament. Otherwise, if it does not appear that an accommodation can be reached on those grounds, I would not wish -

The CHAIRMAN: I am suggesting that we are very unlikely to reach an accommodation on the run. I am suggesting that this clause be postponed for consideration after clause 12. That will then give us time to consider some other clauses. The member and the Minister will then have an hour and a half to discuss the issue.

Hon A.J.G. MacTIERNAN: In doing so, would I lose my right to object to a decision under Standing Order No 289?

The CHAIRMAN: Yes. If the member wants to object to my ruling, it must be made right away.

Hon A.J.G. MacTIERNAN: I would prefer not to have to object to your ruling, Mr Chairman; I would prefer to think we can reach an accommodation. Although I do not agree with your ruling, if I can achieve the end in another way, I will not go through that process.

The CHAIRMAN: I will suggest this solution: As it is five minutes to six, I will leave the Chair until the ringing -

Hon N.F. MOORE: I wish to make a point about this clause because I have not had an opportunity to talk about it. I have only listened to the member's comments about it. I want to defend the clause as it stands.

The CHAIRMAN: The difficulty is that if the member wants to object to my ruling, she must do it right now, before I take further debate. I will leave the Chair until the ringing of the bells.

Sitting suspended from 5.57 to 7.30 pm

The CHAIRMAN: The first thing we must do is sort out is the amendment moved by Hon Alannah MacTiernan, which I have ruled out of order.

Hon A.J.G. MacTIERNAN: Mr Chairman, we have discussed it during the dinner suspension and the Minister has agreed to a minor amendment; and while it is not my best case scenario, I am prepared to withdraw my amendment in view of the amendment which the Minister is prepared to move.

Hon N.F. MOORE: In the spirit of overwhelming generosity that seems to have swept over me in recent hours, I move -

Page 12, line 2 - To delete"31" and substitute"1".

That would mean that the Governor would have to give 30 days' notice of his intention on the sunset clause. Therefore, if 2 December arrived and no decision had been made to extend the life of the fund, everybody would know, 29 days in advance, that the fund would be terminated. Under the existing clause, the decision would have effect on the same day that it was made. I accept the member's argument that people should be given some notice about this matter.

Hon A.J.G. MacTIERNAN: We support the amendment and thank the Minister for listening to our argument. Obviously we would prefer something more than this, but we are happy that the Minister has recognised that it would be inappropriate for a fund of this significance, which in our view underpins training in the building industry to a substantial extent, to vanish off the face of the earth without prior notice.

Hon N.F. MOORE: I do not want it to be misunderstood that in the Government's view, a proper sunset clause should apply so that this fund will not continue unless a proactive decision is made to continue it. That will provide the necessary incentive to ensure that this fund works properly. Page two of the Hitchen review of the BCITF concludes that the BCITF Act has not been an effective mechanism to promote training in the industry and that on balance there is no need for the Act to continue; the levy should be abolished and the Act should be amended to enable the fund residual to be effectively used for the benefit of training in the building and construction industry.

That is the finding of the review of the previous review clause. The member might argue for another review, and if it reached the same conclusion she would say she did not accept the conclusion, as she has said on this occasion. One can have as many reviews as one likes, but if they do not come up with the answer one wants, one has a problem. I want the Chamber and the member handling the Bill for the Opposition to understand that we are putting in place this sunset clause to make absolutely certain that this organisation knows that it will have a finite life if it does not perform. It is my desire that it does perform, because we must ensure that proper training is provided in this industry. Some people do not pull their weight in this industry in respect of training. On the other hand, many people do, and they should be given the flexibility that this Bill will provide to be able to provide training that is appropriate to their needs. I am adamant that this fund with its new arrangement will become a significant force in training in the building and construction industry, and if it is not and is eventually wound up, something else will have to be found to ensure that that training is provided. I imagine it would be wound up only if all the training that was necessary was being provided or there was a better way of doing it than through the BCITF.

I give an absolute assurance that this is not some subterfuge or underhand pre-election decision to wind up this fund. I am not frightened of making difficult decisions, and when the Hitchen report came down, I could have decided to wind up the BCITF then, but I took the report to the various industry groups and discussed it with all sides of industry, including the unions, and there was general agreement that we should try the second approach of Mr Hitchen, which was to fix it up. This Bill is the result of that approach. I hope we can now move forward and pass this Bill to give the new arrangement a chance to work.

Amendment put and passed.

Hon A.J.G. MacTIERNAN: This clause is a crucial provision of the Bill, and the Minister is well aware of the concerns that we have raised about it. Although the Opposition believes that the amendment will certainly improve the operation of this clause, and at least it ensures people will know one month in advance whether this vital training fund will expire, nevertheless, it is fundamentally misconceived. I understand what the Minister is saying. He is operating off the Hitchen report which states that the fund has not been successful. In the second reading debate the Opposition went through the arguments and evidence in this document in considerable detail. They were flimsy in the extreme. The classic example is that, when confronted with the overwhelming evidence that after the fund was established in 1992 the number of apprenticeships in the building and construction industry, which had been on a sharp decline, suddenly and steadily increased, Mr Hitchen concluded it had nothing to do with the fund but was related to an upsurge in the economy. To test that hypothesis we looked at other industries to determine whether it had been the case, for example, in the resource and manufacturing sectors in which likewise there had been an upsurge in the economy. However, in no other industry had the number of apprenticeships been increased. In fact, in almost every other industry the number has decreased; certainly none has had the exponential growth that has occurred in the building industry. The conclusion that Mr Hitchen has drawn is even more extraordinary because we know that the building industry - perhaps we know more with the benefit of hindsight - has not been participating in the general growth of the economy. Notwithstanding a general growth in the economy of approximately 3 per cent, the building industry is in a state of decline. The fundamental explanation given by Mr Hitchen has been pulled off the top of his head. It has not been subject to any critical analysis. It is a Mickey Mouse report designed to reach a conclusion. I understand that the Minister must accept or reject reports, but he must start looking further than the executive summaries of these reports. We all have an obligation to look at the conclusions reached and the premises

on which they are based. When they are as slipshod and flimsy as those in this report, the report should be given the appropriate treatment; namely, thrown into the garbage bin.

Hon N.F. Moore: You always have that view about reports you do not agree with.

Hon A.J.G. MacTIERNAN: Not when one considers the evidence and the arguments.

Hon N.F. Moore: You have not made a study of the BCITF.

Hon A.J.G. MacTIERNAN: I have studied the report, and it contains no logic.

Hon N.F. Moore: According to you.

Hon A.J.G. MacTIERNAN: When I have set out in great detail a critique of the Hitchen report, unfortunately, the Minister for Employment and Training has not been able to adduce any evidence that would lead opposition members to change their minds. He has not been able to respond to the fact that, notwithstanding problems around the edges, the vast bulk of the BCITF has been able to provide high quality training, in both skilled and semi-skilled areas, to achieve levels of training that did not exist previously. I am very clear about the reason for this clause. It is not to fix up the structure of the board - although that needed to be done - but is to provide that this fund will expire automatically at the end of three years unless a positive step is taken by the Minister to do otherwise. The decision to insert this clause is motivated by the strong complaints to the Minister from the Housing Industry Association and the Chamber of Commerce and Industry. The HIA believes in voluntarism. It had a voluntary arrangement and it wants that re-established. I think the Minister has managed that in other clauses of the Bill, and it is not necessary to introduce this provision. If voluntarism had worked, the fund would not have been needed in the first instance. We have argued, far more effectively than has Mr Hitchen, that the structure of the industry, with its many small operators and system of subcontracting, makes it necessary to have a fund of this nature to ensure training is provided and the load is spread evenly. Notwithstanding that the Opposition appreciates the amendment made to this clause, it rejects absolutely the content of the clause; that is, that unless some other intervention takes place, the fund will wind up. It is an extraordinarily negative process and in this State over the past three years we have seen the downgrading of training opportunities for young people without the focus and emphasis on training that is necessary.

Clause, as amended, put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I cast my vote with the ayes.

The division resulted as follows -

Ayes (14)

Hon George Cash	Hon P.R. Lightfoot	Hon M.D. Nixon
Hon E.J. Charlton	Hon P.H. Lockyer	Hon B.M. Scott
Hon M.J. Criddle	Hon I.D. MacLean	Hon W.N. Stretch
Hon Max Evans	Hon Murray Montgomery	Hon Muriel Patterson (<i>Teller</i>)
Hon Barry House	Hon N.F. Moore	

Noes (11)

Hon Kim Chance	Hon A.J.G. MacTiernan	Hon Bob Thomas
Hon J.A. Cowdell	Hon Mark Nevill	Hon Doug Wenn
Hon Cheryl Davenport	Hon J.A. Scott	Hon Tom Helm (<i>Teller</i>)
Hon N.D. Griffiths	Hon Tom Stephens	

Pairs

Hon Peter Foss	Hon Graham Edwards
Hon B.K. Donaldson	Hon John Halden
Hon Derrick Tomlinson	Hon Val Ferguson

Clause, as amended, thus passed.

Clause 15: Schedule 1 amended -

Hon A.J.G. MacTIERNAN: The Opposition agrees with most of the amendments in this clause. However, it has some difficulty with subclause (6), which relates to the affixing of the seal. This amendment will allow the common seal to be affixed by a single member and the chief executive officer. That runs contrary to the principle that has been

espoused in this place on a number of occasions by Hon Peter Foss. The Government has gone to a deal of trouble to separate and distinguish between the functions of the executive officer and board members of a number of agencies. That is proper. It was done with the Environmental Protection Authority and even Syd Shea was removed from a couple of boards because he was also the chief executive officer. That was an important principle. However, it is surprising that, given the authority that has been empowered in the board, we will allow the chief executive officer to act as the official witness for the authority of the board. The application of the common seal is probably the most formal of manifestations of the corporate authority. It is highly inappropriate and inconsistent with the actions of the Government elsewhere to start confusing the role of the CEO with that of the board. I would be interested to know why the Minister has taken that step and how he can explain away the inconsistency of principle that is inherent here.

Hon N.F. MOORE: I will not try to explain away anything. It was considered that, for expediency purposes or for practicality of activity, the CEO together with another member of the board be given the capacity to affix the seal. I do not mind whether we go back to two members as was the case or whether we have the CEO and one member. The member might be exaggerating the circumstances slightly. However, I do not mind if she moves that we not proceed or an amendment.

Hon A.J.G. MacTIERNAN: The corporate world does not allow the affixing of a common seal to be done by a person who does not have statutory responsibility to the body that person represents. Only directors in the corporate world are entitled to affix the seal of that company. The reason we bother having the procedure of affixing the seal rather than having someone sign a document is to denote that it is a serious and deliberate act. Only a small number of documents will require the execution of the application of a common seal. It really is quite inconsistent with the entire principle of the application of a seal to allow someone who is not part of the body that is charged with the responsibility of that organisation to act as the agent of that organisation in that very formal process.

Hon N.F. MOORE: Section 10(4)(c) covers the concerns raised by the honourable member. Clearly the board must authorise its use. All the amendment does is allow the affixing to be done by one board member and the CEO. That is an administrative function being carried out under the authorisation of the board. It is not as though the CEO can go off with one member and affix the seal without the authority of the board. The member's concerns are not founded. From a practical perspective, what we are seeking in this clause would make life easier. However, I will not slash my wrists over it. Nothing can be done in respect of the common seal without the authority of the board.

Hon A.J.G. MacTIERNAN: Having considered many cases concerning the application of the common seal in the Corporations Law, it is not as straightforward as that. Whether one can interpret a resolution made by a board as justifying the application of the seal is one issue.

Hon N.F. Moore: Wouldn't that be a consideration regardless of who is affixing the seal?

Hon A.J.G. MacTIERNAN: Someone who is party to the decision, and not simply a servant of the decision maker, should be involved in affixing the seal. My second concern obviously is, notwithstanding the fact that a person may only operate in that particular way, if a seal is affixed to a document and that seal is relied on by a third party, the fact that one of the parties to the affixing was not properly authorised does not stop the third party from insisting on his rights under that agreement. It is an important principle. I understand that it would be more convenient with any corporation, but I challenge the Minister to find another Statute which deals with the affixing of the seal where someone other than an official member of the organisation has the authority to affix the seal. It is, in its very nature, quite contradictory to the formal nature of a seal. The idea of a seal is that it denotes a degree of formality that is well in excess of the normal documentation of that organisation. On most occasions, it probably would not create a problem, but it is a very bad precedent to accept.

Hon N.F. MOORE: I am happy to go along with the member's argument that we should retain the status quo and that the Committee should not agree with subclause (6). I move -

Page 13, lines 1 to 7 - To delete subclause (6).

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 to 19 put and passed.

Clause 20: Financial Reporting -

Hon A.J.G. MacTIERNAN: This might be the appropriate time for the Minister to explain why the annual reports of the building and construction industry training fund were tabled only today. He indicated during the second reading debate that he would explain why, at that stage, copies of the reports had not been tabled.

Hon N.F. MOORE: I did answer a question in this place this afternoon on that subject.

Hon A.J.G. MacTiernan: Did you? I did not ask one.

Hon N.F. MOORE: I thought the member asked a question without notice, of which some notice had been given. I answered a lot of questions today. I am trying to remember whether I answered a question or whether I signed the answer as a legitimate answer. I have a sneaking suspicion that the member did ask it.

Hon A.J.G. MacTiernan: No, I didn't.

Hon N.F. MOORE: I understand some questions were asked about the 1993-94 report by the Auditor General and it took until December 1995 for those issues to be resolved. As a consequence of the delays and some degree of confusion surrounding the tabling of that report, it did not happen. My office is at fault because it did not follow up on the tabling situation. There was also a delay with respect to the Auditor General's response to the 1994-95 report. Again my office is at fault for not following up on it. I advise members that the procedures in my office have been tightened up to ensure that this does not happen again. Today I tabled both reports for the edification of members. It is not satisfactory for this sort of thing to happen and it will not happen again if I have anything to do with it.

Clause put and passed.

Clause 21 put and passed.

Postponed clause 11: Sections 25A, 25B, and 25C inserted -

Consideration resumed after the clause had been partly considered.

Hon A.J.G. MacTIERNAN: I have a number of comments to make on this clause. I understand a technical question was raised by Hon John Halden about what constitutes a tax and whether the Parliament is competent to pass this legislation. I also understand that the Minister has received some advice that it is in fact okay. The Minister indicated a preparedness to have these issues checked on a more formal basis by Crown Law. It is the Opposition's preference to postpone consideration of this clause until that can be done. I have a number of other questions to raise, but the technical issues need to be clarified before we can proceed with the debate on this clause.

Hon N.F. MOORE: I have said that I will pass on to members opposite the advice I have in respect of this matter, and I hope that might be persuasive enough for them to accept rather than our having to report progress and come back tomorrow. I will attempt that and if I do not succeed we will report progress and resume the debate tomorrow.

I understand Hon John Halden has raised the question of a levy being a tax and therefore the Parliament is in some way abrogating its responsibility in respect of any variation of the level of tax. Quite properly, the levy is the subject of separate legislation - the Building and Construction Industry Training Levy Act, which is read in conjunction with the Building and Construction Industry Training Fund and Levy Collection Act. Therefore, it is done as a separate entity and that satisfies the requirements of the State's Constitution in terms of its being a levy.

The definition of taxation referred to includes this levy. The concern the honourable member raised related more to the Parliament's power to ensure that its decisions are implemented and that we are not abrogating the legislative authority of the Parliament. We are seeking to allow the Minister, subject to this legislation, to prepare criteria that would allow the board to issue exemptions or reductions in the levy. It would then also allow for the Minister to hear appeals against the decisions of the board. The advice I have is that such provisions would be seen to be valid by the courts in the same way as in the Cobb & Co case in 1967 in Queensland, where the Privy Council held a similar sort of levy and a similar capacity for an agency to vary the levy to be a valid act. I am relying on that.

Hon A.J.G. MacTiernan: Which court was that?

Hon N.F. MOORE: It was the Privy Council in respect of the Cobb & Co case in 1967 in Queensland. As I understand it, it related to a decision by the Queensland Parliament to allow the Transport Department to levy certain charges against particular activities. There was a suggestion that that was not a proper delegation of parliamentary authority in respect of taxation matters. Without having had a full-scale briefing, I understand that the Privy Council's ruling was that that was seen to be a valid use of the legislative power and did not mean that the Legislature had abrogated its responsibility.

As I have explained on a few occasions, we are seeking to allow for the board to vary downwards or to exempt an organisation from the payment of the levy provided it meets the criteria set by the Minister, and the Minister has been given the power to set that criteria. As I said, there is a right of appeal to the Minister against the decision of the board and the Minister's decision is final in respect of the decision of the board itself. We talked about judicial review as well, but that is only in respect of the processes that were used to arrive at the final decision. The advice I have is quite clear: There is no problem with what we are seeking to do. I hope that that explanation satisfies the

honourable member and that we can proceed with the Bill. If it does not and members opposite want more legal advice, for the sake of the exercise I will take more advice, but I do not think it will be different.

Hon A.J.G. MacTIERNAN: We ask the Minister to get further advice on this. There is an arguable case that this might be an improper delegation of a taxing power, but we are not categorically asserting that. It is a threshold question to which we need an answer before we debate the actual substance of the legislation. We would be most grateful if the Minister were prepared to double check that advice with Crown Law.

Hon N.F. MOORE: I will do that. However, if it is determined that this is not the appropriate way to go then a decision will have to be made in some other way to ensure that the levy is not applied to those people who are conducting training programs that are considered to be satisfactory. I am not about to have the levy continue to be imposed on people who are providing proper training of their own volition. It is the principle of the Bill that people be able to opt out provided they opt out on grounds that are acceptable to the board. If necessary, I will find another way to do it. I will not for one minute suggest that this might in any way prevent the Government achieving its aims in respect of this matter. With those comments I suggest that we report progress and seek leave to sit again.

Progress

Progress reported.

HAIRDRESSERS REGISTRATION REPEAL BILL

Second Reading

Resumed from 18 September.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [8.16 pm]: I am not the lead speaker on this Bill.

Hon E.J. Charlton: With the wonderful head of hair you have!

Hon KIM CHANCE: Nonetheless, I am not. Hon John Halden will be the lead speaker.

It is fair to say that I do not usually support legislation that is, in effect, a deregulatory mechanism and to some extent this may seem a little strange. I hasten to assure members that my position will become abundantly clear as we progress through the debate on this Bill. I make an exception in respect of my default position on regulations because at the end of the day, whether one is a regulator or deregulator, regulations that no longer have relevance have no benefit. That essentially sums up the broadest Opposition position on this Bill.

The circumstances which were relevant and which justified the establishment of the Hairdressers Registration Board have changed in the past 40 years. When the first board was appointed in many cases circumstances were very different from those that exist now. While 40 years may not be a great deal of time, when one looks at the changes one sees that the situation was surprisingly different. This issue is perhaps easier to understand when one considers the nature of the industry. This is an industry that uses chemicals and one of the very few where, as a result of the occupational norms, one person is permitted not only to touch another person but also to apply chemicals to another person. In that sense, it is unique in an industry not related to medical service provision. The chemical substances used in the industry today have changed markedly from those in use 40 years ago. Honourable members will clearly recall an incident which attracted considerable media attention in recent weeks in which a hairdresser's client was badly burned through the application of certain chemicals. Thankfully, that situation occurs very rarely today because the chemicals used in the industry are by and large very much safer and easier to use than those of some years ago.

As a direct consequence of that change, the issue of occupational health and safety regarding chemical users - that is, the hairdresser himself or herself - has assumed a different perspective and priority. The separate legislation which exists for occupational health and safety now is very much more mature and capable of handling the needs of the hairdressing industry, and any other industry, than was the case in the past. Although my memory does not quite extend back 40 years, the occupational health and safety rules which existed 40 years ago were far less competent than those of today.

Perhaps a more marked change is evident in legislation encompassing consumer welfare. It was virtually non-existent 40 years ago, and is now highly developed and mature legislation. The imperative which drove the need for the Hairdressers Registration Board and the powers wielded by it, which on paper were extensive, are no longer required in respect of consumer welfare simply because the generic legislation is capable of looking after the needs of consumers.

In each of the instances upon which I have touched - these are only a handful of many instances - the need for the Hairdressers Registration Board has been overcome by changed circumstances. The effect this had on the

Hairdressers Registration Board in practice was that, in the words of the board executive itself, it became "moribund"; it was effectively a paper tiger. It had broad scale legislative power, but it saw no need to use that power because other agencies were more able to carry out the effect of its legislation. This is borne out by any examination of the cases dealt with by the board. The bulk of the cases referred to and dealt with by the board were referred for further investigation to the Ministry of Fair Trading. In other words, it provided only a useful postbox function.

Simply, it also referred complaints and matters relating to the powers of the board to other agencies such as the Department of Productivity and Labour Relations with industrial relations issues; and the Health Department in matters relating to occupational health and safety and consumer wellbeing. Of course, we cannot forget that local government has an important role, particularly in the regulation of the establishments where hairdressing is practised. Despite all the argument I have put, it was not a simple matter to decide to deregulate the industry.

It certainly was not a simple decision for the Legislative Council Standing Committee on Government Agencies. When the issue was referred to the committee, I felt it was something we could conclude and report on within a month or two. If my memory serves me correctly, we spent something like 18 months investigating that question. Every time that I felt we were in a position to adequately report, we came across another opinion or piece of evidence which caused us to look at the issue again. I felt that the committee ultimately did a very good job on the issue.

I recently re-read the committee's report, and it actually implied a simple conclusion at which we arrived. In fact, it was an incredibly complex conclusion, made even more complex by a decision late in the stage of the investigation by the committee that it should seek opinions of hairdressers in regional centres. It took evidence in Bunbury, Albany, Kalgoorlie and Geraldton, and came across some interesting conclusions from hairdressers in those areas which certainly caused it to reconsider a decision it made at the time. However, the final decision of the Government Agencies Committee was clear; that is, that there was no longer a need for the Hairdressers Registration Board for all the reasons I have outlined. Other agencies are able to take over the functions first defined for that board.

I have left out one important area I will not cover at length which Hon John Halden will spend some time outlining; namely, the crucial area of training. I was told today - I have no idea whether it is right - that Western Australia has as many hairdressers as it has metal workers.

Hon John Halden: There are more hairdressers.

Hon KIM CHANCE: More, I am told.

Hon Tom Helm: Metal worker are good hairdressers!

Hon KIM CHANCE: I think on average a hairdresser's touch is gentler than the average rigger's. If the claim about the number of hairdressers is true, one need not extend one's mind greatly to understand that hairdressers are an extremely significant group of workers. I never fail to be impressed by the fact that the TAFE colleges, particularly the newer ones, would have virtually no reason to exist if it were not for hairdresser training, which occupies a large part of the campuses and their resources.

Hon N.F. Moore: Which ones were they?

Hon KIM CHANCE: At the Thornlie campus, in the earlier years of its establishment, it was made clear to me then that if it were not for the hairdresser training area, which was fully booked, the college would not be running at all well. Obviously things have changed.

Hon N.F. Moore: Yes. Training is provided for the year in south east metropolitan.

Hon KIM CHANCE: I was making the point to underline how important they are for the use of those facilities. We train many hairdressers; they are a crucial part of the work force. For that reason, it has warranted the amount of work in reaching this point.

Other States have come to the conclusion that compulsory registration and regulation of the industry is not necessary. It was suggested to me that Western Australia could pass through a difficult era with unrestricted operators causing difficulty in their relations with consumers and other matters. The fact is that only a very small part of Western Australia has ever been affected by this legislation in any case. I refer here to the south west land division and a small area around Kalgoorlie, within an 8 kilometre radius of the Kalgoorlie Town Hall. Much of Western Australia has been operating quite happily without needing to be concerned about a lack of regulation in the industry. It is interesting that in Kalgoorlie a person had to be registered to practise as a hairdresser but in Kambalda or along the Great Eastern Highway in Coolgardie a person could practise hairdressing without being registered. That did not create a problem. It became noticeable during the committee's investigations that above all the universal concern for hairdressers was the practice of hairdressing by backyard or home cutters which was causing financial difficulty for people who had to maintain the cost of a salon and everything that went with it. The problems existed in the context

of the current regulations. I do not claim for one moment that any of those problems will be solved by this Bill but it seems that there is no reason to expect they will be exacerbated by it either.

I should have had a quick second read of the second reading speech. However, I believe it proposes that the fund currently controlled by the Hairdressers Registration Board will be used, in part, to assist the establishment of a professional body.

Hon N.F. Moore: Yes.

Hon KIM CHANCE: That professional body can continue to operate in the postbox function in the same way as the Hairdressers Registration Board has operated, except that instead of having the power to deal with the issues but not using it, it has power to receive complaints from consumers, employees or other affected people and pass those complaints to the appropriate authority, perhaps with its view of the facts as presented to it.

The issue of backyard cutters and home hairdressers is not one that can be solved in the context of this Bill, because the Hairdressers Registration Board has never had power to control people operating in that manner. The limited amount of investigation into the matter has indicated that backyard cutters tend to be properly trained and registered. We have heard no suggestion that those people are technically incompetent. Therefore, that issue which has been identified many times and which was pointed to in the Government Agencies Committee report is not one that could have been addressed by the Hairdressers Registration Board, nor could it be addressed in this Bill. It can be addressed only within the powers of the Local Government Act or perhaps to a much lesser extent the Health Act. A range of current legislation is relevant to the trade of hairdressing, and I see no reason that those already established agencies cannot be used very effectively to control the industry as it was intended to be controlled.

The establishment of the professional body and the question of the use of funds - which I have not raised yet - to assist the development of that professional body is probably the ideal way to handle the governance of the industry rather than rely on legislation. One can provide numerous examples of professional bodies which work very effectively in that role. I will not list them, but professional bodies have shown us that they can be extremely competent in regulating training standards and acting as a referral body and, in some instances - to address the negatives - extremely competent at controlling the number of entrants to the industry for the enrichment of those who already have entree to the industry. The Australian College of Surgeons is probably a very good example. It is a negative that I hope the Minister will bear in mind as this legislation takes effect. I would hate to see, and certainly a number of opposition members have suggested to me that this is not something they would want to see, a professional body using its power to restrict the number of entrants beyond a reasonable level. Make no mistake, a well-funded professional body could do that, without requiring legislation, simply by the influence it would have on the intakes at technical training colleges, whether private or public. We need to be aware of that.

We do not raise this as a major issue at this stage, but the use of the industry fund which has been generated by the payment of fees to the board has been largely unused for many years. I believe it stands now in the region of \$750 000. The Opposition approves of the manner in which the issue is dealt with in the legislation. Essentially the fund is left to be disposed of according to the Minister's discretion. I am sure that the Minister would be happy with that, in other circumstances, because we could all think of a good use for \$750 000, especially at election time! I am sure that the Minister would not even think of using it for those purposes, and that he will explain how he will apply the fund for the benefit of the industry.

The Opposition is satisfied with the undertakings it has received regarding the application of the fund. It is fair to say that the industry is also satisfied - although one could always get an argument on this point. I put that qualification on that statement because the industry is far from unanimous on almost every aspect of the matters we are discussing here. In large part, that is why it has taken so much time for us to reach this point. I think the Minister was concerned about introducing this legislation because he felt that the Opposition might do a little political grandstanding on it. I have no intention of doing that, and I do not think any other member has that intention. However, I always leave the possibility that some members might want to point to areas of particular concern that they hope will be and can be addressed in future following the deregulation of the industry. That is perfectly proper, and a point we considered at length during committee meetings. The committee ultimately unravelled all of those concerns to the satisfaction of us all. The decision it arrived at was unanimous. I concede that it took rather a long time to reach.

Those are the essential points about the legislation. There is no longer a need for the Hairdressers Registration Board. The proof of that comes in two parts: The degree to which the board exercises its existing powers, and the evidence of the capacity of other authorities, which by and large did not exist at the time the board was first legislated, and which have proven their capacity to address the needs of all parts of the industry.

I have pointed to the principal concern that has been raised with the Opposition by hairdressers; namely, home cutters. That is outside the scope of this legislation. It is something that I am sure every member of the committee would want to see addressed through the appropriate legislation, but which was far outside the charter of the committee's inquiry. The Opposition supports this legislation and it very much hopes that in time we will see a better and more mature industry arrive from it.

HON JOHN HALDEN (South Metropolitan) [8.41 pm]: It is interesting that a Bill that on the surface, I think most people would agree, is not particularly controversial or long - it contains only six pages - should have created such a discussion in both major political parties. The reasons for that are manifold. They relate to a number of issues. The first of those is whether this industry must be registered. In Western Australia the industry is registered only in the south west land division and in a small circular area around Kalgoorlie. In the rest of the State there is no registration. It is interesting that where there is no registration there is no great upheaval in the industry and there are no greater problems than those that are experienced elsewhere. That leads me to consider that issue carefully.

Also an issue of great concern is training. I understand that at the moment in Western Australia there are some 5 000 employed registered hairdressers and between 700 and 1 300 apprentices - that figure varies from year to year. As Hon Kim Chance said, it was suggested to the Opposition today that there were more hairdressers than metal workers in, I think, Australia. That is no surprise. Considering the apprenticeship intake, the number of hairdressers is significant. People fear that the number of apprentice hairdressers will decline and that although the number of people who may be employed to be floor sweepers, hair washers or hair colourers will increase, they will not be able to be employed across the variety of areas in which hairdressers are generally employed, and that this will diminish their lifetime expectations - fair pay and their likelihood of getting jobs from one place to another. I welcome debate on that matter. I hope the Minister will comment on that issue because it is of significant concern to people that this legislation will break down the number of fully trained apprentices.

Registration, by its very name, suggests the concept of standards being applied. If there is no registration, a fear will exist that standards will not be adhered to. There are recent glaring examples of accidents in this industry. However, my understanding is that the number of accidents has declined over time, and during all of that time there has been a hairdressers registration board. The accidents are not confined to that part of the State where registration is not compulsory.

They are some of the concerns of a general nature. It is appropriate to now put on record my view about this matter. I have for some time held the belief that the Hairdressers Registration Board, if it has not been moribund, has been close to it. I understand that in 1995-96 it dealt with in the order of 30 complaints, many of which were referred to other agencies that were far more appropriate to deal with them, such as the Ministry of Fair Trading - formerly consumer affairs. As Hon Kim Chance said, it operated as a postbox. One way the board could have been more proactive to ensure its future was to have spent its \$750 000 on the sorts of demands the industry said existed for standards and training. If the board had been more proactive and the industry demanded more from it, it might not be in the situation it is today. It is clear to most people who have had even a cursory look at this organisation that if it is not obsolete, if it is not moribund, it is close to it. Historically, the industry does not seem to have portrayed a united front on what it saw as the necessity for the board and its future directions, although shortly I will quote from correspondence to which I hope the Minister will respond directly.

The legislation, which is now 50 years old, came about at a time when the wider legislative framework was much narrower. Occupational health and safety, health considerations, industrial relations, and skills training have all expanded enormously and are altering every year - sometimes for the good and sometimes for the bad. I suggest that significant improvements have been made in the area that affects the Hairdressers Registration Board. Many of the functions once performed by this board are now covered by occupational health and safety legislation, the Health Act and regulations, at a state or local level, and local government regulations.

Therefore, there has been a reduction by legislation in the scope of the board. Additionally, over a number of years, as I understand it, industry has not been able to form a united view about the purpose of the board and its future direction. Hon Kim Chance referred to the review by the Standing Committee on Government Agencies. I understand that possibly in the past 14 or 15 years four reviews have been undertaken, a number during the Labor Party's time in government. All found that, in one way or another, the registration board should change. Eventually we limped along to the view that the board should be repealed. However, it should not be repealed to the point where nothing takes its place. I have spoken to the Minister informally. Hon Kim Chance has just spoken in the House and the Minister agreed that there must be a replacement organisation which is far more representative of the views of this industry and whose membership is far more involved with and encompassing of the industry. It is fair to say that in the past decade and a half probably as many views have been aired about the future direction of this industry from within the industry as apprentices have gone through TAFE institutions during that time. It is fair to say that I have pointed out the issue of retention of skills and training. They should be addressed in the Minister's response.

I refer to a letter we received today from the WA Retail, Automotive and Associated Services Industry Training Council dated 11 October signed by Mr Les Marshall, chairman of the hairdressing industry task force. With some indulgence I will read this letter in its entirety and ask the Minister to comment on it.

The Hairdressing Industry Representatives condemn the introduction of the Hairdressers Registration Repeal Bill 1996 to the House in its current form, and respectfully requests that the Bill be carried over until the industry has had the opportunity to consult meaningful and indepth with the Minister what we consider to be essential transition arrangements.

The Industry Representatives are united and adamant that the repeal of the legislation and the abolition of the Board should not take place until it can be clearly demonstrated that adequate and appropriate measures are available to be implemented back to back with the repeal of the legislation.

The suggestion that the industry should accept the repeal and then work towards putting something in its place is ill-conceived, irresponsible and totally unacceptable and does not sit well with the Governments commitment to consultation and transparent processes and that these processes should be industry driven.

I do not know that it is appropriate for me to comment directly on the letter. I hope that the Minister will take the opportunity to comment on it directly.

Hon N.F. Moore: I will be interested to hear you comment on it as well.

Hon JOHN HALDEN: I think I have.

Hon N.F. Moore: When the writers of that letter say they have not been consulted, you were part of the committee which talked to most of them.

Hon JOHN HALDEN: I do not think I was. I think I had left by that stage. I was involved in the process for a short time. I believe from my scant knowledge of the issue that some incorrect assertions are made in the letter. I am sure the Minister and his advisers can provide us with an alternative perspective. If a number of issues alleged in this letter were not answered, the Opposition would be concerned and, more specifically, there would be concern in the industry and the general community. Does the Minister have a copy of the letter?

Hon N.F. Moore: Yes. I received one today.

Hon JOHN HALDEN: Does the Minister have it with him?

Hon N.F. Moore: Yes.

Hon JOHN HALDEN: I will not seek to table the letter. I received a document today, I presume from the same organisation, which addresses the second reading speech of the Hairdressers Registration Repeal Bill 1996 by Hon Norman Moore MLC. The letter indicates that based on the Minister's second reading speech the industry would like to record its response. Does the Minister have a copy of that?

Hon N.F. Moore: Yes.

Hon JOHN HALDEN: As the Minister has a copy, I do not propose to go through the 15 criticisms of the second reading speech. It will be appropriate for the Minister to do that. The Minister could do that concurrently with the letter. It is appropriate for him to put on the record clearly the position of the Government on this matter so that people can understand why the decision is being made. I am not suggesting to the Minister in any way that I and the Opposition are backing away from our support. I am suggesting that as he has accurate knowledge it is appropriate that he address those fairly reasonable questions as carefully as he can and hopefully that will further diminish any concern of the Opposition and of the hairdressing industry. I raised the matter of concern in a very general sense. It is fair to say that some of us have more than concern about the downgrading or compartmentalisation of training and the potential exploitation in the work force if the registration board goes. If the Minister could give the position of the Government in regard to that area, hopefully that will diminish the concern.

I am not sure that Hon Kim Chance raised the issue of training. At the moment it is regulated on the basis that people cannot be involved in the hairdressing component of a salon unless they are in the three month trial period prior to commencing apprenticeship or are apprentices or indentured or qualified. There is some concern that if that were to go there would be a non-regulated environment and no government control which might lead to a limited number of people entering the industry. In that case I guess the industry could be closed up to a degree to dictate higher prices for haircuts and as a consequence increased salaries. I am not convinced that will be the outcome, but I will be interested to hear the Minister's views.

Hon N.F. Moore: I do not quite understand what you are saying. Are you suggesting someone might want to introduce a closed shop?

Hon JOHN HALDEN: I am suggesting that if the Minister allowed the organisation to run itself, perhaps in the same way as the Australian Medical Association does, it might do what the AMA does. It determines the number of medical students who may enter university and therefore restricts the number of doctors who will enter the profession at any period in the future, thereby artificially creating higher pay scales and the like. I think the medical profession does that and I condemn it for it. I am not sure whether that opportunity is available here but I will be interested to hear the Minister's views.

Hon N.F. Moore: The state training profile strategy and structure will decide how many government funded positions there will be.

Hon JOHN HALDEN: I thank the Minister for that short response. There is considerable concern about the future of the industry. As I said, there is such a diversity of views on what should be the future of the industry that the interaction creates an environment in which all sorts of speculative outcomes are possible. Whether they are a reality is a very different issue. We should be trying to clear it up as much as possible. In some respects it is unfortunate, if not tragic, that after 50 years that diversity of view exists. The letter received today would suggest that the industry has at least come together with the matters to which I referred. Hopefully the organisation the Minister is proposing will encourage, facilitate and foster some commonality in this industry for the first time to get it to that point. It is a difficult industry in which to achieve that because there is no really large employer. The industry is typically small business and almost backyard orientated. Therefore, to draw those people together is difficult. However, there is every need for that to happen.

In the final analysis it is my firm belief that the registration board, now 50 years old, has diminished in its significance in the industry. For many years it has not been proactive in the industry nor in how the industry should be changed. I am interested in how often the industry has suggested changes to the Act to assist in the process to upgrade the Act or to make it contemporary. Other legislation has taken over many of the original premises for this Act to exist. It is probably appropriate that a new regime is being considered. I am confident if that regime were not successful and there were problems, any Government would move immediately to rectify that situation. However, in some respects it is also the responsibility of industry to ensure that those sorts of potentialities do not come to fruition. Although I disagree with the letter that was written, at the end of the day I am clearly of the view the registration board has outlived its usefulness. The Minister and the Government must address the issue of the transitional phase. With those comments and awaiting the Minister's response to the debate, I am confident that the Government will enjoy the Opposition's support for this Bill.

HON DOUG WENN (South West) [9.12 pm]: It is interesting that we are spending some time debating this Bill. It may be an insignificant Bill to some people but the length of this debate indicates it is a very important Bill. Every member in this place would visit a hairdresser once a fortnight, once a month or, looking around at some, only once every two months or more. We probably see our hairdressers more often than our doctors, and, in some cases, our work mates.

I support this Bill only to the point that we are seriously considering the repeal of the Hairdressers Registration Act; that is where it stops. I say that as a member of the Government Agencies Committee which considered the Act. The committee took nearly 12 months of discussion, hearings, and deliberation to agree that this legislation is archaic and should be either dissolved or resurrected in a manner that would make it workable. I believe it should be resurrected. Admittedly, the Act must be repealed before another Act is created to make it workable for the hairdressing industry. I wrote to all the hairdressers within my electorate of South West Region. As the Deputy President (Hon Barry House) will testify, that region includes an area that runs from Mandurah, across to Pinjarra and down to Albany. I was amazed at the number of hairdressers in that region. I obtained those names from a magazine called the "Link" as the Hairdressers Registration Board could not provide an accurate list of hairdressers in the region. The response to my letter was outstanding. From those responses, it is evident that a thorough check should be done on the industry. The responses I received were so varied that I realised the committee had a job on its hands. Even hairdressers in the same town could not agree with each other on the direction for the industry or on how new legislation should be drafted to cover training and other aspects of the hairdressing industry.

I thought it was very important that the committee visit different areas, so on my own initiative I asked the Chairman of the Government Agencies Committee, Hon Barry House, whether the committee would be willing to travel. To my surprise the committee agreed, although I read some reluctance into its agreement. However, that agreement was reached with the understanding that not every member would be able to attend every visit.

The committee travelled to Bunbury, Albany, Kalgoorlie and then to Geraldton. Members in this place tonight who were on that committee, and even the clerk who assisted us, would agree that we were hard pressed to reach any

agreement with hairdressers on how the industry should be regulated and the new legislation drafted. In fact, in Kalgoorlie, a taxi driver made some comments which I will not repeat in this House because I would get myself in deep trouble with other groups within the community. That taxi driver was angry about the way hairdressing organisations were run. She even challenged a few of them over their sexuality. I will not go any further with that. She was blunt and determined to make her point when we told her why we were in Kalgoorlie. We mentioned the taxi driver's accusations to some of the hairdressers at the meeting; they totally denied them, and we moved into discussion on the Bill.

One of the drawbacks of the existing legislation was that it was put together in 1946, so one can understand why, bearing in mind the composition of the State at that time, it does not cover the whole of Western Australia. People are able to move from town to town and set up hairdressing salons without any control whatever. This causes problems with the true blue hairdressers who have been accredited through the system and taught by qualified hairdressers. However, as one salon owner put to us, they quickly know whether a person can do a proper cut or is able to use the proper chemicals for colouring someone's hair. At the same time, they expressed a major concern about the lack of control within the hairdressing industry if we repeal this Bill and do not replace it with legislation that will regulate the hairdressing industry, especially in the use of chemicals.

Previous speakers have mentioned the young lady who, just recently, went to a hairdressing salon and, when the chemical treatment was applied incorrectly, ended up with burns to her scalp and loss of hair. The industry is in turmoil. It is uncontrolled to the degree that the existing board has no legs to stand on. When we were interviewing members of the board it seemed to me that it was in limbo. It did not know how to operate; it did not have the powers to conduct investigations and inquiries that at times it was called upon to carry out; it did not have the strength that it needed to enforce the laws; and it did not have the back-up to proceed in that way. At the same time, it had about \$250 000 within the system that it did not know what to do with. A great fear within the industry was that when the Act was repealed, the money would be lost to Treasury. I am happy to say that I note the money will be put aside and used for the hairdressing industry. The Bill provides that it will be used for training and support for the industry; however, without legislation how can that be done? I must admit that I am lost on that aspect of the Bill. I am sure the Minister will cover that issue in his reply.

This Bill is archaic; it goes back a long way, to when Hon Peter Dowding was the responsible Minister. It was last handled by Hon Kay Hallahan when she was a Minister in this place. The Bill was never acted upon because of the indecision on the part of so many people. I congratulate the Government on doing something about this matter. Although I was not very happy that it handballed it to the Standing Committee on Government Agencies, it gave the committee the opportunity to look at an industry that needed to be looked at. The second reading speech says that the Act sets up needless regulatory barriers for hairdressers, not only between Western Australia and other States and Territories, but also within the State. That is dead right. I have already made the point that the legislation does not apply to areas above the twenty-sixth parallel or outside an eight kilometre radius of the post office in Kalgoorlie. It is absolutely essential that a controlling board for this industry, covering the whole of the State, be established.

Some people who were brought before the committee were very sincere about the fact that there was no control in other States. People from a national body that was trying to become established came before the committee. I was wary of it then, and I am still wary of it. There are controls in other States. The other States did away with the controlling boards but they were re-established. I do not know whether this can be done by way of a ministerial direction, but it is imperative that the Minister find out how the boards or committees in other States have been established. The committee could not do that because of the time limitations that were placed on it. I have always believed a national body should be established that is covered by the same laws that apply to the hairdressing industry in the Eastern States. Many people in the education side of hairdressing can do a course in the Eastern States and pay between \$700 and \$900 - Hon Barbara Scott might be able to enlighten me on the figure - to become qualified hairdressers. However, when they come to Western Australia their qualifications are worth zilch. It is a crash course and they are not taught the proper way to do hairdressing. Many in the hairdressing industry told us that we should be concerned about this issue.

The Minister might also want to take up the issue of backyard operators. I was quite surprised to find that in a number of the places we went to, the backyard operator was the teacher at the local technical and further education college. That caused some conflict between the hairdressers who were regulated and the backyarder who went to the aged care homes to look after the blue rinse set. It was a very easy way for the backyarders to make a dollar without a large outlay. They did not need the premises or the equipment for which a hairdressing salon, usually established within a shopping centre, or wherever, had to pay on a weekly basis. That, in itself, causes the industry concern. I do not challenge the qualifications of the backyarders in any way; however, I think the industry should look at the way in which these people can operate. It was probably one of the most contentious issues within the industry that came to our notice as we travelled around the State.

The second reading speech also says that a number of broader and more appropriate legislative instruments are applicable to the operations of hairdressing salons. The statement about the legislation being broader is right, but it is far too broad. This legislation does away with a committee and leaves members of this industry open to adjudication by a number of other areas that will already have a workload. The last thing they will want is to be lumbered with this responsibility. That point has already been made to me by some of the local shires. The second reading speech says that these instruments include legislation relating to occupational safety, public health, fair trading and local government by-laws. They will not concentrate solely on the hairdressing industry, which is what the industry is crying out for. I do not think I can emphasise too much that this industry needs a controlling body. I do not know how this board would be established.

Hon N.F. Moore: It will be a controlling body only in the sense of its being in a totally regulatory system.

Hon DOUG WENN: If an inquiry were to be conducted, would it come through the Minister's department?

Hon N.F. Moore: I have responsibility for the Hairdressers Registration Board, but most of the issues you are talking about come under the Ministry of Fair Trading.

Hon DOUG WENN: Obviously much discussion will be held about the new group that needs to be set up. I have no doubt such an organisation needs to be established, and I can assure the Minister that although many people in the industry are eager to see this legislation repealed because it is so old - it was passed in 1946 - they are still very keen to see another board established to control the industry.

As I said, when it comes to health and safety, I just wonder how far the legislation goes. I have already referred to the drama associated with the young girl who had the wrong chemicals used during a treatment on her hair, when her scalp was burned and she lost her hair. Without any guidelines, how can the health and safety people say that this hairdressing salon did it wrong? It goes beyond that, because 99.9 per cent of the chemicals that are used are registered in the Eastern States, and who knows what is being pumped out of there, because there is no controlling body. I have talked to some of the hairdressers in this State, and they can buy these chemicals from the Eastern States, put their trade name on them and sell them as products of their salon. That is of concern. If hairdressers are not fully trained, we will see many more problems in the industry with the use of chemicals. The Bill states that the industry has a voice through its representatives on the Retail, Automotive and Associated Services Industry Training Council. Automotive, for crying out loud! Do they use thinners, or something, as part of their chemical compounds?

I know I am taking a broad approach to this matter, but there is a real need for some organisation to control the chemicals that are used in the hairdressing industry. We cannot push this matter through the departments which the Minister mentioned, because they are already snowed under with the way things are going not only in Western Australia but in Australia generally without having to go to each hairdressing establishment in every city and town. A town the size of Bunbury has 38 hairdressing establishments, because people are being trained in the industry and are opening their own salons. In many instances, parents are setting up salons for their children. Those parents have absolutely no idea about the hairdressing industry and are not qualified hairdressers, yet they are the controlling body of the salon. I assure the Minister that this is happening in many towns and cities in this State. That is of major concern, and that is the reason we need legislation to control hairdressers in this State.

Hon John Halden read out a letter that all of us on the opposition side received today. I am not sure about members on the government side.

Hon N.F. Moore: We did.

Hon DOUG WENN: I took part of it as being tongue in cheek, but I will ask the Minister the question anyway. The Standing Committee on Government Agencies has discussed this matter for nearly 12 months. It has invited many bodies to talk to it and has visited many bodies. However, the letter states that the Minister has failed to meet with or communicate with them.

Hon N.F. Moore: That is a good reason for not believing everything you read.

Hon DOUG WENN: I said that at the outset.

Hon N.F. Moore: I made the decision that the Government Agencies Committee should look at this matter. What is the point of that committee looking at it in depth and consulting with everybody if I then do the same thing?

Hon DOUG WENN: Is the Minister saying they are right?

Hon N.F. Moore: I met with the people involved.

Hon DOUG WENN: I wanted to know how far the letter is going.

Hon N.F. Moore: The last time I talked to some of those people, they said, "How are we going to spend the money?"

Hon DOUG WENN: The \$250 000?

Hon N.F. Moore: It is more than that; I think it is about \$500 000. Their concern was more about how the money would be used.

Hon DOUG WENN: I must admit we did hear that. In fact, the national body that came to us was almost adamant that the money be transferred to it and that it be the controlling body. That is when I lost total interest in that body. That is of concern. Obviously this is the place where we can ask questions about that matter.

I am happy that the funds will not go into consolidated revenue but will be placed into a hairdressing industry account at Treasury and returned to the industry through the provision of training and support for the industry. How does the Minister intend to implement that, when every other training facility in this State is covered by an Act?

Hon N.F. Moore: Not every occupation requires a registration process.

Hon DOUG WENN: It does, through TAFE.

Hon N.F. Moore: That is the recognition of the course. The TAFE course is an accredited course, and people come out of that process with a qualification. That must not be confused with registration.

Hon DOUG WENN: Does that then not put it into the education system?

Hon N.F. Moore: Currently, people who want to be hairdressers can be trained at a TAFE college and practise as qualified hairdressers, but they must be registered by the board. We are getting rid of the board, so people will not need to be registered, but they will still need to be qualified.

Hon DOUG WENN: If people are not registered, how do they get to go through that system?

Hon N.F. Moore: They go through TAFE, like everybody else, whether they want to be a draftsman or a boilermaker.

Hon DOUG WENN: There are organisations for those occupations.

Hon N.F. Moore: Not all those occupations have registration boards.

The DEPUTY PRESIDENT (Hon W.N. Stretch): Order! Will the member address his comments to the Chair. We will do the questioning in Committee.

Hon DOUG WENN: I am sorry, Mr Deputy President; I am trying to understand how this money will be allocated. I cannot believe it will be set aside totally for hairdressers.

Hon N.F. Moore: I will explain what we have in mind. We have not made a final decision. We will consult with all those people about what will happen.

Hon DOUG WENN: It is imperative that the 1946 Act be repealed and legislation be put in its place to control hairdressers in this State. I am concerned specifically about the use of chemicals. Any person will know within two minutes how good a hairdresser is at cutting hair. As I say to my hairdresser, the difference between a good haircut and a bad haircut is only a fortnight. It does not matter how they do it. However, when it comes to the use of chemicals, we should have a board that is totally in control of that side of the industry, and I ask the Minister to look seriously at that matter.

HON B.M. SCOTT (South Metropolitan) [9.40 pm]: I support the repeal of the Hairdressers Registration Act 1946. I shall spend a few moments considering with my colleagues in this House the process used by the Standing Committee on Government Agencies, of which I was a member, when it considered the Green Bill presented by the Minister to that committee. The process was very thorough because the committee recognised that it was an important matter that affected many thousands of workers and clients in Western Australia. I also took a particular interest in this Green Bill because it affected many women, especially young women. It has often been thought that hairdressers do not regard themselves as business people and they are not interested in the legislative side of their trade. Therefore, I made it very clear to the committee that I felt we should provide an opportunity for oral submissions as well as written submissions so that evidence could be heard from as many people as possible. At the back of the report by the Standing Committee on Government Agencies is an extensive list of the people who made oral and written submissions. I do not for one moment pretend that the committee canvassed all the hairdressers in Western Australia. Because of the nature of those involved and the nature of their work, many were unable to give any evidence. The committee considered a number of important issues covered by those submissions, many of which have been addressed in this Bill.

The first consideration was whether to deregulate the industry. Consideration was also given to whether the Hairdressers Registration Board of Western Australia was obsolete. I agree with previous speakers in this debate that the board is totally obsolete, and is no longer relevant to the operation of the hairdressing industry in Western Australia. The committee considered the board's functions in detail and recognised that although many of them may have been necessary in 1946, they are obsolete in 1996. Of course, some are still relevant, such as protecting the public from improper use of chemicals, maintaining standards of hygiene, and monitoring standards of hairdressing in the industry. Very few of the functions set down for the HRB are conducted by, or seem to be appropriate for, the existing board. The monitoring of the industry can be achieved in a number of ways, and it is not necessary for it to be carried out by the HRB. In fact, the submissions to the committee confirmed that the HRB collected registration fees each year and did little else. There is a need to monitor the industry, including training and other issues. These matters were closely examined by the committee, which made recommendations on them.

One of the related aspects of this Bill is the four year apprenticeship scheme. Questions were raised about the consequences of deleting that scheme. I have carried out investigations into this matter and talked to many people on the subject. It seems that the four year apprenticeship scheme works in opposition to the current system of recognition of prior learning, which is acceptable in many trades. Under that system people undergo a certain amount of training and then their prior learning can be recognised. It can be done by the Training Accreditation Council, and the standards can be determined for apprentices through that council. Recognition of prior learning is a fairly new term but the concept is acknowledged in a number of industries. Certainly the child care industry is considering RPL, as are a number of other industries. Many people entering an industry have skills that are appropriate to that industry, and those skills should be recognised.

We heard earlier this evening of people coming to Western Australia from other States who had paid for and completed a course, but who were constrained by the 1946 Act which provides for the four year apprenticeship scheme. That negates the recognition of prior learning or fast tracking in training or TAFE, which can be done in partnership with training in a salon. I would be most concerned for novice hairdressers entering the industry if the standards of hairdressing were lowered. It is important that that not be the case. The training standards are now set for the industry by the Training Accreditation Council, which must conform to the requirements of the Australian qualifications framework for the issue of trade certificates. This will be achieved in the hairdressing industry by the training provider, who must be registered and must achieve quality accreditation. The training providers go through a rigorous process for acceptance of their training programs. If that system is accepted and accredited, and it conforms to the Australian qualifications framework, the issue of training will be protected by the national framework.

The recent case involving dangerous chemicals, which came to the fore through the media, took place in my electorate. Therefore, I was particularly interested in why it happened and in knowing whether the HRB had any influence in that situation. It had none, and no action was taken by the HRB in that matter. The hairdresser who used the chemicals incorrectly had been trained and registered for 10 years. Therefore, that indicates that the registration does not provide for all hairdressers to be checked. The existing network of occupational health and safety and local government probably needs tightening to make sure it has more responsibility in that area. Local government has a role in making sure that nightclubs, for example, conform to certain noise levels, that butcher shops and restaurants conform to health regulations and so on. This area is the responsibility of local government and the solution is probably to tighten existing regulations and by-laws.

People making submissions stressed the importance of the industry having a voice in determining the training, skills and monitoring of participants in that industry. Again, the training and standards can be set for the industry via the TAC. Because it must conform to the Australian qualifications framework, that provides a check and balance on what is done in this State.

Hon A.J.G. MacTiernan: Can you explain how it will work?

Hon B.M. SCOTT: In a number of industries training qualifications frameworks are already established and must be met. There is a move in a number of training areas to move closer to national accreditation.

Hon A.J.G. MacTiernan: Who decides whether they are met?

Hon B.M. SCOTT: The industry needs to do that. It is that which I am suggesting. The training should be set by the industry training council and should have to conform to the national framework.

I support the repeal of this Bill to delete the four year training, because it negates recognition of prior learning and fast-tracking recognised courses that have been accepted by TAFE colleges here and other institutions. Yet the graduates at the moment come out and still have to do two years' or four years' training. At the moment, in one

accredited course, graduates come out after a year's full time training but they still have to complete two years of apprenticeship.

The Hairdressers Registration Board perhaps should have reviewed its role and function periodically and recommended the necessary legislative changes to government. That has not been done. Neither does it seem to have had the will to use the powers which were conferred upon it by the 1946 Act to regulate various aspects of the industry. I support repeal of the Act and I believe that the training issue is important for many young people. It is important that mechanisms be put in place and be supported by the training colleges and training organisations to ensure that proper standards are maintained and that not only the customer is protected but also the young trainees are protected and that recognition is given to prior learning. We heard instances of qualified hairdressers who ran their own businesses in other countries not being able to practise in this country.

The Minister acted appropriately by asking the Government Agencies Committee to review this Bill. We canvassed a lot of opinions in that review. There are some concerns still about the training by some hairdressers. However, there is a general consensus that the Hairdressers Registration Board is obsolete. It does not carry out the functions that are necessary to monitor and to oversee the hairdressing industry in Western Australia. There have been many changes in that industry as there have been in others. There has also been a move towards large body care products companies promoting and developing training. There have been big changes since 1946. It is appropriate that this repeal Bill be passed, and I support it.

HON A.J.G. MacTIERNAN (East Metropolitan) [9.55pm]: The Opposition has agreed to support this legislation. However, a number of us are a bit concerned that we might be throwing out the baby with the bathwater. We want to put on record a number of our concerns.

Earlier in the second reading debate, Hon John Halden said that he had heard that there are now more hairdressers in Australia than there are metal workers. I raised that matter in discussions we had earlier today. It came out of some research that was done some years ago that sought to point to the structural changes in Australia and how we have ceased to be primarily a manufacturing nation and how the service industry had taken over and has become in many respects a more significant area of the economy.

I have very grave concerns, given the importance of this industry when one looks at that scale, that the repeal of this legislation will have a very negative impact on a number of aspects of the industry. One of my primary concerns is that it may well see the demise of much apprenticeship training in this area. One of the regulations that has been made pursuant to the Act prevents the use of unskilled labour within hairdressing salons. It is not possible to take on a junior worker as a non-apprentice. That has been a very positive thing within the industry. It has meant that there has been a great deal of skill formation, because there is a lot of routine work in a hairdressing salon, including hair washing, sweeping, and other basic tasks that do not require a great deal of skill. There is a demand for employees in the industry to do that work. Under the current regulations, young people are taken on and are given those basic jobs and through what is effectively a compulsory apprenticeship system move their way up. I have no doubt that once that provision is removed, we will see the number of apprenticeships made available to young people drop very dramatically.

Hon N.F. Moore: What has registration to do with the number of apprentices?

Hon A.J.G. MacTIERNAN: I explained that a regulation made by the board makes it impossible to have non-apprenticed juniors in the industry.

Hon N.F. Moore: So?

Hon A.J.G. MacTIERNAN: When the legislation is repealed -

Hon N.F. Moore: You will have all these little urchins running around in hairdressing salons!

Hon A.J.G. MacTIERNAN: That is what will happen.

Hon N.F. Moore: They will be sweatshops for children!

Hon A.J.G. MacTIERNAN: It will be interesting to see whether that is correct. One should be gravely concerned that once the requirement is removed, the number of apprenticeships in the industry will drop dramatically. One of the motivating factors in taking on apprentices in the industry is that a junior cannot be employed unless one is prepared to offer him or her an apprenticeship. Once that is changed, there will be a reduction in the number of apprenticeships offered. We will put that to the test. However, that is a grave concern particularly when one considers the volume of apprenticeships that are offered in the hairdressing industry at the moment and the significance of those in the overall skill formation picture in the State.

Referring to Hon Barbara Scott's concern, I do not think anyone would suggest that the Hairdressers Registration Board has not been a bit of a disappointment. She pointed out that it had not acted in any way to modernise itself or to make recommendations to modernise its legislation. That is unfortunate. However, she said that there was an absolute barrier to the recognition of prior learning. That may be and that is obviously wrong. However, there is no reason that we could not amend the legislation to provide that, while there might be a general requirement for a four year apprenticeship, there could be at discretion a system for the recognition of prior learning or externally gained qualifications. Members would not suggest that this House should abolish all controls over the registration of medical practitioners or legal practitioners because they want to provide for those practitioners coming in from other jurisdictions. In this Bill we should not be abolishing the entire hairdressing apprenticeship system, but we should be making provision for some flexibility. That argument is not one for the abandonment of the total system.

It appears there will no longer be a body to regulate hairdressing apprenticeship standards or qualifications. Basically, people will be able to conduct hairdressing without any formal assessment or qualification. The Minister was right when he said that some of the consumer problems which emerge can be dealt with by the Ministry of Fair Trading. For example, if people thought they had had a bad deal because they asked for a perm and were given a dye they could go to Fair Trading and seek compensation. The chemicals which are used by hairdressers are of such a nature that the damage to their clients could be very severe. It is not a matter of monetary compensation for a contractual arrangement which is not well done.

The reference to the Occupational Health and Safety Act is quite misleading. There is absolutely nothing in that Act which will provide any protection whatsoever to the consumer. I ask the Minister to advise what part of the Occupational Health and Safety Act will afford any protection to the consumer against misapplication of chemicals.

My fundamental concerns are, firstly, there will be a substantial diminution in the availability of apprenticeships in that area and, secondly, members are exposing themselves to the risk of a general lowering of standards within that industry which will be unfortunate not only for the people already in the trade, but also the consumers. While a certain percentage of consumer problems will be dealt with appropriately by the Ministry of Fair Trading, some of the potential problems are far more severe in nature and require more than some sort of contractual compensation through the provisions of the fair trading legislation. I urge the Minister to give serious thought to how and when this legislation will be put in place. It seems to me that something else should be put into place before this legislation is proclaimed.

HON J.A. SCOTT (South Metropolitan) [10.04 pm]: I have been surprised at the philosophical positions of both the Government and the Opposition on this Bill. I have a document representing the views of the organisations within the hairdressing industry and it indicates that even though they are very concerned about the Bill they have been ignored by the Government.

Hon N.F. Moore: They have not been ignored.

Hon J.A. SCOTT: On the other hand, the Labor Party says it supports the Bill with some reservations. However, it outlined concerns about the training of people within the industry.

Hon A.J.G. MacTiernan: That is what happens when you have a party of more than one member.

Hon J.A. SCOTT: I see. For some time I have been concerned about the use of chemicals in the hairdressing industry. A number of my acquaintances have concerns about chemicals in industry generally. I have said previously in this place that six times as many people die from the effects of the chemicals used in industry as people die from accidents.

We have been told of a number of instances where customers have been severely affected by chemicals. However, not very much has been said about those people in the hairdressing industry who work day after day with those chemicals. I have always been concerned about that issue. I have heard that there is a high level of dermatitis and other skin diseases among hairdressers. In general, there is a high level of sickness in the industry and a lot of time off is taken by hairdressers. People who go near hairdressing salons can smell the rather potent chemicals which are used in permanent setting solutions.

Hon P.R. Lightfoot: I don't suppose hairdressing is a sort of chemical shearing like they had in the Wool Corporation?

Hon J.A. SCOTT: It has already been pointed out that one young lady who had a perm actually had her scalp burned. I was interested to hear Hon Barbara Scott refer to the document, a copy of which was sent to my office, in which the people in the industry claim they have not been properly represented. I am glad she said that the young woman who had been burned had not been protected by the Hairdressers Registration Board of Western Australia. It partly satisfied my interest in whether the board was in a position to prevent such an occurrence. Obviously, it was not.

The document indicates that the people in the industry are not against change to the legislation. They are concerned about the repealing of the Hairdressers Registration Act and that it will not be replaced with any form of protection for the industry. It has not been indicated whether any form of protection will be given to the industry in the future. Hon Barbara Scott said she hoped that mechanisms could be put in place to protect the training of hairdressers and that local authorities could introduce by-laws to carry out some of the functions provided by the Act.

Hon B.M. Scott: I was talking about health and safety, not training.

Hon J.A. SCOTT: The member is correct; she did refer to health and safety. "Could" is not good enough. Before repealing this Act, which provides a level of safety and is not costing the taxpayer any money, I would like to see something tangible taking its place. As soon as this legislation is repealed, there will be no protection for the industry.

I want to know what problems were caused by this board before I support this legislation. If there are no problems and even though it is underperforming, and if it provides some extra protection for the public and hopefully for the workers, I do not see the point in abolishing it. I want to hear from the Government how customers will be protected from hairdressers using toxic materials when they do not have adequate training and how the employees will be protected from toxic chemicals which they do not know about and which they will be using not once but time after time. These chemicals can often be absorbed through the skin and by inhaling them. Is there a problem with having this extra layer of protection?

Hon N.F. Moore: How does it provide any protection? You have just told us about a person with a problem while the board has been in place.

Hon J.A. SCOTT: I want to hear how that protection will be provided.

Hon N.F. Moore: Read the second reading speech.

Hon J.A. SCOTT: Abolishing this board will not provide protection. I want to know how it will be provided because I want to see some protection. If it currently does not exist and the Government is removing one level of possible interpretation of problems then it is hardly enhancing protection either for the customers or the people working in the industry.

There is a lack of understanding of the wide variety of new chemicals introduced every day into our community and into workplaces. Far too little attention is paid to that issue. Some of the supposedly benign chemicals are now being found to be extremely dangerous. For example, chlorine is widely used and is now suspected of causing genetic mutation.

Hon P.R. Lightfoot: In whom or what?

Hon J.A. SCOTT: The mutation is causing hermaphroditism in fish. That has not been definitively proved at this time but concern is building that chlorines are causing hermaphroditism in males, and particularly in fish populations in aquaculture situations.

Hon P.R. Lightfoot: It is because we are all wallowing in a sea of oestrogen.

Hon J.A. SCOTT: Some of these chemicals are a type of pseudo oestrogen and do have that effect. Even though he jokes, Hon Ross Lightfoot is quite correct.

Hon P.R. Lightfoot: I am pleased about that.

Hon J.A. SCOTT: We are being very cavalier in our treatment of chemicals in workplaces. Even though this board was not doing its job, as claimed by the Government and others, surely it would be better to revamp it and get it to do some real work to ensure that the problems do not arise?

I am also concerned that we may be moving in a way that the people involved in the industry at the grassroots will not be involved in the policing and decision making processes. I do not know whether I am correct in that assumption, and I will be interested to hear the Minister's response. I hope that this change will not move the real decision making away from the industry, because it must be involved to some degree. I do not believe in total self-regulation but there must be some real power for the industry.

Considering the concerns expressed in this document, which is based on the Minister's second reading speech, I wonder whether there has been some miscalculation about what the industry is seeking. Perhaps I am completely wrong and I have been overly influenced by this document, and I am quite prepared to wear that if that is the case. There is no need to rush this Bill through. The Minister should talk to these people to find out their concerns and ensure that they are addressed if the solutions are not counter to the interests of the broader community.

Alternatively, the Minister should provide some explanation of what new or existing legislation or regulations will ensure the protection of customers of and employees in the hairdressing industry. Before I support this Bill I would like some response to those concerns. Even though there is jocularly about its being a hairdressers' Bill, there are many hairdressers handling those chemicals. They can all become extremely ill if they misuse those products, as can their customers. While there is no need to rush, there is a need to be certain that that issue, along with the training of the people using the chemicals, is dealt with properly.

HON TOM STEPHENS (Mining and Pastoral) [10.18 pm]: Support for this legislation across the Chamber, both from the Government and the Opposition, is against a backdrop of some of the most prolonged consultation with the industry and the wider community that any legislation could ever have had. That is the reason for the jocularly in response to the comments by Hon Jim Scott. This legislation is a paradigm of how slow a Parliament can go in considering an issue. I am horrified at the suggestion that the Government should go more slowly on the issue or consult anyone else.

Hon J.A. Scott: You have not put in place any safeguards that I can see.

Hon TOM STEPHENS: That was the point I was going to address. This consultation has gone on endlessly. The member might have noticed that one of my characteristics is impatience; I am frustrated by things which take a long time. This Bill is one of the matters which makes me worry about this place. When the Labor Party won government in 1983, it inherited recommendations from the previous Government for the repeal of this legislation. The recommendations had not been around for long at that time. However, we acted in government and eventually the matter was tossed around with industry consultation, and the board tried to get itself abolished. Eventually, Hon Norman Moore's predecessor, Hon Kay Hallahan, referred the matter to somewhere or other. Eventually, the current Minister was elected and referred the issue to the Government Agencies Committee, which conducted extensive consultation and eventually supported the repeal of the Act. The process was very extensive; in fact, I doubt whether a process could be more extensive.

Hon Barbara Scott referred to her contribution to the committee on which she insisted there be widespread consultation; namely, to refer to the industry and to receive not only written submissions but oral submissions to guarantee that people had a chance to appear before the committee or to ring it up to comment. Everyone was listened to, and the process was endless. We have reached this point, so for goodness' sake let us be capable of doing something! Arguments can be made for and against this proposal, but everybody, with a few exceptions, comes down in favour of repeal.

It is not just a matter of inaction. As evident in the second reading speech, an appropriate range of responses led to the proposal for the repeal of this legislation. Argument could be made for additional changes to be made, and I have listened to Hon Alannah MacTiernan in that regard. Hon Jim Scott made the point that this House behaved oddly ideologically on this occasion because the regulators on this side of the House were the deregulators on this occasion. It is not fair to call us regulators - although the member did not quite summarise us in that fashion - as I come from a part of the State which, apart from Kalgoorlie, has never been regulated, yet during my time in Parliament I have received no representations for regulation to occur.

Hon N.F. Moore: You have also had perfectly good hair cuts!

Hon TOM STEPHENS: I have heard no complaints about the chemicals inflicted on people by hairdressers throughout my electorate.

Hon J.A. Scott: Would they have knowledge about what they are doing to them?

Hon TOM STEPHENS: One would think if there were a potential for a major crisis in the modern industry operating in my electorate, I would have heard about it.

Hon J.A. Scott: They said that in Wittenoom before they got asbestosis.

Hon TOM STEPHENS: With or without regulation, the industry has operated in the same manner in my electorate, in the metropolitan area and in Kalgoorlie. Regulation and the board have not made one scintilla of difference in the two modes of operation in the hairdressing industry in this State. My electorate is not regulated. Therefore, I find it difficult to have sensitivity for regulators in the metropolitan area who push for regulation. In fact, some people want to retain and extend the regulation in some areas. I do not understand that argument but sometimes Caucus makes decisions to defend regulations which apply in the metropolitan area, and not in my electorate. I cannot be comfortable with the collective decision in this area, yet one falls in line with what appears to be the common wisdom of the community in Perth.

Hon E.J. Charlton: You're speaking like a statesman.

Hon TOM STEPHENS: I am just trying to say a few words.

Hon E.J. Charlton: You are doing very well.

Hon Tom Helm: He always does that; you have not been paying attention!

Hon TOM STEPHENS: That must be it.

The other issue of concern about chemical use must be taken up by people with responsibility for such matters; it should not be the primary responsibility of the board, which has not been the primary agent with responsibility for that matter anyway. The health authorities are responsible for such matters.

Hon J.A. Scott: My concern is the training of the people in the use of the chemicals.

Hon TOM STEPHENS: If the member reads the second reading speech and the reports available, he will see that the process will be invigorated by this change - that is the object of the exercise. Many of the players in the industry are very keen to revitalise that process to make it a more exciting industry to encourage people to enter the industry. This will raise its profile and the opportunity for participation, enabling it to utilise the creative people about whom Hon Barbara Scott spoke. The board and regulation are not necessary for that invigoration to occur. The change will ensure that people will have appropriate opportunity for training and participation in the industry, and enable it to respond to the needs of hairdresser clients.

As evident in my electorate, and as echoed by the experience of other States - we are almost alone as a regulated industry - the model we are adopting in Western Australia is more in keeping with the direction in which the nation is moving in this area. I would be loath to prolong the debate, but I contribute owing to my involvement with the Government Agencies Committee, as I participated in the process and witnessed the very extensive consultation.

Hon Jim Scott commented that I might regard hairdressing as trivial, but I see it as an important industry. Interestingly, the committee took up the issue of hairdressers' legislation, as it became an example of how to tackle boards, regulations and government agencies and how to find an appropriate way to respond to such industries. As the member probably knows, the Government Agencies Committee worked on these questions for a long time. This became a good example of how unnecessary some government processes can be. I hope that as the processes are adopted with this legislation, other recommendations of Government Agencies Committee reports will be adopted with vigour by the Government and implemented across the board. In that way, we will have consistency in how government and Parliament handle government agencies.

I hope the Minister will say in response to the second reading debate that another matter is about to be dealt with by this House and we will see other recommendations of the Government Agencies Committee suddenly adopted. This Minister was an architect, along with other members, of many of the recommendation waiting to be dealt with by the House. This Bill is one of those steps in the process of getting our house in order in dealing with government agencies - of which this board is one. However, a more important step is the implementation of the report and acceptance of the motion before the House. As one of the impatient individuals in this place - perhaps the most impatient - I am very keen to see the Government get on with and not only pass this Bill but also agree to that motion.

[Resolved, that the House continue to sit beyond 11.00 pm.]

HON N.F. MOORE (Mining and Pastoral - Minister for Employment and Training) [10.31 pm]: I have been a member of this place for 20 years and I never cease to be amazed at some of the things that happen in this place.

Hon Tom Stephens: Because we have supported one of your Bills!

Hon N.F. MOORE: That is one of the amazing things. The level of support is variable, because we have gone from Hon Kim Chance and Hon Tom Stephens, whose comments were significant in that they praised the legislation and were totally supportive of it, to Hon Jim Scott, who has not read the Bill.

Hon John Halden: I supported it!

Hon N.F. MOORE: I am going from those who were more effusive than the member was in his support. After Hon Tom Stephens sat down I was tempted to say that I rest my case, because I thought his summing up of the situation was outstanding. Perhaps he is leadership material for the future.

Hon Kim Chance: That is not what you said yesterday!

Hon N.F. MOORE: That was when I thought he might become the leader.

Hon Tom Helm: We thank you for your vote anyway.

Hon N.F. MOORE: I will be happy to contribute next time if I can. I realise that this is a temporary arrangement pending the election, and that all the tensions we have noticed in the Opposition in recent times will resurface when members opposite rearrange the deckchairs again.

Hon Kim Chance: It is just good leadership!

Hon N.F. MOORE: I congratulate Hon Kim Chance on his appointment. No doubt he will do a good job.

I was talking about the range of opinions and views on this legislation, particularly those of Hon Jim Scott, who based his whole argument on what he read from a letter sent to him today. He had not taken any interest in the legislation and knew nothing about the Government Agencies Committee's involvement or the enormous amount of consultation that had taken place. He said that we should not rush it. That is when I burst out laughing, because this issue has been around longer than any other issue I can think of.

Hon John Halden: It has been around almost as long as you have.

Hon N.F. MOORE: It probably started around the time I arrived here - it is probably my fault! However, when Hon Jim Scott said that we should not rush it I almost passed out because if this is called rushing it I would hate to see what would happen if we took our time with something.

When I became the Minister for Employment and Training I inherited a number of years of consideration of this issue. In September 1989, Ministers were writing to the Hairdressers Registration Board inviting the board to look at itself and say what it should do. Later, Hon Kay Hallahan looked at abolishing it. So, I inherited a situation where every recommendation in recent history - say, the previous five or 10 years - was that this body should be abolished.

Having been one of the inaugural members of the Government Agencies Committee it has always been my view that the committee should have more say about what happens to government agencies and their relationship to Parliament. I had a view - which I have slightly modified in recent times - that every Bill to create a new agency should automatically go to that committee. I also had the view that the Government Agencies Committee should look at agencies in detail to see whether they should be abolished, improved or changed in some other way. When I inherited the Hairdressers Registration Board and the legislation attached to it, I thought that it was a clear example of what the Government Agencies Committee was for: It should look at government agencies to see whether they were still appropriate. I thought it was a very good idea to have a Green Bill prepared so that the committee did not need to worry about that; and to see whether the Green Bill should be enacted. Therefore, the committee, consisting of members from both sides of the House, went off and did its work.

When I first became the Minister I did not have a view about the Hairdressers Registration Board. I knew hardly anything about it. In some respects, I did not want to know any more about it, because it was hanging around and no-one could make a decision about it. Instead of my holding an inquiry and consulting with everyone in Western Australia who had a view about the board, I thought it would be an appropriate role for the Government Agencies Committee.

Hon A.J.G. MacTiernan: That was very sensible.

Hon N.F. MOORE: It was a very sensible decision, and I think the committee agrees. It took longer to come up with the report than I imagined it would take. However, I invite Hon Jim Scott to look at the list of submissions made to the committee, which runs for five pages in the report in small type. I will name a couple of the people who made submissions - perhaps Hon Jim Scott will recognise the names in the letter he received which stated that certain people had not been consulted. Les Marshall appears three times on the list which reads, in part -

Les Marshall - President - Master Ladies Hairdressers Association
Chairman - Hairdressing Industry Task Force
Written Submission 10/11/94 . . .

Les Marshall - Master Ladies Hairdressers Association
Oral submission - 24/11/94

Les Marshall - CEO - Master Ladies Hairdressers Association
Oral submission - 7/9/95

He had three goes in three different capacities but, according to the letter sent to Hon Jim Scott, he was not consulted. Norma Roberts, President of the Hairdressers Union, made an oral submission on 24 November 1994; Bill Johnston, WA Hairdressers Union, made an oral submission on the same day; W.J. Johnston, Industrial Officer, Hairdressers Union, made an oral submission on 7 September 1995; again, Norma Roberts, President of the Hairdressers and Wig Makers Employees Union, made an oral submission on 7 September 1995. Countless dozens of people and organisations made submissions to the parliamentary committee.

Having listened to a number of comments tonight, one could be forgiven for believing that some members think that, having received the report of the Standing Committee on Government Agencies, I should have conducted my own inquiry to see whether I came up with the same conclusions as the committee. Why would I get the Government Agencies Committee to do that if the Government was to have an inquiry anyway? I did not consult with everyone in Western Australia about this legislation, because I accepted the recommendations of the committee. I have talked with Mr Marshall, Norma Roberts, and to many other people about this issue. However, I have not spent all my life talking to them about this matter. They had their opportunity to speak to a bipartisan committee which made recommendations which I have accepted virtually in their entirety.

I get a little irritated when I listen to people who make complaints about this legislation, particularly if they complain on the basis that people have not been consulted. We have put in place a process which has probably been more thorough than any other process in respect of any other legislation since I came to this place.

Hon A.J.G. MacTiernan: That is fair enough, but you don't think we shouldn't raise concerns we have about the substance of the legislation, do you?

Hon N.F. MOORE: The member can raise all the concerns she likes, but if the concerns are of such magnitude as she suggests they are, perhaps I should send the Bill back to the committee for reconsideration. It is not for me to second guess the committee every time it says something.

Hon A.J.G. MacTiernan: What happens with our Wittenoom committee?

Hon N.F. MOORE: If the member likes, I will second guess it.

Hon A.J.G. MacTiernan: No. Will you implement it?

Hon Kim Chance: Do anything - just don't send it back to the committee!

Hon N.F. MOORE: I know what the member is saying; however, I am getting to that stage. I have listened to Hon Alannah MacTiernan, whose support was pretty lukewarm. I do not think it is a reflection on her hairdresser that she has this point of view!

Hon A.J.G. MacTiernan: I'll be proved right.

Hon N.F. MOORE: The member may well be. I have sought to go through what I thought was a proper and sensible process to come to a resolution of a longstanding and difficult problem. Now we have a resolution. I regret that some people will make political mileage out of this and will say that this decision will upset the hairdressers of Western Australia in their entirety. I am not suggesting that the Labor Party or even the Greens (WA) will do that, but some people will. I have no doubt that those who support the letter of Mr Marshall, and Mr Marshall himself, will go out of their way to try to cause political pain on this matter. That would be most unfortunate because on this occasion members on all sides of the House have come together with a general view that we should go down this path.

A number of issues were common to most members' speeches: They relate to what will happen next. Members must understand clearly that registration and qualification are two different things. When the Government says that it will get rid of registration, it does not mean that it will get rid of qualifications. Many industries have no registration. Electricians, and those involved in a couple of other trades, have a registration process; however, the vast majority of occupations do not have a registration system. When I first came to this House a Bill was introduced to register teachers. The legislation proposed that anybody who wanted to be a teacher in Western Australia must be registered by a board. The Bill did not proceed, for a variety of reasons. That legislation would not have made any difference to the qualification of teachers. It would have meant simply that people must be registered, but must be qualified first. Many people argued that it was an unnecessary step in the process.

Hon A.J.G. MacTiernan: If you don't have registration, you don't actually have to be qualified to perform. That is the difference. For example, a person can be a qualified carpenter, but because there is no registration procedure for a person to operate as a carpenter, he does not have to be qualified to operate. I think that is the point. Once you do away with registration, you can still be qualified, but you need not be qualified.

Hon N.F. MOORE: That is right, but who will employ somebody who is not qualified to do a job as a carpenter or to cut hair?

Hon A.J.G. MacTiernan: A lot of people.

Hon N.F. MOORE: Okay, then let the buyer beware. The fact is that a person can be a perfectly good carpenter without being registered - and a person does not have to be registered to be a carpenter in Western Australia. Even with registration people can get someone on the side who is not registered to do the job. They can pay him on the black market - the cash economy - and nobody will know about it. All that goes on at present, so registration is a

totally unnecessary impediment to the process of getting on with the job. Across the board, the Hilmer recommendations and the question of competition policy are about getting rid of unnecessary regulation, and registration is one of those.

Hon A.J.G. MacTiernan: Why do we have registration of plumbers and lawyers?

Hon N.F. MOORE: Hon Alannah MacTiernan can tell me about the lawyers if she wishes. It probably has more to do with a closed shop than anything else, to decide who gets in and who does not. The registration of plumbers is probably an anachronism, and the suggestion has been made that the registration of electricians is a question of safety. As Hon Kim Chance pointed out, generic legislation exists that covers safety and health and should deal with many of the issues that people argue are what registration is all about. The abolition of the registration board will not change how hairdressers are trained and qualified. They will be qualified by going through the training process that exists at present. The only change will be that when they get their qualification, they will not have to give the registration board \$30 and get a badge that says they are registered hairdressers. The Government is putting in place a process that applies to virtually every occupation in Western Australia.

Hon Tom Stephens made it perfectly clear: In Western Australia people in the south west land division or in Kalgoorlie must be registered to be a hairdresser; if they live anywhere else, they do not have to be registered. However, they must still be qualified while people want to spend their money on engaging a qualified hairdresser. I look at the hairdos around the place: The hairstyles of the members for Mining and Pastoral Region do not look any worse than those of members for the metropolitan areas. I am not aware of any complaints that suggest that unregistered hairdressers are any better or worse than registered hairdressers. No evidence exists that one is better than the other. Western Australia has registration in some parts of the State, whereas in all other States, if my memory serves me correctly, there is no requirement for registration.

Hon J.A. Scott: There is no evidence that they get their hair cut in the north west, either.

Hon N.F. MOORE: That is true. Perhaps they come down here; I used to once. I make the point as clear as I can, as much for Hon Doug Wenn as anybody else, that we are not talking about changing qualifications, but about the next step that says that people must be registered once they have the qualification. Hon Doug Wenn argues that there must be a body that controls the industry. I do not know how many industries have bodies controlling them the way he suggests they should be controlled. What I have in mind - this was raised by a number of members - is that the Government will use the half a million dollars that is in the fund at present to assist in the establishment of a professional body for the hairdressing profession. Many other occupations have their own professional bodies that self-regulate the professions. I imagine that in Western Australia a professional body will be able to be put in place that is similar to that which exists in many other occupations. It will be run by the members of the industry and it will self-regulate the industry. It will have a significant sum of money to commence its operations. It will have the capacity to deliver first class administration for the industry and first class professional development, and it will look at all issues the Standing Committee on Government Agencies regards as appropriate. The report states on page 6 that the difficulty with any regulatory body is that it would exercise functions relating to professional standards and ethics that properly fell to the industry, collectively, to develop and maintain.

I am saying that all those professional standard questions can be dealt with by a body that represents the industry. We will use the funds to ensure that is put in place. I propose that once the legislation is passed, before it is proclaimed, we will sit down with all the people in the industry and say that the Parliament has decided that this registration Act should be repealed and that we are in a position to decide what will be put in its place. It will not be a legislated body; it will be set up to represent the industry's interests. There are many such bodies; for example, accountants have their own association which looks after their interests. It does a good job of making sure its members engage in professional development and maintain the highest standards possible. It is a very effective way of ensuring that the industry delivers on the standards it regards as appropriate. It is better for people to determine, and ensure implementation of, their own standards rather than having them imposed by another organisation or by legislation. I assure the Les Marshalls of the world that even he will be consulted. I also give him the assurance that he will not be the chairman of anything funded by the \$500 000. He has enough things to do with his time as it is.

Hon John Halden suggested to me that if I could in some way destroy the arguments of Mr Marshall I would have his total support on this Bill; if not he would have to think about it. In his summary which Hon John Halden read during the debate, Mr Marshall talks about not being consulted and about the process not being transparent. I reiterate that we went through significant consultation in the parliamentary process. If that is not enough, he will never be satisfied. Mr Marshall says that changes had been recommended to the Act since the early 1980s. Nobody has made any recommendations to me about changing the Act. I arrived when it was time to repeal it. He claims that the industry was not kept informed of the passage of the legislation. I deny that. We advised that the Bill would be introduced in the spring session this year. The Minister has met with Mr Marshall and Norma Roberts on a number of occasions, not just on this issue but on the industry training council which they both operate.

Mr Marshall suggests that this Bill represents a blatant disregard for the views of representative bodies. I do not know how he can claim that when the people who made the judgment were on a committee of the Parliament which took evidence from a range of people who came to conclusions different from those which Mr Marshall promotes. I am sure the committee would point out that it did not disregard the views of the representative bodies. The only people complaining about these things are Mr Marshall and the people around him. He says, "The industry is at a loss to understand why its opinions are being ignored . . ." I do not know who he is talking about when he refers to the industry. He wrote on behalf of an organisation which I think represents fewer than 300 hairdressers when there are 5 000 in Western Australia. I do not believe he can necessarily claim to represent "industry". He uses that word all the time. He says that industry is adamant that some form of regulation or regulatory body is required. The standing committee concluded that it was not required. Again he is disagreeing with the standing committee's views. He argues that we should modify the existing arrangements when the suggestion is that the board needs to be abolished altogether and we need to consider establishing a professional body to which I have referred.

Mr Marshall talks about a nominal fee of \$30 a year. That could stay in the pocket of hairdressers, who do not need to pay it unless they decide collectively they should pay to be members of their own organisation rather than be forced to do so by legislation. He says, "The Board is clearly recognised as the professional body governing the industry . . ." The evidence provided to the standing committee indicates that is not correct, but that the board is a moribund organisation, to quote Hon John Halden and perhaps a previous comment I made.

Mr Marshall says that there is a need for an industry chair on the board. I think we know whom he has in mind for that position, but I think he is too busy to take it on. He goes on to talk about the recent highly publicised incident involving chemicals and a young lady in Spearwood. That is not an argument for keeping the Hairdressers Registration Board. I say this for the benefit of Hon Jim Scott: That incident occurred while we had a Hairdressers Registration Board. It demonstrates that the board will not prevent these things from happening. Indeed the hairdresser who was responsible for that had been registered for 10 years.

Hon J.A. Scott: It also indicted that the other safety mechanisms were not taking care of it. That is what concerns me.

Hon N.F. MOORE: I do not disagree with Hon Jim Scott on that. However, from time to time people make mistakes, sometimes deliberately and sometimes accidentally. No matter how many regulations, organisations or occupational health and safety officers are in place, people will still make mistakes. The situation which would satisfy Hon Jim Scott would be where an occupational health and safety officer was standing beside every hairdresser in Western Australia to make sure that they did not do the wrong thing. That is the ludicrous conclusion to reach if we argue his point.

If this legislation is passed we must make sure that the Department of Occupational Health, Safety and Welfare has the capacity to look after the safety of the hairdressing industry. It already has that role, just as the Health Department and local authorities have a role to make sure this industry complies with bylaws and regulations, in the same way as does every other industry operating within Western Australia.

Hon J.A. Scott: I meant that they need better training and should not use those particular chemicals.

Hon N.F. MOORE: Better training has nothing to do with the Hairdressers Registration Board. Training takes place in TAFE colleges and hairdressing salons and is about making sure the right training modules are in place. As Hon Barbara Scott clearly pointed out, developing training courses is done through a nationally accredited process and the input of industry through the ITC network. Ultimately, courses must be accredited by the Training Accreditation Council which has been established under the new legislation. There must be a proper monitoring process for the quality of training, and industry has a significant input into that. The registration board has nothing to do with training. If we need to lift the quality of training that should be done through the training processes rather than a registration process.

The monitoring of the use of chemicals is the role of the Health Department or the Department of Occupational Health, Safety and Welfare. They should be advised that these changes are being made and they will need to take an interest in the hairdressing industry. Mr Marshall referred to an example in Spearwood and I indicated that the person involved was registered. Mr Marshall had to refer to New Zealand to indicate other examples. Obviously this is not a significant problem in Australia. He says, "Without regulation, unqualified people would be operating in the industry and using hazardous and dangerous chemicals." In Port Hedland, Karratha and Coolgardie some people are not registered, but they are not unqualified people using hazardous and dangerous chemicals to the disadvantage of their customers any more or less than hairdressers who are registered.

Hon J.A. Scott: There are.

Hon N.F. MOORE: Perhaps there are, but the only way to solve Hon Jim Scott's problem is for every person in Western Australia to have a minder so they do not get into any trouble and nothing ever goes wrong for them. People will do things that are wrong. Children even get their hair cut by their mother who is not qualified; then they go to school looking funny. We will never have the day when everybody who wants to cut hair must be registered. We can cut our own hair if we want to or let somebody else cut it provided they do not charge us.

Mr Marshall says that the introduction of this Bill to this House was without proper industry consultation. All the organisations are listed in the report. Mr Marshall should read it. He writes that this questions the Government's commitment to consultation. Hon Jim Scott should read what this means before he criticises me for lack of consultation and accepts Mr Marshall's point of view.

Hon J.A. Scott: I did not say that I was accepting his point of view; I said I would like to hear your response.

Hon N.F. MOORE: I had a sneaking suspicion the member was supporting him. Mr Marshall then writes that this response is supported by the following organisations: The Retail, Automotive and Associated Services Industry Training Council, and the Hairdressing Industry Task Force, which is Mr Marshall's organisation. I might add that the automotive side of his ITC has decided it wants to leave and go somewhere else to do its own thing. Therefore, there are problems within that ITC. A number of other organisations are listed there. I do not know how many people they represent. A large number of them are listed in the Government Agencies Committee report as having given evidence to it.

Hon Kim Chance: I was also interested to see that the union was in the list. We have kept in close consultation with the union up until this day and the union has not changed its position.

Hon N.F. MOORE: Perhaps the union might write to Mr Marshall and tell him that is the situation.

Hon Kim Chance: I was very surprised when I saw it.

Hon N.F. MOORE: I think a number of people would be surprised by that letter. I have picked out half a dozen areas where Mr Marshall is blatantly wrong. We must treat his letter with a pinch of salt. He then makes a number of points in which he disagrees with comments in the second reading speech. He writes that the industry does not agree with the Minister's interpretation of the standing committee's findings. The proof of the pudding is in the eating. Most of the members of the committee have spoken. They all agree that in the main the Bill goes down the path which they believe it should go down. To be fair, as I have said, the replacement organisation has not yet been determined in its entirety. The broad ideas are there. However, I have given an undertaking that we will bring the industry together to formulate that organisation just as soon as the Bill is passed. Significant consultation will take place with all those involved to ensure that it fulfils the requirements which the standing committee believes are necessary.

In point two he refers to there being no other regulations to protect consumers, to monitor and evaluate standards, and to assess and recognise skill levels. I argue that there are organisations for that. We have the Ministry of Fair Trading and the Training Accreditation Council, which is a new body under the vocational and education training legislation, which is all about skill levels. In point three he writes that the industry would ask the question of the Minister, what inequities? This occupation requires people to pay to be registered, which is inequitable in the context of modern Australia where we do not have very much registration left at all. Point four refers to direct reciprocity with other Territories and States, and New Zealand. We have heard from Hon Doug Wenn of the significant barriers to that. That was borne out by the comments he made on his personal experiences. In point five Mr Marshall argues that a national policy of the industry should be that regulations must apply throughout Australia. Mr Marshall wants us to go not simply from Western Australia being regulated but to the whole of Australia being regulated. That is quite counter to any notion of national competition policy which has political bipartisan support in Australia. In point six he refers to unethical and unqualified operators. The Ministry of Fair Trading would be interested in that. He refers to public health. The Health Department and the Department of Occupational Health, Safety and Welfare would be interested in that under their legislation. As to professional standards, we believe that professional standards can be maintained by a professional body looking after the interests of its membership. Point seven refers to the chemical accident. As I have said, the hairdresser was registered. The fact we have a board did not stop that from happening. Events such as that will only stop happening when people are not allowed or are unable to make mistakes or do stupid things. That comes down to training, which has to be improved in every industry. It will not be improved by retaining the Hairdressers Registration Board. Under point eight he writes that "although the state training system may wish to support the training and vocational qualifications for hairdressers, if the registration Act is repealed now there is no effective legislation in place to achieve this outcome other than through the apprenticeship process and this leaves a proportion of the community without the skills recognition body". I do not know what he was doing when he read the vocational education and training legislation because the Training Accreditation Council has been set up with the deliberate intent to ensure that there is a process of development of skills and that the skills

and training are appropriate. Under point nine he writes that a body already exists to advise the Minister on these matters. He is referring to the industry training council. I have already indicated to the House that the industry training council will continue to exist. There is no threat to it. It will continue to provide advice to the State Training Board and to the Training Accreditation Council on the needs for training in the industry.

Under point 10 he refers to the associations being ignored. Again I come back to the point that they are not being ignored but are being given plenty of opportunity to consult. Under point 11 he refers to a blatant disregard for the views of recognised representative bodies. Again, the committee will take umbrage at that, I hope. Under point 12 he writes that the registration board is considered by industry to be an impartial body. I do not know that that is a fact of life. It is certainly a value judgment on his part. Again I come back to the fact that the committee that investigated all this concluded that the board was no longer necessary. Under point 13 he writes that we should have an industry chair. He wants to know how that would be funded and at whose expense. As I have said, Mr Marshall will clearly be too busy to have that job. Collectively we will be able to work out how that will be put together in a proper way which is acceptable to the industry. Under point 14 he refers to the money. I have to say that I am a bit surprised at Mr Marshall's letter. The last time I saw him and a number of other people who had been pushing this line was several weeks back at a retail trade trainee of the year award. They did not say to me, "Are you going to get rid of the registration board?" They said, "What will you do with the money?" I thought that was a step in the right direction. We were past the first stumbling block and into the real stuff, which is the money. Mr Marshall asks to whom will the funds be returned. As I have said, the legislation provides that they go to the Minister. The Minister is giving an assurance that the funds will be used for the industry and not go to consolidated revenue. The money will provide a substantial level of funds for what could be a very successful professional body. Hon Tom Stephens waxed lyrical about what it could do. I can only support his comments in their entirety, which is pretty rare in this House.

Hon A.J.G. MacTiernan: More's the pity.

Hon N.F. MOORE: I agree. I wish I could agree with him more often.

Under point 15 Mr Marshall wants to know which organisations are responsible for a number of issues. Consumer protection is the responsibility of the Ministry of Fair Trading; quality assurance, the Department of Training and the Training Accreditation Council; monitoring and evaluation of standards, the Training Accreditation Council; skills recognition, credentials and assessment, the Training Accreditation Council; and implementation of the modern Australian apprenticeship and traineeship system, the Department of Training, the State Training Board, the Training Accreditation Council and the industry training council. He then refers to the code of ethics, conduct and best practice. I suggest that is not coming from the Hairdressers Registration Board at the present time but it will come from the new professional body which we are about to set up.

That answers most of the questions raised by Mr Marshall and members in this House. This Bill is an example of how this Parliament should work. We had a difficult problem which nobody had been prepared to tackle for a variety of reasons. Putting the future of a government agency to the appropriate Legislative Council committee with expertise in government agencies was a sensible and appropriate way to go. The committee has made a considered decision, and it is incumbent upon us on this occasion, first of all, to consider its conclusions and then to do something about them. This Bill will do something about the situation and I hope that the second reading will receive the total support of all members of the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.10 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Select Committee on Fisheries Department; Debate on Northern Demersal Fishery

HON JOHN HALDEN (South Metropolitan) [11.11 pm]: Mr Deputy President (Hon Barry House) might recall that some four weeks ago the Opposition debated via a motion a matter concerning the Fisheries Department. We were advised, and we thought we had a commitment, that we would have a response from the Government on that debate. We found out the next week that the Minister was not available. I am not sure, but I do not think he was in the State. We extended some tolerance to the Minister on that basis. Two weeks later the Parliament has resumed and the Government has made no comment on when we might get back to this issue. You might recall, Mr Deputy President, that a number of speakers on this side expressed considerable concern for the future viability of people's business interests and for the viability of fisheries throughout the State. The Government should not be under any

illusion that the Opposition has forgotten about this matter. We would like an answer as promised by the Government as soon as possible and we would like to know when the Government proposes to bring this matter to its conclusion.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [11.12 pm]: Over the recess I took the matter up with the Minister for Fisheries. As late as yesterday or this morning the Minister advised me of some of his initiatives to deal with some of the questions that have been raised by the Opposition. We exchanged views about how best to proceed with the matter and I put a couple suggestions to him. By tomorrow I will have a decision from the Minister on how he wants me respond to the Opposition. I can assure the Opposition that I have discussed the issue with the Minister and have not procrastinated and done nothing about it. I hope to let the member know the game plan if not tomorrow, certainly this week.

House adjourned at 11.14 pm

QUESTIONS ON NOTICE**HEALTH DEPARTMENT - TONSILLECTOMY OPERATIONS FOR CHILDREN, SOUTH METROPOLITAN HEALTH DISTRICT, DELAYS**

665. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Health:

- (1) Is it the case that children who are public patients are being advised that they will have to wait for up to 12 months for tonsillectomy operations in the South Metropolitan Health District?
- (2) If that is the case, is it correct that these children will be subjected to full strength antibiotic treatment until the operation can be effected?
- (3) What steps will the Government take to remedy the situation?

Hon PETER FOSS replied:

- (1)
 - (a) Fremantle Hospital - yes.
 - (b) Rockingham/Kwinana Hospital - no.
 - (c) Peel Health Services - does not perform tonsillectomy operations.
- (2)
 - (a)-(b) No.
 - (c) Not applicable.
- (3)
 - (a)-(b) Additional funding for a waiting list initiative.
 - (c) Not applicable.

RECYCLED PRODUCTS - IN MINISTER FOR THE ENVIRONMENT'S OFFICE

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

- (1) Does the Minister use recycled products in his office, thereby setting an example to the community?
- (2) If not, why not?
- (3) What recycled products does the Minister use in his office?
- (4) Does the Minister insist that all departments in his portfolio areas use recycled products whenever possible?
- (5) If yes, what is the policy?
- (6) If not, why not?
- (7) Why has the Minister redefined the Government's commitment to waste management by changing it from "halving waste to landfill over the decade 1990-2000" to "halving the per capita waste to landfill" over that decade?
- (8) How does the Minister justify this major breakdown in the waste minimisation target?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Not applicable.
- (3) Toner cartridges for facsimile machines, printers and photocopiers. Also all paper products are recycled, including envelopes.
- (4) Yes.
- (5) The recycled/recyclable products purchasing policy of the State Supply Commission, dated 2 February 1993, applies to all statutory authorities. All agencies within my portfolio are subject to this policy.
- (6) Not applicable.
- (7) Halving the per capita waste to landfill by 2000 is the national waste minimisation target adopted by all States in 1990 and is also the target currently being used within the ANZECC waste reduction policy process to guide all jurisdictions' actions in this area of environmental protection. The phrase "halving waste to landfill by the year 2000" is a commonly used shorthand way of referring to the same target.
- (8) Not applicable.

ENVIRONMENT POLICY - IMPLEMENTATION

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

- (1) Was the Minister directly involved, as a member of the coalition's environment committee in 1992, in drawing up the parties' commitments relating to environmental issues?
- (2) Did the Minister attend a public environment forum on 2 February 1993, at which he promised that the Government would implement the coalition's environment policy?
- (3) If yes, why has he failed to do this?

Hon PETER FOSS replied:

- (1) No.
- (2) Yes.
- (3) I have not. It is part of the member's usual distortion to say that we have not, just like he has, deceived the public over the area of national parks. The member has lost all credibility.

HOSPITALS - BUNBURY

Site, Contaminants Study

720. Hon JOHN HALDEN to the Attorney General representing the Minister for Health:

In relation to the site of the proposed new hospital campus in Bunbury -

- (1) Can the Minister for Health confirm whether the site was previously used as -
 - (a) a nightsoil deposit site; or
 - (b) a rubbish tip?
- (2) What studies were undertaken to see whether containments remain on the site?
- (3) If such a study was done -
 - (a) who carried out the study;
 - (b) when was it completed;
 - (c) what was the cost of the study; and
 - (d) will the Minister be tabling a copy of the report on the study?
- (4) What materials are being extracted from the site?
- (5) Where is the extracted material being dumped?
- (6) Has the Shire of Capel indicated that it is unhappy about the current disposal site, and if so, what action is being taken to identify an alternative site?

Hon PETER FOSS replied:

- (1)
 - (a) Yes. According to the investigation report titled 'New Bunbury Regional Hospital site - Preliminary Site Assessment Report'.
 - (b) Yes, but it is not known if it was a formal tip. Buried and surface rubbish was found at the site.
- (2) The preliminary site assessment report included analysis of soil samples and surface water. These samples were analysed for heavy metals, organics (total petroleum hydrocarbons, poly aromatic hydrocarbons, phenols, pesticides) and ammonia.
- (3)
 - (a) Gutteridge Haskins and Davey Pty Ltd
 - (b) April 1996
 - (c) Approximately \$12 500
 - (d) The report will be tabled.
- (4) According to the report, there are two categories of waste -

- (i) Low level municipal waste which includes metal contaminated waste (mercury and lead) and surface debris such as glass, rusting metal and asbestos cement together with buried rubbish. This waste is acceptable for disposal at a class 3 landfill site; ie, local government landfill site.
 - (ii) A relatively small proportion of soil contaminated with elevated levels of zinc. This waste must be disposed of at a class 4 landfill site such as Baldivis and Red Hill.
- (5) No waste has been removed from the site at this stage. With respect to the first category, the contractor for disposal of waste material has sought approval from the Shire of Capel to transport the material to its premises within the shire. The contractor has proposed to screen the material and remove debris/foreign material and sell the remaining sand. The Shire of Capel has not approved this application. The contractor is negotiating the disposal of the remaining waste.
- (6) I understand that officers of the Shire of Capel are concerned about the disposal of contaminated soil from the site concerned. They have particular concerns that assurances can be given that soil contaminated with heavy metals and asbestos is not disposed of within the Shire of Capel. I understand that the landfill site in the Shire of Capel is due for closure in the near future and that land in the immediate vicinity is planned for residential development. Officers of the Shire of Capel will be discussing this matter with officers of the Department of Environmental Protection. Several options for disposal of the low level municipal waste from the site are under consideration by the Department of Environmental Protection.

HOSPITALS - MT HENRY, CLOSURE

New Services

731. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

When the Government announced its policy to close Mt Henry Hospital it committed itself to providing new facilities for services such as care awaiting placement, slow stream rehabilitation and palliative care. This being the case, can the Minister for Health indicate what progress has been made, if any, in providing these services at alternative locations?

Hon PETER FOSS replied:

Services such as care awaiting placement, slow stream rehabilitation and geriatric palliative care will be available in the new replacement nursing home to be built on the Mt Henry site. Other services are being or will be provided in new and refurbished facilities on other sites; for example, 16 restorative beds have already been transferred to Osborne Park Hospital. Discussions are continuing with the Commonwealth in regard to the provision of alternative care awaiting replacement services.

LAKE CHINOCUP RESERVE - GYPSUM MINE PROPOSAL

732. Hon KIM CHANCE to the Minister for the Environment:

Can the Minister advise the House what progress the Government has made towards resolving its position on an application to mine gypsum for landcare purposes from Lake Chinocup?

Hon PETER FOSS replied:

In February 1996, I visited the site of a proposal to mine gypsum at Lake Chinocup referred to in the question and discussed with the community an approach to resolving the related environmental issues. It has taken until now to work through that approach with the community and the involved departments and agencies and I am expecting to be able to make a decision about this proposal very soon. The Environmental Protection Authority reported on the proposal in April 1994 that it was environmentally unacceptable due to the potentially significant, long term impacts on the high nature conservation values protected within the reserve. The environmental issue is that unless action is taken in the wider catchment of the reserve to manage water from rainfall, the reserve may be lost due to the rising watertable inducing salinity and waterlogging. Against this, the mining proposal carries a high risk to nature conservation values in the reserve. I have been impressed by the position that the proposal could provide a significant stimulus to landcare activities in the wider catchment to achieve the required management of water to protect the reserve and other natural resource values of the catchment.

The issue then is can the potential impact of the mining proposal on the reserve be managed to acceptable levels and together with landcare actions in the wider catchment provide a net gain to the environment? I asked the community and the proponent to develop a catchment management plan and a mining plan considering this issue. I have now been presented with a catchment management plan and mining plan and they have been considered by a number of departments and agencies. Advice on the plan has been received and it will be considered along with other matters

in forming a decision in the near future. The documentation has been reviewed by the Crown Solicitor's Office and difficulties were found. These have been resolved and I have made my decision. Once this process has been completed the remainder lies with other departments.

TOBACCO ADVERTISING - COMPLAINTS

733. Hon J.A. SCOTT to the Attorney General representing the Minister for Health:

- (1) Has the Minister for Health, or his department, received any complaints this year with regard to advertising of tobacco products in the Fremantle area?
- (2) Have the following stores complied with the regulations on the advertising of tobacco products -
 - (a) High Street Newsagency and Post Office, High Street, Fremantle;
 - (b) Flutters, Queen Adelaide Street, Fremantle;
 - (c) FC's Cafe, William Street, Fremantle; and
 - (d) Somes News, High Street, Fremantle?
- (3) What action does the department take against those outlets which do not comply with the regulations, and how does it police those outlets?
- (4) What commercial businesses have been prosecuted or had action taken against them this year, for breaching the regulations?

Hon PETER FOSS replied:

- (1) No.
- (2) The department's latest inspections indicate -
 - (a)-(b) Yes.
 - (c) Unknown whether they comply.
 - (d) Yes.
- (3) The Health Department's investigating officer warns the retailer that the tobacco advertisement is in breach of the Act and provides seven days for the retailer to remove the offending advertisement. If the retailer has not complied, the Health Department then considers prosecution. To ensure compliance, an investigating officer inspects the retail outlet to check that the offending advertisement has been removed or amended to comply with the Act and its regulations.
- (4) There have been no prosecutions. Since April 1996, 546 tobacco retailers have been notified verbally that they have been displaying tobacco advertisements that do not comply with the Act. All have since complied.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - KALGOORLIE OFFICE, SPILL INQUIRY

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

In reference to question on notice 557 of 2 July 1996 where the Minister has stated "The Kalgoorlie office of the Department of Environmental Protection is still investigating the circumstances of the spill" -

- (1) Has the DEP Kalgoorlie office completed investigating the circumstances of the spill?
- (2) If no, can the Minister indicate or give an approximate date as to when the DEP Kalgoorlie office will have completed its investigations?
- (3) When, or if the investigation is completed, will the Minister provide me with an answer as to whether or not this spill was pollution as defined under the Environmental Protection Authority Act 1986?
- (4) If not, why not?
- (5) Will the Minister also provide me with an answer to parts (3) and (4) when the DEP investigations are completed?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1) No.
- (2) Mid October.
- (3) That is requesting a legal opinion and, as the member knows, is out of order.
- (4) The member really ought to stop asking questions which are out of order.
- (5) No.
- (6) See (3).

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - FIMISTON II TAILINGS STORAGE
EXTENSION, GOLDER ASSOCIATES, 1994a REPORT

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

With reference to the answer to question 561 of 3 July 1996, where the Minister has stated "Seepage from a tailings storage will depend on the material used in its construction, the construction design and ongoing operational practices in managing tailings" and also page 6 of the notice of intent Fimiston II tailings storage expansion authored by Golder Associates Pty Ltd and dated October 1994 (W137/88/4) which states "A site investigation has been performed for the Fimiston II extension (Golder Associates 1994a) to evaluate -

- (i) founding conditions for the perimeter walls;
 - (ii) seepage from the storage area; and
 - (iii) the suitability of materials within the storage area for use in constructing starter walls.
- (1) Will the Minister or the Department of Environmental Protection supply me with a full and complete copy of the Golder Associates 1994a report?
 - (2) If not, why not?
 - (3) If the Minister or the DEP does not have a copy of the report, will the Minister or the DEP immediately obtain a copy from the dam owner/operators and then supply me with a copy?

Hon PETER FOSS replied:

- (1) No.
- (2) The Department of Environmental Protection does not have a copy of this report.
- (3) That is not a role of questions.

JUSTICE, MINISTRY OF - MOBILE WORK CAMPS FOR YOUNG OFFENDERS

781. Hon CHERYL DAVENPORT to the Minister for Justice:

In an article in *The Bulletin* magazine dated 10 September 1996, a ministerial announcement was made about "a plan for new mobile camps where prisoners could be put to work on community projects, as well as a high intensity treatment centre for first offenders, with an emphasis on young criminals giving something back to society."

- (1) Has the plan for mobile camps been released to the public?
- (2) If so, would the Minister table it?
- (3) What consultation has taken place with individuals and organisations outside government?
- (4) What financial resources will be required to implement the plan?
- (5) How many mobile camps are planned?
- (6) Does the Government plan to construct an additional facility for the "high intensity treatment centre" for young first offenders?
- (7) If so, where will it be located and what will it cost?
- (8) If not, why not?

- (9) What consultation has occurred with non-government organisations working with youths at risk on this project?
- (10) Have consultations been undertaken with Aboriginal groups?
- (11) When does the Minister expect both projects to become operational?
- (12) Will it be mandatory for those sentenced to either program to participate?

Hon PETER FOSS replied:

- (1) Mobile work camp planning is in the late stages of concept planning and costing. It has not yet been presented for ministerial consideration.
- (2) No plan has been received by my office.
- (3) Preliminary discussions have been held with the West Australian Prison Officers union.
- (4) Costing has yet to be finalised.
- (5) Current planning relates to one camp at this stage.
- (6) No.
- (7) Not applicable.
- (8) The Government intends to utilise one of the decommissioned detention centres for the "high intensity treatment centre" for young offenders facing their first gaol sentence. There is no proposed high intensity treatment centre for young first offenders.
- (9) Consultation is planned to occur over the next three months.
- (10) As above.
- (11) The high intensity treatment centre is not expected to be operational until the end of 1997. Commencement of mobile work camp operations will be subject to feasibility and funding considerations.
- (12) Sentenced youth will be required to attend the high intensity treatment centre under section 119 of the Young Offenders Act 1994. It will not be mandatory for those sentenced to the mobile work camps to participate.

WATER CORPORATION - BAYVIEW TERRACE MAIN DRAIN, UPGRADING

793. Hon GEORGE CASH to the Minister for Finance representing the Minister for Water Resources:

- (1) Is the Minister aware of the concern of the Town of Claremont in respect of annual flooding of private residences in Bayview Terrace, Claremont?
- (2) What action is the Water Corporation taking to upgrade the Bayview Terrace main drain?

Hon MAX EVANS replied:

- (1) The Minister for Water Resources and the Water Corporation are aware that some flooding has occurred in Bayview Terrace and Stirling Highway Claremont resulting from increased flows generated by ongoing redevelopment in the area.
- (2) The Water Corporation has been considering its options to improve the capacity of the Bayview Terrace stormwater drainage system and is currently examining the alternative of upgrading the pipe network. Installation of the pipe upgrade is expected to commence within 18 months. The corporation will maintain consultation with the community to keep people informed of developments through the various stages.

QUESTIONS WITHOUT NOTICE

HOSPITALS - NURSING STAFF, REDUCTIONS

890. **Hon KIM CHANCE to the Leader of the House representing the Minister for Health:**

- (1) Will the Minister confirm that the number of nursing staff employed in our hospital system fell by 377 full time equivalents between 1993 and 1997, and that medical and technical support staff - often professional - fell by 523 FTEs?

- (2) Were these positions compensated by contracting out staff positions; and if so, how many?
- (3) What is the breakdown by profession of medical and technical staff positions shed between 1993 and 1997?

Hon N.F. MOORE replied:

I do not have an answer to the question. Therefore, either the Leader of the Opposition can wait until tomorrow or put it on notice.

WORKER'S COMPENSATION - STATISTICS

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

On 29 August 1996 in a ministerial statement the Minister for Labour Relations cited statistics relating to workers' compensation.

- (1) What was the source of those statistics?
- (2) To what period do they relate?
- (3) Will the Minister for Labour Relations table the full set of statistics from which he selected the figures used in his ministerial statement?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)
 - (a) Conciliation and review statistics were obtained from the 1995 Review of Dispute Resolution prepared by the Workers Compensation and Rehabilitation Commission dispute resolution review committee.
 - (b) Premiums statistics were obtained from the Workers Compensation and Rehabilitation Commission annual reports and premium rates committee reports.
 - (c) Rehabilitation statistics were obtained from statistical data supplied to WorkCover WA by approved vocational rehabilitation providers.
- (2)
 - (a) Legal costs, August 1994 and August 1992;
 - (b) premium and claims statistics 1992-93 to 1995-96;
 - (c) rehabilitation data 1994-95.
- (3) The information has either been tabled in Parliament or is available from WorkCover, and if the member can specify the matters of interest I will arrange extracts.
- (4) See above.

MINERALS AND ENERGY, DEPARTMENT OF - KELLY, JOHN, ACCIDENT

Stewart, J.D., Report

892. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Mines:

- (1) How was Mr J.D. Stewart selected by the Minister for Mines to prepare a report on the mining accident of Mr John Kelly?
- (2) What experience did Mr Stewart have in mining matters?
- (3) How much was Mr Stewart paid to prepare the report?
- (4) Is the Minister aware that Mr Stewart spoke to Mr Kelly only over the telephone?
- (5) Did Mr Stewart determine the name of the examiner who purportedly gave Mr Kelly the underground mining induction oral assessment?
- (6) If yes, who was the examiner and did Mr Stewart verify with him/her that he/she had tested Mr Kelly?

- (7) What corroborating evidence - in particular, documentary evidence - did Thiess produce to support its claim it had sent a report to the Department of Minerals and Energy before July 1995, although no records exist at DOME to support that claim?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Mr Stewart is known from his service on the legislative development committee of the interim Mines Occupational Health and Safety Advisory Board.
- (2) Mr Stewart has in excess of 21 years' experience as a corporate lawyer with the mining industry in Western Australia.
- (3) \$3 000.
- (4) Mr Stewart consulted with Mr Kelly by telephone for 50 minutes in relation to his concerns.
- (5) No.
- (6) Not applicable.
- (7) None.

MAIN ROADS WESTERN AUSTRALIA - CLEAVER STREET, ON-OFF LINK ROAD TO NORTHBRIDGE
TUNNEL ASSESSMENT

893. Hon N.D. GRIFFITHS to the Minister for Transport:

Is it true that, in determining whether Cleaver Street would remain an on-off link road to the proposed Northbridge tunnel, Main Roads failed to take into account the plight of the 60 or more small businesses situated south of Newcastle Street in the Cleaver-Carr Streets area?

Hon E.J. CHARLTON replied:

No. The consultation with these people has ensured that the decision to assess the residents of Cleaver Street would allow the business people in the area to retain access to their businesses. I attended a gathering to meet these people, and there was overwhelming support for the explanations given. If any person is unhappy about the situation, he should take up the matter with his business colleagues in the area.

MAIN ROADS WESTERN AUSTRALIA - CLEAVER STREET, ON-OFF LINK ROAD TO NORTHBRIDGE
TUNNEL ASSESSMENT

894. Hon N.D. GRIFFITHS to the Minister for Transport:

What was the date and the location of the gathering to which the Minister has referred?

Hon E.J. CHARLTON replied:

I will make that information available to the member.

HEATHCOTE HOSPITAL SITE - FUTURE USE

895. Hon J.A. SCOTT to the Leader of the House representing the Minister for Planning:

- (1) Has the Minister for Planning and the Premier met with members of the Melville City Council to discuss the sale of the Heathcote hospital site?
- (2) What plans does the Minister have for this site?
- (3) Has the Minister and/or the Government had discussions with any developers regarding this site; if so, who are those developers?
- (4) What are the plans for the existing buildings on this site?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No. However, the Minister for Planning and the Premier recently met with the Melville City Council to discuss the Government's overall strategy for the long term use of the site.

- (2) A number of options have been prepared for the site as a basis for discussion with the Melville City Council.
- (3) No.
- (4) Plans for the existing buildings are still being determined. However, any uses will take into account the heritage significance of Heathcote.

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION - IMPACT OF COMMONWEALTH
FUNDING CUTS

896. Hon JOHN HALDEN to the Leader of the House representing the Minister for Aboriginal Affairs:

- (1) Will the Minister confirm that Federal Government cuts to the Aboriginal and Torres Strait Islander Commission will see -
 - (a) a sharp increase in indigenous unemployment, which is already at 38 per cent;
 - (b) a reduction in the potential for wealth generation in Aboriginal communities through the reduction of funding for business development and land acquisition;
 - (c) social problems in indigenous communities through the loss of employment and needed services and termination of initiatives to prevent Aboriginal deaths in custody; and
 - (d) continuing disparity in wages and conditions for workers in indigenous organisations?
- (2) If so, what mechanisms and policy will the State Government put in place to assist Aboriginal people in Western Australia to overcome these problems?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Minister for Aboriginal Affairs has provided the following reply:

- (1) The Aboriginal Affairs Department is presently assessing the impact of ATSIC cuts and other Federal Government cuts on Aboriginal people, particularly those living in remote communities. The results of that work will be available by mid-November 1996.
- (2) Not applicable.

ROADS - SUES, NANNUP, UPGRADING COST SHARING

897. Hon DOUG WENN to the Minister for Transport:

What is the cost sharing of the upgrading of Sues Road in the Shire of Nannup, which is to be used for mineral sands transport, from -

- (a) Cable Sands (WA) Pty Ltd, which has the Jangardup mine;
- (b) BHP, which has the Beenup mine;
- (c) the State Government;
- (d) the Federal Government;
- (e) local government; and
- (f) other sources?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The cost sharing arrangement for upgrading Sues Road in the Shire of Nannup is as follows -

- (a) Nil.
- (b) An amount of \$2.1m.
- (c) An amount of \$1.6m.
- (d)-(f) Nil.

PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF - PRODUCTIVITY LEVELS DATA;
STATISTICS

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

- (1) What data does the Department of Productivity and Labour Relations keep on productivity levels in Western Australia?
- (2) Will the Minister table DOPLAR's statistics on WA productivity changes since 1991?
- (3) If not, why not?
- (4) How does the department calculate productivity performance and for how long has that formula been in use?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) DOPLAR does not generate any data on productivity levels in Western Australia. Statistics available from the Australian Bureau of Statistics are used by DOPLAR to analyse productivity based on a methodology also developed by the ABS.
- (2)-(3) The ABS recently amended its suggested methodology that was previously used by DOPLAR to calculate labour productivity. DOPLAR is obtaining unpublished ABS statistics to use in calculating labour productivity based on this new methodology. Between 1991 and 1993-94, the last year in which the previous methodology was used, DOPLAR provided labour productivity data, at industry level, which compared Western Australia with Australia. I am happy to provide a copy of the data requested.
- (4) The new methodology, in outline, uses ABS data on gross state product, at average 1989-90 prices, which is available in ABS catalogue No 5242. This gross state product data is divided by the total number of hours worked, which is obtained from unpublished ABS labour force survey data.

HOSPITALS - BUNBURY

Palliative Care Service

899. Hon DOUG WENN to the Leader of the House representing the Minister for Health:

With regard to the palliative care service in Bunbury -

- (1) Will St John of God provide the palliative care service at the new collocated hospitals?
- (2) Does St John of God currently provide this service?
- (3) Will the Bunbury hospice palliative care service continue to operate when the new hospitals are operating?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Yes; inpatient.
- (3) Yes, as community based in the home palliative care programs.

HOSPITALS - MANDURAH

Contract, Finalisation Date

900. Hon J.A. COWDELL to the Leader of the House representing the Minister for Health:

- (1) Has the new hospital contract for Mandurah been finalised?
- (2) If yes, when will it be signed?
- (3) If not, when does the Minister expect that it will be finalised?

Hon N.F. MOORE replied:

I regret I do not have an answer to that question yet. I ask the member to either ask it tomorrow or place it on notice.

BUDGET (STATE) - COMMONWEALTH BUDGET CUTS; SAVINGS

901. Hon JOHN HALDEN to the Leader of the House representing the Treasurer:

The Treasurer previously announced that he had identified \$40m-worth of efficiency savings that would go towards offsetting the \$60m cut from the state Budget as a result of the reduction in financial assistance grants from the Commonwealth Government.

- (1) Will the Treasurer now detail where the \$40m savings will come from?
- (2) Is it not correct that the majority of savings will emanate from deferred or delayed capital works and not efficiency savings, savings in travel or reduced corporate services?
- (3) How will the Government balance the Budget to incorporate the other \$20m reduction in financial assistance grants?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

I am advised by the Treasurer in the following terms:

- (1) The Treasurer has previously dealt with this matter. However, I restate that, in response to the Treasurer's request as a result of the Premiers' Conference that Ministers identify savings, in many cases Ministers offered reductions on the basis that general productivity and efficiency savings would be achieved during the financial year.

The savings measures vary from agency to agency. They include mainly general efficiency and productivity savings, savings in travel and corporate services areas, savings in capital works, and asset sales. All of these measures meet the Premier's requirement that there be no reduction in service delivery. It is therefore not possible to disclose the precise details of the \$40m of savings measures. These details are being implemented by chief executive officers of agencies on the basis that this is achieved by the end of the financial year next year. Treasury advises that this is a standard practice where a small budget correction is required.

- (2) It is incorrect that the majority of savings will emanate from deferred or delayed capital works.
- (3) The Government will continue to work with its agencies to identify further efficiency measures to ensure that the Budget ends the financial year at least in balance.

TAFE - COMPUTER MANAGED INFORMATION SYSTEM

902. Hon J.A. COWDELL to the Minister for Employment and Training:

- (1) Why has the Department of Training spent \$8m adopting and modifying the computer managed information service system for TAFE colleges when it manifests the following problems -
 - (a) it is over 10 years old and does not have Windows technology;
 - (b) it is very slow - much too slow to fulfill its intended role as an online enrolment system;
 - (c) data integrity is poor; for example, there is no link between the subject and the course it comes under;
 - (d) it is so cumbersome to maintain rolls accurately through this system that they will not be maintained through it;
 - (e) it has been declared too labour and time intensive to get reports from CMIS on teaching hours, meaning that the aspect which costs 80 per cent of training dollars cannot be reported on?
- (2) Who was responsible for authorising an expenditure of this magnitude, and was it against expert advice?
- (3) Will the Minister take steps to investigate this gross waste of public funds?

Hon N.F. MOORE replied:

- (1)-(3) I have sought information from the Department of Training for application on this matter. It will take some time for that to be provided. When it is available I will give a detailed response. I am also interested in the answer.

LUPINS - ANTHRACNOSE DISEASE

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

- (1) Has the presence of a fungal disease which is either known or suspected to be anthracnose ever been detected in Western Australia prior to 1996?
- (2) If so, where was the disease or suspected disease detected and in which years was it detected?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) The disease was detected in Western Australia in 1960 and 1994.
- (2) Anthracnose disease of lupins, caused by the fungus *Colletotrichum gloeosporioides* was recorded in 1960 on blue lupins - *Lupinus cosentinii* - at Busselton. Restricted outbreaks of the disease occurred in 1994 in lupin breeds in plots at South Perth, Goomalling, Mullewa and Chapman Valley. The infections resulted from the importation of infected Albus lupin seed from Germany and Poland. Strict eradication measures were immediately implemented. Continued quarantine and surveillance of these sites indicates successful eradication. There is no evidence of any link between the 1994 infections and the 1996 outbreak.

WESTRAIL - ALBANY DEPOT OIL SUPPLY SABOTAGED ALLEGATION

904. Hon BOB THOMAS to the Minister for Transport:

With regard to Mr Drabble's claim that former Westrail employees had sabotaged the Albany depot's oil supply -

- (1) Is it possible that a Westrail employee inadvertently left the oil gun trigger locked into the open position after discovering the tank was empty when he went to fill a locomotive with oil?
- (2) Could it also be possible that he replaced the gun in the holder which drains into the waste system without releasing the trigger?
- (3) Is it feasible that when the oil supplier refilled the tank at a later date, all the oil simply drained into the sump because of the open gun?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The Commissioner for Railways is on annual leave and I am therefore unable to provide an answer to the member's question.

Hon John Halden: All 4 000 employees are too?

Hon E.J. CHARLTON: It is important to acknowledge that the member's question referred to Mr Drabble's statement. I understand he will be back next week and I will provide an answer then.

BUNBURY HOSPICE PALLIATIVE CARE SERVICE - FUNDING

905. Hon DOUG WENN to the Leader of the House representing the Minister for Health:

- (1) Is the Minister aware that the Bunbury hospice palliative care service will run out of funds by November this year and that further funds will be frozen until June 1997?
- (2) If yes; when was he made aware of this situation?
- (3) What action has the Minister taken to ensure this critical service will continue to operate in the Bunbury region?

Hon N.F. MOORE replied:

I regret I do not have an answer to that question so I ask that it be paced on notice or be asked tomorrow.

HOSPITALS - BUNBURY

Specialist Doctors

906. Hon DOUG WENN to the Leader of the House representing the Minister for Health:

- (1) Has any specialist doctor contacted the Bunbury health service and indicated a willingness to relocate to Bunbury to work in the new hospital?

- (2) If yes, how many and what is their area of specialisation?

Hon N.F. MOORE replied:

- (1) Yes.
 (2) A general surgeon, possibly another orthopaedic surgeon and an anaesthetist.

POLICE SERVICE - WORKPLACE AGREEMENTS

907. Hon JOHN HALDEN to the Leader of the House representing the Minister for Police:

I refer to question on notice 1970 of 1996 in the Legislative Assembly in which the Minister confirmed that no serving police officer was employed under a workplace agreement and ask -

- (1) Has the Government agreed that the workplace agreements are totally unsuitable for the Police Service?
 (2) If not, what was the basis of the Government's decision against the use of workplace agreements?
 (3) What distinguishes the Police Service from other government agencies in light of the fact that new employees have been recruited on the condition they enter into workplace agreements?
 (4) Has the Government made a decision or given the police union and/or police officers an undertaking that it will not apply workplace agreements to the Police Service in the next term of government if the coalition wins the election?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
 (2) The Commissioner of Police gave an understanding to the Western Australian Police Union of Workers in January 1995 that if the Police Service and police union were successful in introducing an enterprise agreement for existing employees which achieved greater flexibility and availability he would offer all new employees an opportunity to transfer from the workplace agreement to the enterprise agreement.
 (3) The Police Service embarked on a significant recruitment campaign in January 1995 which will see an additional 500 recruits employed over two years. The Commissioner of Police wanted to introduce greater flexibility into the work force and in anticipated duration of lengthy enterprise bargaining negotiations did not allow this to occur with the immediate effect.
 (4) No.

BUILDERS REGISTRATION BOARD - OWNER-BUILT MULTI-STOREY HOMES, ADVICE TABLING

908. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Fair Trading:

The 1995 annual report of the Builders Registration Board says that advice was provided in 1995 to the then Minister concerning risks associated with owner-built multi-storey buildings.

- (1) Will the Minister table a copy of that advice?
 (2) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) The advice referred to in the Builders Registration Board's 1995 annual report was contained in a joint submission to the then Minister in October 1994 from the Housing Industry Association, the Master Builders Association and the Builders Registration Board.

Hon A.J.G. MacTiernan: An incredibly independent body!

Hon MAX EVANS: The advice concerning risks associated with restriction of owner-built multi-storey homes will be tabled. Restrictions on owner-builders being allowed to construct multi-storey homes are included in the Building Legislation Amendment Bill 1996 which is due to go before Parliament in the near future. I seek leave to table this document.

Leave granted. [See paper No 714.]

HOSPITALS - MANDURAH

Health Solutions (WA) Pty Ltd, Lease

909. Hon J.A. COWDELL to the Leader of the House representing the Minister for Health:

- (1) Can the Minister confirm that the Government will build a new hospital in Mandurah and then lease the hospital to Health Solutions (WA) Pty Ltd to manage and operate?
- (2) What capital contribution will Health Solutions make to the construction of the hospital?
- (3) What will be the total cost of the new hospital?
- (4) Does the Government intend to borrow any of the money?
- (5) If yes, what will be the source of the loan?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The Minister for Health has provided the following response.

- (1) Yes.
- (2) Upfront lease fee of \$2m for private component.
- (3) Design and construction \$38.2m.
- (4) Yes.
- (5) Bank arranged pool of private investors.

HOSPITALS - MANDURAH

Health Solutions (WA) Pty Ltd, Lease

910. Hon J.A. COWDELL to the Leader of the House representing the Minister for Health:

Will the Minister provide details to the House about the annual lease or rent to be paid to the Government by Health Solutions?

Hon N.F. MOORE replied:

I do not have an answer to that question so I ask that it be placed on notice.

WESTRAIL - LETTER DISTRIBUTED TO ALBANY RESIDENTS

911. Hon BOB THOMAS to the Minister for Transport:

- (1) Who paid for the production and distribution of the letter to the residents of Albany from the Minister for Transport on 3 September?
- (2) Is the Minister aware that roads are now being constructed under the gantries at CBH Ltd bins at Gnowangerup, Nyabing and Katanning so that grain can be transported to Albany by road trains rather than rail because Westrail no longer has the staff or trains to cart it?
- (3) How does the Minister reconcile that with the abolition of 35 Westrail jobs in Albany and the claim that every tonne of freight captured by Westrail is another tonne that does not have to be carried on roads such as Albany Highway?

Hon E.J. CHARLTON replied:

We cannot help but be amused by some of the questions asked by Hon Bob Thomas.

- (1) I will provide the details to him on this question later.
- (2)-(3) As I said, this part of the question demonstrates a lack of knowledge or support of Westrail. The member believes that he supports Westrail. Westrail has demonstrated to Australia how good it is through its efficiency and ability to capture the markets and enter into long term contractual arrangements, particularly in the area that Hon Bob Thomas represents. The duration of some of those contracts is in excess of 10 years.

Hon Bob Thomas interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon E.J. CHARLTON: You poor man! Westrail is very successful. Instead of continually knocking Westrail, as the member does, when will he stand up in this place and support Westrail and the people who work for it and demonstrate to the people in his electorate that he wants to see Westrail succeed, as it is, like never before? I am proud of the people in Westrail. They have delivered to Western Australia not only a reduction in freight rates -

Hon Bob Thomas interjected.

Hon E.J. CHARLTON: The way for Westrail to succeed is not by a Government forcing it continually to increase freight rates, which will ensure it loses market share, but by enabling it to reduce freight rates and thereby ensure that it increases market share. As for bins in Gnowangerup or anywhere else in Western Australia -

Hon Bob Thomas interjected.

The DEPUTY PRESIDENT: Order!

Hon E.J. CHARLTON: - the important factor is that if Westrail is to succeed it has to have the support of organisations like CBH, the Grain Pool, the Wheat Board and the Grain Freight Steering Committee. The member is a joke. It is about time he started getting serious about Westrail, instead of peddling the misinformation that is contained in almost every question he asks. He is an indictment of the people he represents. I look forward to the day when he takes a leaf out of his leader's book and gives the same support to Westrail.
