



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Thursday, 23 October 1997

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

PETITION - SWANBOURNE VILLAGE

Hon J.A. Scott presented the following petition bearing the signatures of 900 persons -

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

We the undersigned residents of Western Australia respectfully request that the Council:

1. Oppose the Metropolitan Regional Scheme Amendment No. 982/33 Regional Roads (Part 3) insofar as it effects the Claremont Crescent and Shenton Road road reserve.
2. Support the removal of the Claremont Crescent and Shenton Road road reserve in its entirety.

In the event that neither of the above is achievable then we, in light of the road reserve being seen to be part of a "Western Suburbs Highway", would like the following to happen prior to any road works through the Swanbourne village:

1. A social impact study of any proposed road construction be effected.
2. An environmental impact study of any proposed road construction be effected.
3. Any new regional road construction be made inside the existing rail reserve and be sunk concurrently with the existing rail line.
4. Other means of public transport through the district be investigated.

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

[See paper No 924.]

COMMITTEES - JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report - Confidentiality and Accountability

Hon Derrick Tomlinson presented the first report of the Joint Standing Committee on the Anti-Corruption Commission entitled Confidentiality and Accountability: Parliamentary Supervision of Anti-corruption and/or Law Enforcement Agencies in Australia, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 925.]

MOTION - GOVERNMENT INSTRUMENTALITIES

Privatisation

Resumed from 22 October.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [11.05 am]: I appreciate the opportunity to finish my remarks on this important motion. It argues the case for why reform processes should be put in place that will ensure the transparency of government activity in the tendering processes, the contracting out and the privatisation strategies that have come as a result of the ideological commitment by this Government to this process, which some of us believe has already had a pernicious effect upon the community of Western Australia, particularly in the regional areas. Benefits to consumers, in the view of the Opposition, should be transparent in this process. If such benefits are not available, it is important that there be a reversal in the policy agenda of this Government.

There are questions about the quality of service, the equity in the delivery of that service and the recourse people have if something goes wrong in services that have been contracted out by the Government in its commitment to privatisation strategies. In his 1996 annual report, the Commonwealth Ombudsman highlighted a number of issues that have arisen as a result of the contracting out of government services. He indicated that if problems arise with service delivery provided by contractors, there may be little recourse for consumers. The annual report states -

Often the rules associated with contracting out can be muddy, contradictory or not yet written. When things don't work out, problems can arise for the consumer and the service deliverer because many service delivery mechanisms are currently outside the Ombudsman's jurisdiction, and no other accountability mechanisms are readily available.

I understand that Hon Ljiljanna Ravlich has already referred to this; however, it is such an important observation that I will highlight it to the House again. One would hope that an opportunity can be found for ensuring that this does not remain a problem in the process of contracting out in the Western Australian jurisdiction. The public must have avenues of complaint about government services that are accessible, whether the service is provided directly by a government agency or a contractor. Any possible cost savings in contracting out services must be supported with accountability and dispute resolving mechanisms.

The state Ombudsman has also identified a need for accountability where public money is expended. Members might recall that during the interjections that were wreaked on Hon Ljiljanna Ravlich during her speech, the Attorney General asked why did we not draw upon the view of the State Ombudsman. At that time an indication was given to the House that we would do exactly that. I will now refer to what the State Ombudsman identified. In the annual report of 1996 he states -

State-owned companies, trading enterprises, partnerships and statutory authorities

Although part of the more detailed submission on the jurisdiction of the Ombudsman which I made in January of this year, I offered some preliminary comments in response to COG's Discussion Paper No. 10 on the changing role of the public sector and the growing trend towards the corporatisation and commercialisation of former State-owned utilities.

The State Ombudsman continued -

In broad terms, I reiterated the view that, wherever public money is expended, whether by a government department or agency, or by a private body acting at the direction, or with the authority of the government department or agency, that government department or agency should be publicly accountable.

Clearly that is an indication in the report that he does not have the power to directly investigate the actions of private businesses providing services on behalf of government departments, and may become involved only indirectly if there are accountability provisions in the contracts or if the private companies are subject to consumer protection legislation, such as the proposed office of health review. The consumer must not be caught between the agency and the contractor in this issue of accountability. That is clearly justification by itself for this motion to be supported and adopted by the House.

The Commission on Government also supports the general thrust of the argument put before the House so far by my colleague and me. In recommendation 110 it stated -

The committee system in the Legislative Council should be developed to bring the entire public sector and all proposed primary legislation and subordinate legislation, under review

It goes on to describe the special purposes committees that in its view should be established and which legislation should be subject to review through the committees it proposes. In my view the term of reference that would be given to the standing committee would enable it to inquire into the processes of privatisation and contracting out as part of the function referred to by the Commission on Government.

The Royal Commission into Commercial Activities of Government and Other Matters stated in part 2 of the 1992 report that -

The Legislative Council should be acknowledged as having the review and scrutiny of the management and operations of the public sector of the State as one of its primary responsibilities.

Quite clearly, that includes those activities of the State now carried out by contracting out and privatised arrangements. The use of the committee would at least increase political accountability, and its findings could be used to improve the other major areas of financial accountability and the financial administration law that operates in Western Australia. This is particularly relevant until there is a form of administrative appeal tribunal in Western Australia, because the Government is otherwise able to deny responsibility for the actions of the public sector by passing blame for shortcomings in contracts and tender processes as though they were all the fault of private enterprise, despite the fact that private contracts are the basis of the problems resulting for the community of Western Australia. If public money is involved the Government must be, and must be seen to be, accountable to the people of Western Australia. Without proper investigation, fiascos such as the Global Dance Foundation and other similar disasters may continue unchecked.

The State Government's 1993 election promise to be accountable to the people should be enforced through scrutiny and political pressure. Parliament must be able to do more than rubber stamp the sometimes dubious decisions of the current Executive. When agencies contract out services there must be clear guidelines and practices that will define Public Service standards and ensure protection for consumers from defective service delivery. The committee should inquire into these practices to make sure the department ultimately bears responsibility for service delivery and equity in delivery of those services to the entire population.

The committee should inquire into the nature of chief executive officer performance agreements. I refer to the circular to Ministers 46/94, in which the Premier states that such agreements should contain explicit requirements for satisfactory progress with the implementation of competitive tendering and contracting.

If pressure is being placed on CEOs to contract out services, the Parliament must know the exact impact of that pressure and whether it is being applied even though the benefits may not be clear cut. It must also know whether the CEO is implementing a policy against his or her own better judgment. I believe these are legitimate areas of inquiry by this standing committee of the Parliament. Otherwise, what is the reason for the Government requiring these CEOs to meet performance targets with regard to the contracting out process? If there are continuing difficulties and no clear benefits to the taxpayers of Western Australia, why is the Government so insistent that the CEOs implement these strategies? Is privatisation and contracting out driven more by the Government's ideology than by real and lasting benefits to the public of Western Australia? Are in-house bids dismissed out of hand as the Government seeks to shed more staff and shift unemployment costs to the Federal Government? I suspect there are examples and evidence of that from day to day in the processes the Opposition has questioned both in this place in the activities of the Parliament and in the wider media debate.

An item in the Premier's circular 46/93, states that contracts must be effectively monitored. The committee should call for evidence that this monitoring is carried out by all agencies and departments. This should deal not only with financial monitoring, but also with the issues of service delivery. Evidence should be called for from the users of the services contracted out, including public sector workers, to substantiate the benefits, particularly where those benefits are not so clear cut, and to make sure that the claims of efficiency are accurate claims and that the efficiencies are being delivered.

There should be an examination of any possible conflict of interest for public sector workers who may eventually join private companies involved in providing government services. That happened a great deal in the early days of this Government. There has been a drain of expertise from the public sector, which is a worrying trend because it appears to be all one way. The Department of Transport is a classic example. One can legitimately ask whether it is the intention of this Government to ensure the public sector is no longer in a position to successfully tender for contracts due to its ensuing lack of expertise that is a result of the policies of this Government. Is it the Government's intention to shed as many public sector jobs as possible, under the guise of defence of this strategy of competition? Another question is who will be accountable if the process goes wrong or money is lost, and clearly guidelines must be available so that ministerial accountability is not ignored at the expense of senior public servants.

The Global Dance contract is a prime example of how unofficial political pressure caused public servants to deviate from following correct procedures; and if this motion was carried, the processes that led to that arrangement could legitimately be subject to inquiry by the standing committee. Processes should be established to define the role that Ministers should play in awarding contracts and keeping documentation to ensure that accountability processes are maintained.

There should be further exploration of the benefits and costs of privatising areas of the public sector. Economic rationalism has gone too far. It does not have all the answers, as a philosophy of government, for the complex processes that it unleashes in our small economy of Western Australia, let alone in the wider economy of the nation and the international community.

Cost savings must be balanced against the social cost of job losses and the maintenance of community service obligations. There is a lack of accountability and an irrevocable process of loss of expertise in the public sector. Concerns other than the bottom line should be given equal consideration; health and the environment are two areas that should be examined closely by the committee.

The areas that have been privatised since 1993 should be subject to close scrutiny to ensure that there is informed evaluation of whether that has been beneficial to the community. The contracting out of cleaning in schools and catering in hospitals provides two good test cases. Another area in the Education Department that could be subjected to illustrative and informative analysis is lawnmowing.

There should be an examination of the cost of using consultants in the contracting out process. Some of the figures contained within the 1995 report on the consultants engaged by government call for more detailed explanation.

Those items include consultancies to Arthur Andersen and Co for a review of Education Department cleaning services of \$3 535, for a recosting of cleaning services of \$950, for a cleaning contract of \$19 500, and for an estimated cost of cleaning based on Treasury costing guidelines of \$950. Those consultancies are examples of the need to subject that process to scrutiny to see what benefits have resulted from contracting out that work rather than having it done in-house. Those consultancy payments were made between November 1994 and June 1995. That poses the legitimate question: Were those costs built into the process of assessing whether the Government's philosophy of contracting out resulted in a benefit?

The fact that a greater number of consultants have been used since services have been contracted out is evident in every area of government activity. I believe that, regrettably, there is no evidence that local firms benefit, but I am happy to have my assessment of that situation analysed by the standing committee. The operation of the public sector is an essential part of the executive arm of government, and it is imperative that the entire public sector is accountable in order to protect public moneys and maintain the faith of the people in the processes of government. Consultants, outsourcing, privatisation and contracting out may play a legitimate role in an efficient Government, but it should be subject to scrutiny.

HON SIMON O'BRIEN (South Metropolitan) [11.25 am]: Over the past few parliamentary sitting days, Hon Ljiljanna Ravlich has addressed briefly the motion on the Notice Paper which outlines matters which she believes should be referred to the Standing Committee on Public Administration. She has couched many of her remarks in terms such as, "The Government should be open", "Government contracts should be transparent", and "The Government should stand criticised for this or that procedure".

Even though I sit on these benches, I am not a member of the Executive Government. The Executive Government in this place is represented by the four Ministers who sit to the right of the President, and a very wide gulf exists between my seat and that of the Attorney General.

Hon Kim Chance: They should move you up!

Hon SIMON O'BRIEN: I will use Hon Kim Chance as a referee in all the submissions that I make. However, I would certainly like the opportunity of discussing his comments in advance of agreeing with them, just to be on the safe side.

As I am not a member of the Executive as such, I will leave the response on behalf of the Government to one or more of the Ministers who sit on this side, because that is their prerogative and they are big enough to speak for themselves, and will speak as a fellow member of the Legislative Council.

I am concerned about how the Legislative Council should spend its time and also about how the Legislative Council should direct one of its committees to spend its time. Hon Ljiljanna Ravlich has moved - I respect her right to have this view - that the House direct the Standing Committee on Public Administration to inquire into the processes and outcomes of privatisation and the outcome of contracting out public services; and she lists some terms. Unless I am very much mistaken, it is the role of the Standing Committee on Public Administration, in part, to look at these and related matters on its own initiative as a matter of course. The Standing Committee on Public Administration, given its strong leadership and outstanding membership, is quite capable of arranging its own workload and prioritising the matters that it needs to consider and bring to the attention of the House.

Hon Ljiljanna Ravlich: That is nonsense.

Hon SIMON O'BRIEN: Which part of it is nonsense?

Hon Ljiljanna Ravlich: The whole lot.

Hon SIMON O'BRIEN: I am sorry to hear that Hon Ljiljanna Ravlich is of the view that this committee is not strongly led and ably served by its members, because I said that I support the existence and the membership of the Standing Committee on Public Administration in doing a very good job in dealing with the complex matters that the Legislative Council refers to it from time to time. Therefore, it concerns me that we have the sort of a global direction proposed by this motion. The terms of the motion outline that the committee should investigate the following -

- (1) The extent to which State Government enterprises have been privatised since February 1993.
- (2) The economic and social impact of transferring State owned enterprises to the private sector.

Hon Ljiljanna Ravlich: Do you know the answer to these things?

The PRESIDENT: Order!

Hon SIMON O'BRIEN: Continuing -

- (3) The cost and quality outcomes of privatisation in terms of the level of savings or additional costs that have resulted from the provision of services by private contractors instead of by Government.
- (4) The extent to which State Government contracts or tenders have since February 1993 been awarded to -
 - (a) Western Australian companies or businesses;
 - (b) other Australian companies or businesses;
 - (c) foreign owned or controlled companies or businesses; and
 - (d) regionally based businesses.

Surely that is a matter of interest, but it should not go to the Standing Committee on Public Administration. This motion starts on page 1 of the Notice Paper and continues to page 3. The next term reads -

- (5) The extent to which risk is transferred from the public sector to the private sector and to which government companies or businesses are given government guarantees before agreeing to invest in large scale public sector projects.
- (6) The extent to which policies have been introduced to guarantee the Western Australian public against financial default by private contractors.
- (7) The extent to which "contracting out" of State public services has resulted in greater competition.

This is only part of the matters Hon Ljiljanna Ravlich wants to know. She also wants to know the following -

- (8) The extent to which initiatives have been introduced to prohibit the practice of private companies acting as cartels, rather than competitors and thereby combining resources to tackle large scale projects.
- (9) The extent to which current tendering practices ensure that -
 - (a) the process is open and fair;
 - (b) proper procedures are being followed; and
 - (c) mechanisms are in place to check the qualifications, credentials and financial backgrounds of those seeking contracts.

Hon Ljiljanna Ravlich: We know all that; why not make some original comment?

Hon SIMON O'BRIEN: I will. The terms continue -

- (10) The extent to which appropriate checking mechanisms are in place to allow regular monitoring of the performance of contractors and that the Government has in place a set of procedures to deal with breaches of contracts.

Hon Ljiljanna Ravlich: It does not have one.

Hon SIMON O'BRIEN: Further -

- (11) A set of criteria or conditions which would allow the Parliament to make judgment on what constitutes 'confidentiality' when referring to Government contracts.
- (12) The extent to which the competitive nature of contracting out has led to employees of contractors being paid below usual rates of pay and conditions.
- (13) The extent to which Government departments and agencies are prejudiced in the contracting arrangements when private contractors are able to legally pay their employees lower wages and conditions.

The wording is delicious. It brings me back to the first week of the Parliament when I enjoyed watching the Leader of the House, as Minister responsible for several portfolios, being grilled by Hon Ljiljanna Ravlich. He did not appreciate the fact that Hon Ljiljanna Ravlich's questions were generally based on a precept which was prejudicial. The Leader of the House disagreed with that member's opinion. The terms of the motion further read -

- (14) The extent to which the Government should specify certain minimum requirements of contracting, including the requirement to -
- (a) pay to employees a wage not less than that of an employee of the Government doing comparable work might be paid;

The motion does not allow for that the fact that private contractors might want to pay more than the government employee might be paid. She does not want to know about that. Further -

- (b) subject the work under contract to the same level of public and parliamentary scrutiny as applies in the public sector; and
- (c) the same level or nature of good corporate citizenship as that expected of government departments or agencies.
- (15) Any other matters -

If there are any left -

- relating to privatisation and contracting out of Government services as the Committee deems necessary.

I said that Hon Ljiljanna Ravlich referred briefly to this motion - I meant it. This motion is so global and incomprehensible and covers such a huge area of activity for report that the Standing Committee on Public Administration would need to sit in permanent session for the next umpteen years to even marshal these subjects for investigation.

Hon Tom Helm: Oh ye of little faith.

Hon SIMON O'BRIEN: No. I have faith; I disagreed with the member sitting next to Hon Tom Helm and I espoused the quality of the committee. This motion represents an Herculean task, and the committee could be better employed looking into some specific issue for report in a timely manner. Hon Ljiljanna Ravlich in her speech started to address some of these points. She spoke over a couple of days and I enjoyed her speech very much, particularly the interjections of the Attorney General and the Minister for Transport. It struck me as symptomatic of this motion that it is predicated on the idea that the Government has things to hide, and that it will not respond to honest inquiries.

Hon Bob Thomas: You've hit the nail on the head.

Hon SIMON O'BRIEN: On occasions Governments of any colour could be guilty of such things, and I thank Hon Bob Thomas for acknowledging that I have interpreted his colleague's speech correctly. However, when we get to detail, we strike difficulty. The mover made many sweeping allegations and generalised allegations of a cover-up and a lack of transparency. However, when I and other members tried by interjection to find some specific examples of these problems, none was forthcoming. The Leader of the Opposition has given us some examples in passing, to which I shall refer in a moment.

Hon Ljiljanna Ravlich resumed her speech on this motion last Thursday by referring to the difficulties that some of her colleagues had experienced in asking perfectly reasonable questions of Ministers. An example of a perfectly reasonable question was given. She advised that in another place the member for Bassendean, not to be confused with the member for Belmont, had apparently asked the same question of seven Ministers. She told us that the member for Bassendean had asked each Minister the following question, which is a doozey -

- (1) What functions or services has each department or government agency under the Minister's control contracted out since 1993, stating -
- (a) the date;
- (b) the amount;
- (c) the recipient;
- (d) whether the recipient was Western Australian, Australian or foreign; . . .

Members should bear in mind we are talking about every single contract in every department or government agency. The member sought also the terms of the contract worth the following amounts: More than \$100 000; between \$50 000 and \$100 000; between \$10 000 and \$50 000; and between \$1 000 and \$10 000. I am told these questions were asked of the following Ministers: The Minister for Primary Industry and for Fisheries; the Minister for the Environment, and for Employment and Training; the Minister for Health; the Minister representing the Minister for Mines; the Parliamentary Secretary to the Minister for Tourism; the Parliamentary Secretary to the Minister for Sport and Recreation; and the Minister for Labour Relations, for Planning and for Heritage.

Hon Ljiljanna Ravlich: And they were not answered by anyone in the Government because they will not deliver the goods. They are not accountable, and you know that.

The PRESIDENT: Order! The debate is meant to be why this motion should or should not be agreed to. The motion deals specifically with whether or not certain items should be referred to a standing committee. There is no need to go into the specific matters in great detail. That is for the committee to do in due course. I bring that to the attention of Hon Simon O'Brien. I am not suggesting he strayed widely; however, I thought he was about to pick up on what Hon Ljiljanna Ravlich said and to start to digress.

Hon SIMON O'BRIEN: I thank you for your guidance, Mr President. Hon Ljiljanna Ravlich pointed out in her speech, as she just did in her interjection, that the question was not answered explicitly. There was a substantial reason for that. Basically, it was too much information to collate and produce. I made this point to the member when she made her speech on Thursday, 16 October. If Hon Ljiljanna Ravlich or any of her colleagues wants questions like that, which deal with such colossal amounts of information, answered, the Government will have to employ battalions of public servants to collate the information and present it to members. For what good purpose? Why do members opposite need all the fine detail?

Hon Tom Helm: It is taxpayers' money.

Hon SIMON O'BRIEN: Members opposite want to spend taxpayers' money on wasting public officials' time to satisfy the Opposition's whim. If members opposite have something specific they want to ask a Minister in this place, why do they not ask it, instead of asking global questions -

The PRESIDENT: Order! Hon Simon O'Brien will direct his comments through the Chair and not to an individual member.

Hon SIMON O'BRIEN: When I look at the list of questions on notice, I see again and again large numbers of questions, many of which consist of many parts and subparts. These questions seek all sorts of information. There is nothing wrong with members seeking information, especially if they have a need for it. However, I object to departmental resources being tied up on fishing expeditions to address generic questions that cover huge periods and a huge amount of detail. I wonder whether that is the sort of thing members should concentrate on. I think not. I also ask the question: Should members direct the Standing Committee on Public Administration to make this its life work for the next 50 years? That is the sort of task it would be setting itself.

Hon Ljiljanna Ravlich: You won't be around in 50 years.

Hon SIMON O'BRIEN: No, we will both be happy in a nursing home by then.

Hon Ljiljanna Ravlich: There won't be any under your Government.

Hon SIMON O'BRIEN: We will still be happy. It is up to the House to decide whether it wants to tie up the Standing Committee on Public Administration in this way. I wish that committee well. It will need every good wish if it is to address the many points that are raised in this motion.

The other disturbing trend I find coming through in this place, which is summed up in the nature of this motion which spans three pages, is the apparent desire of some members, particularly members opposite, that this House be involved in the hands on, day to day running of various government instrumentalities. We saw as recently as yesterday that members opposite are uniquely qualified, above and beyond the experts who are retained on the public payroll, and they want to contract to themselves the right to run the fisheries in this State. Because there was a slight lapse in numbers the night before last, the desire of members opposite to have a hands on, contracted-out-to-them role in the advertising for and selection and appointment of advisers to the Minister's Grain Pool of WA advisory group did not get up. However, I am sure the intent remains for the Opposition to carry on the role it sets for itself to run every aspect of government administration. It is peculiar that my side of the House is being criticised for wanting to take some of the operations of government out of the hands of public servants when the Opposition seems to want to take the management of all sorts of government operations out of the hands of public servants and place them in this House, which must be uniquely unqualified to manage those operations.

Hon Kim Chance: In western democracies that process is not unique to this House.

Hon SIMON O'BRIEN: We must set ourselves apart from other Houses of Parliament in western democracies if that is the case.

Hon Tom Stephens gave us the benefit of his comments on a number of specific examples of where the process of contracting out and privatisation was falling down. In that way he went further than Hon Ljiljanna Ravlich did. He referred members to selected extracts of reports of the Auditor General into several agencies. Generally, the

comments to which he referred, which were extracts from the Auditor General's reports, related to a deficiency the Auditor General or his staff had discovered in some aspect of administration in a government agency. The member gave two or three examples of that. All members will have seen Auditor General's reports.

Hon Tom Stephens: Tip of the iceberg sort of stuff.

Hon SIMON O'BRIEN: It has not been uncommon over the years for an Auditor General's report to draw attention to an aspect of an agency's operation that he feels is deficient in some way or should be brought to attention for remedial action to occur. I saw some real beauties during the late 1980s and early 1990s; that is, examples in which the Auditor General criticised the actions of management of sundry government instrumentalities, including the State Government Insurance Office, for some of the actions they took that exposed the public purse to unnecessary risk.

I put it to Hon Tom Stephens that it is the role of the Auditor General to comment on administrative procedures; however, they are administrative. It is then up to the management of these agencies to act on the Auditor General's recommendations to correct non-complying practices. If those agencies fail to take that action it is up to the Minister to step in and take the appropriate action. That does not mean that an adverse report on an administrative practice carried out by the management of an agency constitutes an attack by the Auditor General on government policy. That is an administration and management issue and not an indictment of government policy.

It seems that the Opposition wants this House to manage this fine detail and to be given the task of taking corrective action. That is shades of wanting to run fisheries, grain pools - dare I say it - hairdressers registration boards, and other authorities.

Hon Bob Thomas: Explain what you mean by the hairdressers' example.

Hon SIMON O'BRIEN: This Government has many examples where contracting out and privatisation in Western Australia have been outstanding successes. Members opposite think the Government should still be running a laundry and linen service. That has been contracted out. Should the State still be running its own printing works at greater expense than the costs involved when the work is done by the small businesses that the Opposition is so concerned about?

Hon Kim Chance: We should be if we can do it better. At least then we would get our *Hansard* on time.

Hon Ljiljana Ravlich interjected.

The PRESIDENT: Order! Hon Ljiljana Ravlich will have the opportunity to respond in due course.

Hon SIMON O'BRIEN: Does Hon Kim Chance know how the Link 2000 project is going? Is it coming along well?

Hon Kim Chance: It is going well.

The PRESIDENT: Order! Hon Simon O'Brien will address the Chair or some other speaker can get to his or her feet.

Hon SIMON O'BRIEN: I will address the Chair, Mr President, and conclude my remarks.

If the Opposition looked at specific examples instead of making general allegations it would see the success of contracting out certain aspects of the Water Authority's operations, in particular the infill sewerage program. The estimated cost for the Water Authority to undertake the infill sewerage program was \$1.2b. It went to private contractors for \$0.8b

Hon Kim Chance: Because of changed specifications.

Hon SIMON O'BRIEN: That is a major saving to this State. The benefit to the State has been greater than anticipated through private contractors utilising different techniques. I understand that a conservative estimate is that 10 per cent more infill sewerage work will be done for the same amount of money. I will let the spokespeople of the Government, the Ministers, speak of the successes of contracting out and privatisation by this Government.

I do not like to see the time of this Parliament or its committees taken up by global argument and expeditions into the minutiae of every aspect of government activity. I am not saying that there are aspects of government activity that should not be held up to the scrutiny of this House or any of its committees. I am saying that we do not have the resources and it is not desirable to examine every single transaction that has ever occurred. That is what will be encompassed when the Opposition talks of private contracting out of services worth \$1 000 or more. I wish the Chairman of the Standing Committee on Public Administration and his colleagues the very best if this ludicrous motion ever does gravitate in their general direction. However, I express the firm desire that it does not.

I oppose the motion.

HON KIM CHANCE (Agricultural) [11.55 am]: We have now had two seminal speeches in this place in the past couple of years on the need for the abolition of the upper House: One by Hon John Cowdell in his inaugural speech and one just then by Hon Simon O'Brien, who took away any reason for the existence of an upper House in any western democracy. He sees no need for this House to get in the way of government; we should let government rubber stamp contracts because any level of scrutiny by this place is unwarranted and unnecessary.

Whether we support or oppose the concept of privatisation or the devolution of public services in whatever form to the private sector from the public sector, we should support this motion. What point is there in going ahead with an ideological view that privatisation is necessarily good for us if the outcomes are all bad? Hon Simon O'Brien asked one or two good questions: Should we still be running as a collective public a laundry and linen service or a printing works? The answer depends on the circumstances: If we can deliver a better service at a lower cost we should be involved in the laundry and linen service and in a government printing service. I know from the comments of some of my colleagues that they much preferred the service of State Print to the current service for a range of reasons. I do not have a preference one way or the other. The bare minimum that we need to know, first, is whether the service is better than it was and, second, whether it costs less than it did. We need to know the answers to those two questions.

Hon E.J. Charlton interjected.

Hon KIM CHANCE: I am pleased that the Minister for Transport agrees with me. He has been one of the activist Ministers in privatisation - most Ministers have used more words than actions. The Minister for Transport has done something about privatisation. Some doubt still remains about the public benefit of the outcome of what he has done, but at least he has tried to show the cost benefit outcomes of the process of privatisation. If the Government cannot do that it will run into difficulties from beginning to end of the process.

I will refer to one aspect of what the Minister for Transport tried to do that is referred to in a publication of the Auditor General on the privatisation of a section of the Perth public transport system. Recently a report from the Office of the Auditor General was placed on our desks setting out what seemed to be savings resulting from that change. I am sure that the Minister would be able to tell us exactly what those savings were, and I have the document with me. The document showed significant savings across that segment of the service. However, another part of the report refers to the deferment of capital expenditure within that part of the operations. The deferment of the capital expenditure far exceeded the profit. I will not pick a fight with the Auditor General on the proper way of annualising the cost of that deferred capital expenditure. However, any fleet manager will agree that the capital replacement of a fleet must be brought into the accounts as an annual cost. The system that the Auditor General used to annualise those costs did not reflect the true situation. At some time the \$20m, or whatever is the figure, has to be brought forward as a cost. This is transparency, but as far as the Minister for Transport is concerned we at least got that far. Where have we got with other elements of privatisation? Generally speaking, we ask a question and we are told we cannot have the information because it is covered by commercial confidentiality. Unless one can forecast what the outcomes will be, one should not do it.

Debate adjourned, pursuant to standing orders.

SELECT COMMITTEE TO REVIEW THE STANDING COMMITTEE SYSTEM

Report - Consideration in Committee

Resumed from 11 September. The President in the Chair.

Hon N.F. MOORE: This is the report of the select committee which was established to consider the way in which the Legislative Council and the committee system that is part of the Legislative Council's operation operate. So far the debate has been very worthwhile and a number of members have had an opportunity to express their views on the way in which the Chamber and the committee system operate and consider some of the recommendations which have been put forward by the committee.

To facilitate further action on this committee, I propose to give notice when the Chamber resumes after the next break of a number of motions which will reflect the Government's position on the report. That will then give members an opportunity to debate the substantive issues in the report. I propose to embark on that course of action because it needs somebody to facilitate the process. When I have moved the motions it will then be competent for the Chamber to agree or disagree with, add to or take away from those motions.

Today we are debating that the Chamber note the report, and I think it should do that. To progress the matter further I will, as I said, move some motions on behalf of the Government. In response to a proposition put to me earlier, I am not in a position to respond in a generic sense to all the issues raised, for a couple of reasons. Firstly, I need to sneak out of the Chamber in a couple of minutes to attend a function and, secondly, the government members have

not had a chance in the party room to fully complete their position on some of the issues contained in the report.

I reiterate that to facilitate the progress of this committee report I will move motions after the two week recess that will reflect the Government's view and the Chamber can make its judgment on those matters. Motions will not be moved in respect of a couple of amendments because the Government does not support them and it will be up to other members, if they wish, to proceed with those issues at another time.

Members should agree to the motion, which is to note the report, and we will move in a couple of weeks to do something about it.

Hon J.A. COWDELL: I have no problem with noting the report, but the comments of the Leader of the House verge on holding this Chamber in contempt. The Government has had plenty of time to consider its response to the recommendations, and I am not referring to concrete motions. The situation now, after over a month, is that the Leader is saying to the Chamber that this place will adjourn for two weeks and members will not have the benefit of the considered response of the Crown in this regard before the Leader of the House moves a set of motions for debate. That is contemptuous of this place.

The Minister complained about lack of time to deal with this issue today and that is fair enough, although the Opposition said very clearly that it would support any motion by the Leader of the House to move immediately into the consideration of committee reports at 11 o'clock today. That offer was declined. The Leader of the Opposition said he would not take up the offer to use the first hour to debate this motion and then he said he does not have enough time to say anything more than the fact that the Government does not have a considered response at this stage. It is a disgrace. There should be a considered response; there has been plenty of time. I can only assume that the Government's strategy is to avoid changing anything whatsoever before the end of the year; therefore, this matter will be delayed despite there being plenty of time to consider it.

Obviously consideration will be curtailed. The Opposition expected as a matter of common courtesy that the formal response from the Crown would have been forthcoming so that in the two week break members could consider that theoretical response and then they would consider the motions that are brought forward. As it is, this item will drop off the Orders of the Day. The committee's report will be noted, and that will be that. All we rely on for bringing anything back to the Chamber is a set of motions from the Government for amendments to standing orders.

I understand the Government does not agree to some of the recommendations and there will not be motions relating to them. I understand one area is the proposal for the establishment of a business management committee. That is fine, but it is a curtailment of consideration of the full report and that is to be deprecated. I can only assume that the Government will come back with a very few motions for the Chamber to consider and will try to curtail debate on those motions.

The Leader of the House is, in fact, shutting down debate on this particular report and he will do his best, no doubt, to ensure that debate is not revived on significant portions of this report. That is a disgrace and an insult to the House. The Chamber can only note the report at this stage, but the least the Government could do is to have the common courtesy to come up with a response so that members could consider it. Now we will wait two weeks to see what motions are sprung on us.

Question put and passed.

SELECT COMMITTEE ON NATIVE TITLE

Special Report on Committee Procedures - Consideration in Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon TOM STEPHENS: I move -

That the Committee adopt the report and that the recommendation be agreed to.

Principally the report provides the opportunity for the House to accommodate Hon Helen Hodgson as a non-voting member of the committee and to publicly participate in receiving submissions. It also provides the opportunity for the submissions to be dealt with in public, by leave of the committee, and if the leave of the chairman or any member of the committee is withdrawn for any reason that opportunity will be no longer available. However, this formalises processes that all the committee members have agreed to. I commend the report to the Chamber.

Hon HELEN HODGSON: I thank the Committee for providing the opportunity recommended in the report for me to be able to participate by making most of the hearings public. Where it says that I expressed a desire to participate as far as possible without being involved in deliberations is not totally accurate. I would have preferred the opportunity to participate in deliberations, although I did not expect to be given the opportunity to vote on those

matters. This is probably not the best solution, but as it is a solution that the committee has offered I am willing to accept that if it is the will of this House.

Hon BARRY HOUSE: I endorse the report. It was agreed by all members of the committee. The matter was viewed this way because it is different from many other issues that select committees deal with. It is not a specific term of reference. Much of the debate is already in the public domain. As the committee is limited to five people and Hon Helen Hodgson has indicated an interest in the proceedings we wanted to facilitate her being able to be involved in the proceedings as much as possible within the rules.

Question put and passed.

**SELECT COMMITTEE ON THE REQUEST TO RELEASE DOCUMENTS OF THE SELECT
COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE TO THE ANTI-CORRUPTION
COMMISSION**

Report - Consideration in Committee

Resumed from 16 October. The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

The CHAIRMAN: In our previous consideration of this report we had agreed to the first four recommendations and were considering recommendation No 5; that is, that the letter from Hon J.L.C. Wickham QC of 22 March 1996 and the attached discussion paper be released to the Joint Standing Committee on the ACC. The question is that recommendation No 5 be agreed to.

Hon DERRICK TOMLINSON: In addition to what you have already outlined, Mr Chairman, we reached a stage in consideration of this recommendation at which the Attorney General asked whether permission had been sought from the Anti-Corruption Commission. I indicated no and I indicated that I believed it was a letter belonging to Mr Wickham rather than the Anti-Corruption Commission.

The committee resolved that I seek the permission of Mr Justice Wickham for the release of the document. I failed to contact Mr Wickham. However, when I considered the letter I found that it was a discussion paper of the Official Corruption Commission into the Police, the Parliamentary Commissioner and the Official Corruption Commission. It was not a document which belonged to Mr Wickham; it was in the possession, I suppose, of the ACC. I therefore contacted the Chief Executive Officer of the ACC, Mr Wayne Mann, to seek permission of the commission for the release of the document to the Joint Standing Committee on the Anti-Corruption Commission. Mr Mann perused the document, sought the permission of commissioners Orr and Doig and was unable to contact the Chairman of the Commission, Commissioner O'Connor, since he was elsewhere on private business. The two commissioners Orr and Doig indicated their approval for the document to be released to the Anti-Corruption Commission Standing Committee.

I seek the Committee's support for recommendation No 5.

Hon N.D. GRIFFITHS: I am pleased that Hon Derrick Tomlinson has carried out those steps. However, it was unnecessary for him to do so. He did so because he wished to be extremely courteous to all concerned. However, if any of those persons had any objection to the document being released, as suggested by the select committee, that would have been and should have been a matter of great concern to the committee. I regret that the finalisation of this matter has been held up by the Attorney General for a week for no good reason whatsoever.

Question put and passed.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on Activities of Committee in Fourth Session, Thirty-fourth Parliament - Consideration in Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon N.D. GRIFFITHS: I move -

That the report be noted.

This is a report prepared by the Joint Standing Committee on Delegated Legislation as it is now constituted. The report deals with the activities of the Joint Standing Committee on Delegated Legislation as it was constituted in the fourth session of the last Parliament. It is the way of the world I suppose that a different group of people, albeit with some continuity in membership, are commenting on the work of others. A number of reports were tabled by the Delegated Legislation Committee as it is currently constituted. In the light of the order of business we might be dealing with more than one of them this afternoon. Some aspects of the work of the Joint Standing Committee on Delegated Legislation in the last session of the last Parliament have been taken up by the Joint Standing Committee

on Delegated Legislation. It is appropriate that in referring to the report I pay tribute to the work of those members who were on the committee last year.

I note that the chairman was Hon Bruce Donaldson and the deputy chairman was Hon Tom Helm. Both members delivered much to the House in the last Parliament by making reference to matters related to delegated legislation when those matters came up in a variety of Bills. Each contributed to the understanding of the House of those aspects of legislation by pointing out, when appropriate, the pitfalls of the relevant clauses. Hon Jim Scott served on the committee last year and I note that he continues to serve. Hon Cheryl Davenport also served. Mr Bob Bloffwitch, Mr Kevin Leahy, Mr Ted Cunningham and Mrs June van der Klashorst from the other place were also members of the committee. I have no doubt from what I have seen of the work they have done that each contributed in a very worthwhile way to the tasks the committee undertook.

Hon J.A. Scott: And the staff.

Hon N.D. GRIFFITHS: Of course. I join with Hon Jim Scott in praising the work of the staff in carrying out this fundamental task of the Parliament.

I refer members to some aspects of the report. First, it deals with the role of the committee staff and it pays appropriate tribute to their work. In fact, the work they undertake is extraordinary given the resources available to similar committees in other Parliaments. The number of reports we have tabled so far in this session demonstrates a strong attitude on the part of the staff to producing appropriate results so that members can be informed in their consideration of the matters raised. It is clear from a reading of the report that in the last Parliament the staff carried out similar work with appropriate professionalism.

The report mentions that from time to time the committee sought independent legal advice and it provides an overview of what took place. I note in that context that Hon Doug Wenn was a member for a time and resigned on 21 May 1997. He was replaced by Hon Cheryl Davenport.

Page 6 of the report contains reference to a number of statistics. I invite members to peruse those figures. The number of regulations examined is interesting. That is an indicator, but in itself it does not mean anything: The regulations may have been of great moment or no moment at all. However, the matter which sticks in my mind is the number of meetings - 20 in one session - and the total hours of meetings - 25 hours and 5 minutes. That illustrates meetings of relatively short duration. That is a difficulty when dealing with the subject material presented to the committee. Almost every day we see Ministers table a variety of documents, some of which are instruments of delegated legislation. The fact that the committee does not have much time to deal with the volume of delegated legislation means that greater resources are required for the committee to carry out its tasks as well as it and the staff would like.

A particular statistic that members should note is the number of unsatisfactory explanatory memoranda. It is the hope and the expectation of the current committee that that sort of statistic will not be seen again. The Government is being educated to provide explanatory memoranda. When it fails to do so, members should note that the committee is not backward in causing motions for disallowance to be placed on the Notice Paper. The committee requires an explanatory memorandum for each piece of delegated legislation. If that is not forthcoming, it might lead to the legislation being disallowed. If that occurs, so be it, because it is the job of the Executive to keep the Parliament informed of the legislation that it is causing to come into being. The process is an explanatory memorandum provided to the Joint Standing Committee on Delegated Legislation.

I note the committee did a lot of work on an issue which is the subject of other reports and is currently the subject of a Bill that seeks to amend the Interpretation Act; that is, the question of government agency fees and charges. At point 8.6 on page 9, the committee states -

When giving consideration to the power for a regulation which renders fees and charges, the committee must address itself to the proposition that the Government cannot demand or coerce payment of money to the public purse unless the demand is authorised by legislation.

The report contains several pages of discussion of the relevant issues. Those matters are relevant to a debate that took place on a disallowance motion in August. Members will recall that it agreed to the proposition that certain regulations dealing with drivers' licences be disallowed. The matters set out in this report are pertinent to that.

A matter which was raised on many occasions in the last Parliament, particularly by Hon Tom Helm, is discussed in the report; that is, the interesting question of Henry VIII clauses. We have the opportunity on a number of occasions to reflect on British history and British constitutional history in particular. I note we will deal with an Act from the reign of King Charles II in this session. Members should take particular note of the discussion on Henry VIII clauses because the practice occurs with great regularity in Bills before this Chamber. Regrettably, as is so often

the case, the Henry VIII clauses are towards the end of the Bill and so they do not get the treatment given to many of the operative clauses in the Bill. We deal with policy in the second reading but we see how policy works its way through at the Committee stage. Henry VIII clauses are added at the end, and so we do not discuss the potential for possibly unintended results when we fail to address the impact of Henry VIII clauses on Bills. It is worthwhile for that discussion to occur.

Hon Simon O'Brien: They are often contained as far back as the schedules.

Hon N.D. GRIFFITHS: Yes. Henry VIII clauses involve consideration of how a policy will work but that consideration regrettably just does not take place. It seems that from time to time we should give consideration to discouraging Henry VIII clauses. I do not want to take that any further at this stage.

Hon J.A. Scott interjected.

Hon N.D. GRIFFITHS: Hon Jim Scott refers to Henry VIII's lopping off heads. The practice of lopping off heads did not occur very often during the reign of his late majesty. In the course of His Majesty's loyal subjects carrying out their duties a number of people lost their lives but very few lost their heads. His Majesty's preferred method of killing was a more traditional English method, although one of his alleged spouses did lose her head. I do not want to go into that aspect too deeply. It might reopen old constitutional wounds and, dare I say, we may even get a bit sectarian, and we cannot have that.

The report deals with an aspect of history in respect of the importance of the National Party. I hope that members of the National Party are appreciative of that. It raises the issue of the quorum, which this Chamber and the other place have moved to resolve. The current committee is working better as a result of that quorum change. The report provides a response to the final report of the select committee on procedure of the other place and makes reference to the scrutiny of national schemes for legislation, a proposed subordinate legislation Bill and the issue of the Attorney General's response to that. It refers to a number of specific inquiries that were undertaken.

I draw the attention of members to appendix 1 which deals with comparative staffing levels. Resources are always an issue and members will see from that appendix what is provided to the Western Australian committee. I do not say this by way of criticism of the Clerk, which would be most inappropriate, but I point out the facts of life: This committee carries out its work with fewer resources than many other comparable committees. A list of the legislation scrutinised by the committee in 1996 is provided, as is a list of witnesses appearing before the committee, together with a table of comparative statistics.

Question put and passed.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Twenty-fourth Report on Third and Sixth Australasian-Pacific Conferences - Consideration in Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon N.D. GRIFFITHS: I move -

That the report be noted.

The twenty-fourth report deals with the sixth Australasian and Pacific Conference on Delegated Legislation and the third Australasian and Pacific Conference on the Scrutiny of Bills. That conference took place at Parliament House in Adelaide on 16, 17 and 18 July of this year. I have in my hand a record of the proceedings of that conference. If any members are interested in what took place, I would be very happy to loan to them the document so they may peruse it. The document being a record of the proceedings is more detailed than the twenty-fourth report, which will give members a taste.

Hon B.M. Scott: Will you expand on the conference?

Hon N.D. GRIFFITHS: I intended to make some reference to the conference. Those who attended the conference were the chairman of our committee, Hon Bob Wiese, Hon Jim Scott and I. The member for Mitchell attended in his role as a member of a committee of the other place. The topics discussed at the conference are set out at page 2 of the report. The words spoken at the conference are set out in the document to which I referred earlier. On page 3 of the report at paragraph 2.3 reference is made to what was said to be the system in Victoria. The observations made by the Victorians on their system for dealing with delegated legislation were of great interest to the committee. I have no need for travelling - although I am not suggesting that is why other members went - but some members of the committee travelled to Victoria early in September to examine that situation firsthand. I trust in due course a document will be provided to the Chamber so that all members of the House can learn from that Victorian experience. The Victorians were persuasive. They were of the view that the unsatisfactory aspects of delegated legislation in

many particulars had been tidied up as a result of changes put into effect. In particular, the regulatory impact statement and the sunset regulations provided for a tidier method of dealing with that aspect.

The report is relatively short, but that conference was very worthwhile for all those who attended it. The report refers to the matters that were discussed. Attending a conference such as this, where members of Parliament from all jurisdictions in Australia were present, is extremely worthwhile. It leads to a cross-fertilisation of ideas. Irrespective of which party is in power, members of Parliament who are not Ministers have a lot in common, whether they be Liberal, Labor, National Party, Greens or Independents. We seem to have much in common in terms of dealing with the minutia of parliamentary work, and our capacity to deal with those important aspects of parliamentary work is enhanced.

The reference to Victoria is pertinent because it shows an example of a degree of cross-fertilisation. I trust that the Victorians will learn something from us - I am sure they will - in due course.

Question put and passed.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on Road Traffic (Amendment to Fees) Regulations 1997 - Consideration in Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon N.D. GRIFFITHS: I move -

That the report be noted.

It is appropriate that I make some observations as a lot of work goes into the preparation of these reports. They are not just there to gather dust, as was the case before we had this procedure.

Hon Derrick Tomlinson: A most important procedure.

Hon N.D. GRIFFITHS: I am drawing to the attention of members matters of significance within the report. This report is at the cutting edge of the relationship between the Parliament and the Executive. In speaking to the committee's twenty-sixth report, I remind the Committee of its twenty-fifth report. The twenty-sixth report makes reference to the previous one and the disallowance motion that was passed by this place with respect to certain increases in fees for drivers' licences and the recording fee attached to vehicle licences. That matter was of great concern to the Minister for Transport, and so it should have been. I notice that he has returned to the Chamber and I am sure he will want to make some comments!

The report points out the history of the disallowance motion, noting the offending regulations were disallowed on 26 August 1997. The report goes on to say something that should be a matter of great concern to the Chamber; that is, that notwithstanding that disallowance motion which dealt with increases which were to occur from 1 April, and did so, and notwithstanding what the Delegated Legislation Committee was doing, the department caused further increases to take effect from 1 July. Those increases took effect from that date, before the Parliament had considered the previous increases. The secondary increases were built on the previous increases. The report points out that I gave notice of a motion of disallowance with respect to the further driver's licence and recording fee increases on 21 August 1997. It points out what those increases related to and it deals with the committee's concerns.

The committee states that the charging of the higher amount, the subject of the regulations dealt with in the report, undermines the process of parliamentary disallowance. It states that the parliamentary intent of the previous disallowance is clearly frustrated by the department charging the higher amounts that were introduced by subsequent regulations. It continues by saying that that is a practice that should not occur. If the committee wanted to, it could have dealt with the matter in a way which the Government may have found discomforting. However, the committee decided to deal with the matter in another way, and I will come to that in a moment.

The committee's legal advice was to the effect that the impost equated to a tax, but there was nothing in the Road Traffic Act appearing to authorise this imposition, and that the impost was ultra virus. The committee undertook a process which has led to what should be a very worthwhile development. The matter was raised with the department and evidence was taken from departmental officers. The department was given the opportunity to take legal advice on the issues raised by the committee. The department availed itself of that opportunity and obtained advice and, quite properly, provided the committee with a copy of that advice.

At the completion of that, the committee obtained its own independent legal advice and as a result the committee maintained its opinion that regulation 7(e) was beyond the power delegated to the Governor in Executive Council by, as the report puts it, the Road Traffic Act. The committee emphasises that the legal advice it received took into account the legal advice that had been provided to the department. In paragraph 5.2 the committee notes that in

respect of the driver's licence fee increases, the committee remains concerned that these had been increased and the department continues to charge the higher amount, irrespective of the disallowance of the previous increases by the Legislative Council in August. The committee's words should be noted. It is concerned that this amounts to a frustration of the parliamentary intent and may unduly trespass on the rights of potential licensees, which rights are effectively being denied reliance on the earlier disallowance.

It is a matter of history that this House did not proceed with the disallowance motion, which was discharged on my motion several sitting days ago. The House did not proceed because the Government came up with a response that the committee considered to be appropriate. It is a good result. The Government decided to legislate with a view to putting beyond doubt that what it wished to do could be done within the law. The committee's role is not to deal with policy but is to ensure, in accord with its charter, that delegated legislation is within power. Whether the raising of a particular impost is good or bad is a matter for, among others, members of the House wearing hats other than as members of the Joint Standing Committee on Delegated Legislation. The committee's concern was to have a legislative regime to the effect that if the Government were raising money, it could do so lawfully.

The report notes the Minister for Transport's intention to provide a legislative solution to the problem, and I am aware that a Bill has been presented to the Parliament which seeks to amend the Interpretation Act with a view to overcoming the problem brought to the attention of both Houses of Parliament by the delegated legislation committee. More importantly, it gave a clear message to the Government that if it is to do something, it must make sure it is lawful and that there is no doubt as to the lawfulness of its behaviour.

Hon E.J. CHARLTON: I welcome the comments of Hon Nick Griffiths on this issue. I will make a couple of points: First, the Department of Transport certainly had no desire to act outside the jurisdiction of its legislation, which the committee considered it had been doing. The department receives legal advice from within, and it also seeks the assistance of the Crown Solicitor in determining the parameters within which it can operate under the various Acts through which it carries out its functions. The same applies to other departments. In this case, before it went down the path of making changes to the regulations associated with the Road Traffic Act, it sought the opinion of the Crown Solicitor, who said those changes were covered by the Act. I make those comments to ensure members are aware that the Department of Transport was not thumbing its nose at the parameters of an Act.

As all members know, the committee concluded, on the basis of legal advice it had received, that it did not agree with the Crown Solicitor's opinion. We know the procedure that followed from there, in that a disallowance motion was introduced in this House. The current situation is that I obtained Cabinet approval to amend the Act to remove the ambiguity, so it would be clear that the legislation was broad enough to encompass the other services dealt with in the regulations. There will be some debate in the days ahead because I guess Hon Nick Griffiths is well aware that a Bill has been introduced in another place.

Hon N.D. Griffiths: I made reference to it.

Hon E.J. CHARLTON: We obviously will not talk about that Bill.

Hon N.D. Griffiths: But we know what is in it.

Hon E.J. CHARLTON: It is considered the best way of overcoming the problem on a broad basis across a range of Acts, although not the Western Australian Marine Act, which also is a problem. It has been widely agreed that changes to the Interpretation Act will not affect the Western Australian Marine Act. Therefore, an amendment to that Act is required, which I have undertaken to introduce at the earliest possible opportunity.

The change to the Road Traffic Act should be straightforward and simple, and it will be done after the two week break. That would be the appropriate time to implement any amendment. I reiterate that the Government appreciates the response from members in withdrawing the motion to disallow, and it is certainly committed to ensuring that departments do not act outside the parameters of their legislation. The Department of Transport has had a good relationship with the committee in resolving this issue. The way to overcome it is a debate for another day and it will be dealt with then. Hon Nick Griffiths and I are as one on the remedy to that problem.

Hon N.D. Griffiths: I have a good relationship with the department too.

Hon E.J. CHARLTON: There was some grandstanding for a while, but that has passed.

Hon N.D. Griffiths: Not on my part.

Hon E.J. CHARLTON: The Government is managing to get things on track. I point out that the department received another legal opinion which confirmed the Crown Solicitor's opinion. The great thing about solicitors is that they can always provide different opinions to ensure they always have jobs.

Hon J.A. SCOTT: I reiterate an important role of the Joint Standing Committee on Delegated Legislation, which is to ensure that the powers of the Executive are kept in balance in some way with this House, and that this House is able to ensure that regulations are properly scrutinised and that powers not given are not taken by either the Minister or the Ministry. The no-name legislation going through the other place -

Debate adjourned, pursuant to sessional orders.

Sitting suspended from 1.02 to 2.00 pm

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and passed.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION
AMENDMENT BILL**

Committee

Hon HELEN HODGSON: Mr President, I apologise. I am receiving conflicting advice. I want to move my foreshadowed motion to refer the Bill to a standing committee, so I do that before we move into Committee debate.

The PRESIDENT: The member needs to move that motion before we go into Committee. As we have already progressed into Committee, the member will need to move that the Chairman report progress. If that is carried, we will move out of Committee and the member will get a chance to move her proposal. I cannot accept the motion now as proceedings have gone too far. We are in Committee.

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Hon HELEN HODGSON: I move -

That the Minister report progress to the House.

The CHAIRMAN: The question should also be to seek leave to sit again.

Hon HELEN HODGSON: Yes.

The CHAIRMAN: The question is that I report progress and seek leave to sit again.

Hon N.F. MOORE: Mr Chairman -

The CHAIRMAN: The question is not debatable.

Hon N.F. Moore: With respect, Mr Chairman, this is ridiculous; this is taking business out of the Government's hands.

Question put and a division called for.

Bell rung and the Committee divided.

Remarks during Division

Hon N.F. MOORE: With due respect, Mr Chairman, my understanding was that the member's motion was that the Minister report progress and seek leave to sit again, not that you report progress.

The CHAIRMAN: It is my understanding, and this is why I asked the member to correct the motion, that I am the only one who can report progress, so it had to be in that form.

Division Resumed

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

Division resulted as follows -

Ayes (13)

Hon Kim Chance
 Hon J.A. Cowdell
 Hon N.D. Griffiths
 Hon Tom Helm
 Hon Helen Hodgson

Hon Norm Kelly
 Hon Ljiljana Ravlich
 Hon J.A. Scott
 Hon Christine Sharp

Hon Tom Stephens
 Hon Ken Travers
 Hon Giz Watson
 Hon Bob Thomas (*Teller*)

Noes (12)

Hon E.J. Charlton
 Hon Max Evans
 Hon Ray Halligan
 Hon Barry House

Hon Murray Montgomery
 Hon N.F. Moore
 Hon M.D. Nixon
 Hon Simon O'Brien

Hon B.M. Scott
 Hon Greg Smith
 Hon Derrick Tomlinson
 Hon Muriel Patterson (*Teller*)

 Pairs

Hon Cheryl Davenport
 Hon John Halden
 Hon Mark Nevill
 Hon E.R.J. Dermer

Hon Murray Criddle
 Hon W.N. Stretch
 Hon B.K. Donaldson
 Hon Peter Foss

Question thus passed.

Progress

Progress reported.

Referral to Standing Committee on Public Administration

HON HELEN HODGSON (North Metropolitan) [2.09 pm]: I move -

That the Bill be referred to the Public Administration Committee.

An error of mine has occupied the time of the House for which I apologise. All people affected by this motion have been aware through my contribution to the second reading debate and other discussions that I intended to move this motion. In the second reading debate last night I made it clear that there is a fundamental flaw in the construction of this Bill. I have sought advice on ways to remedy it. There is a way of remedying it and of ensuring there is a board that is functional and that does not have the limitations imposed on it that are imposed by an automatic sunset clause, even with the proclamation extension in the Bill. This Bill will have a lame duck effect: Because of the way the proclamation clause is constructed, a requirement will still exist for the Government to terminate the board.

However, there is a way around this. That remedy can be found by referring it to a committee where the matter can be thrashed out in full. The Standing Committee on Public Administration is the appropriate committee to handle this matter because we are talking about a board. I note that in its previous life as the Standing Committee on Government Agencies the Public Administration Committee produced an extensive report, the thirty-sixth report, which considered sunset clauses and the proper way these clauses should be implemented.

A number of amendments are on the Supplementary Notice Paper. It is appropriate that these matters are debated thoroughly in Committee, rather than on the floor of the House when other urgent matters are before the Chamber with which members could deal while we seek a remedy for this Bill.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.12 pm]: For the first time since the circumstances changed in this House members have witnessed the opposition parties taking over the business of the House. The most extraordinary set of circumstances just occurred when a member moved, incorrectly, that the Minister report progress. The Chairman rephrased that and said he would report progress.

The PRESIDENT: Order! The Leader of the House knows as well as I do that he is not entitled to reflect on the vote of the House. What the Chairman of Committees did was in accordance with standing orders. We will proceed with the motion we are currently dealing with; that is, that the Bill be referred to the Public Administration Committee.

Hon N.F. MOORE: The House decided last night to refer this Bill to the Committee of the Whole. I moved a motion that the Committee stage of this Bill be made an order of the day for the next sitting of the House, which was agreed to by this House. Although the President suggests to me that I cannot reflect on the next decision the House made, I indicate that it was contradictory to the previous decision it made. The opposition parties have decided they will take over the running of this place. That matter has concerned me since the numbers in this place changed. I was given assurances by the Opposition that it would never do that. Any other member could have got the call last night

to send this Bill to another place. However, I moved a motion and the House agreed to it. I came here today prepared to debate the Committee stage, but that will not happen, according to the numbers of the House, which are not on this side.

Hon N.D. Griffiths: Tut, tut.

Hon N.F. MOORE: Do not keep doing that; little kids, not people of the member's maturity, do that. I am very concerned about the stage we have now reached, for a number of reasons. I will discuss the Bill in some detail in a moment. I am concerned about the processes that have been used to reach the stage members are at now. I hope members of the Labor Party remember this, because every dog has its day, as we all are wont to say from time to time.

Members opposite should remember one thing: The sort of game they want to play is the sort of game somebody will want to play against them in due course. They should never forget that. It is an extraordinary state of affairs that two members of this House are controlling what goes on in the place. The Labor Party does exactly what the Democrats ask it to do every time they ask for something to occur. It is a clear case of the tail wagging the dog. Everything this House has done in the past couple of weeks has been at the instigation of two members - the Democrats - and the Labor Party has gone along with it time after time. This is another simple example of that.

I made the comment that Cheryl Kernot took over the ALP. When we consider all the coverage her defection received, it was the ALP hopping into bed with Cheryl Kernot - not the other way around. That is what is happening in this House as well. The Democrats are running the Opposition and they are using the Labor Party's numbers to frustrate and delay the processes of this House - and the Labor Party is supposed to be the official Opposition. Goodness gracious me! Labor Party members have gone through the process and put their hands up when the Democrats have asked them to and put them down when they have been told to. There is no doubt in my mind or in anybody else's mind who is running the Opposition in Western Australia. Considering the state of the official Opposition, it is probably a good thing somebody else is running it.

Let us get on to this Bill. Hon Helen Hodgson says she has some problems with the construction of the Bill. I do not know what that means, because she did not say anything in her speech that indicates there is a problem with the construction of the legislation. She says she does not like the sunset clause, but that this House is incapable of debating the sunset clause and that it must go off to a committee. What is wrong with the members of the House debating in Committee the clauses in this Bill?

Hon Mark Nevill: We try to do that, but you stonewall the votes by drawing out the debate all night, like you did on the small business Bill.

Hon N.F. MOORE: Like I did?

Opposition members: Yes, you.

Hon N.F. MOORE: What absolute rubbish! I have an obligation as the Minister handling a Bill to respond to the nonsense members opposite talk about. If I did not, I would not be doing my job. I thought members would agree that this House was capable of looking at the clauses contained in this Bill and of making a decision.

Hon E.J. Charlton: And voting accordingly.

Hon N.F. MOORE: Yes. If members do not like it, they can vote against it. However, sending it off to a committee causes delay and frustration and is opposition parties saying, "Let us put it off for another day." This Bill is of hardly any significance in the overall scheme of things. Members spent three days in this House putting two extra people on the Small Business Development Corporation. We are now on our second day on this Bill. We have passed no legislation this week because this House has reached the stage at which members want to delay and frustrate and ensure that nothing comes out the other end. I thought it would be simple for this House to go through this Bill today - it is not a big Bill - and make a decision. If members do not like the sunset clause or the membership provision, they can toss them out and send the Bill back to the other place for reconsideration.

Instead, members opposite want to send it to a committee. I have already raised the issue of sending matters to committees and debating on every Bill generic questions of accountability in relationships between the Parliament, Government, Ministers and statutory authorities. I have suggested that if members argue that matter every time a Bill that affects a statutory authority comes before the House, they will do nothing else. I have suggested that the committee system should take on board the job of dealing with these broader issues. It could bring back to the House some suggested words that could be used by parliamentary counsel in the future. I presume a decision will be made through this motion that the Building and Construction Industry Training Fund and Levy Collection Amendment Bill - the passage of which is desperately wanted by the industry - will be sent off to a committee for contemplation with no date for reporting back.

Hon Mark Nevill: The committee handled the Energy Coordination Amendment Bill expeditiously.

Hon N.F. MOORE: Congratulations, good. However, I would have thought that this House was capable of dealing with legislation. It has been doing it for about 150 years.

Hon Mark Nevill: Your record is nothing to write home about.

Hon N.F. MOORE: I cannot see any reason, if members opposite have strong views on this Bill, they cannot vote one way or the other. Let us deal with the Bill and make a decision. If members opposite do not like the membership provision in the Bill they can vote against it. If they do not like the sunset clause they can vote against it. Members opposite have the numbers to achieve their ends. However, let us stop delaying and frustrating the process of government.

Hon Mark Nevill: We will quote this speech back to you in the next debate.

Hon N.F. MOORE: I will quote back to Hon Mark Nevill countless times in the future, if ever members opposite change sides, the hypocrisy of his side of politics. For years members opposite wanted to close down this place. They would not fund the committee system and said it was a waste of time and money. They ignored it completely. However, as soon as members opposite got the numbers the committee system became the greatest thing on earth. Now the Government should send all its Bills to the committee to be properly scrutinised. They want the committee system to be heavily funded. That is the sort of rubbish that members opposite go on with now. That is the opposite to its view when it spent 10 years in government. That is total hypocrisy and I will remind members opposite of it every time I get a chance.

I have no problem about being consistent on this issue. This Bill does not need to be referred to a committee.

Hon Bob Thomas: You forget the parts you do not like.

Hon N.F. MOORE: In a very good speech yesterday Hon Bob Thomas said what he thought about the Bill and what was the Labor Party's position. I acknowledge that. If the member does not like the membership of the board he should vote against it. Hon Bob Thomas has already said that he does not like the sunset clause, so he should vote against it. The member said the rest of the Bill was okay. We are talking about two simple issues.

Hon Bob Thomas: The rest of the Bill is necessary.

Hon N.F. MOORE: The House can certainly make a decision on those two issues without sending the Bill to a committee. I do not know what the intent of sending the Bill to a committee is. I can only assume from some amendments that have been put up for another Bill that it relates to appointments to committees; advertisements being placed in two newspapers, and which newspapers; conflict of interest being determined in advance or perhaps when it happens and whether unions or employers being members would cause conflict of interest. Nobody knows what members opposite have in mind. However, the bottom line is that those sorts of issues should be contemplated by the various committees as a generic question as a matter of fundamental policy and not debated on every Bill that comes to the House. I do not believe that anything will be gained by this Bill being referred to the Public Administration Committee, or any other committee. We need to resolve only two issues, and we can do that in 10 minutes. We can pass the Bill through this House and get the changes that are needed for the BCITF in place as quickly as possible.

As I said a minute ago, the industry wants this to be fixed - not delayed. It does not want the Bill sent off to a committee with no return date. The world will know if this motion is passed that members opposite have delayed this Bill when it could have been fixed up today by voting along the lines that have already been suggested in the second reading speech. The House can make a decision. I totally oppose this motion.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.24 pm]: I thank the Leader of the Government for his kind words in reference to the Opposition. It was unnecessarily provocative.

Hon N.F. Moore: I have been provoked.

Hon TOM STEPHENS: I do not know what went wrong at lunch time for the Leader of the House, but he should not take it out on the House.

Hon E.J. Charlton: There is no sense anyone being here, because we cannot deal with anything.

Hon TOM STEPHENS: The time line for handling this legislation and the policy initiatives contained in it will not be dramatically affected by this motion in comparison with the mismanagement of the handling of this Bill by this Government during 1994 and since 1994 when the report was brought down which led to this legislation being drafted. The legislation was dealt with in one House then lost by prorogation because the Government chose not to

deal with it before the last state election. Now the Leader of the House has the gall to complain about momentary delays that will be caused by its referral to a committee.

Hon N.F. Moore: Nobody is complaining about the delay. I am saying we can deal with it now. Cannot Labor members make up their own minds? Are the Democrats telling them what to do?

The PRESIDENT: Order! The Leader of the Opposition is entitled to be heard in silence.

Hon TOM STEPHENS: I support many of the sentiments articulated by the Leader of the Government about the running and the operations of this place. However, from time to time when the Democrats come to us asking us to consider a proposal such as that which they have put before the House we will consider that proposal. From time to time we will agree with them, and there will be other occasions when we will not. We happen to agree with them on this occasion that in order for this Bill's passage to be expeditiously handled by the House a temporary delay in the committee is one way of rapidly considering the issues. We do not believe that will take a long time. It certainly will not add a great deal to the amount of time that has already been added to the handling of this Bill by virtue of the Government's mishandling.

Hon E.J. Charlton: How long do you think?

Hon TOM STEPHENS: It will not result in the same sort of delay this Government has already caused to the passage of this legislation through its mishandling of the Bill. The Government whacked the Bill into a House and it was dealt with by that House. By the Government's own process of proroguing the House before the passage of the Bill was finalised, this Bill has come back before the House. The Bill will have a momentary detour if the Democrats' proposal is agreed to by the House, and I can see no reason why it should not be.

I can understand the frustration of the Leader of the Government, but there are opportunities for that frustration to be minimised. Some of those opportunities will emerge if he is successful in persuading his colleagues to adopt the business management committee approach that is proposed by the committee of review in the way the House could operate in the future. Over the next two weeks government members might persuade the Leader of the House to put in place this mechanism which would ensure that we have orderly processes in this place. In dramatic contrast to the way this place operates is the way the Assembly operates. The Labor Party does not have great numbers in the Assembly, but the Government has displayed great courtesy to the Opposition and to the Independent members there. The Leader of the Government in that place produces each Friday a letter which is circulated to the Labor Party - which I have recently made available to the Democrats and to the Greens (WA), indicating by way of contrast the discourtesy with which we are still met here in this place in regard to the handling of the Government's business program.

Hon N.F. Moore: That is a grossly unreasonable comment.

Hon TOM STEPHENS: This matter is precisely one of the reasons that I, as Leader of the Opposition, have been encouraging the Leader of the Government in this place to put in place mechanisms that avoid unnecessary delays and debates like this. There is a better way. A draft process is available to the Leader of the Government that could ensure that he will not have to come back after pleasant or unpleasant lunches and deliver such awful speeches.

Hon N.F. Moore: With respect, what I do during the break is my business. Don't tell the world my business.

Hon Greg Smith interjected.

Hon TOM STEPHENS: The Democrats do play the operation of politics quite tough.

Hon Derrick Tomlinson: They are foolish, irresponsible and uninformed.

Hon Ljiljana Ravlich: That is very harsh.

The PRESIDENT: Order! We are debating a motion to refer this Bill to the Public Administration Committee and the Leader of the Opposition should direct his comments to that motion.

Hon TOM STEPHENS: This motion was moved with the support of two members of the House. The Democrats have been playing their presence in this House quite tough and on occasions they have been quite persuasive.

Hon N.F. Moore: You are easily persuaded.

Hon TOM STEPHENS: Some of their arguments have been persuasive. I have been trying to put an argument to the Democrats, but I have not had much success in persuading them to agree with it. The Government's actions today are doing more to persuade them of the cogency of my arguments than I could ever do despite the eloquent way in which I have delivered my arguments. I hope that very soon, by virtue of the sorts of displays in which members opposite engage so regularly, the arguments I have been putting to the Democrats will be supported. The

Government displays a lack of courtesy and interest in the proper management of the House. The Leader of the House will ensure that the Government's legislative program is not affected -

Hon N.F. Moore: Your body language makes me think you are Napoleon.

The PRESIDENT: Order! The Leader of the Opposition will address his remarks to whether the Bill should be referred to the Public Administration Committee.

Hon TOM STEPHENS: The Opposition supports the referral of this Bill to the Public Administration Committee. It does so unashamedly because it has been asked by the Democrats to consider that option. It believes it is a reasonable way to deal with it and does not add unnecessarily to the time line for handling this Bill. That is in contrast with the dramatic extension of time that has been required for the handling of this legislation in the Parliament by virtue of the Government's mismanagement of this piece of legislation.

Amendment to Motion

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.33 pm]: I move -

To add the following words -

and that the committee report to the House no later than Thursday, 20 November 1997

The reason for the amendment is obvious. To plan the legislative program for the remainder of the year the Government must make sure that the committee will deliberate on this Bill and report to the House as quickly as possible. If the amendment is passed members will know when to expect the committee's report. The date on which the report must be tabled is very generous. If members do not agree with the amendment we may as well take the Bill off the Notice Paper and concentrate on dealing with other legislation.

HON NORM KELLY (East Metropolitan) [2.35 pm]: I appreciate the Minister's amendment, which the Democrats support. It is unfortunate that we are tying up valuable time of this House by debating what is a procedural matter. The Leader of the House was given plenty of warning about the Democrats' intention to move the motion.

Hon N.F. Moore: Should I not resist anything you do because you give me a warning?

Hon NORM KELLY: He is aware of what happened just after two o'clock today. The Leader of the House is using up the time of the House by taking this stand on what is basically a procedural matter. It is hypocritical of him to say it is all about delaying the Bill and frustrating the operations of this House. Only a few weeks ago he moved without any warning to send the hairdressers' Bill to a committee.

Hon N.F. Moore: The House did not have to agree to the motion.

The PRESIDENT: Order! We are dealing with an amendment that places a time limit on the committee's consideration of the Bill, and the member should address that.

Hon NORM KELLY: I support the amendment and the motion and we should not take up too much time debating this matter.

HON BOB THOMAS (South West) [2.36 pm]: The Opposition supports this amendment because this issue should be expedited through the committee process. Four weeks is sufficient time for the committee to consider the issues relating to the structure of the Bill, which is of concern to Hon Helen Hodgson. Members need look only at the long title to realise the concerns she has. This Bill actually had its genesis in a review.

The PRESIDENT: Order! We are not dealing with the Bill, but we are dealing with whether a time limit should be set for the committee to report.

Hon BOB THOMAS: Mr President, I seek your clarification: If I conclude my remarks now will I have the opportunity to speak to the motion?

The PRESIDENT: The member will have been deemed to have spoken to the main motion.

Hon BOB THOMAS: The Opposition supports the motion because it wants this Bill expedited through the Parliament. This process started in 1994 and the Opposition is not trying to delay the Bill. I reject any assertion that the Opposition is trying to delay this Bill for some reason. It is happy to accede to the request that it be expedited through the committee.

Amendment put and passed.

Motion, as Amended

HON BARRY HOUSE (South West) [2.39 pm]: What we are seeing rather naively is an erosion of the committee system as it exists in this House. The idea is to make it work. The Public Administration Committee has an amount of work on its plate that it cannot deal with and to give it this further work and impose on it a time limit of 20 November has sentenced it to providing a report to this place in a couple of weeks' time which will be meaningless. I do not think it should have been referred in the first place.

The Public Administration Committee already has six major items on its agenda, all of which are public knowledge: The investigation into the University of Western Australia, which it has been addressing for about three years; the Labour Relations Legislation Amendment Bill - an internal referral and a Bill referred by the Democrats - which we have been working on for about three months; an issue relating to Golden Egg Farms, which has been with the committee for about two years; the Dairy Industry Authority, which has been with the committee for a couple of years; and the ongoing issue of outsourcing, which has also been with the committee for two or three years.

That is the sort of work on which the Public Administration Committee should be spending more time. In the same way that we spent time working on the government agencies structure and the structure of public administration in this State, which culminated in the thirty-sixth report, the investigations we are conducting on outsourcing should be the work this committee does. It also has a referral on the Hairdressers Registration Repeal Bill. We spent from 1993 to 1995 working on that Bill and now I wonder why. It was in effect a waste of time - I know it was a government referral. However, if members think they will get anything meaningful from the Public Administration Committee by 20 November they can forget it.

I do not want to belong to a committee that does not do things properly. It will need some time to analyse these issues. We must examine issues in a generic sense, rather than refer every piece of legislation to a committee. The Public Administration Committee cannot do justice to that. We all wear 100 different hats in this job. I am not committed to spending every day of the next two weeks, when members are not sitting in this House, in a committee room dealing with legislation to get a report on the Table by 20 November. That would be impossible, anyway.

Hon N.F. Moore: We could have done it between now and 2.45 pm.

Hon BARRY HOUSE: Yes; we could have done it in the Committee of the Whole. If members want something meaningful to come from the committee system they should not abuse it by referring every tiny detail that this House cannot, or will not, cope with.

Question put and a division taken with the following result -

Ayes (13)

Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljana Ravlich
Hon J.A. Scott

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (14)

Hon E.J. Charlton
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss
Hon Ray Halligan

Hon Barry House
Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon C. Sharp
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Cheryl Davenport
Hon E.R.J. Dermer
Hon Kim Chance

Hon M.J. Criddle
Hon W.N. Stretch
Hon Murray Montgomery

Question thus negatived.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 1 put and passed.**Clause 2: Commencement -**

Hon HELEN HODGSON: I move -

Page 2, after line 8 - To insert the following new subclause -

(2) If this Act is not proclaimed within 6 months after the day on which it received Royal Assent, it commences on the first day after the end of that period.

Clause 2 requires this Act to come into operation on such day as is fixed by proclamation. We have heard today about the delays that have occurred in processing this Bill. The Hitchen report was released in 1994 and the Bill was originally introduced last year. It lapsed on prorogation and took another sitting year to reach this Chamber. We are now faced with what is supposed to be an urgent Bill for which we do not have a date of operation because it is still up to the Government to decide what it might do in the meantime before it proclaims the Act.

There is a history in Western Australia of Bills sitting unproclaimed after royal assent. As a matter of principle, it is time to consider the reality of the situation and decide when it is appropriate that the proclamation should occur. I appreciate the arguments in this case that processes should be in place to appoint the new board members and reform the board. A six month period is perfectly adequate for that. The effect of my amendment is that the board processes must be put in place within six months.

Hon N.F. MOORE: I want to clarify a misconception that I may have created when I spoke to the previous motion. I was not arguing that the reason that this matter should not go to a committee is that the establishment of this board is a matter of urgency. What I was arguing, obviously not successfully from the point of view of the member's understanding of what I was saying, was that it is not necessary for this matter to go to a committee because, in my view, this Chamber is quite capable of making judgments about the issues that the member has raised.

While I have some sympathy for the member's amendment, some time will need to elapse before this new board can be appointed, assuming that this Bill is passed ultimately, and I do not know how long that time will be because I do not know what will happen to some of the further amendments down the track, which may require us to run advertisements in a number of newspapers.

The Minister responsible indicated in his response that it is his intention that this board will be in operation by 1 January 1998, and that can be achieved under normal circumstances, provided that some other amendments that the member is proposing are not agreed to. It is the Government's intention to get this board up and running as quickly as possible. It is correct that it has taken some time to get to this point, but there is no intention to delay the operation of this board. Therefore, this amendment is unnecessary.

The CHAIRMAN: The question is that the amendment moved by Hon Helen Hodgson be agreed to. The ayes have it.

Hon Helen Hodgson: Divide!

Points of Order

Hon E.J. CHARLTON: I heard only one voice call divide. Mr Chairman, how many voices did you hear?

Hon Helen Hodgson: Hon Giz Watson called divide as well as me.

The CHAIRMAN: I will accept on this occasion the evidence that two people called for a division, but I say clearly that if in future I cannot hear the voices from here, it has not happened.

Hon DERRICK TOMLINSON: Mr Chairman, that is not the point of order. The point of order is that at the time the vote was taken and you called all those in favour say aye, a single voice voted aye; and when a single voice votes aye, there is no opportunity for a division.

Hon Tom Helm: There was more than one voice.

Debate Resumed

The CHAIRMAN: I believe there was more than one voice.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN (Hon J.A. Cowdell): Before the tellers tell I give my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss
Hon Ray Halligan

Hon Barry House
Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien

Hon B.M. Scott
Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Cheryl Davenport
Hon E.R.J. Dermer
Hon Kim Chance

Hon Murray Criddle
Hon W.N. Stretch
Hon Murray Montgomery

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Section 8 amended-

Hon GIZ WATSON: I move -

Page 4, line 13 - To insert after the word "amended" the following words-

(a) by inserting after the words "The Board shall" the following words -

, in or after consultation with the Building and Construction Industry Training Council; and

(b)

It is important that the Building and Construction Industry Training Council be consulted, and this amendment will ensure that that consultation takes place.

Hon LJILJANNA RAVLICH: I support the amendment. I have spoken at length about the need for a strong interface between the BCITC and the BCITF. Hon Norman Moore spoke at length about the need for the determinations of the BCITF board to be like the determinations of a bank. I find that analogy most unsatisfactory, given that its role is to determine training needs in the building and construction industry. This is a positive amendment, because it will provide a strong interface between the BCITC and the BCITF, and I fully support it.

Hon N.F. MOORE: The proposed amendments are almost in conflict with the basic policy of the Bill.

Hon Ljiljanna Ravlich: As you would like to see it.

Hon N.F. MOORE: The House has already agreed to the Bill. We have passed the second reading, which constitutes agreement with the policy of the Bill. It is not competent for the Committee to make decisions by way of amendment that are contrary to the policy of the Bill. That is probably for others to contemplate.

The Bill seeks to do several major things, one of which is to separate the BCITC from the BCITF for all the reasons I outlined yesterday and for the reasons that have been made public by the Auditor General and the Hitchen report.

Hon Ljiljanna Ravlich: We are simply suggesting that you consult.

Hon N.F. MOORE: I did hear the member's speech and I am trying in the most pleasant way possible to explain why I think she is wrong. One of the reasons for introducing this Bill is that the BCITF has not worked. A number of problems have arisen that we all believe should be resolved. The so-called industry partners wrote to me when I was Minister saying that the fund needed to be revamped and there was general support for the course of action I took

as Minister to introduce legislation to sort out the problems.

The Bill deals with a number of fundamental policy issues, one of which is this and the other is the decision by the House to abolish tripartitism on the board. A future amendment may also be contrary to the policy of the Bill.

This is one of two fundamental issues that the Bill seeks to deal with in a policy sense. I want to make it as clear as I can that it is not appropriate for one industry training council - in this case the Building and Construction Industry Training Council - to have access through a special relationship to a fund that has been set up to collect money for training.

It is the BCITC's role to determine the training needs of the building and construction industry and to develop a training profile for the industry. That profile then goes to the State Training Board for amalgamation and inclusion in the state training profile, which outlines the State's overall training requirements. That profile is funded by the Department of Training on the basis of allocating funds to various providers to deliver on the state training profile. The BCITC is responsible for that task in respect of the building and construction industry. It does not need any special relationship with the BCITF -

Hon Ljiljanna Ravlich: Perhaps you should consult with the bank managers.

Hon N.F. MOORE: The member gets more puerile as the days go by. That was not even funny; if it had been I would have laughed.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Things must be funny before I laugh.

The BCITF has been set up to collect the money and to distribute it for training purposes. That role is different from and at variance with the role of the BCITC. One of the major problems has been the very incestuous relationship that developed between the BCITC and the BCITF. We had money coming into a fund and the people receiving it and making decisions about how it would be spent were also members of the BCITC. It is my view - Alwyn Chadwick and the Auditor General agree - that we should separate the two groups. This amendment will take us back a step from where we were and where we believe we should be. This is the only industry training council with its own bank; no other industry training council has access to and control of this sort of money.

Hon Ljiljanna Ravlich: That is why it is the only good operational ITC.

Hon N.F. MOORE: Is the member arguing that we need a training levy?

Hon Ljiljanna Ravlich: That is the smartest thing I have heard you say since I have been here.

Hon N.F. MOORE: I did not say I supported it.

Several members interjected.

Hon N.F. MOORE: The member's federal colleagues introduced it and drove everyone in Australia to total distraction. It achieved nothing and was abolished. It was not this Government or the Howard Government but the Keating Government that abolished the levy. That is why Hitchen suggested we amend this arrangement. We have one industry with its own bank and Hitchen found that the way it operated was not proper. His first druther was to abolish it, but I went along with the industry partners and tried to fix it. That is what we are trying to do.

If we accept this amendment, we will be leaving the problem in place. I genuinely believe that. I have no political axe to grind here; I have no political view of it. However, I do have the information from Hitchen and the Auditor General and what I know about the operations of both organisations. That almost incestuous relationship was one of the main reasons for the downfall. I hope the Committee does not accept the amendments.

Hon BOB THOMAS: The Opposition supports this amendment. It improves the legislation. It does something entirely different from the Minister's perception of it. This amendment relates to section 8 of the Act, which deals with operational plans. The BCITF is required to prepare an annual operational plan. The amendment provides that, before that plan is prepared, the board of the fund should take into account the collective wisdom of the ITC. The amendment does not make it mandatory that the board undertake to implement everything that the ITC recommends. It simply provides that, when formulating its plan, the board should be aware of the views of the ITC.

We understand the Minister's concern that the BCITF has had its problems in the past. Those problems related in part to the fact that the board of the fund and the ITC had common membership. We are not trying to establish common membership at all. We are saying that each year when developing an operational plan the board should be cognisant of the views and knowledge held by the ITC. It is made up of active players in the industry through employer and employee representatives, who have a lot of corporate knowledge. The board should have the benefit

of that knowledge. We are not saying that there should be any direct link, as existed in the past. We accept that was a problem. We are supporting the parts of the Bill which sever those links. In moving this amendment, we are not trying to recreate those problems. The Labor Party will be supporting the amendment moved by Hon Giz Watson.

Hon HELEN HODGSON: The issue is whether we think the BCITC should have any role with the BCITF. I appreciate that the Hitchen report looked at this issue and recommended that many of the links between those organisations should be severed. It was believed that they were too inbred and incestuous, which was impairing the operation of the fund and leading to significant difficulties. How far should one go when one is trying to resolve the problem identified in the Hitchen report? The Bill makes no reference to the BCITC. The problem with that is that it does not acknowledge that expertise is still available to the board through the role of the BCITC. If the Bill were passed as it is, the BCITC would not have any input on decisions made by the BCITF. This amendment is trying to look at that position. It is not establishing any links through common membership or anything like that but simply putting in place a consultation process with another organisation which is essentially involved. For those reasons we support the amendment.

Hon N.F. MOORE: Members opposite are missing the point. The BCITC is but one organisation involved in the training needs of the building and construction industry. The vocation and educational training legislation which passed through this House does not refer to industry training councils as such but to bodies involved in training. Lots of organisations in the community, other than industry training councils, have views about training. One of the great problems with training over recent years has been the almost monopolistic control that ITCs have had over the training agenda. That has been okay in some industries but very unproductive in others. Putting this amendment in the Bill would give pre-eminence to this ITC.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: I know what the member might do when in government, which will happen at some time in the future but not now. The Government has had a report done by Hitchen. We have these reports done and then a member says, "I do not agree with it so I will not vote for it. I will change the Act." What is the point of having these reviews?

Hon John Halden interjected.

Hon N.F. MOORE: I know it is the right of members, but what is the point of having reviews which say one thing when members say, "We do not agree with it. We will do something quite different"? Why give the BCITC some pre-eminent role in the work of the BCITF when it is no more or less important -

Hon J.A. Scott: It is consultation.

Hon N.F. MOORE: Written into the Act will be that the BCITF must consult with this organisation. Why should we not insist that it consult with the Master Builders Association, the Housing Industry Association or the BLM? They have as much interest, involvement and concern about training as the BCITC. Members are separating out one body involved in training from all the others.

Hon Ljiljanna Ravlich: What is the hidden agenda?

Hon N.F. MOORE: There is no hidden agenda. The member has a terrible problem about conspiracies. She seems to think that everybody is running a conspiracy.

Several members interjected.

The CHAIRMAN: Order! The Minister is addressing the amendment to the clause.

Hon N.F. MOORE: There is no need for this clause because the BCITF will consult with all people involved in the training process in the building and construction industry. There is no need for members to say that one organisation is any more important than another by giving it a place in the Act, which is what this amendment does. I ask members to reject the amendment.

Hon BOB THOMAS: I must clarify one of the comments made by the Minister. He said that this amendment and those people moving it were trying to establish some pre-eminent role for the BCITC. We are not; we are saying that when the board formulates its operational plans it should be aware of the views and knowledge held by the BCITC. Nowhere in our amendment does it say that the board has to act on every recommendation or view held by the BCITC. We are saying that a collective body of wisdom exists which should be available to the board of the fund.

Section 8 of the Act requires the board to formulate an operational plan which should set out the priorities which the board proposes for the allocation of resources to sectors and so on. In formulating those operational plans the board

should be aware of what is happening in each of the sectors. The BCITC has representatives from various sectors on its committee. Each of the representatives from each of the sectors will bring to the BCITC very specific information about what is happening in each of the sectors. We see the collective information held by the BCITC as important. It should be taken into account when the operational plan is being formulated. The board of the trust fund should make itself aware of the information and views held by the ITC. The Minister has used the analogy a couple of times of the trust fund being a bank. I said by way of interjection last night that I disagree with the analogy. I do so for two reasons: First, the trust fund is not a bank. It collects money from the industry and then uses it to support training in the industry so that we can increase the number of skilled tradesmen, and range of skills, and to improve the quality of training in the industry. Any analogy which draws on the profit motive of the bank is totally incorrect.

Hon N.F. Moore: It has nothing to do with profit. Money simply comes in one way and goes out the other. The bank manager does not have to be an expert in farming and agriculture and everything else to give money to a farmer. That is why I say that we do not need particular people on the board to make the decision.

Hon BOB THOMAS: The bank manager is required to see whether the person who is borrowing the money has sufficient security to repay the loan. I am suggesting that the provision of training within the building industry is far more complex than checking whether a person has sufficient security.

Hon N.F. Moore: He must also decide whether it is a good investment on the part of the bank. That is what this analogy is about.

Hon BOB THOMAS: That very small aspect of the analogy is correct. The board is required to develop an operational plan which allocates funds to training. That is where the analogy is correct. The board is required to establish that the training it is funding is bona fide and necessary within the industry. In that sense, the analogy of the operation of the bank is totally incorrect. This is not a bank; it is not a financial institution. It is not there to make a profit for its shareholders; it is there to improve training in the building industry and to increase the number of skilled persons within the industry. The Minister's analogy is wrong. I cannot see why the Minister is using it in this case. We should be looking at how to improve skills and qualifications within the building industry. We do that by having operational plans which are based on the best information available. We are saying that the ITC is one source for providing that best information. The Opposition will be supporting this amendment.

Hon DERRICK TOMLINSON: I move -

In the words proposed to be inserted, delete the words after "with" and insert the words "persons or bodies interested and involved in the building and construction industry".

I will make clear my intent. Hon Giz Watson has moved to insert after the words "the Board shall" the words "in or after consultation with the Building and Construction Industry Training Council". The intention of my amendment is to delete in that clause the words "the Building and Construction Industry Training Council" and to replace them with the words "persons or bodies interested and involved in the building and construction industry". It would then read "in or after consultation with persons or bodies interested and involved in the building and construction industry".

I have listened to the debate and I have heard the request that there be consultation. I have also heard the argument that the BCITC should not be the only body to be consulted because it is not the only stakeholder in the building and construction industry training. If we are to have consultation, it should not be with one body, but with all players involved in training. Otherwise, we will not have consultation; we will have preferential treatment of one agency, and that is not consultation. It is probably worse than not consulting at all. We will have a particular point of view, and only that point of view, being considered. There is merit in the argument for consultation. Even if there were no merit, the state of the Chamber is such that the amendment would be carried.

Hon N.D. Griffiths: That is not so.

Hon DERRICK TOMLINSON: Therefore, we must be responsible. Hon Nick Griffiths says that is not necessarily so. That may be the case, but I am prepared to lay a wager.

Hon N.D. Griffiths: I don't think you should gamble on legislative outcomes.

Hon DERRICK TOMLINSON: I agree. Here we have a plea for consultation. However, it is for consultation with one stakeholder, and one stakeholder only. In my opinion, that is not consultation. If we want to consult, we must consult with all players, all stakeholders, all persons or bodies interested in it. That is proper consultation. Therefore, I have moved this amendment to take proper account of the arguments presented by both sides.

Hon GIZ WATSON: I cannot support this amendment. The Building and Construction Industry Training Council

has a special role and its experience has been built up over many years. The intent of my amendment is to ensure that it is not only consulted, but also made up of both employer and employee components. I cannot see a problem with those individuals or organisations that wish to make a representation to the board, doing so via the council. The desire to see the BCITC being consulted is an appropriate one. I cannot support this amendment.

Hon DERRICK TOMLINSON: I am not suggesting, in the least, that the Building and Construction Industry Training Council does not have a great deal of experience and specialist knowledge in this matter. Neither would I suggest that agencies such as the Housing Industry Association, the Master Builders Association and the Department of Training do not have specialist -

Hon Ljiljanna Ravlich: They get the information they need from the council.

Hon DERRICK TOMLINSON: On the contrary, I put to the member that the council gets the information from them.

The CHAIRMAN: The Chair is interested in the member's comments.

Hon DERRICK TOMLINSON: That is why I am speaking so loudly! There are additional players. All I am arguing is that if we are to have an argument for consultation, which has been very eloquently put by those opposite, and if the legislation is to take account of that eloquent argument, this clause should reflect the argument. By constraining the consultation to the BCITC, even with its specialist knowledge and its experience, is to limit the process of consultation. I am suggesting that there should be proper consultation with all the players in the industry.

Hon BOB THOMAS: The Opposition does not support this amendment because it is too loose. The ITC is made up of a number of representatives from employer and employee organisations and its sole aim is to consider training within the building and construction industry. That specialised knowledge should be available to the board when it develops its operational plans. The board will have sufficient independence to consult with any of the other organisations, but that specialist knowledge should be available to it, whether or not it acts on it. The legislation should include the provision that the board will take note of the specialist knowledge held by the ITC in the process of developing its operational plans.

Hon N.F. MOORE: This amendment is a very good one. It requires the board to consult with people who are involved in training across the industry. Regrettably, members opposite, by their rejection of the amendment, have demonstrated their purpose with respect to the amendment; that is, to give a pre-eminent role to the BCITC.

Hon Bob Thomas: The amendment does not mention training.

Hon N.F. MOORE: I know, but Hon Derrick Tomlinson has said that it should be a requirement for the board to consult with all organisations and persons involved in training. In order to create an operational plan and make decisions about its expenditure, the board will consult with people. The amendment from Hon Giz Watson suggests that special precedence must be given to the BCITC. It should have no claim to be any more pre-eminent than anyone else with respect to advice on training. The Vocational Education and Training Act does not refer to the industry training council, but talks about bodies that make decisions about industry training.

Hon Ljiljanna Ravlich: And ITABs.

Hon N.F. MOORE: No it does not. It does not refer to organisations that currently exist; it refers in a generic sense to organisations giving advice on training matters. The proposed amendment by Hon Derrick Tomlinson is absolutely sensible. The Opposition's response to the amendment clearly shows that it wants to give the BCITC a pre-eminent role with respect to the operational plans of the BCITF board, which is contrary to everything said in the Hitchen report and by the Auditor General. It is also contrary to all the knowledge I gained when I was the Minister responsible for this issue for four years. That leads me to the conclusion that the Opposition's aims are fundamentally wrong. I am pleased Hon Derrick Tomlinson moved his amendment, because it demonstrates the rationale behind the Opposition's amendment, which it wants for all the wrong reasons.

Hon J.A. SCOTT: I have two problems with the amendment proposed by Hon Derrick Tomlinson. First, it is a very wide ranging amendment in that it refers to interested parties. I am interested in the building industry. Does that mean it will consult me?

Hon Derrick Tomlinson: Yes, that is what consultation is about. It is all embracing.

Hon J.A. SCOTT: Hon Derrick Tomlinson will know that in order to achieve the most organised and efficient system of consultation, organisations must be able to discuss matters within their own bodies and then have a representative group. He suggests opening up the process, so that everything would take forever and nothing would ever be achieved. It is preferable to have a specific representative body, which has people from all sides of the argument. I do not support the amendment.

Hon Derrick Tomlinson: Because you do not believe in consultation.

Hon J.A. SCOTT: No, because I do not believe it will work. The amendment is fairly sloppy.

Hon LJILJANNA RAVLICH: The Leader of the House may believe his comments are in order, but I am totally opposed to this amendment. It is not a good amendment because it is very loose. It is a weak amendment. The Minister may consult with a couple of bricklayers who have an interest in training. It is absolutely unacceptable in this day and age for such weak amendments to be proposed. I make no apologies for supporting the BCITC. It has a strong role to play in training and I know first-hand that when the Department of Training wants information about training requirements in the building and construction industry now or in the future, so that it can produce a plan for the industry, it goes to the BCITC because it has its finger on the pulse and knows what is going on in the industry. It is totally unacceptable to propose removing the BCITC from this important process in terms of the allocation of resources.

The Government is clearly quite desperate to remove the BCITC. I cannot see anything offensive in requiring the BCITF board to consult with the BCITC, the principal body that looks after the training needs of the building and construction industry. At the end of the day it is a requirement only to consult, and if the Minister were solid in his intent he would consult with them anyway. I do not see what is the problem. We want him to consult with one group and he is jumping up and down and having a fit about it. I do not see any requirement to water down this amendment.

Hon N.F. Moore: Have you ever had a job with the BCITC?

Hon LJILJANNA RAVLICH: If the Minister wants to know that he should go and check the records. He should do a bit of work.

Hon N.F. Moore: Have you ever done any consultancy work for it?

Hon LJILJANNA RAVLICH: Yes, I have done consultancy work for the BCITC. However, that is aside in this debate.

Hon N.F. Moore: Do you think you have a vested interest in this?

Hon LJILJANNA RAVLICH: The bottom line is that I did some work on the wall and ceiling fixing industry. I, unlike the Minister, have a very detailed knowledge of the building and construction industry. I also have a very detailed knowledge of the way government agencies interact with each other. I also have a very detailed knowledge of this Government's involvement in training matters and I am concerned about that. I will not sit here as a representative member of the Western Australian public and see members of the building and construction industry or members of any other industry diddled or done short by this Government or its policies. I am gravely concerned that this Government has gone to this extent to try to eliminate the requirement to consult with the BCITC. Why is this Government so hell bent on not consulting with the BCITC? What is the big problem about that? Earlier in the debate I referred to this Government's hidden agenda. I have a very strong sense of my own judgment and I believe that this Government does not see a long term future for the BCITC. I do not support the amendment.

Hon HELEN HODGSON: I have listened to the arguments and can declare that I have no interest in this matter because I have spoken only once to the BCITC. I understand that, through his amendment, the member believes that consultation should be wider than just the one organisation. However, the way the amendment is drafted leaves it too wide open and it could leave the consultation process too unmanageable. How do we decide who should be consulted in a particular instance? Do we advertise in the newspaper? How can we find out whether people have an interest?

With an amendment this wide, the Government is suggesting that anybody who is thinking of building a house could be required to be consulted. I am sympathetic to the member's intention which suggests that not only the BCITC should be consulted. However, if the member can suggest other organisations that have an interest in the process that should be included, I would be prepared to listen to discussion about those organisations. This amendment is drafted too widely for me to be able to support it.

Hon B.K. DONALDSON: I support the amendment proposed by Hon Derrick Tomlinson. However, I am concerned about the naivety of members on this subject. It is unbecoming. If Hon Ljiljanna Ravlich were involved in the building and construction industry in the late 1980s, she should be ashamed to admit it because of the blackmail and thuggery that went on in the building industry in those days.

Hon Ljiljanna Ravlich: You know nothing about it.

Hon B.K. DONALDSON: I know a bit more than the member thinks. If this amendment fails, I foreshadow another amendment which states that, "After 'industry training council,'" - as proposed by Hon Giz Watson - "insert the words

'the Buckeridge Group of Companies, the Builders Labourers Federation, and technical and further education". I do that because I understand that members opposite believe the amendment to have such a wide ambit that it could pick up the cleaner off the streets!

[Continued below.]

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

STATEMENT - PRESIDENT

Supplementary Notice Paper - Trial Period

THE PRESIDENT (Hon George Cash): Members, for some time I have been concerned at the length of the Notice Paper in this House, insofar as it now runs to 25 pages and contains many items which are not dealt with, not only on a daily basis but clearly also on a weekly basis.

In the interests of trying to improve the efficiency of the House, I have approved the introduction for a trial period of a change in the format of the Notice Paper. Instead of the text of each adjourned motion being printed in the Notice Paper each sitting day as an Order of the Day, the Notice Paper will contain the usual heading for each order but will then refer to a pink Supplementary Notice Paper by a discrete number. The text of the adjourned motion with that number will be available for members.

The advantage of this system is that the size of the Notice Paper will be reduced considerably, while still providing each member with immediate access to the text of adjourned motions through the pink Supplementary Notice Paper. In order that members can consider this trial, I have arranged for the staff to place a few copies of the Notice Paper and the pink Supplementary Notice Paper on the Table so that members can familiarise themselves with the changes.

The trial period will commence when the House returns after the forthcoming adjournment, and will continue until the House rises for the year. If the change is successful, I will consider introducing it on a permanent basis during 1998. If members bear in mind that the pink Supplementary Notice Paper will be on members' clipboards at all times and will be revised as required, and that the mock version of today's Notice Paper, taking into account the changes I am proposing, comprises only 17 pages, I am sure they will agree there is some merit in the proposal.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION
AMENDMENT BILL**

Committee

Resumed from an earlier stage of the sitting.. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 6: Section 8 amended -

Consideration of the clause, and amendments, resumed.

Hon B.K. DONALDSON: I had foreshadowed an amendment to the amendment on the amendment, but I now support the amendment moved by Hon Derrick Tomlinson to the amendment proposed by Hon Giz Watson. Obviously, the Opposition parties are concerned about this matter. I foreshadowed the amendment simply to alert the Committee to the wide scope of consultation available. The Buckeridge Group of Companies is involved in almost every construction in Western Australia, the Builders Labourers Federation controls and dominates the industry, and TAFE has the expertise in training. I am sure Hon Derrick Tomlinson recognised that the board would consult with the Buckeridge Group of Companies, TAFE and the BLF when considering the training needs of the industry. I will not proceed with my foreshadowed amendment.

Hon BOB THOMAS: I reiterate that the Labor Party will oppose the amendment, mainly because Hon Derrick Tomlinson is seeking to amend Hon Giz Watson's amendment which requires the ITC to be consulted before a training plan is drawn up. Hon Derrick Tomlinson seeks to remove the ITC from the process and to include words to the effect that consultation will involve organisations involved in the building and construction industry. All he has said is that the organisations which are involved in the building and construction industry should be consulted. There is no mention whatsoever of the word "training". We are dealing with section 8 of the Act, which requires the board of the trust fund to formulate training programs for the industry on an annual basis. Hon Derrick Tomlinson is seeking to move an amendment which is far too loose and which moves away from the nature of that part of the Act with which we are dealing - the operational plans. I will not support his amendment.

Hon DERRICK TOMLINSON: I thank Hon Bob Thomas for his contribution because it highlights the problem with trying to legislate on the run. We are trying to amend without proper time to deliberate, consult and so on. I think his summing up of the weaknesses of my very hurried amendment is very apt. I thank Hon Ljiljanna Ravlich because, in all the contributions this afternoon by members on that side of the Chamber, hers was the only honest presentation.

Hon Ljiljanna Ravlich: I thank the member! Flattery will get him everywhere!

Hon DERRICK TOMLINSON: I am not flattering the member; I am making a statement of fact. She said, "I have no hesitation in telling the House what my position is. My position is that I want the Building and Construction Industry Training Council to be consulted." All other members of the Opposition engaged in rhetoric trying to counteract my rhetoric. Hon "James" Scott trotted out his 1950s Marxist doctrine once more and tried to dress it up with his very puerile attempts at witticism which came out as nothing more than childish sarcasm. Hon "Cheryl" Hodgson sat mute until Hon Norm "Kernot" went outside and got instructions. Back he came and then she stood up and gave us the same sort of rhetoric. At least Hon Ljiljanna Ravlich told us what she was about and that was to give pre-eminence to the Building and Construction Industry Training Council because that is the tripartite council through which the Trades and Labor Council controls the rights of the workers.

Hon Ljiljanna Ravlich interjected.

The CHAIRMAN: Order!

Hon DERRICK TOMLINSON: That is what the amendment moved by Her Majesty's Opposition - the Australian Labor Party, the Australian Labor Democrats and the Greens - is about. It is about preserving Trades and Labor Council control of the training agenda. It is about giving the Trades and Labor Council control of the purse. It is not about consultation; it is not interested in consultation.

Hon Ljiljanna Ravlich interjected.

The CHAIRMAN: Order! Hon Derrick Tomlinson will address the Chair.

Hon DERRICK TOMLINSON: I was trying to, Mr Chairman. I am being waylaid by the unruly interjections from the other side.

The CHAIRMAN: Order! The Chair will protect Hon Derrick Tomlinson from the unruly interjections from the other side.

Hon DERRICK TOMLINSON: The members of Her Majesty's loyal Opposition are constantly accusing the Government of representing only one sector of the community. That is their constant accusation. However, when they are forced to be honest - I commend Hon Ljiljanna Ravlich for her honesty - they expose their true agenda. They want the training agenda of this State to be controlled absolutely by the TLC. Good old Bob Hawke tripartism! I commend the amendment to the Chamber.

Hon BOB THOMAS: I will not be too worried if I do not watch "Men Behaving Badly" tonight after watching Hon Derrick Tomlinson imitate my friend, Hon Ljiljanna Ravlich. The amendment moved by Hon Giz Watson has come from the industry; it wants it.

Amendment on the amendment put and negatived.

Amendment (words to be inserted) 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.

Division resulted as follows -

Ayes (14)

Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
 Hon B.K. Donaldson
 Hon Max Evans
 Hon Peter Foss
 Hon Ray Halligan

Hon Barry House
 Hon N.F. Moore
 Hon M.D. Nixon
 Hon Simon O'Brien

Hon B.M. Scott
 Hon Greg Smith
 Hon Derrick Tomlinson
 Hon Muriel Patterson (*Teller*)

Pairs

Hon Cheryl Davenport
 Hon Ed Dermer
 Hon Kim Chance

Hon M.J. Criddle
 Hon Bill Stretch
 Hon Murray Montgomery

Amendment thus passed.

Clause, as amended, put and passed.

Progress

Progress reported.

RACECOURSE DEVELOPMENT AMENDMENT BILL*Introduction and First Reading*

Bill introduced, on motion by Hon Max Evans (Minister for Racing and Gaming), and read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [4.50 pm]: I move -

That the Bill be now read a second time.

In accordance with section 16 of the Racecourse Development Act 1976, I carried out a review of the operations and effectiveness of the Act. I presented a report on my findings to Parliament in May 1997 and I now present a Bill to implement the recommendations from that review.

As part of the review, I appointed Mr Russell Twogood, retired chartered accountant, to review the Act and to provide me with a report of his findings. In the course of his review, Mr Twogood consulted with the racing industry, which was also given the opportunity to comment on his findings.

As a result of the review, I concluded that the structure and membership of the Racecourse Development Trust has been well received by the racing industry and should continue in its present form. Although I concluded that the trust should continue to operate, several sections of the Act need amendment to improve the operations of the trust.

Under section 11 of the Act, the trust may make loans or grants to racing clubs for a variety of purposes. Loans or grants may be made subject to such terms and conditions as the trust thinks fit. This section will be amended to allow the trust to make long term loans to racing clubs that are repayable to the trust only on sale of properties that have benefited from the expenditure of the loan, or if the racing club concerned ceases operations.

Under the present provisions of the Act, the trust may only make loans or grants to the Western Australian Turf Club and the Western Australian Trotting Association and to clubs registered with either of these two bodies. There is no scope for other racing bodies to gain direct access to the trust funds.

For example, in past years, several training facilities have been developed by racing bodies. The facilities at the Lark Hill training track, the Byford training complex and a thoroughbred training facility at Mundijong are used extensively by the industry for training purposes and are maintained by industry contributions. Races are not conducted at these facilities and none is registered as a race club with the Turf Club or the Trotting Association. Therefore, they are not eligible to apply for trust funds. The Bill contains provisions to allow the trust to consider applications for loans or grants for other racing bodies such as those established to provide training facilities for the racing industry.

Currently the country thoroughbred racing representative on the trust is nominated by the Turf Club. Section 4(d) of the Act will be amended to allow the representative for country thoroughbred racing to be nominated jointly by the WA Provincial Thoroughbred Racing Association and the Country Racing Association. This will ensure

consistency with country trotting, where the representation is elected by the WA Country Trotting Association. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Hon Max Evans (Minister for Finance), and read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.55 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to implement two measures to improve the equity and efficiency of the taxation arrangements of the State. In particular, amendments are proposed to the Land Tax Assessment Act and the Stamp Act.

As is now our practice with taxation amendments, members will note that the legislation takes the form of a single revenue laws amendment Bill to allow much more efficient use of Parliament's time. Members should also note that an explanatory memorandum has been prepared to accompany the Bill, which provides a detailed account of each of the amendments.

The Bill is structured in three parts. Part 1 contains the preliminary provision, including the commencement dates of the measures proposed in parts 2 and 3 of the Bill, which is the date the Act receives the royal assent.

Part 2 seeks to amend the Land Tax Assessment Act to give the Commissioner of State Revenue the power to extend the time within which an application may be made for the land developers' concession.

The Land Tax Assessment Act provides a concession to a land developer who has subdivided lots on hand at 30 June where the subdivision has occurred in the previous assessment year. A developer is currently required to notify the commissioner by 31 August, providing full details of the landholding on which the developer seeks the concession. If the notice is not lodged by that date, the developer is not entitled to the concession. This restriction was put in place to allow the State Revenue Department to have all details on hand before assessments are issued during September.

The amendments in this part of the Bill seek to give the Commissioner of State Revenue power to extend the date for lodgment of an application where the taxpayer demonstrates reasonable cause for the extension. The commissioner may only extend the time for making the application to a date which is prior to the following 1 July. The measure in this part of the Bill is not expected to have any significant cost to revenue.

Part 3 of the Bill seeks to amend the corporate reconstruction exemption in the Stamp Act to provide relief for corporate reconstructions involving the interposition of a foreign company between a Western Australian company and its shareholders where the interposition occurs for genuine commercial reasons, other than the avoidance of stamp duty. Under the current exemption regime, only an Australian incorporated company may be interposed between a Western Australian company and its shareholders. This restriction was considered necessary to prevent the corporate reconstruction exemption from being used as a duty avoidance mechanism. Without this restriction, it was considered that duty could have been avoided by interposing a foreign entity, effectively allowing dutiable share transfers in that company to be conducted offshore where no Western Australian stamp duty would be payable.

However, it has become apparent that the requirement for the interposed entity to be incorporated in Australia may unduly restrict corporate reconstructions that are undertaken for purely commercial, as opposed to stamp duty avoidance, reasons. As a result, the amendments proposed in this part of the Bill seek to allow an exemption where a non-Australian entity is interposed between a Western Australian company and its shareholders, where a good business case exists to support the interposition. Three additional restrictions have been inserted to ensure that a sound business case exists before a foreign company can be interposed. The measure in this part of the Bill is expected to provide taxation relief at a cost to revenue in 1996-97 of \$2.5m.

I commend the Bill to the House and, for the information of members, I seek leave to table the associated explanatory memorandum.

Leave granted. [See paper No 927.]

Debate adjourned, on motion by Hon Bob Thomas.

COUNTRY HOUSING BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.59 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is twofold -

to establish a new authority to facilitate the provision of housing for farmers, their employees, retired farmers and persons engaged in certain business and operations; and,

to repeal the Rural Housing (Assistance) Act 1976 and the Industrial and Commercial Employees' Housing Act 1973.

The new authority, which is to be called the Country Housing Authority, will facilitate more comprehensive housing assistance for farming families and more effectively contribute to the development of country communities with coordinated and/or subsidised employee housing finance. The Country Housing Authority is to be created from the amalgamation of two agencies involved in the provision of housing outside the metropolitan area -

the Industrial and Commercial Employees Housing Authority, the activities of which are directed at accommodating essential employees on a lessor and lessee basis; and

the Rural Housing Authority, the activities of which are directed at rural and remote area housing for farmers and their employees on the farm by way of either direct loans or the Treasurer indemnifying housing loans made by approved lending institutions.

This Bill provides for an amalgamation of the objectives, powers, functions, assets and liabilities of the ICEHA and the RHA. It also provides for an expansion of the combined charter for the existing authorities to enable the Country Housing Authority to service a broader range of housing seekers.

Part 3 of the Bill describes the customers that can be provided assistance with finance for housing in country towns outside the metropolitan area. The charters of the existing authorities have been expanded to include assistance to -

farmers who wish to house their employees in the vicinity of their holding;

retired farmers who have transferred their total interest in the farm to a family member and apply within 12 months of retirement, provided the authority is satisfied that the dwelling will be used as a home;

a rural employee, including the self-employed; and

local authorities that wish to provide housing to a business or persons providing services within their district, including government employees or local government employees.

Flexibility is the key to satisfying country housing needs which can be unique to each rural community and the Country Housing Authority will work closely with progressive local authorities to develop assistance packages for the provision of housing in country towns.

Unlike the Rural Housing Authority, the Country Housing Authority will not be a lender of last resort, although its objective, in accordance with division 1, will be to assist those persons for whom it considers housing finance options are limited. Assistance to all borrowers will be by way of either a loan direct to the customer or an advance by an approved lender on the condition that the advance will be indemnified by the State.

Part 5 states that the standard rate of interest to apply to financial assistance will be published in the *Government Gazette*. It also provides for the Minister to approve a rate of interest lower than the standard rate having regard to whether such an approval would provide economic or social benefit to a rural town or region.

Funding for the Country Housing Authority will be derived from moneys appropriated by Parliament, moneys received by the authority in performing its functions, borrowings and other moneys lawfully received. The authority may borrow from the Treasurer or, with the approval of the Treasurer, from any other lender. The authority will be

an agent of the Crown and will be listed in schedule 1 to the Statutory Corporations (Liability of Directors) Act 1996. It will have a board consisting of a chairman and three other persons appointed by the Minister, each of whom has relevant experience, and an officer of the Treasury Department. An officer from the department will also be appointed to assist the Minister in the administration of the Technology and Industry Development Act 1983 which will provide a link to the regional development commissions.

In setting up the Country Housing Authority, there will be a better focus on the housing issues being experienced by farmers, businesses and service providers throughout regional Western Australia. It will address a development impediment and encourage the provision of essential services required by small businesses, farmers and rural communities generally. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.03 pm]: I move -

That the Bill be now read a second time.

Section 7 of the Mutual Recognition (Western Australia) Act states that the Act expires at the end of the termination day, which is 28 February 1998 under section 3 of the Act. A review of the operation of the Act has been completed and was tabled in both Houses of Parliament on Thursday, 28 August 1997 in accordance with section 6. However, the Council of Australian Governments has also agreed to undertake a national review of the operation of the Australian Mutual Recognition Agreement and the commonwealth Mutual Recognition Act. Under the terms of the Australian agreement, a review of the mutual recognition scheme is to be conducted by March 1998, five years after the commencement of the commonwealth Act. This review will consider the future of the operation of the mutual recognition scheme in Australia.

The short Western Australian Act essentially adopts the commonwealth Act. The sunset clause of the Mutual Recognition (Western Australia) Act comes into effect in February 1998 before Western Australia has the opportunity to consider the recommendations of the national review of the commonwealth Act in March, and introduce any proposed legislative changes which may be necessary. Therefore, the intention of the Bill is to extend the sunset clause by just one year to enable the subsequent consideration of recommendations of the national review and any other action to occur. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

JURIES AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Membership - Assembly's Message

Message from the Assembly received and read advising that the member for Peel had been appointed to the Joint Standing Committee on Delegated Legislation in place of the member for Rockingham.

ADJOURNMENT OF THE HOUSE - SPECIAL

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

That the House at its rising adjourn until Tuesday, 11 November.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.05 pm]: I move-

That the House do now adjourn.

Adjournment Debate - Children's Week

HON B.M. SCOTT (South Metropolitan) [5.06 pm]: I want to raise two issues that I believe will be of interest to members. The first issue is that this week, Western Australia and Australia have been celebrating Children's Week, and a number of very good events have taken place across the State. This week is also Education Week, but I will focus on the Children's Week activities that have been held this week.

I congratulate the Meerilinga Young Children's Foundation for being given the brief and the funding to organise a statewide Children's Week. One of the initiatives that was held this year was the HBF Parent Expo that was promoted and sponsored by the Hospital Benefit Fund of Western Australia and had as its theme "Parenting with Passion". I think all of us in this Chamber would acknowledge that early intervention and positive parenting are critical in determining the outcomes for our children. The parent expo held in Forrest Place was an extremely successful and commendable event during this week.

A number of lectures and activities took place during this week. Yesterday was International Children's Day, and a significant event that was held yesterday morning was the launch of the Western Australian chapter of Defence for Children International. This organisation was established in 1993 and represents individuals and community organisations that are concerned to seek protection for children in Australia. The national head office is based in Canberra, and through networks it links with a wide range of organisations and individuals that are working on children's issues.

In the main, Defence for Children International is looking after the rights of children. I do not think any person in this Chamber would not defend the concept that children have rights. The organisation's main focus of debate and campaigning has been against exploitative child labour, commercial child sexual exploitation, and child abuse and neglect.

Yesterday morning, I was privileged to be invited to speak, as part of that launch, about the need for an office for children. I have addressed this issue on a number of occasions: On 6 March at the opening of the Parliament, and again on 21 August, when I moved a motion in this House. I am pleased to report that interesting progress is being made by the Government and by people in the community. I am convinced that there is bipartisan support for the concept of an office for children, and I believe Western Australia will have such an office, established by either the Government or the Parliament.

I turn now to a document put out by the Australian Association of Paediatric Teaching Centres entitled "Policies 1997", which proposes an office for children and encapsulates its philosophy for such an office in its two first terms of reference, which state -

- 1 In recent times, the interests of minority groups and those with special needs have been met by the establishment of offices, departments and commissions within Government.
- 2 The major omission in this recognition process has been children and adolescents whose interests and needs have infrequently and haphazardly been the focus of the attention of society generally and government specifically. Most activity has been reactive and intermittent rather than proactive and coordinated.

The two words that I use consistently in promoting the need for an office for children in Western Australia are "proactive" and "coordinated". We should not wait for an epidemic of a disease, for instance, before we look at the reality of mass immunisation. It should be a proactive office.

I conclude my comments on the highlights of Children's Week and turn to a letter I received from a constituent during the week about an article in *The West Australian* on 16 October headed "Distressed hairdressers seek redress". In my electorate I have one Lyn Gerovich who has been grossly maligned by a number of people. In this article in *The West Australian*, Diane Miles of Parkwood suggests that she graduated last August from the Lyn Gerovich School of Hair Design and was horrified to find when the course ended that she had spent \$10 000 and done 12 months training, but would still have to become an apprentice before she got into the industry. I have a deed of acknowledgment signed by Diane Miles in August 1995 which states clearly that she understood that after completing 12 months of training at the Lyn Gerovich school it would be imperative that some further training take place.

Hon Tom Stephens: Are you sure the letter is signed by that woman?

Hon B.M. SCOTT: Yes, it is signed by Diane Miles, the person in the newspaper.

Hon Tom Stephens: What gives you the certainty it was signed by Diane Miles?

Hon Norm Kelly: It was investigated by the fraud squad and it stated that her signature was authentic. A police

investigation was conducted into that matter.

Hon B.M. SCOTT: I thank the member for that addition. I do not have time to read all the document; however, it states in part -

I DIANE MILES of 9 Crocus Way, Ferndale . . . undertake a course of full time training in hairdressing for a period of 12 months at the Lyn Gerovich College of Hair Design . . .

. . . Pursuant to the Industrial Training (General Apprenticeship) Regulations 1981 the current term of apprenticeship served for the trade of hairdressing is 4 years.

. . . I am currently obliged to serve a 3 year apprenticeship commencing at the conclusion of the 12 month course.

. . . In order to reduce the length of the apprenticeship a reduction in time must be applied for pursuant to the terms of the Industrial Training (General Apprenticeship) Regulations 1981. I understand the following regulations may apply . . .

I acknowledge the above and confirm I wish to undertake the 12 month course.

The West Australian may have reported Diane Miles incorrectly, because there is a variance between that document and the report. Today I am standing in defence of my constituent Lyn Gerovich who has been maligned and broken. She has lost her business and is about to lose her home. She has no defence against people speaking about her course in this House of Parliament.

The other document I place before Parliament is a letter that refers to the Lyn Gerovich School of Hair Design and that is dated 20 July 1995, before she undertook to enrol any students in her course. The letter is signed by Jeff Gunningham, the Regional Director of Accreditation, Recognition and Industrial Training. The essence of this letter is that Lyn Gerovich's course was recognised and accredited. It states -

An assessment of the competencies and skills held by persons who complete the course will be required once students commence employment under an Apprenticeship Agreement, pursuant to the *Industrial Training Act 1975* . . .

All the students saw this letter. Lyn Gerovich provided this letter to me. It continues -

Those students who successfully complete the program will be granted exemption from the Certificate of Trade Studies conducted by TAFE colleges as part of the normal apprenticeship trade training program but may still be required to undertake a period of training under an Apprenticeship Agreement with an employer to secure all on-the-job competencies.

This documentation confirms that Lyn Gerovich opened her school of hairdressing in good faith. She had the imprimatur of the Western Australian Department of Training that her course was accredited. Her students signed a document that they were fully aware that the training would not fit them to come out as fully qualified hairdressers. All members know that if 20 people undertake any course, there will be a variance in the outcome. I will table the document for the information of members.

Point of Order

Hon TOM STEPHENS: During the member's speech she identified two documents. I want to clarify that she is tabling both the letter that is signed by Diane Miles and the letter from which she subsequently quoted.

Debate Resumed

Hon B.M. SCOTT: Yes, I indicated clearly that I was quoting from two documents and that I would hand them in. One is from the Western Australian Department of Training, dated 20 July 1995 and signed by Mr Jeff Gunningham. The other is a deed of acknowledgment, signed by Diane Miles and dated 8 August 1995.

[See paper No 928.]

Adjournment Debate - Amalgamation of Hedland and Pundulmurra Colleges

HON CHRISTINE SHARP (South West) [5.16 pm]: I will speak briefly because I am aware of the miles many members must travel tonight.

Hon E.J. Charlton: Take your time.

HON CHRISTINE SHARP: It is a pity there are no Aboriginal members in this Chamber to speak up for themselves

about the difficulties they face. Therefore, I find myself faced with the difficult responsibility of raising concerns about one issue on their behalf.

The Attorney General said in this Chamber the other day that *The West Australian* - as usual, I think he said - had misquoted the Government. I refer to a remark in Tuesday's *The West Australian* that is attributed to the Minister for Education. In discussing the future of education in this State he said particular emphasis would continue on Aboriginal education. I will discuss the same Minister's decision a month ago to amalgamate the Pundulmurra Aboriginal College with the Hedland College and to take away the self-determination of the Aboriginal people in the Pilbara region on the direction of their own education and college.

The decision to amalgamate was made in September and was conveyed to the staff of the Pundulmurra Aboriginal College with virtually no notice and without any consultation. The decision to take away from the Aboriginal college its self-determination is against the national Aboriginal education and training policy for 1977 to 1999, which is endorsed by this Government. It is also against the recommendations of the Royal Commission into Aboriginal Deaths in Custody, which stated that the only chance for improving education as a social resource for Aboriginal people would come as a result of Aboriginal people deciding for themselves what they required of education and then having the means of determining how that end was to be achieved.

The decision to merge the Aboriginal college with the Hedland College was made to save a few dollars. It was made in the name of economic rationalism.

Hon N.F. Moore: With respect, it was not.

Hon CHRISTINE SHARP: I do not know exactly how much is expected to be saved in government expenditure as a result of this administrative decision. However, I wonder whether it has occurred to the Government that this amalgamation may contribute to the plight of Aboriginal people in that region. The Government did not ask the Aboriginal people of that region whether they thought this was the best thing for them and whether it was the best thing for the direction of their college and of their education.

At the moment the Aboriginal suicide rate in the Pilbara is six times the state average. Already, in less than 100 years, whole social and language groups of that region have become extinct. I point out to the Government that, for the sake of cheaper administration, it is risking one of the few bright spots for Aboriginal people of that region to work out for themselves how to get on top of their own lives and to determine the direction they want to take without our deciding what is best for them.

Self-determination is critical to solving the plight of Aboriginal people in Western Australia. I feel for the members of the Pilbara community who are dismayed and devastated by this decision, which they see as a direct betrayal by the Minister for Education and the State Government of Aboriginal people's basic rights, needs and aspirations. I speak out for them and on their behalf to ask this Government to reconsider its decision and to help the Aboriginal people of the Pilbara in their struggle to overcome the enormous difficulties they face and support its own policies and the notion of self-determination so that they may have a better future.

Adjournment Debate - Level 3 Assessor's Position in North West

HON TOM HELM (Mining and Pastoral) [5.22 pm]: The House should not adjourn until I put a similar argument. The Minister for Education talked about parity and quality. I am aware of the difficulties facing the people of Pundulmurra. I refer members to questions raised this week in relation to a constituent of mine in Newman who has been discriminated against because he lives in the north west. My constituent is a teacher at the Newman Primary School. He applied for a level 3 assessor's position and was successful. However, he was advised that because he lives in the north west he could not take up the position. No funds would be made available by the Education Department to the contracting firm that had the task of finding the assessors from throughout State.

This relates in a minor way to the debate taking place about privatisation and outsourcing. The Education Department has outsourced this job and, as a result, the company cannot offer my constituent the job because it does not know whether the contract will be renewed in 12 months. Therefore, it cannot correct a mistake which it recognises and which is preventing a north west educator with 15 years' experience in regional teaching from taking up this position. This is a result of the new policies adopted by the Minister for Education. I have no argument with those measures, because I do not understand them.

When I asked a question of the leader, he and his mate sitting beside him thought it was a big joke. He did not understand the question and did not answer it correctly. When I asked the question again and pointed out that he had not answered the question, I started getting some answers. One of the questions related to the fact that there appeared to be a breach of the Public Sector Management Act. I asked the Minister to provide his interpretation of the Act if he did not think there had been a breach. I believe that sections 8C and 8D of the Act have been breached.

This decision flies in the face of all we have been told about outsourcing, contracting out, equality and parity. Teachers in the north west of this State who have been assessed as being capable of doing level 3 teaching will lose out. They have been assessed according to the Government's own standards as being able to do the job. That suggests that any teacher in the north west who wants to apply for a level 3 position must come to Perth - there are none north of the twenty-sixth parallel. There was supposed to be such a position but we were told that because there were no funds available to bring people down from the north west to train them to appoint level 3 teachers and because no-one locally could provide a pair, it would not be established.

This situation started this year and it may go on forever. We may never be able to reclaim the situation. Everyone accepts that country teachers have particular skills that are not as essential in city areas.

This level 3 teacher who should be doing the job cannot do it. Why? The Education Department or Nexus HR Solutions could take advantage of e-mail, teleconferencing and all the modern communications devices that are available. I support the fact that government departments are taking advantage of this technology. Why is the Education Department not doing the same? Perhaps it does not know it is available. If it did, perhaps this qualified, level 3 assessor could do his job. This is blatant discrimination.

This situation has been set in train and now it seems that it cannot be turned around. Level 3 assessors will be decided in Perth and they will be Perth based. In the near future no level 3 teachers will come from the north west. No matter how skilled they are or how easily they can fill the criteria laid down by the department, they will not be appointed.

I asked whether this was deliberate and the answer was no. If it is not, when can it be corrected? When can this person, whose only offence is that he teaches in a remote town, get the job? The Minister's answer was fudged. He said that he could not place the teacher because procedures require a geographically approximate partner to carry out the assessments. If that is not saying that he is geographically challenged, I do not know what is.

The House should take on board what I have said and it should assist me in trying to convince the Minister that he should correct this injustice.

Adjournment Debate - Marketforce Advertising Contract

HON KEN TRAVERS (North Metropolitan) [5.29 pm]: During question time this afternoon [the Leader of the House made reference to the fact that I put a question on notice to him yesterday and asked it today. That raises a very crucial point. I am finding great difficulty in getting questions asked. The Leader of the Opposition raised that issue earlier this afternoon. That almost convinced me to oppose the special adjournment motion so that we could come back next week to get the questions asked.

Hon N.F. Moore: You move it and we will reconsider.

Hon Tom Helm: Will you support it?

Hon N.F. Moore: I do not think you would.

Hon KEN TRAVERS: I did not do that, but in the spirit of the comments made by the Leader of the Opposition this afternoon, we may be able to find some resolution to the problem that members on this side experience during question time.

I refer members to a question I asked of the Minister about the contract between the Western Australian Tourism Commission and Marketforce. I specifically asked a question this afternoon about the contractual basis upon which nearly \$400 000 was paid to Marketforce Advertising in April 1996. I am not sure from the answer that was given this afternoon, but it would appear that the contract under which that money was paid was not signed until November 1996. The money was paid out in April 1996 and the contract was not signed until November 1996. The answer does refer to a number of letters exchanged between Marketforce and the Western Australian Tourism Commission on 15 November 1995 and 4 January 1996. Unfortunately, neither of those letters was tabled so I am not aware of the nature of those letters. However, I still find it extremely difficult to accept that \$400 000 of government money was paid out five or six months before any contract was signed.

Hon Peter Foss: That is legally a bit strange because he mentioned the conditions of tender. However, the fact is that people sign contracts later. The member will find that it often happens after the contract finishes.

Hon KEN TRAVERS: If that is the case it is unfortunate that those letters were not tabled so we could see the details under which that arrangement was made. I was not going to raise this point this afternoon, but now that the Attorney General has raised it, one reason I am particularly interested in the details is that it relates to a contract about which I asked questions earlier this week. It was revealed in this Parliament that the original successful tenderer in the

selection process was a company called 303. That was later overturned and given to Marketforce.

Hon N.F. Moore: That was not the answer. The member should not misrepresent the answer.

Hon KEN TRAVERS: I want to find out the details. It is the role of this House to keep the Government accountable, to check out what the Government is up to and to look into it.

Hon Peter Foss: They were the lowest tender; you are misrepresenting it.

Hon KEN TRAVERS: We do not know that.

Hon Peter Foss: You were just told that.

The PRESIDENT: Order! Hon Ken Travers will address the Chair.

Hon KEN TRAVERS: I am happy to, Mr President. The point I make is that there were selection criteria. Each item was given a weighting. One of those items would have been the price. The selection process that awarded 303 the highest rating would have taken into account the importance that the WATC placed on price at the beginning of the process. Price was brought in at that stage in the selection process. The Government cannot go back at the end of the process, as the Attorney General is suggesting, and say that price becomes the only factor. If that were the case, why have the selection criteria in the first place?

Hon Peter Foss: Have you ever been in commercial work?

Hon KEN TRAVERS: No, but I have been in government. Why have a weighting process in the tender process?

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers has the floor and I asked other members not to interject.

Hon KEN TRAVERS: It was only as a result of interjections that I went on to that issue. I was more than happy to leave it at that and to continue to investigate the issue. However, I put on notice that I find it extraordinary and I will continue to pursue the matter of why a company which gained the highest rating within the selection process had its tender overturned in favour of a company that did not. Price would have been one of those factors that was given a weighting within the selection process.

The other point I want to raise briefly this evening relates to government contracting - unfortunately, I was not able to get the call this afternoon on Hon Ljiljanna Ravlich's motion. This issue relates to a question that was answered in the other place on whether Health Care of Australia is paying rates for the Joondalup Health Campus. The response given by the Minister for Local Government in the other place indicates that the Joondalup Health Campus will operate as a normal public hospital and that this portion of the hospital will not be rated. I find this extraordinary. How would one decide which part of the hospital is a public hospital and which part is a private hospital? Do they tally up the number of hours the surgery is used for public patients and for private patients and base the rates on that over the year? If that is the case do we now turn to TVW Channel Seven and say that because for three days of last week it supported Telethon and put its land and facilities to good use for a public benevolent process it can have a discount on its rates? Would the local government authority donate the equivalent of the rates to Telethon? Health Care of Australia is a commercial operation. It is owned by Mayne Nickless Ltd, one of Australia's largest transport giants. It is a profit making industry and it is not paying rates. I find that extraordinary. I would have thought the Government would pay the money to Health Care of Australia to provide the service and as a private institution it would pay the necessary rates. I cannot fathom how the Government intends to work out which part of the hospital is public and which is private.

I suggest that it is another way of this Government propping up the Joondalup Health Campus and trying to make it look as though it is a cheaper option for the people of Western Australia, when it is not. It is about producing an ideological position. The staff at the hospital do not work for the Government, the equipment in the hospital will not be owned by the Government, and the drugs and medicine used in the hospital are not provided by the Government, and neither is the furniture.

Hon Peter Foss: What happens in the eastern States with public hospitals which are owned privately?

Hon KEN TRAVERS: I imagine that in States where the Attorney's colleagues are in power similar unfortunate situations will be occurring.

Hon Peter Foss: Oh, you imagine do you? What has always been the case?

Hon Ljiljanna Ravlich: Just give us the facts.

Hon KEN TRAVERS: In the past public hospitals were owned by the public for the public good.

Hon Peter Foss: You are wrong.

The PRESIDENT: Order! Attorney General.

Hon KEN TRAVERS: It is amazing that our colleagues opposite who are so normally Western Australian-centric are asking us to look east for guidance.

Hon Peter Foss: You know nothing.

Hon KEN TRAVERS: I know a lot.

Hon Peter Foss: You did not even know that public hospitals were privately owned.

The PRESIDENT: Order! The Attorney General will come to order. I ask him not to continue interjecting, as I ask Hon Tom Helm. I ask Hon Ken Travers not to provoke members by addressing them individually. He should address the Chair.

Hon KEN TRAVERS: Mr President, I will attempt to keep my focus on you and not respond to the interjections.

I will conclude by making it clear again that historically in Western Australia public hospitals have been publicly owned on public land. As far as I am aware only Port Macquarie in NSW has a public hospital that is privately owned. In Western Australia the history has clearly been one of public hospitals being publicly owned. It is my view that the private interests that run the Joondalup Health Campus should be paying rates on their land in the same way as any other private profit making business.

Adjournment Debate - Small Business Development Corporation

HON NORM KELLY (East Metropolitan) [5.37 pm]: I take this opportunity to make a few comments on the Small Business Development Corporation, in particular, on a study it has conducted on retail trading hours. This is the fifth wave of research that the corporation has conducted in the past two and a half years into the extended trading hours availed of by retailers in the Perth and Fremantle tourist precincts. I will go through some of the results from this study. These results have been consistent over this two and a half year period.

Two-thirds of those people who have been surveyed in this research have experienced no improvement in their market share or sales turnover as a result of extended trading. Also two-thirds of retailers have stated that there has been no positive influence on the overall financial health or viability of their business. The expected increase in employment from the introduction of extended trading hours has not eventuated. Retailers are tending to work longer hours themselves rather than employing more staff. They are doing this because they are not getting extra turnover into their shops to pay for the extra staff.

Hon Peter Foss: Was there a survey of the customers?

Hon NORM KELLY: It was of the retailers. When the extended trading hours were brought into being the reason was given that they were for tourist precincts. They were to cash in on the tourist dollars in these areas. The surveys have shown 80 per cent of retailers do not open at all to catch the tourist dollar. The surveys state a number of reasons why retailers open. More than half open basically to capitalise on existing customers, who are here anyway and who would be spending their money in the shops on Saturday morning during the normal retail trading hours that are available in other areas of Perth. The surveys show that 10 per cent of retailers do not want to open for any reason; 5 per cent say they are opening only because their competition is open and they must maintain their market share; and 4 per cent are opening because it is a condition of their lease. Those retailers have a big brother landlord telling them they must open up. The landlords have no consideration for the impact on the small retailers. The retailers are having to work seven day weeks every week of the year because no extra money is coming into their shops. They cannot afford to employ other people in their shops, so they are having to work those extra hours themselves for no extra return.

Hon Peter Foss: The poor old customers do not like it, do they? They love it!

Hon NORM KELLY: They do not. We must also look at not only the economic benefits, of which it has been proved by the surveys there is none, but also the social impacts of the policies. Surveys have shown that there have been adverse effects not only on the health of the businesses but also on the health and quality of life of the small business retailers. The present Government is not concerned about the small business sector. It is listening to Myer, Liquorland and other big retailers which are trying to increase their market share by squeezing out the little guy. It is not looking at the social implications of these trading hours for these retailers, the customers and society as a

whole. Participation in sporting clubs is being reduced because people are working far longer hours over the weekend. They are unable to have standardised leisure hours in which they can join teams and participate. We must conduct serious studies on the social impact of these hours and how they are slowly breaking down the structure of our society. Studies are not being conducted at this stage.

This has been a quick look at what is happening in the retail trading sector of our community. Apart from other impacts on small business, which I will go into at another time, it is about time the Government took notice of what the Small Business Development Corporation is doing. It should remember that the corporation is there to further the interests of small business. That is why the corporation conducts these surveys to work out where is the potential for increasing the opportunities for these small businesses. If there were the need for longer trading hours, the corporation would be supporting more businesses coming into the retail sector. When we look at the results of this survey, the corporation would be foolish to recommend to anybody to go into the retail game because it is not worthwhile. People often put their houses on the line to set up a small business. They are having to work extremely long hours.

Hon J.A. Scott interjected.

Hon NORM KELLY: They are never at home, so they will never use it. They are working in the shops. As we have seen in the paucity of legislation that has come through the House this year, the Government has no commitment to make the real changes which would benefit small business. We hear of a commercial tenancies Bill, for which we have been waiting all year. There is still no sign of it.

Question put and passed.

House adjourned at 5.44 pm

QUESTIONS ON NOTICE

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

ROADS - ALBANY HIGHWAY

Arthur River-Kojonup - Upgrading

844. Hon BOB THOMAS to the Minister for Transport:

- (1) Which sections of the Albany Highway, between Arthur River and Kojonup, have been upgraded in the past six years?
- (2) Which organisations were responsible for the work on each of those sections?
- (3) What problems have been detected in the road surface in each of those sections?
- (4) What action does Main Roads WA intend to take to remedy the problem and who will pay for it?

Hon E.J. CHARLTON replied:

- (1)-(4) Two passing lanes were installed just South of Arthur River by Main Roads in April 1996. There have been only minor pothole repairs required and these were carried out by Main Roads. Under Contract 426/95, Pioneer Surfaces carried out pavement repairs on four small sections, only one of which was full width. Minor problems were experienced with the join between the existing road and the new work, but these were rectified by the Contractor. The bridge over the Beaufort River was replaced under Contract 88/94 which was let to Fletcher Constructions. There were no problems experienced with this work.

RAILWAYS - WESTRAIL

Grain Freight - CBH Request

856. Hon BOB THOMAS to the Minister for Transport:

- (1) Is the Minister for Transport aware of the following statement which was published in the Australian Railways Historical Society, August 1997 Bulletin -

Much dissatisfaction has been caused by a recent request by CBH for Westrail to haul an additional 300 000 tonnes of grain over six weeks. Westrail contracted the task to road transport despite the availability of store RCH class grain wagons together with some coal wagons. This caused considerable public outcry as to the organisation's commitment to long-term rail transport.

Last year, a similar issue developed at Salmon Gums, in the Esperance district, when a purported loco shortage was used by Westrail as an argument against the rail haulage of grain (a K class was spare at Kalgoorlie?)

- (2) Did Westrail receive a request from CBH for it to haul an extra 300 000 tonnes of grain this season, or in recent seasons?
- (3) If yes, was this task contracted to road?
- (4) Who won the contract, where was the grain carted from, and to which destination?
- (5) Were RCH class grain wagons and coal wagons available for this task?
- (6) Were spare locomotives at either Avon, Picton or Forrestfield available to haul the grain trains?
- (7) Was the "K" class locomotive available at Kalgoorlie to work Salmon Gums/Esperance link as claimed in the above article?

Hon E.J. CHARLTON replied:

- (1) Yes. However, the article in the ARHS Bulletin is not factual and is therefore misleading.
- (2)-(3) Faced with a record national grain crop of 23 million tonnes and an export surplus of around 19 million tonnes, the Australian Wheat Board undertook an export program which focused on maximising shipments

during the December 1996 to April 1997 period to take advantage of the attractive sale price offered prior to the northern hemisphere crop reaching the market. This minimised the amount of Australian grain carried over to compete with the northern hemisphere crop.

In Western Australia, last season's record harvest of almost 10 million tonnes exceeded the expected harvest of 8.4 million tonnes by around 1.6 million tonnes or 20%. Westrail's grain transport task for the season was almost 6.2 million tonnes compared with 3.7 million tonnes 5 years ago.

To take advantage of the premium prices, it was planned for almost 1.5 million tonnes of grain to be shipped from Western Australian ports during the month of March 1997. The 1.5 million tonnes program was aimed at 50% above the previous record shipment of 1 million tonnes for a single month. The combination of a record harvest and an unprecedented shipping program resulted in a land transport task larger than Westrail's normal available train capacity. Westrail responded by hiring additional railway rolling stock to increase its train capacity.

To further optimise the tonnages moved by rail, Westrail concentrated its operation of trains on railway lines where maximum train loads can be achieved and where Cooperative Bulk Handling Ltd loading facilities are the most efficient for rail transport. The additional resources plus the optimisation program resulted in the weekly capacity of rail transport increasing from around 170 000 tonnes to around 220 000 tonnes.

Rail transport was supplemented by road transport to take some grain direct to port, but more particularly, to relocate grain to locations where train tonnages and loading rates are the most efficient, maximising the use of rail transport.

The unprecedented shipping program was jointly planned by the Australian Wheat Board, Cooperative Bulk Handling Ltd and Westrail, and was aimed at achieving maximum returns to the grain growers of Western Australia. It is estimated that this initiative realised a net benefit of between \$10.00 and \$15.00 per tonne for Western Australian grain growers.

- (4) The arrangements for the haulage of grain by road were undertaken by the Australian Wheat Board and Cooperative Bulk Handling Ltd. Accordingly, I am not in a position to provide this information.
- (5) All available RCH wagons were used for the grain task along with 14 covered coal wagons. Uncovered coal wagons were not approved by the Agricultural Protection Board for the transport of grain.
- (6)-(7) No.

TRANSPORT - BUS

Contracts - Price Rises

916. Hon BOB THOMAS to the Minister for Transport:

On radio 6PR on Thursday, September 11, 1997 the Minister said "Alannah can view and get any information that she likes. I will make available every piece of documentation that she or anyone else wants".

Following that interview I asked the Minister to table the documentation which would "... provide the opposition with details of price rises relating to the private bus contracts."

- (1) Is the Minister now prepared to honour his undertaking to "... make available every piece of documentation ..." about this, and thereby provide me with details of price rises relating to the private bus contracts?
- (2) If not, why not?

Hon E.J. CHARLTON replied:

- (1)-(2) The offer still stands for a briefing on any concerns that Alannah MacTiernan may have.

ROADS - STOCK ROAD

Upgrading - Costs

931. Hon J.A. SCOTT to the Minister for Transport:

I refer the Minister to question on notice 827 of August 27, 1997 -

- (1) Have any other estimates been made of upgrades to Stock Road which do not include grade separations at all major intersections?

- (2) If so, what are the estimated costs of each of these options?
- (3) What is the estimated cost of constructing the Fremantle Rockingham Controlled Access Highway as a six lane highway from High Street Fremantle to Naval Base?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) The cost estimates range from \$8 million to \$23 million. These costs provide for grade separation of one to three intersections along the Stock Road route as well as some other minor improvements.
- (3) There are no plans to construct the Fremantle-Rockingham Controlled Access Highway as a six lane road from Fremantle to Naval Base.

PORTS AND HARBOURS - BROOME

Improvement of Facilities

939. Hon TOM STEPHENS to the Minister for Transport:

- (1) What plans, if any, does the Government have to improve facilities at the Port of Broome?
- (2) Do these plans include any provision for a floating breakwater or berthing pontoon?

Hon E.J. CHARLTON replied:

- (1) The Government does have plans to improve facilities at Broome and has finalised the Strategic Plan which outlines major developments over the next five years.
- (2) Currently the Port is finalising the design of a floating breakwater for Broome Jetty and funding has been sought from the 1998/99 budget.

RAILWAYS - EXPENDITURE

Railway and Grain Lines

945. Hon TOM STEPHENS to the Minister for Transport:

In answer to question without notice 270, the Minister for Transport said "an amount of \$250m has been spent on railway lines, \$80m of which has been spent on train lines". Can the Minister explain the difference between rail lines and train lines and advise what the other \$80m has been spent on?

Hon E.J. CHARLTON replied:

The Hon Member will be aware that I previously announced that Westrail will spend \$250 million on maintenance of railway lines over a five year period, \$81 million of that amount will be spent on grain lines. My response to the Hon Minister's question without notice No 270 was incorrectly recorded in *Hansard* as rail times and should have been grain times.

RAILWAYS - WESTRAIL

Passenger Service Drivers - Hours of Work

948. Hon BOB THOMAS to the Minister for Transport:

Regarding the tender for "four part-time driver passenger services" called by Westrail and advertised in *The West Australian* on August 16, 1997 -

- (1) Will the successful tenderers be required to work regular hours each week or will they be employed on a casual basis?
- (2) What are the hours the drivers will be required to work?

Hon E.J. CHARLTON replied:

I presume the member is referring to an advertisement in *The West Australian* on August 16, 1997 for employment of four Part Time Driver Passenger Services, and my answer is on that basis.

- (1)-(2) Each successful applicant will be employed as a permanent part time driver on suburban passenger train services and will be required to work a minimum of twenty hours each week.

RAILWAYS - WESTRAIL

Diesel Electric Locomotive Maintenance - Contracting Out

950. Hon BOB THOMAS to the Minister for Transport:

- (1) Has Westrail contracted out all of its diesel electric locomotive maintenance services in Kalgoorlie within the freight service division?
- (2) If yes, why did Westrail advertise on September 20, 1997 for a trades person mechanical to be employed at Kalgoorlie on a Workplace Agreement?

Hon E.J. CHARLTON replied:

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

GOVERNMENT CONTRACTS - EXCESS OF \$10M

Number and Details

957. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) How many contracts over \$10m have been awarded by any Government departments or agencies within your ministerial portfolios since February 1993?
- (2) Will the Minister list those contracts?
- (3) What was the value of each of these respective contracts?
- (4) What is the duration of each of these contracts?
- (5) Who is the contract entered into with?

Hon E.J. CHARLTON replied:

- (1)-(5) To provide the member with the information required to respond to her questions it would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to do so. However, if the member has questions relating to a specific contract I will endeavour to provide her with the information.

GOVERNMENT CONTRACTS - EXCESS OF \$10M

Number and Details

960. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) How many contracts over \$10m have been awarded by any Government departments or agencies within the Minister for Health's portfolios since February 1993?
- (2) Will the Minister list those contracts?
- (3) What was the value of each of these respective contracts?
- (4) What is the duration of each of these contracts?
- (5) Who is the contract entered into with?

Hon MAX EVANS replied:

- (1) Prior to 1995, all contracts with values over \$50,000 were awarded by the Department of Contracts and Management Services. Since January 1995, when the health portfolio received delegated authority for purchasing above \$50,000 from the State Supply Commission, four contracts have been awarded valued at over \$10 million.
- (2) Large Volume Sterile Fluids
Drugs, disinfectants, antiseptics etc.
Food services at Royal Perth Hospital
Joondalup Health Campus

- (3) \$422,500,000 estimated.
\$48,400,000 estimated.
\$35,000,000 estimated.
\$15,400,000 (1996/97) & \$29,500,000 (1997/98).
- (4) 5 years.
2 years.
7 years.
20 years.
- (5) Baxter Healthcare
46 individual pharmaceutical suppliers
Gardner Merchant
Mayne Nickless Pty Ltd

PIETER JOHANNES MATTHYS VAN EMMERIK - INQUEST

1079. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Has the Attorney General received a letter dated October 13, 1997 from Messrs Boe & Callaghan, solicitors acting on behalf of Denise van Emmerik with respect to a request for a further inquest into the death of the late Pieter Johannes Matthys van Emmerik?
- (2) Will he be providing a substantive response to that letter providing "the particularised reasons"?
- (3) When does he anticipate responding?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) When it has been properly considered.

QUESTIONS WITHOUT NOTICE

SUBIACO REDEVELOPMENT AUTHORITY - MR BRUCE ATKINSON

Consultancy Work

941. Hon TOM STEPHENS to the Leader the House representing the Premier:

I refer the Minister to his answer to question on notice 468. On what dates in 1996 did either the Atkinson Group or Mr Bruce Atkinson perform work for the Subiaco Redevelopment Authority?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I can confirm that Mr Atkinson undertook consultancy work with the Subiaco Redevelopment Authority in 1996 on 29, 30 and 31 July.

TOURISM - MARKETFORCE

Contract - Financial Arrangements

942. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Under what agreement or contract did the Western Australian Tourism Commission pay nearly \$400 000 to the advertising company Marketforce in April 1996?
- (2) When was this agreement or contract signed?
- (3) Who were the signatories to this agreement or contract?
- (4) Does this agreement or contract outline the financial arrangements between WATC and Marketforce?
- (5) Will the Minister table this agreement or contract?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. By way of preamble to the answer, I was given notice of this question yesterday. I went to considerable trouble to obtain a copy of the contract, which was couriered here at great haste and then the member did not ask his question.

(1)-(3) Marketforce Australia Pty Ltd and the WATC entered into a contractual arrangement, the terms of which were evidenced by WATC's invitation to tender documentation, a letter dated 15 November 1995 from Marketforce to WATC, a letter dated 4 January 1996 from Marketforce to WATC and performance by each of the parties in accordance with that arrangement. The signatory of each of those two letters was Howard K. Read, who is listed in the Australian Securities Commission's records as a director of Marketforce.

(4) Yes.

(5) I am now in a position to table the contract as requested. I seek leave to table the document.

Leave granted. [See paper No 926.]

PORTS AND HARBOURS - OAKAJEE

Funding - Federal Government Assistance

943. Hon HELEN HODGSON to the Leader of House representing the Minister for Resources Development and Energy:

I refer to recent media reports stating that the Government has sought financial assistance from the Federal Government to fund construction of the deepwater port at Oakajee -

(1) Has such assistance been requested?

(2) What amount of financial assistance has been requested?

(3) What is the total projected cost to Western Australia of the construction of the port?

(4) How will the cost be funded if assistance is not forthcoming from the Federal Government?

(5) Will the project be subject to audit by the Auditor General?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The Federal Government is yet to determine the extent of any support it might provide.

(3) The State Government expects the port to be built and operated by the private sector. Any cost to the State has yet to be determined.

(4) The State Government will be considering the options for funding the port in due course.

(5) If state government funding is provided for the port, that funding will be subject to audit.

ENVIRONMENT - ALCOA OF AUSTRALIA LTD

Water Discharge - Environmental Impact Assessment

944. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

(1) Was the Department of Environmental Protection notified by either Alcoa Australia or WOMA regarding the usage and discharge of more than 20 million litres of water over a four to six week period during September and October 1994 when the water was utilised to descale Alcoa's pipeline from its Kwinana refinery to the mud lakes residue area at The Spectacles?

(2) If not, why not?

(3) If so -

(a) Did the department assess the environmental impact of this water discharge?

(b) If an assessment was performed -

(i) What was the result of this environmental impact assessment?

(ii) What was the pH level of the water discharged?

(c) If no assessment was performed, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) The matter referred to cannot be verified quickly and will require some time to research. I shall reply to these questions as soon as possible. I request that the member place the question on notice.

HOMOSEXUALITY - DECRIMINALISATION

*Poll***945. Hon GREG SMITH to Hon Helen Hodgson:**

I refer the member to her Acts Amendment (Sexuality Discrimination) Bill. In the second reading speech the member quoted a 1989 poll as a source of information. Who conducted the poll and how many people were polled?

Hon HELEN HODGSON replied:

I thank the member for some notice of this question. The poll was conducted by *The West Australian* in September 1989 and published in the 5 October edition. There were 1 459 Western Australians involved in the polling. A Morgan Gallop poll for *The Bulletin* conducted the same month showed 74 per cent of Western Australians supported decriminalising homosexuality, the highest support of any State in the nation.

FUEL AND ENERGY - NATURAL GAS

*Discovery, Production and Use Levels***946. Hon J.A. SCOTT to the Minister for Mines:**

- (1) What in petajoules is the annual -
- (a) use plus export level,
 - (b) production level; and
 - (c) discovery rate
- for natural gas in Western Australia?
- (2) For each of these categories, what are the estimated levels for the year 2010?
- (3) From where is this information provided?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) (a) 701.2 petajoules - 1995-96.
 (b) 745.0 petajoules - 1995-96.
 (c) Not available.
- (2) (a) Not available.
 (b) 2 180 petajoules.
 (c) Not available.
- (3) "Energy Western Australia" - published and produced by the Office of Energy in July 1997.

HEALTH - BREAST CANCER

*Screening Service - Contracting Out***947. Hon TOM STEPHENS to the Minister representing the Minister for Health:**

I refer the Minister to the article headed "Cancer units to be contracted out: MP", which appeared in the Canning community newspaper on 21 October 1997, and ask -

- (1) Did the Minister tell Roleystone MLA Fred Tubby that BreastScreen WA units would be contracted out?

- (2) If yes, have there been any discussions between WA Health Department officials and representatives of private radiography operators?
- (3) Have any BreastScreen WA radiographers been either employed on contracts or offered workplace agreement contracts?
- (4) If yes, how many staff are employed on contract and for what length of time are the contracts?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Yes. A tender was advertised for radiological practices to provide mammography screening in the Mandurah-Murray area. This has been put on hold pending a decision on the reassessment and evaluation of the BreastScreen WA program.
- (3) Yes.
- (4) Eleven. The contracts vary in length from two months to 12 months.

ECONOMY - SOUTH EAST ASIAN CURRENCY CRISIS

Impact on Western Australia

948. Hon MURIEL PATTERSON to the Minister for Finance:

Some notice of this question has been given. What sort of impact is there likely to be on the Western Australian economy as a result of the collapse in the Asian currency values?

The PRESIDENT: In its present form the question is not acceptable, as it seeks an opinion. It could have been framed differently so as to be seeking facts.

OFFICE OF INFORMATION AND COMMUNICATIONS - ESTABLISHMENT

949. Hon E.R.J. DERMER to the Leader of House representing the Minister Commerce and Trade:

Some notice of this question has been given. I refer to the answer from the Leader of the House representing the Minister for Commerce and Trade to the question I asked on 21 October 1997. This answer advised that the Office of Information and Communications is not yet fully operational.

- (1) When will the office be fully operational?
- (2) Given that the formation of this office was announced on 21 July 1997, why is it not yet fully operational?
- (3) Why will the executive director of this office not commence duty until 3 November 1997?
- (4) Why do applications for key staff positions in this office not close until 23 October 1997?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The office will become fully operational in December 1997.
- (2) The Government understands the significance of this initiative. It is paramount that a proper recruitment process be followed to ensure the best possible outcomes. Recruitment is under way and should be completed by the end of November 1997.
- (3) This was the earliest date that the appointee's previous commitments would allow him to begin with the department.
- (4) The closing date for the applications of 23 October 1997 was set to allow the new executive director to participate in the staff selection process.

AGRICULTURE - ORD RIVER IRRIGATION SCHEME

*Use of Chemicals***950. Hon NORM KELLY to the Minister for Transport:**

- (1) Will the Minister table a list of all chemicals currently being used on, or in association with, crops grown in the Ord irrigation areas of the Kimberley, and the purposes for which the chemicals are used?
- (2) Will the Minister provide accurate records of each chemical currently being used?
- (3) Will the Minister provide accurate details of any studies into possible ecological, environmental or human effects of these chemicals?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The information sought by the member will require considerable resources and it will take some time to locate, analyse and record the specific detail. I therefore request that the member place the question on notice.

BOATING INDUSTRY - REGISTRATION FEES

*Increase***951. Hon J.A. COWDELL to the Minister for Transport:**

- (1) Will the Minister confirm that boat registration fees increases are of the following order from the 1996-97 financial year to the 1998-99 financial year -

| | | |
|----------|----------------|--------------------------|
| 0-5m | \$31 to \$49 | 58.06 per cent increase |
| 5-10m | \$62 to \$96 | 54.83 per cent increase |
| 10-20m | \$115 to \$179 | 55.65 per cent increase |
| over 20m | \$157 to \$245 | 56.05 per cent increase? |

- (2) If not, what are the actual increases?
- (3) What is the Government's justification for such a steep increase in boat registration fees?
- (4) Is any concession available to pensioners on these fees?
- (5) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

| | | | |
|---------|-----------|----------------|--------------------------|
| (1)-(2) | 0-4.99m | \$31 to \$49 | 58.06 per cent increase |
| | 5-9.99m | \$62 to \$96 | 54.83 per cent increase |
| | 10-19.99m | \$115 to \$179 | 55.65 per cent increase |
| | over 20m | \$157 to \$245 | 56.05 per cent increase? |

These increases will be phased in over a two year period - the 1997-98 and 1998-99 financial years.

- (3) The improved service will cover upgrading and improving navigational aids; increased boating education; compliance patrols; dredging of entrance channels; and charting programs.

Widespread consultation was conducted with the boating industry. Members would know that Western Australia has a very significant boating industry, which is growing. The Department of Transport responded to the demands to provide ancillary service benefits to the industry. It wanted to respond in a positive way by giving boat owners the things that they require. The only way to do that is to say to the boat owners that the user pays. Every cent being collected will go back to benefit the industry as a whole. This was not dreamt up overnight. The Government could have said no increases, but it has simply not done so. The consequences would have been more accidents and problems in the industry. The member would have heard me point out in answer to a question yesterday the benefits of emergency position indicating radio beacons.

- (4) No.
- (5) Boat registration fees are charged for what is strictly a non-essential item used solely for leisure activities. Therefore, these fees do not attract a concession.

PROSTITUTION - LEGALITY

952. Hon RAY HALLIGAN to the Attorney General representing the Minister for Police:

There appears to be a great deal of misinformation in the community regarding what is termed the sex industry.

- (1) Is there any form of prostitution that is not illegal?
- (2) How long has this been the case?

Several members interjected.

The PRESIDENT: Order!

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) The act of prostitution itself is not illegal; however, activities associated with it are keeping or managing premises for the purposes of prostitution; knowingly permitting premises to be used for prostitution; knowingly living off the earnings of prostitution, or persistently soliciting or importuning for immoral purposes in a public place.

Offences are contained in sections 76F and 76G of the Police Act, and in the Criminal Code. Generally speaking, a prostitute carrying out prostitution in her own home - that is, a single operator - is not acting illegally and this has always been the case. Additionally, escort agencies where there was no meeting on the premises, but which were used merely for the making of arrangements by telephone to meet elsewhere, were held by the WA Supreme Court in 1987 not be committing an offence of keeping premises for prostitution - *Powell v Devereaux* Supreme Court of WA 12 June 1987, Appeal No 1053.

ENVIRONMENT - ALCOA OF AUSTRALIA LTD

Kwinana Cooling Ponds - pH Level of Water

953. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

In response to the Minister's answer to my question without notice on 15 October 1997 I ask -

- (1) What is the pH level of the water contained in Alcoa Australia's cooling ponds at Kwinana?
- (2) Does the Department of Environmental Protection allow water from Alcoa's cooling ponds at Kwinana to be used for dust suppression on public roads?
- (3) What are the medical effects and consequences of a person being exposed to water with a pH level of 11?
- (4) Would these medical effects and consequences be different if a person were exposed through contact with roadways which had water of a pH level 11 sprayed upon them?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The matter referred to cannot be verified quickly and will require some time to research. I will reply to these questions as soon as possible. I request that the member place this question on notice.

ECONOMY - SOUTH EAST ASIAN CURRENCY CRISIS

Impact on Western Australia

954. Hon MURIEL PATTERSON to the Minister for Finance:

What will be the impact on the Western Australian economy of the collapse in Asian currency values?

Hon MAX EVANS replied:

There has been a lot of speculation about the possible impact of the Asian currency values. The Australian dollar is now at a 28 month low against the United States dollar. People might think back many years ago to when gold was at its highest value: It was worth less in Australian dollars then than it is now because of currency fluctuations, which have occurred many times. Hon Peter Foss and I were discussing the situation we experienced in 1993 when the United States dollar was worth very little against the Australian dollar and the English pound. The present position has a lot of benefits for us. Our dollar has been affected by these currency collapses to the north of us. The weaker

dollar, if sustained, would increase Australian dollar returns to exporters with contracts nominated in United States dollars. This includes most of the large commodity exports, such as gold, iron ore, oil, liquefied natural gas, nickel and wheat. This will flow through to increased domestic activity. Western Australian exports nominated in local currency, such as manufactures and mineral sands, will become cheaper on international markets, thereby stimulating demand. International tourists will also find Australia a cheaper holiday destination.

Imports will become more expensive. Although this will impact on production costs in Western Australia when there is no domestically produced substitute, it will also encourage local import replacement industries. For example, the gradual depreciation of the currency over recent months has already encouraged local companies to produce chemicals in Australia rather than import them. The overall impact is therefore expected to be positive by assisting the competitiveness of exports. The cost of drugs to hospitals is another big factor and could involve \$10m plus, because the drugs come out of hard currency. The price differential might stimulate the manufacture of drugs. Most of the big punters at the Burswood Resort Casino come from Indonesia and Thailand. Their surplus cash might be reduced as a result of the depreciation of their currency by 35 per cent. This could have a material effect on the returns to the State Government, because 60 per cent of the turnover of the casino comes from overseas punters. With respect to exports, for example, with an increase from 77 per cent to 78 per cent the State Government lost about \$12m in royalties. The reverse is happening now and that is of benefit to the State's revenue.

EMPLOYMENT AND TRAINING - PUBLIC ADMINISTRATION TRAINING COUNCIL

Funding

955. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) What is the future of the Public Administration Industry Training Council?
- (2) Does the Minister intend to stop or to reduce government funding to this ITC?
- (3) If so, why and when are changes likely to occur?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The State Training Board is conducting a review of how it acquires information on industry training needs for the vocational education and training system. The industry training council network is a significant source of advice and is included in this review. The consultant's report has not been finalised. Once the report has been finalised and the board has considered its recommendations, the board will be consulting with ITCs. After this consultation process has been completed and the board has reached a position on how it wishes to acquire its information needs, the board will be advising the Minister for Employment and Training accordingly.
- (3) Not applicable.

MINING - COAL

Wesfarmers Coal Ltd - Land Resumption in Shotts

956. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for Resources Development:

- (1) What formal or informal discussions has the Government had with Wesfarmers Coal Ltd concerning the resumption of private land in the township of Shotts near Collie?
- (2) Does the Government endorse the resumption of private land in the township of Shotts by Wesfarmers Coal Ltd before any attempt to negotiate a relocation strategy took place?

Hon N.F. MOORE replied:

I thank the member for some notice of this question, and I ask that it be placed on notice.

POLICE - DRUGS

Raids - Use of Civilian Volunteers

957. Hon SIMON O'BRIEN to the Attorney General representing the Minister for Police:

- (1) Can the Government outline its plans for the use of civilian volunteers to be used as observers during drug raids?

- (2) Has the proposed trial begun?
- (3) For how long will it run?
- (4) What community groups will be invited to participate?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(4) The plans by the Western Australia Police Service to introduce a scheme in which independent civilians accompany members of the Police Service on planned drug operations for which search warrants are executed on premises are in the very early stages of planning. The Police Service is evaluating the concept, after it was first raised as a recommendation of the Wood royal commission. The initial stages of the scheme involved gauging support for the scheme from the State's community policing and crime prevention committees by way of a questionnaire. There is little point commenting on the worthiness of this project until any initial planning has been undertaken and the comments of the State's community policing and crime prevention committees are analysed after their annual general meeting this weekend. Nevertheless, the Minister for Police believes the concept is worthy of consideration, but the proposal must be developed in full before any firm commitment is given. There are several areas of concern that must be addressed in this scheme, including ensuring the safety of participants.

PARKS AND RESERVES - NATIONAL

Yanchep - Redevelopment into Tourist Facility

958. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Does the State Government recognise Yanchep National Park as an important tourism facility for Western Australia?
- (2) Has the Minister or his agencies taken, or will they take, any action to ensure the Yanchep National Park is redeveloped into a world-class tourist facility?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The administration of Yanchep National Park comes within the responsibility of the Minister for the Environment. It is part of a Department of Conservation and Land Management estate. In fact, CALM has quite a significant involvement in the tourism industry. I understand - this is not my direct responsibility - that the hotel complex is being redeveloped. As members will be aware, quite a lot of work has been done on the koala sanctuary at Yanchep National Park. I also understand that work is to be done on the golf course to bring it up to a reasonable level for tourists. Beyond that, I am not aware of what CALM has in mind for the facility. However, I agree that it is a world-class facility, one which deserves to be enhanced and protected.

ENVIRONMENT - GREENHOUSE GAS EMISSIONS

Strategy

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

- (1) Is the Minister aware of the recommendation in the Western Australian "State of the Environment" report that the Government should develop a greenhouse strategy?
- (2) Is the Government developing such a strategy?
- (3) What impact will such a strategy have on the anticipated large increase in greenhouse emissions, as detailed on page 14 of the report?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.

(2)-(3) Yes. It is expected to be finalised early in 1998, after the meeting in Kyoto, Japan.

PORTS AND HARBOURS - NAVAL BASE, KWINANA

New Container Terminal

960. Hon J.A. SCOTT to the Minister for Transport:

- (1) Has Cabinet already approved the construction of a new container terminal at Naval Base, as stated in the Fremantle-Rockingham regional strategy?
- (2) Was the advice of the Environmental Protection Authority sought before the decision was made?
- (3) If so, was the EPA advice published; if not, why not?
- (4) Is the Minister aware that the proposed site of the container terminal is a system 6 conservation reserve, M91, which is part of the Beeliar Regional Park?
- (5) Does the Minister support this proposal; if so, why?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) No.
- (3)-(5) Not applicable.

FORESTS AND FORESTRY - STATE FORESTS

Dwellingup - Logging

961. Hon J.A. COWDELL to the Minister representing the Minister for the Environment:

- (1) Is the Minister aware that the logging of state forest at Dwellingup has started, despite the belief of Murray Shire councillors and local residents that officers from the Department of Conservation and Land Management had undertaken to meet them first?
- (2) Why did CALM officers fail to meet representatives of the Murray Shire Council at Holmes block last week?
- (3) Has the Minister heard reports of the tremendous damage this logging exercise is causing to wildlife, wild flowers and the local tourism industry?
- (4) Why has the Government failed to heed the very serious concerns being expressed about Holmes block?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No CALM officer is known to have given any undertaking to meet Murray Shire councillors prior to logging commencing. CALM staff previously met with representatives from the Murray Shire on 18 August 1997 to discuss logging operations in Holmes block.
- (2) CALM met with Murray Shire councillors on 17 October 1997. It is believed that the councillors present were generally satisfied with the forest management being practised in Holmes block.
- (3) There is no evidence whatsoever that logging is causing tremendous damage. Logging will be predominantly a thinning operation, which is required to promote the health and growth of the forest. Thinning involves the removal of overstocked, poor or unhealthy trees. Overstocking leads to trees degenerating, dying or growing very slowly due to competition for limited water and soil nutrients. Thinning allows these limited resources to be used more efficiently by fewer healthier trees. Without thinning, these trees will not develop into mature large trees containing hollows for nesting wildlife. Other trees retained include specially marked fauna habitat trees and trees to maintain biological diversity.

Tourism values will be maintained by applying special visual resource management practices along tourist travel routes, such as the Pinjarra-Williams road. These practices will ensure that the forest will remain visually attractive before and after the operation.

Rare flora and endangered fauna are protected under CALM's normal precautionary practices such as

retaining fauna habitat trees, special exclusion areas along stream zones and other special ecotype zones such as granite outcrops.

Holmes block is a 60 year old jarrah regrowth forest which was regenerated in 1930 and has been cut over at least three times before the current operation. The area will continue to be actively managed as state forest in the future.

- (4) CALM has considered the concerns expressed by certain sections of the community. Consultation with neighbours adjacent to the harvesting operation took place on 13 August 1997, followed up by further meetings with sections of the community on 28 August, 3 September and 18 September. Where possible, genuine concerns have been accommodated in the forest management being practised in Holmes block.

GOVERNMENT CONTRACTS - CHALLENGE STADIUM

Jason Cleaning Services - Value of Contract

962. Hon TOM HELM to the Minister for Sport and Recreation:

- (1) Does Jason Cleaning Services have the contract with the Western Australian Sports Centre Trust for the cleaning of Challenge Stadium?
- (2) If not, who has this cleaning contract?
- (3) When was the contract last let for cleaning Challenge Stadium, and to what date does the contract extend?
- (4) What is the annual value of this cleaning contract?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not applicable.
- (3) The last and current contract for cleaning at Challenge Stadium was let on 31 January 1994, and the contract expires on 31 January 1998. The trust has applied to the Department of Contract and Management Services to extend the contract to 30 April 1998, due to the staging of the 8th World Swimming Championships in January 1998. Approval has been granted.
- (4) The value of the cleaning contract for the 1996-97 financial year amounted to \$146 150.

Point of Order

Hon TOM STEPHENS: With reference to the flow of questions in recent times, I commend to you, Mr President, and through you the House, specifically the Leader of the House, the need to come to terms with some of the difficulties in question time by virtue of arrangements relating to the delay in answering questions on notice. I ask the Leader of the House to tackle the issue of answers that are nothing but long ministerial statements. I commend to you, Mr President, and the House that an opportunity be provided for an early discussion so that we can avoid ongoing problems about an important part of the activities of the House.

The PRESIDENT: That was not a point of order, but more a point of view. However, I think the House understands what the member is getting at.
