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LEGISLATIVE COUNCIL

Thursday, 24 June 1999

Legislative Council

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

SELECT COMMITTEE OF PRIVILEGE

Motion to become Order of the Day

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.03 am] - without notice: I move -

That motion No 10 be made an Order of the Day for a later stage of this day's sitting.

By way of brief explanation, motion No 10, of which notice was given by Hon Norm Kelly last week, relates to the Select Committee of Privilege. I propose, if the House agrees to this motion without notice, to deal with this matter during the one hour set aside for consideration of committee reports.

Question put and passed.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Labour Relations Legislation Amendment Act 1997 and Labour Relations Legislation Amendment Bill (No 2) 1997

Hon Kim Chance presented the eleventh report of the Standing Committee on Public Administration in relation to the Labour Relations Legislation Amendment Act 1997 and the Labour Relations Legislation Amendment Bill (No 2) 1997, and on his motion it was resolved -

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

[See paper No 1158.]

REGIONAL SCHOOL TEACHERS

Motion

HON LJILJANNA RAVLICH (East Metropolitan) [11.05 am]: I move -

That the Minister for Education ensures that the Government can fulfil its fundamental obligation to provide sufficient teachers to fully staff regional schools by -

- (1) reviewing conditions faced by country teachers; and
- (2) revising the minister's country incentive package for teachers.

By way of introduction, I will make some general comments about the education system, because those general comments will highlight areas which are of concern to me and which I deem to be key reasons why this Government has difficulty meeting the obligations of a fully staffed regional school system as part of the whole education system within this State.

The reign of the former Director General of Education can be described as a disaster in terms of financial and resources management. One might ask what this has to do with country teachers. At the end of the day, if an agency has difficulty getting its financial management in place and managing its finances, it will be more difficult to provide the resources to carry out the Government's policy initiatives and administer the agencies that the Government has under its control, the Education Department being one of those key agencies.

Quite clearly, there have been major budget overruns, and the Education Department sought a supplementation of \$50m. That suggests to me that there is insufficient money to divert additional resources to provide additional teachers to the regional schools experiencing the teacher shortages. I am not suggesting for one moment that it is the only reason. However, at the end of the day, obviously the financial position of an agency, such as the Education Department, will have a great bearing on the services that can be delivered and what can be provided to the education system.

Despite the \$50m supplementation, there was a further overrun of somewhere between \$27m and \$30m this year. That will not help the situation, because in order to make country schools more attractive for some teachers to work in the more remote regional areas, there need to be incentives. Part of this motion deals with the specifics of the country incentives package. However, it is one thing for the Government to define something as an incentive and another to have teachers describe it as an incentive. Certainly, from the information which has been conveyed to me, teachers are saying that the incentives are not sufficient to induce them to take up appointments at remote country schools. We have a problem. Although the Government thinks the \$13.9m which it has allocated to the country incentives package represents a great deal, teachers and the State School Teachers Union of WA acting on behalf of teachers believe that is insufficient money to achieve the Government's stated outcome, which is to attract more experienced and senior teachers to regional schools.

Hon Dexter Davies: The teachers union does not represent all teachers.

Hon LJILJANNA RAVLICH: I accept that. I am not sure what its membership is, but it represents a significant number of teachers within the education system. The views of the State School Teachers Union and teachers who do not belong to the union should be considered. I am confident that they all have a general concern that the package may be too little too late. The Government's definition of "sufficient" is not necessarily the teachers' definition. My concern is that with continual

budget overruns the situation may not get any better. Although there will be pressure on the Government to provide additional resources for the country incentives package, which is still under negotiation, if the Education Department continues its budgetary overruns it may be impossible for it to provide an allocation greater than the \$13.9m already earmarked. We might see no improvement on the present position. The budgetary position of the Education Department will in large part impact upon the extent to which the department applies a productivity dividend in the 1999-2000 budget.

I would like the minister to respond to two questions: Firstly, is the Education Department's budget overrun expected to be greater than the \$30m projected so far, and, if so, how much is the overrun expected to be? Secondly, has a productivity dividend been applied to education in the 1999-2000 budget? That will impact on the availability of resources, and the availability of resources will have a substantial impact on the Government's ability to meet its objectives in the country incentives package for teachers.

During the estimates committee hearing this year I raised the issue of teacher shortages. I had received a document on teacher demand and supply from 1999 to 2005, and I was concerned at the projected teacher shortages in the Education Department. Yesterday when I opened up the newspaper I was very disappointed to read how the Government might handle the issue of teacher shortages. We knew that the teacher shortage was likely to occur. This has been an ongoing problem since the commencement of this year. On the first day of school 100 vacancies were recorded by 4.00 pm, and six days into the school year 34 positions remained vacant in government schools. These vacancies were no surprise. What was surprising to read yesterday is the Government's possible strategy for dealing with teacher shortages. The Government's proposal is that perhaps it can use untrained teachers in regional schools and people who have an expertise in a discipline. One of its options is to use people with an expertise in a specific area and perhaps provide these people with a brief course on education; for example, a geologist might teach geography.

I would be concerned if the Education Department went down the path of using untrained teachers. The notion is abhorrent for a number of reasons. The first reason is that untrained teachers do not have the skills and the attributes to complete the requirements of being good teachers. I have some real concerns that students within the education system, such as those who are educated in regional areas, could be subjected to a second-rate education system. I find it abhorrent that the Government would consider putting untrained teachers into regional schools purely and simply to get over a problem of its own making.

The second reason is that we must not devalue this profession any further. I read the debate in this place last night on some education amendment regulations. This morning when I read my contribution to that speech I came across my reference to the fact that often when one is in a social situation and asks what someone does, a primary school teacher will whisper their response as though there is something wrong with being a teacher. I want to clarify why I made that statement. I did not make it because I think there is something wrong with the teaching profession or that teachers should be ashamed of the job they do. I gave that example because it demonstrates how much the Education Department has devalued the contribution of teachers in this State. I can remember, and I am sure Hon Derrick Tomlinson can remember, that 30, 20 and even 10 years ago teaching was a respected profession and primary schools attracted many males to the profession. The position of principal of a primary school was something to aspire to. The role of a principal of a primary or high school was upheld as being valuable to the community.

Hon Dexter Davies: That is still very much the case in my community.

Hon LJILJANNA RAVLICH: Communities vary, but teaching is not the respected profession that it once was. I feel sad that that is the case. If Hon Dexter Davies is happy with the system and believes that teachers and school administrators feel good about what they are doing, he is mistaken. There are exceptions and certainly some rural communities are great communities in which to work. I have been fortunate to have had that experience where it has been an absolute delight to get that community respect. Often in a regional community, everything centres around the school which is a very focal and integral part of the community. Most of the community meetings happen in the school. The parents and citizens association often attracts the most able people in the community because it has a presence, respect and regard in the community. However, I could not say to Hon Dexter Davies that the same situation applies across the whole system. Wide variations occur in schools and, unfortunately, there has been a devaluation of teaching as a profession which is very sad. My point is that when the Education Department refers to employing untrained teachers in regional schools to make up for a teacher shortfall, it only adds to the sense of devaluation already felt by many teachers in this State and to the perception that education is not so important that we must have qualified professionals. The message that it sends our teachers is that education is a profession that anyone can perform.

Mr President, I have grave concerns about the way the Government is moving on this problem. Low morale among teachers is due to a whole range of factors, not only the devaluation of education as a profession but also the rate and amount of change being imposed on schools and the sense that it is happening all too quickly. At what point does it stop? At what point do the schools implement all these great ideas? It is good to have all these great ideas but, at the end of the day, time and resources must be allocated to implementing them. Unfortunately, the requirement to implement these ideas often is not followed by the allocation of resources and, therefore, great frustration is felt by teachers. Teachers talk to other people, as do those in other professions. Frankly, I do not often hear teachers advising me on how great are the employment opportunities, how great is the profession or that other people should follow them into it. I am sorry, but it is true that I do not hear that. In fact, when I am asked whether I believe teaching is a great career I have to say no, as it does not offer promotional opportunities because it is changing constantly. As well as teaching, teachers must do many other things. They must be social workers, picking up where families go wrong and disciplining where families have abrogated their responsibilities, and they must perform many other roles besides the role of a teacher. At the end of the day, Mr Principal - I mean Mr President - that indicates the respect I have for you, Mr President.

Hon Derrick Tomlinson: He is proud to be a man of principle.

Hon LJILJANNA RAVLICH: Yes, and he is a man of principle. At the end of the day, Mr President, there are many reasons that young people do not enter the teaching profession and I am trying to give members my own personal view of the reasons that they do not do so. The reason I make that point is if young people are not entering the profession, they will not be able to be posted to the country and if there are not enough people entering the teaching profession, a proportion of them will not be going to the country.

Hon Derrick Tomlinson: The quality you get out of it is the quality you put into it.

Hon LJILJANNA RAVLICH: That is absolutely right. There are many reasons for the teacher shortage. Many of these issues are very dear to teachers, such as the notion of local selection and the abolition of the transfer system which is leading to anxiety and competition between colleagues. Many teachers believe that if they go out to a country school, their chances of returning are remote. That is a very real concern for many teachers. Under the old system there seemed to be a greater chance of returning from the country because even in my own experience one went out to a country school and did one's time. There was no guarantee that one would return but generally there was an understanding that if one served a certain amount of time one would find one's way back.

The abolition of the promotion system means that teachers are less likely to take up country appointments. As a result of that reluctance, we know that the Education Department still has 28 vacant positions in regional areas throughout the State. It is disappointing that the Education Department cannot find those 28 teachers. I remember, when I put the question to the minister during the estimates committee, his attitude was, "What do you expect us to do about it? Twenty-eight vacancies is not bad given the number of teachers in the education system." As a percentage it is probably minuscule, but for regional communities it is a serious problem; not a one-off problem but an ongoing problem. Country schools go through the same problem year after year trying not only to attract teachers but also to keep them for the duration of the year so that there is some continuity in the schools. Of course, the abolition of the transfer system means that teachers will be stuck in country areas. Some teachers may want to be there. I am not saying that country postings are bad postings; however, those who want to serve a period in the country and then transfer to the city will find they cannot do so as there is nowhere for them to go. Therefore, there will be a lack of mobility, which is a real concern in country and metropolitan regions but more specifically in country areas.

The other issue that pops up is the question of promotional positions. I understand many of these positions have been quarantined as school rationalisations mean dislocated teachers must be located elsewhere in the system. We, as members, have sat in this place for some time and familiarised ourselves with the local area education planning model that was sold to us by the Government. The Government raved on about what a great thing it was. I must admit that in some areas some schools have fared okay and in other areas there have been overall disadvantages. I mention Gosnells Senior High School which is in my electorate. That school is not getting anything out of the local area education planning model. However, the point I am getting to, Mr President, as I see the minister getting a bit nervous -

Hon N.F. Moore: No, I am not nervous. I just read the motion and Gosnells has nothing to do with it unless it is now in the country.

Hon LJILJANNA RAVLICH: The point I am making is a block exists in the education system on promotional opportunity.

Hon N.F. Moore: You were about to talk about Gosnells. I didn't know Gosnells was in the country.

Hon LJILJANNA RAVLICH: I am using it as an example of a school that has not fared well out of the local area education planning model. If I used the example of Carnarvon Senior High School, the Hon Norman Moore would be the first to say, "What do you know about that? When was the last time you were up there?"

Hon N.F. Moore: This is your motion, not mine.

Hon LJILJANNA RAVLICH: That is right. Mr President, promotional positions have been quarantined as a result of local area education planning and the rationalisation of schools. If the number of schools in this State is reduced and super schools are built, obviously there will be people in the system who will be dislocated. There will be surplus deputy principals and maybe even principals. That would cause a systems problem. If there is already a surplus of administrative positions and people who might otherwise go to the country decide that they will not go down that route as there will be no benefit to them, because the whole system for promotional positions in Perth is clogged up, that will obviously be another impact on the difficulty of attracting teachers to country areas.

There is no permanency for country service. As the minister will be aware, once upon a time one did teacher training and then completed two years of country service. That was an excellent incentive. There were some problems with it. For example, my first appointment was at Norseman District High School. I went there as an Aboriginal education teacher and was not properly prepared for it. The work that Hon Derrick Tomlinson's committee has done on schooling in rural Western Australia has produced an outstanding report. I had better not say outstanding, but it was a very good report.

Hon Derrick Tomlinson: I prefer your first description.

Hon LJILJANNA RAVLICH: I have not read the whole report.

Another problem was that regional schools would always get the first-year-out teachers, which meant there was the issue of schools needing experienced teachers. There were many problems but at the end of the day that system guaranteed that regional schools could be staffed. I must say that later, as a deputy principal, I felt that the argument about inexperienced

teachers went only so far. I always found that young teachers under effective administration were excellent achievers for their school. What is lost on the swings is gained on the roundabouts. I did not see young enthusiastic teachers as a disadvantage at all. In the schools in which I worked they were fantastic. Although the old system of giving permanency after a couple of years had some warts, at least it guaranteed that people undertook country service.

If there is no security within the system to be gained from going to the country, it is unlikely that young teachers will take up the challenge. They will certainly not be interested in putting up with poor housing and with the social isolation and lack of facilities that can often be experienced in regional areas if nothing is to be gained from their experience. The balancing act is how to make a package of incentives so attractive that we can overcome some of the negatives which country teachers experience when sent particularly to the more remote areas of Western Australia. At the end of the day the advantages must outweigh some of the disadvantages. To say that there are no disadvantages is misleading. It is often much more difficult to work in regional areas.

Hon Derrick Tomlinson: It is more a question of living, not working.

Hon LJILJANNA RAVLICH: Absolutely. I can remember when I was at Morawa receiving a phone call from another deputy principal who was at a school about 100 kilometres away. I loved country service. I spent seven years in the country. I spent time in Kambalda, Morawa and Norseman.

Hon Derrick Tomlinson: Real country.

Hon LJILJANNA RAVLICH: Yes. It was part of a real growth experience. It is good to be in a country town if one likes sport and is social and does not mind having a beer at the workers bar on a Friday night. It is a great place to be. For me it was a great experience. However, the point I am making is that there was another deputy principal, who was considerably older than I was. It was her first appointment in the wheatbelt. She phoned and said that there was no repertory there. Her idea of having fun was very different from mine. I was happy to play sport and follow that sort of pursuit. She had different pursuits, none of which could be met in an isolated country town. All those human factors need to be considered when looking at the whole question of why it is difficult to get teachers into rural areas.

In February of this year the Minister for Education announced a \$27m country incentives package to retrain and attract quality teachers to isolated rural areas. However, out of that \$27m, as I understand it, only \$13.9m was a new budgetary allocation for this program. I understand that country teachers have so far received no financial benefit from this package. As a result, it is not surprising that there are still chronic teacher shortages in this State. I understand also that the package is still being negotiated, so we are really no further advanced. Major teacher shortages still exist in goldfields schools; they are about 8 to 10 teachers short. Several Pilbara and Kimberley schools are still without sufficient teachers. I understand that it is a bit of a moveable feast but overall it involves about 28 teachers.

The shortages cause widespread difficulties for the community as a whole. It is not merely a case of not having teachers in a town. In order for companies to attract families to a town, the education facilities must be sufficiently well provided to be able to attract a workforce. On 24 February 1999 Mr Paul Richardson, who is the registered manager of Tarmoola Operations Pty Ltd, wrote to the Minister for Education and also forwarded a letter to Dr Geoff Gallop, the Leader of the Opposition, expressing his concern at the impact that these teacher shortages were having on his operations. He wrote -

I am writing to you on behalf of Tarmoola Operations Pty Ltd, a 2.8 million tpa gold mining project based at Leonora in the Eastern Goldfields.

Over the last 18 months a significant amount of capital expenditure and human resources have been allocated to expand the Tarmoola Operations by Pacmin Mining Corporation.

The time and effort spent has resulted in a significant extension of the life of the operation to a point where we are now planning to be mining for the next 10 years, and are employing a total of 89 of our own staff and 153 mining contractor personnel.

That is not insignificant in a small town. The letter continues -

As a policy we are encouraging our senior management and their families to be based in Leonora -

which is good for everyone in the town -

- a change from the previous fly-in-fly-out practice.

However, the serious lack of teachers at the Leonora District High School has now become a significant issue, such that despite salary package incentives, families with school age children are unwilling to come to Leonora. Some existing employees based in Leonora are considering removing their children from the school, while others are considering placing their children at other schools, often great distances from Leonora.

Due to my concern with this situation, I have spoken to the Leonora District High School teaching staff and P&C Group.

Currently the school has no teacher assigned for the Year 5, Year 3/4 and Year 6/7 classes.

That probably represents half the school population. He continues -

Not only does this put existing teaching staff under excessive pressure, but as we have no Relief Teachers left in the area, that are not already teaching, there appears to be no solution to the problem in sight.

Further discussions with staff indicate that over the past weeks, up to four teachers have shown an interest in appointments at Leonora (despite most of these having to be sourced from the Eastern States), but all have declined a permanent position.

The reason given in most cases is that there is no incentive to be based 620 kms by air (or over 800 kms by road) from Perth. This appears to be a direct result of Leonora not being classified as a Remote Area School, in which case extra incentives would be available to teachers.

At the beginning of the year members of the Opposition were inundated with correspondence about this teacher shortage having more than a direct impact on schools - it was having a community impact. Letters were received from schools at Laverton and Southern Cross. Peter Panizza, the President of the Southern Cross District High School P & C, wrote to the opposition spokesperson for Education, Eric Ripper, and pointed out that the high school had a very demoralising start in 1999 because the staffing requirements were not met. The school is missing a manual arts teacher, a year 3-4 teacher and a maths teacher in the junior high school. Once again, we are talking about 30 to 50 per cent of the staffing contingent at that school.

His letter reads -

On one hand the government and education office are telling parents and staff members how and what to teach our children in readiness for the 21st century, what is the point of saying this when neither can be done simply because staff requirements aren't met.

Maybe we should firstly go back to step one and make sure we have the staff before anything else.

I raised that point yesterday when debating the disallowance motion. Clearly we have problems. Here we are at the tail end of June and the situation has not improved. Six days into the school year we had 34 vacant positions, and four months later we still have 28 vacant positions in the State. That is hardly a vast improvement. The depressing aspect of this is that we can expect it to get worse before it gets better, and that is the issue that concerns me the most.

A paper was prepared by the human resource policy and planning section of the Education Department and released in March 1999 entitled "Teacher demand and supply - 1999 to 2005". This paper indicates that there will be teacher shortages in both primary and secondary schools. From 1999 to 2001 there will be a shortage of approximately 200 primary teachers, and we will then move to an over supply in 2002 to 2004. We must find 200 teachers for next year and the year after, because the system will be understaffed if one believes the work of the Education Department, and that is the best information we have. The matter must be picked up now to ensure the damage to rural communities and students is minimised. Throughout the forecast period, the shortage of secondary teachers ranges from 226 to 350. Across the system, we will have a shortage of over 500 teachers from 1999 to 2001. This is a substantial problem; it is not something that will go away - it will get worse before it gets better. What strategies has the Government put in place to ensure that this difficulty will be managed? I do not accept that the Western Australian community will cop untrained teachers in rural areas. Regional communities should not have to put up with second best. I am very interested to hear from the minister what strategy will be put in place.

I remember speaking last year over and again -

Hon N.F. Moore: It is not like you to say something over and again.

Hon LJILJANNA RAVLICH: The leader usually has a monopoly on that. I made the point that we should consider very seriously what impact the youth training allowance would have on student numbers and the resource implications at the school level as a result of students being shepherded -

Hon Derrick Tomlinson: "Encouraged" to continue their schooling.

Hon LJILJANNA RAVLICH: The member can use the word "encouraged". I would rather use "shepherded".

Hon Derrick Tomlinson: That is a good word. You could call it "pastoral care".

Hon LJILJANNA RAVLICH: We all know why these young people are being shepherded. Most, but not all, of them are not educational success stories, otherwise they would not have left the system in the first place. We know they have been shepherded back into the education system to make the unemployment statistics look good.

Hon Derrick Tomlinson: Tell me, comrade, which Prime Minister invented that technique?

Hon LJILJANNA RAVLICH: We have shifted the problem back into the schools and that is putting additional pressures on school resources. That is also borne out by this report, which states -

An increase in the secondary student population in Western Australia from 1,125 in 1999 to 2,250 for 2000 and later years resulting in an increase in the projected shortfall of secondary teachers. This increase is partly attributable to the changes in the Common Youth Allowance.

Obviously this is another pressure and more teachers are needed in the system in both the metropolitan and regional area. Clearly that is having a major impact. If we look at what is happening in education generally, that, too, goes some way to explaining why we cannot get teachers into regional areas and why there must be a more honest review of the conditions and of what incentives are required to get teachers into those areas. If we look at the staff profile, it is obvious that we have an ageing work force. The total number of school-based staff is approximately 18 770, which includes those on leave from the department. The number of females is 12 925, accounting for nearly 70 per cent. The number of males is 5 843, accounting

for about 30 per cent. We have a real shift in that only one-third of teachers are male and two-thirds are female. The average age is 42 years. I should not say that 42 is old because I am 41. The reality is that it is an indication that younger people are not coming into the system and that we have an ageing work force. In fact, only 16 per cent of all teachers are 30 years of age or younger, and 80 per cent of those are female. This highlights the older age profile and the feminising of the work force. These issues must be addressed. We must look seriously at why people are not coming into this profession. As I have already pointed out, it is for a range of reasons.

The promotional staff profile also shows that teachers are not promoted until significantly later in their careers. The average age for males is 48 to 49 years and for females it is 48 years. I find it astonishing that this is the average age at which people are promoted to the positions of heads of departments, deputy principals and principals. I must be careful how I phrase this, but many women leave teaching when they are 55 years of age; yet on average they are being promoted to the position of a principal or a deputy principal at 48 years of age. That means that a woman must work her whole career basically before a promotional opportunity opens up. It is not an encouraging sign. It relates to making teachers' conditions attractive to enable competition for teachers to come into the Education Department so there are enough teachers to do the job and service the country schools. Clearly that is not the go.

Another issue is that promotional staff in schools are predominantly male. Members will agree that the gender balance of teachers - that is, two-thirds are female and one-third are male - generally applies to the whole education system. However, when we look at the primary-secondary school split, the majority of primary school staff are women. It is almost odd to walk into a staffroom in a primary school and meet a handful of male staff.

Hon Derrick Tomlinson: You are lucky to get a handful. Sometimes it is only a half a handful. Sometimes it is only one male staff and the rest are female.

Hon LJILJANNA RAVLICH: That is exactly right, and it is a real problem. The issue of gender balance must be addressed. This report provided some reasons for education not having the uptake and for the fact that graduates were seeking employment opportunities further afield. It acknowledges that the employment of graduates has declined markedly over the past 10 years. It put this down to a number of reasons: Strong growth in the non-government sector; low teacher exit rates; high proportion of permanent staff; establishment in primary; mismatch between graduates and areas in demand; lack of mobility; and the Education Department's recruiting policy. The Government must look at many areas. I found this document particularly helpful because it was an honest discussion paper. I hope the Government responds to this discussion paper in the same honest way and recognises that these problems are real and must be addressed sincerely.

The teacher shortages are not restricted to regional areas. We know that the shortage of 500 teachers which is projected over 1999-2001 will impact on metropolitan schools. We also know that some metropolitan high schools are experiencing subject shortages. One of the subject areas which has the greatest shortage of high school teachers is design and technology. Many of the students who have been shepherded back into the education system through the youth training allowance are the more non-academic students and they tend to want to take up subjects such as design and technology. Apparently it is very difficult for the Government to meet the demand.

Hon Dexter Davies: It is the more creative students.

Hon LJILJANNA RAVLICH: It does not matter whether it is a more creative or a less academic student. We know that education is not everyone's cup of tea. We also have shortages in early childhood education. We are experiencing shortages in the supply of secondary mathematics teachers. That is trending downwards, while the demand is likely to increase as a result of the compounding effects of an ageing and feminised work force and a reduced number of pre-service mathematics teachers and graduates. Clearly the Government must keep an eye on that area. It must also keep an eye on teachers of languages other than English, who are projected to be in short supply. It is beholden on the Government to take this document seriously, acknowledge that there will be a problem, look at some of its human resource issues and the reasons we have problems filling the requirements of rural Western Australia, and look critically at its policies with a view to ensuring that those matters are addressed.

Currently the Education Department is going through a transitional stage in its plan to accord district offices and schools greater flexibility and autonomy in school-based management. However, that is an issue with which we dealt yesterday. The only thing I will say about it is that that in itself will not necessarily overcome teacher shortfalls, because we must attract them before we can allocate them. A number of changes to policies and processes in human resources management within the Education Department and changing trends in graduate employment have impacted on teachers in 1999.

Debate adjourned, pursuant to standing orders.

BRONZEWING SOUTH, COURT ACTION

Statement by Minister for Mines

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [12.01 pm]: Most members will be aware of the long-running dispute over certain gold prospective ground, commonly referred to as Bronzewing South, which has involved the High Court and this State's Supreme Court. It was reported on an ABC radio talk-back program, on Channel 10 news yesterday and in today's editions of *The West Australian* and the *Kalgoorlie Miner* newspapers that Justice Desmond Heenan of the Western Australian Supreme Court yesterday found that, in exercising my statutory authority as Minister for Mines, I had made an error of law in deciding to grant an exploration licence in the Bronzewing South area to Hot Holdings Pty Ltd, a private company of which Mr Leith Beal is the managing director.

These reports are in fact incorrect and I consider it essential for the sake of the record to state precisely what Justice Heenan did conclude. To this end I will quote verbatim Justice Heenan's concluding statement in his decision which was handed down in the Supreme Court yesterday -

My consideration of the matter has left me far short of finding that the decision of the Minister is void. I do not propose to grant the declaration sought. However, I am satisfied that there is an arguable case as to whether the Minister has made an error of law in deciding to grant the application of Hot Holdings notwithstanding its non-compliance with s118. I conclude that an order *nisi* should be granted for each of the three writs of prohibition, *mandamus* and *certiorari* and that the claim for declaratory relief made in the amended summons should be referred to the Full Court for determination on return of the order or orders *nisi*.

It is clear that Justice Heenan did not find that I had made an error of law; rather, he found there to be an arguable case as to whether I made an error of law in deciding to grant an exploration licence to Hot Holdings Pty Ltd, notwithstanding the company's non-compliance with section 118 of the Mining Act. This section requires the holder of a pastoral lease to be informed in a prescribed way of any application for a mining tenement made over the pastoral lease. There is a significant difference between a finding that an error of law was made and a finding that an arguable case exists that an error of law may have been made, an argument that is then referred to the Full Court of the Supreme Court for determination, as has occurred in this case. It is regrettable that such an important matter was incorrectly reported by some sections of the media.

SELECT COMMITTEE OF PRIVILEGE

Refusal to Produce Documents Under Summons

HON NORM KELLY (East Metropolitan) [12.03 pm]: I move -

That the finding of a Select Committee of Privilege on a refusal to produce documents under summons, contained in its report tabled on 8 December 1998, that Dr Peter Murphy committed a contempt of this House, be adopted.

I have previously made my feelings known during the debate on the noting of the report. However, given what has been said in that debate, it is a logical next step to adopt such a report.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [12.04 pm]: The Labor Party supports the adoption of this motion. One of our colleagues participated in the Select Committee of Privilege. We believe the report deserves the full support of the House.

HON DERRICK TOMLINSON (East Metropolitan) [12.05 pm]: In supporting the motion I want to make it clear that the terms of reference of the report to which the motion refers were straightforward. It was to consider the circumstances under which Dr Peter Murphy, of the Department of Resources Development, was asked to produce documents under summons of the Estimates and Financial Operations Committee and to report on the appropriateness of the penalty recommended by a previous select committee of privilege were Dr Murphy to be found in contempt for that failure.

No dispute has been entered into about the issue of contempt. I think all sides of the House have accepted the finding of the first Select Committee of Privilege that there was contempt. The second select committee was not charged with reconsidering that issue; it was charged with considering the circumstances and therefore the matters on the day between the delivery of the summons about 11.15 am and the time the breach occurred at 4.30 pm. It was therefore important that the committee have a clear understanding of the sequence of events that prevented Dr Murphy from discharging his obligations to deliver the report to the Clerk by 4.30 pm.

In the previous debate much was made of Dr Murphy's demeanour when he came before the second committee of privilege. I would describe his demeanour as petulant. He was uncooperative and made it clear that he was unwilling to provide any information to the committee other than that which he was obliged to provide. Even though his demeanour did not please the members of the committee, that is not at issue in this debate. The charge was to examine the circumstances of the breach. The committee heard the evidence of three witnesses.

As a member of the committee I confess to being confused by the evidence given by the three witnesses because clearly different times were presented by the three witnesses about what events occurred and when they occurred. The timing of those events was important. For example, when did the minister instruct Dr Murphy that he was not to deliver the reports to the committee? At one stage it was suggested that the instruction was given at 3.00 pm. At another stage the committee was told that it occurred some time over lunch.

At another stage, the committee was told that it was during a meeting some time between 1.00 pm and 2.00 pm. As a result of the confusion about those matters, I asked one of the witnesses, Mr Kioses, whether it would be possible for him to present to the committee a detailed schedule of events of that day. He undertook to do so. Importantly, the question was asked of Mr Kioses, who undertook to do so.

I digress for a moment and advise the House, as is the form with committees of this place, that witnesses are given and asked to sign a "Witness Information Sheet". The sheet contains this information -

IMPORTANT: PLEASE READ THESE NOTES BEFORE GIVING EVIDENCE.

1. The Committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the House itself demands.

2. Even though you may not be required to give evidence on oath, any deliberate misleading of the Committee may be regarded as contempt of Parliament.
3. Unless otherwise directed by the Committee, witnesses may not divulge the contents of their evidence until such evidence is reported by the Committee to the Parliament.
4. You will be asked by the Committee -
 - (a) if you have read these notes;
 - (b) to state your full name, address and the capacity in which you appear before the Committee.

In the instance of the Select Committee of Privilege, each witness filled out and signed a "Witness Information Sheet". Each witness was asked, "Have you read and did you understand those notes?", and each witness replied in the affirmative. The important point is, "Unless otherwise directed by the Committee, witnesses may not divulge the content of their evidence until such evidence is reported by the Committee to the Parliament".

The then Deputy Commissioner of Police appeared as a witness before another committee I chaired. I asked the deputy commissioner whether he had read and understood the "Witness Information Sheet", to which he replied yes. He said, "May I request the permission of the committee to discuss my evidence with the Commissioner of Police?" The Deputy Commissioner of Police, having read and understood the prohibition on discussing his evidence with anybody outside the committee room, asked for the permission of the committee to discuss his evidence with the Commissioner of Police. That was the gravity of the prohibition and instruction that the Deputy Commissioner of Police saw on the matter. In that instance, the committee granted permission to the deputy commissioner.

I return to the Select Committee of Privilege and the request to Mr Kioses to present a schedule of the events of the day. I can see some concern among the Clerks about whether I should speak of this matter. Mr Kioses undertook to provide the schedule. The committee received a schedule of the events of that day, and received that schedule from Mr Kioses and Dr Peter Murphy. Dr Murphy contacted the committee clerk and indicated that he wanted to change his evidence, and the clerk advised him that he may not change his evidence: He may correct any errors of style or form, but not any matters of fact. If Dr Murphy wished to change his evidence, he should do one of two things: Seek permission to appear before the committee again, or alternatively make a written submission to the committee. Dr Murphy chose the latter. The written submission of evidence to the committee included a second schedule giving more information and detail.

I relate that to the House to illustrate the attitude of Dr Murphy to the proceedings of a Select Committee of Privilege. A senior public officer was called before a Select Committee of Privilege because he had failed to deliver documents on summons. A Select Committee of Privilege found him to be in breach of privilege, and to have committed a contempt of Parliament. Given the opportunity to explain, he proceeded to defy the instructions of the committee, which he had read and understood, not to discuss the evidence given to the committee until it was reported to Parliament. I report it to Parliament now. The evidence had been discussed with at least one other person and possibly a third. That we know. A request from an officer of his department was discussed with him, and two events followed involving elaboration upon evidence given to the committee.

Other members have said that Dr Murphy's attitude caused them to look upon him unfavourably. I agree that his demeanour was petulant. More important than that petulant demeanour before the committee was this deliberate and wilful disobedience of a written instruction which he had read and understood. That to me is a much graver indication of the regard in which Dr Murphy held the matters and the request for him to produce evidence and to appear before and to give evidence to, not just one committee of this Parliament - the Standing Committee - but also the Select Committee on Privilege.

Let us consider the sequence of events. We understand that Dr Murphy, upon receiving the summons, contacted the Crown Solicitor's Office. The Crown Solicitor's Office was contacted at 10.58 am, 11.16 am, 11.47 am, 3.08 pm and 3.10 pm, according to the register of outgoing calls from Dr Murphy's office on that day. There was a flurry of calls to the Crown Solicitor seeking advice. We are told the advice was that Dr Murphy could do one of two things: He could obey the summons and deliver the documents or the minister could instruct him not to deliver the documents; in other words, the minister could claim public interest immunity, in which case it would become a matter for the Parliament or the House to decide. If a minister claims public interest immunity and instructs an officer of his department not to deliver documents called for by a standing committee, the standing committee then has the right to report that to the House. The House may then deliberate upon the minister's denial, and the House may accept that or may instruct the minister to deliver the documents, in which case the minister has no option other than to comply.

When the minister instructed Dr Murphy that he was not to deliver the documents, that did not absolve Dr Murphy from the responsibility of responding to the summons. The summons was that Dr Murphy, by 4.30 pm on the prescribed day, attend upon and deliver the documents. When the minister took that authority from Dr Murphy by instructing him not to do so, Dr Murphy still had an obligation to advise the Clerk; in other words, to comply with the summons. We were told that because there was a problem with the computers at the Department of Resources Development on that day, the department was unable to generate a computer print-out of the minister's written instruction for the minister to sign. I think it was well known in the public sector on that day that a computer virus had closed down the computers in the Education Department, and that other departments were advised that there was a virus in the computer system. That minister's written instruction had been prepared by the Crown Solicitor's Office and communicated to the Department of Resources Development, and it was to be typed onto departmental letterhead and delivered to the minister for his signature, and it was then to be delivered to the Parliament. At about 3.00 pm, when it was found that because of the computer problems a hard copy of the letter

could not be generated by the Department of Resources Development, among the telephone calls to the Crown Solicitor's Office was a request to fax the letter to the office of the Executive Director of the Department of Resources Development; in other words, to use other technology to circumvent that glitch in the computer system. That was done.

However, it was very important to get that written document to the minister's office by 4.30 pm for his signature, because the department knew that after that time the minister would not be available until 5.30 pm. It was not important to get the document to the minister's office by 4.30 pm to comply with the requirement to get it to the Clerk of this House by 4.30 pm, but merely to get the minister's signature by 4.30 pm. That document was then walked to the minister's office. Unfortunately, it arrived too late, and the minister was not available to sign it until he had returned from his engagement at around 5.30 pm.

Evidence was given to the committee that Mr Kioses rang the Clerk's office to advise him that there were problems in complying with the summons. There was no reply; the Clerk was unavailable. While we accept that the record of outgoing calls from the departmental office indicates that contact was made with the office number of the Clerk, there is no evidence that that telephone call was received, and there is no evidence that the Clerk advised of that telephone call accordingly. It was then claimed that having failed to contact the Clerk of the House by telephone, a telephone message was left with the clerk of the committee, Mr Michael Smyth, and the telephone record shows that, at the time, a one-minute telephone call was received at the switchboard of Parliament House. Regrettably, there is no evidence of any recorded message having been received by Michael Smyth. There is, however, a statutory declaration by the committee clerk that no such message was recorded on his answering machine. In fact, the clerk, Michael Smyth, was absent from the State and had left a recorded message advising that he was out of the State and would not be back until, I think, the following Thursday or Friday, and to please leave a message. Regrettably, by the time the committee attempted to seek confirmation of that through electronic records of incoming telephone calls and recorded calls, those records had been destroyed, because they are kept for only 14 days in the House.

However, we accept in good faith that an attempt was made to advise the Clerk. No other attempt was made by Dr Murphy or a member of his staff to advise the committee that the order could not be complied with. The important point that the House must acknowledge is that an instruction was given by the minister in the afternoon. The instruction, having been received by Dr Murphy, was then communicated to Crown Law. Crown Law then generated a letter in the correct terms to give clearly the minister's direction. A delay then occurred at approximately 3.00 pm in the generation and the transmission of that letter to the minister. However, that decision and that action did not in any way lift the requirement from Dr Murphy to respond to the summons. It certainly took away from Dr Murphy the authority to deliver the documents because in effect the documents were no longer in his lawful possession; he was not authorised to do other than what he had been instructed by the minister. However, he was still obliged to respond to the Clerk. He failed to do so even though he had ample time to do so. Even though officers of his department had demonstrated a computer glitch which inhibited the generation of a letter, they demonstrated a way of getting around that using a fax and a telephone. They used the fax and the telephone for that purpose, but did not use the fax, even a handwritten note sent by fax, to the office of the Clerk. We know they had the number of the office of the Clerk because it was on a letter sent to them and circled, on evidence given by Mr Kioses. When a deadline was to be met in getting a letter to the minister for his signature by 4.30 pm - because after 4.30 pm the minister was not available - they did not even bother to send a fax, they walked the letter to the minister's office. The distance between the minister's office and the Clerk's office is 500 metres, perhaps 1 000 metres; I will settle for 750 metres. However, on 8 October, 10 days after the event, Dr Murphy wrote and said, "I am advised that perhaps I should apologise to you."

Having considered the events of the day as the committee was instructed to do, the committee resolved as it did. The committee's resolution is as reported to the House and the committee also resolved that the penalty was an appropriate penalty. In calculating the penalty, the previous committee had sought guidance from criminal law because no penalty is specified in the Parliamentary Privileges Act other than in section 8, which states that a fine may be imposed, but with no indication of quantum. Therefore, the first committee sought guidance from the criminal law and determined that given the gravity of the offence, \$1 500 was an appropriate penalty. The first Select Committee of Privilege also considered the financial imposition of a fine upon Dr Murphy. The only way that the committee could consider what was an appropriate financial penalty upon Dr Murphy was to equate it to his income. His income is approximately twice that of members of Parliament, which is approximately \$6 000 a month before tax and superannuation. An amount of \$1 500 represents a penalty in round figures of a week's pay of a member. That was the penalty and those were the matters taken into consideration. Given the gravity of the offence and taking into account the circumstances of the person of the defendant, if that is the appropriate term, the first committee decided that a penalty of \$1 500 was an appropriate penalty and so recommended. The second committee was asked to consider that penalty and reaffirmed that as the appropriate recommendation to the House, indicating that it was up to the House to decide. I support the motion of Hon Norm Kelly.

Question put and passed.

Fine to be Imposed

HON NORM KELLY (East Metropolitan) [12.37 pm]: I move -

That for his contempt Dr Peter Murphy be fined the sum of \$1 500, and that fine is now imposed.

This matter has been debated fully in this Chamber and the report of the first Select Committee of Privilege was tabled in December. Members have had six months to consider that report and the report of the second Select Committee of Privilege to determine their positions. Now that the Council has adopted the report, it is in keeping that this motion be supported. I am disappointed that it is left to me to move such a motion, but so be it. I was happy to be a member of both those

privilege committees. I fully agree with Hon Derrick Tomlinson that our work was thorough and that this motion is in line with not only the work of that privilege committee, but supports both those privilege committees and also the Standing Committee on Estimates and Financial Operations for the original work that it did in this matter.

Adjournment of Debate

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [12.39 pm]: I move -

That the debate be adjourned to the next sitting of the House.

Question put and a division taken with the following result -

Ayes (12)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson

Hon Max Evans
Hon Peter Foss
Hon N.F. Moore

Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon John Halden

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill

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

Hon Tom Stephens
Hon Ken Travers
Hon E.R.J. Dermer (*Teller*)

Pairs

Hon Barry House
Hon Murray Nixon
Hon Ray Halligan
Hon Murray Montgomery

Hon Bob Thomas
Hon Giz Watson
Hon Tom Helm
Hon Nick Griffiths

Question thus negatived.

Fine to be Imposed

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [12.42 pm]: It is a pity that the House did not agree to adjourn this debate because members hold a number of views about this issue which I believe are better discussed behind the Chair. I have been seeking over the past day or two to get the message across to members that a number of issues which are quite complex and of particular concern to me need to be considered. I had been led to believe over the past couple of weeks that the quantum of the fine or penalty had ranged from the \$1 500 suggested in the report to something considerably less than that. I had hoped that we might be able to reach a collective view on this rather than the House needing to debate a particular number of dollars. I do not know how we can ever reach a stage where these decisions can be made when I am told on one occasion that a particular figure is acceptable and then told by the Labor Party that its Caucus has made a decision and cannot change its mind. People get locked into particular positions when it may be easier and more appropriate for more flexibility to be allowed in these matters. Some people hold strong views that a \$1 500 fine for the offence we are talking about - which was described by Hon Derrick Tomlinson at some length a moment ago - is quite severe and higher than is appropriate. Hon Derrick Tomlinson described the circumstances surrounding this matter and a number of them could be described as mitigating.

While I do not wish to retrace the issues considered by the committee itself, we are being asked as a House to support the penalty recommended by the committee. I do not know an appropriate penalty for a breach of privilege. Having been here for a while, I am aware that other questions of privilege have been raised in this House by various members. If my memory serves me right, I recall a situation where a Mr Brian Easton was found guilty of a breach of parliamentary privilege, and we all know the circumstances surrounding that breach. If again my memory serves me right, I recall that the penalty was an apology. That is the only other time I can recall this House making a decision about a penalty for a breach of parliamentary privilege. Whether what Mr Easton did was better or worse or more or less nasty than what Dr Murphy has done is a matter of opinion. I know some people who strongly believe that what Mr Easton did was infinitely worse than anything Dr Murphy may have done. When one considers the penalties, one an apology and one a \$1 500 fine, it could be argued that the penalty being proposed here does not fit the crime. I will talk until 1.00 pm because I do not propose that the House make a decision on this.

The PRESIDENT: Order! In case members believe this is within Standing Order No 61(a), we are not debating a committee report. The House has given leave for a motion to be moved, so this matter does not fall under Standing Order No 61(a). I raise that because the Leader of the House appears to have made an assumption.

Hon N.F. MOORE: I did make an assumption and I am wrong, as you said, Mr President, so rather than work on the assumption that I can avoid this House making a decision today, I will seek to try to convince members - as I have been doing for the past week or two and rapidly losing enthusiasm for trying to reach agreement with parties on any issue - that we should discuss this matter as mature adults in an alternative environment to sitting in here. Some members have very strong views about this issue and if the House wishes to have a long and laborious debate all day about \$500, \$1 000, \$1 500, jail, hanging or nothing, that would be a waste and an inappropriate use of the time of the House, particularly now but also at any time in general. I am not sure how to avoid that waste. The House has decided not to adjourn the debate, so it must reach a decision on this matter.

I ask members to bear in mind the fact that the question of a penalty should have been considered by the various parties prior to the House being asked to debate the matter in this way. It may be appropriate to consider an amendment.

The PRESIDENT: I am not here to advise the House on which direction it should take but I gather the Leader of the House assumes the debate cannot be adjourned again because the House has refused an adjournment previously. The fact is that the Leader of the House attempted to adjourn it, and the House refused his motion to adjourn. There has been a continuation of the debate. If at some stage today, or at some future date, another member seeks to adjourn the debate, I am required to put the motion.

Hon N.F. MOORE: Thank you for your advice, Mr President. Members will appreciate that I am trying very hard to reach a conclusion, and it is not always easy when I am standing on my feet and still talking. I hope that somebody might, when I sit down, move that this debate be adjourned to the next sitting.

Hon Tom Stephens: That might not be necessary if my colleague Hon Mark Nevill were to get the call, because he could speak until 1.00 pm, and then we could discuss this issue behind the Chair.

Hon N.F. MOORE: I do not think that is an appropriate course of action, because I am anxious to proceed with the budget debate this afternoon. This matter has the potential to be on the agenda for the rest of the day because there are some strong views on it. It is a matter which can be sorted out by grown adults behind the Chair. However, it may take longer than the one hour between one o'clock and two o'clock. Therefore, it is appropriate, bearing in mind that this matter has been around for some time, for us to do that. I hope that somebody will get the call and move that the debate be adjourned to the next sitting of the House to give me an opportunity to again discuss this matter with Hon Norm Kelly and also the Leader of the Opposition, whose position on this matter I ascertained only about five minutes before the matter came on. I am regularly criticised for not telling the Leader of the Opposition what is happening. On this occasion the boot is on the other foot. If somebody moves that the debate be adjourned to the next sitting of the House, I hope the House will agree so that we can sort this out behind the Chair.

HON MARK NEVILL (Mining and Pastoral) [12.51 pm]: I support the motion moved by Hon Norm Kelly. In my view, the fine is appropriate when one considers the first report of the Select Committee of Privilege. In that report, the committee goes into the penalty in some detail. It has looked at the criminal law for a similar provision under the Criminal Code. There is a fine of up to \$7 500 or up to two years jail. There will always be some variance of opinion about what the fine should be. The privilege committee has certainly given a great deal of thought to the amount of the fine, and no doubt it agonised over that question. I believe that the committee has come up with a figure that is appropriate. The contempt is quite clear; there is no doubt about that. I have not heard any substantive argument to the contrary.

The remarks of Hon Derrick Tomlinson were enlightening, because he actually made some forthright comments about the demeanour of the defendant in the privilege committee hearings. I had that same view of the defendant when he gave evidence to the estimates committee. He was quite petulant and had the view, as expressed by his body language, that the committee really had no right to be delving into this area. Hon Derrick Tomlinson described Dr Murphy's demeanour when he was giving evidence to the privilege committee as being petulant. I am disappointed about that, because I have said before of Dr Murphy that he is a very competent public servant. I have previously said in this House that he is the most competent public servant that I have dealt with in the Department of Resources Development, particularly in his briefings and advice on the iron ore industry. I have not had a great deal of experience of his knowledge and dealings in the gas industry. However, he was unhelpful when giving evidence, and I am sure he could have assisted the committee to a far greater extent than he chose during those hearings. I have subsequently been advised that he is well informed about the issues on which I was questioning him during that committee hearing to which he did not give answers. Therefore, it was not a question of the information being too detailed or beyond his knowledge. That attitude was disappointing in such a competent officer.

The Leader of the House was wrong to compare the fine in this case to the Easton case.

Hon N.F. Moore: Why?

Hon MARK NEVILL: The Easton case did not revolve around section 8 of the Parliamentary Privileges Act, which is the case in this instance. I have just called for a copy of that report. Obviously, I have not had a chance to read it. However, I was a member of the second committee, I think.

Hon Tom Stephens: You were not a member of the first committee.

Hon MARK NEVILL: No, I was a member of the second committee which looked at the non-compliance by Brian Easton with an order of the House, which is a different question. In that case, we did not have a choice of a fine; it was either apology or jail. That was one of the difficulties that the committee faced. We asked Mr Easton to give the House an apology, which he refused to do. The jailing followed that. Therefore, it is not proper to compare the two cases; they are different. The committee has taken the proper course in looking at other statutes for guidance. I am not sure what other work the committee has done. However, there is lengthy discussion about - I am trying not to say quantum - the penalty.

I do not see that the House has any option other than to proceed with this fine. There do not appear to be any ameliorating factors in this case. Dr Peter Murphy had the benefit of legal advice for at least five months prior to the summons. The record is full of accounts whereby Dr Murphy said that he had to get Crown Law advice about releasing documents. That Crown Law advice must have revolved around the effect of the Parliamentary Privileges Act. As Hon Derrick Tomlinson said, the witness statement, which is signed prior to giving evidence, was signed by Dr Murphy. The obligations he was

under were very clear to him. The requirement for legal advice was not just on this particular occasion; it was on other matters and other documents that the committee sought. Dr Murphy said that he would need to get legal advice on answers to questions that the committee had sought.

Sitting suspended from 1.00 to 2.00 pm

Hon MARK NEVILL: Both Select Committees of Privilege have done a thorough job of investigating this matter. That has taken many hours of deliberations and interviews of witnesses. The decision they have come to is correct; that is, the fine of \$1 500 is appropriate. I reiterate that if the House does decide to fine Dr Murphy, that in no way reflects on his competence as a public servant in the Department of Resources Development. I have a high regard for Dr Murphy. However, the Select Committee of Privilege has determined that a clear breach of privilege has occurred, and I believe the penalty moved is appropriate.

HON PETER FOSS (East Metropolitan - Attorney General) [2.02 pm]: I will put a couple of matters before the House, because this is an important debate not so much for the result of the debate but for the future. Many things have come out of the committee reports and out of this debate that will form an important part of the understanding of the House and the law relating to privilege. In particular, the committees have done a very good job in pointing out the relationship between documents, ministers and this House.

The important point that has come out is that most of these documents belong to a minister but not in the sense that the minister is the person with possession of them. In the same way, if I own a house and I leave the house with one of my children in that house, I retain possession of everything in that house. I am not physically holding onto the house, but it is still in my possession. A visitor, or another person who comes into the house, although they are physically there, are not in possession of it. The issue is whether a minister or the civil servants are in possession of documents. The minister at any time has the capacity to order those documents into his possession. It does not matter whose physical control those documents are in, they are in the possession of the minister.

A general direction was issued by the previous Government as to the possession of those documents. Under that general direction, although it was not known by Dr Murphy, he did not have possession of those documents, and at no time did he have the legal capacity to deliver those documents to the committee. It might have been considerably more helpful to the committee if that had been said at an early stage. When that occurs it becomes a matter for the committee to deal with the minister. As far as the parliamentary side is concerned, the committee can deal only with the representative minister in this House. The standing orders require, when a minister refuses to answer a question or deliver a document to a committee, that the committee instantly refer the matter back to this House, because the House must decide whether that document should be required or a question answered. That would have been the appropriate course in this case, but it did not happen.

It is clear that that general direction was not generally known and, in the end, the minister gave a specific direction. Even if there might have been some question as to whose possession the documents were in prior to that direction being given, once the minister gave that direction those documents were the minister's to dispose of or otherwise. If any action were taken to require those documents to be produced, it would have to be taken on the direction of the minister.

We know that at the time the contempt occurred - and I totally endorse the finding of the committees that there was a contempt - when Dr Murphy should have appeared before the House to hand over the documents or at least to explain that he did not have the documents or why he could not hand them over, he had no capacity to do so. The net result would have been, no matter what he did, that the committee would not have those documents. That matter would come to this House for determination.

We do not know what this House would have determined. The matter has never come to this House. It is not a clear matter in which the documents, for instance, are ones that should have been produced and viewed publicly. They were documents that were deposited with the Government not as part of a transaction with the Government, but as documents that are required to be deposited with the Government for public deposit. That is rather like when information is given to the Bureau of Statistics. The bureau must have the information but that information does not become generally publicly available. It is a public obligation, but it is not a public right to know about it.

Hon Mark Nevill: The documents are still in the public proper.

Hon PETER FOSS: That is right. It was a matter, firstly, whether it was proper to require the documents to be produced and, if not, whether the documents should be subject to the conditions which maintain the secrecy of those provisions.

At the moment of the contempt what was it that did not happen? The first privilege committee into the contempt rightly said that Dr Murphy did not turn up to tell the committee. Had he turned up he would have told the committee it could not have the documents. The event that did not occur, which should have occurred, was that he did not turn up to tell the committee that he could not produce the documents. That is a contempt; I have no doubt about it. However, I must ask: How serious a contempt is it, and why do we punish contempt?

There are two kinds of contempt. The first, one that needs to be punished so that it is over and done with immediately, is a disruption of the House. If somebody were to start disrupting the proceedings of the House we could fine the person for contempt at the moment of that disruption. We have a tendency not to do that, but we can do that, and once it is done it is over. There are other contempts, but we must think carefully about what we will achieve by imposing a fine.

The fact is that there was nothing to be achieved in this instance. The committee was trying to produce the document. However, we know that the documents were not going to be produced by that witness at that time. He had no legal capacity,

at least under the general direction of the Government, and certainly under the specific direction of that minister. The contempt was all over in a fraction of a second. Dr Murphy did not turn up and did not say, "I cannot give you the documents." It was not the failure to give the documents that was the contempt; it was that he did not show cause why he could not give those documents to the committee. That is why we must know whether this is an appropriate fine for that contempt, and what do we achieve by it? Generally speaking, the punishment of this type of contempt is imposed to persuade the person to do what the person is not going to do. We know he cannot and could never produce those documents. This punishment will not cause them to be produced. That will not in any way be achieved by what we are being asked to do. This motion is purely to deal with the dignity of the House.

Hon Mark Nevill: They were granted every extension they asked for.

Hon PETER FOSS: People should have known about the general direction of the Government. I hope that one of the best things that has come out of this is that every civil servant is now fully aware of the general direction of the Government on what to do with documents. If public servants receive a request to produce a document they should immediately inform their minister as he is the one who must make the decision on whether the committee gets the document. That should be the first action of every public servant who is required to produce a document to a committee because the minister is entitled to know as he is the person who possesses the document. If nothing else has been learnt from this whole process, it is, I hope, the proper way to deal with a committee; there should be no shillyshallying, they should get onto the matter straight away and make sure the minister knows about it. The second aspect is not to play along with the committee but to straight away inform it of the situation rather than keep asking for adjournments. At least public servants should now know that the first thing to do is tell their minister. He is the person they must deal with. Hopefully, at that stage it will be dealt with at the appropriate level.

The difficulty in this case was that the matter was not referred immediately to the minister. In future I hope these matters will be referred to the minister straight away to be appropriately dealt with at the ministerial level, first, by correspondence with the appropriate minister if that minister is in this House. If the minister is not in this House and the matter cannot be resolved quickly and satisfactorily, it should be referred to the minister in this House representing the relevant minister. That is the appropriate way to deal with these matters.

What I ask now is: What are we achieving by this punishment? Are we now going to cause a recalcitrant person to do what the House wanted him to do? We know that is not the case, as we all know the document is not capable of being produced by that person. What we are doing is punishing the person for the insult offered to the House. I am concerned that this is a rather high fine for an insult offered to the House when we recognise it is an insult offered in a fraction of a second and constituted someone not turning up and informing the House that he could not produce the document. The House has known for some time now that that is the case.

I would like to compare this with some of the other insults offered to the House from time to time which we tend to ignore. Some people in the public gallery in another place were shouting and making rude remarks disrupting a vote half way through a division and the House had to adjourn. That was a serious disruption of the House and a more serious insult to the House than that which we are considering. However, no action was taken on that matter. It took place in the other House and obviously it is not for us to comment on what happened there. However, I recall similar, if not more significant, incidents in this House, and we have taken no action whatsoever. I am reminded of the gendarme song.

Hon N.D. Griffiths: Don't sing it, will you?

Hon PETER FOSS: I will not sing it. That song suggests if a person is an easy target, one can make a more serious attack on him than one would on a person who is not such an easy target. I would hate this amount to set a precedent for an insult to the House. Members should keep in mind that it is not this punishment or penalty, but the tariff we are setting for this type of insult to the House. It is not a continuing contempt; it is a contempt that is over and done with and we know it cannot be purged by the production of the document. With due respect to the committee, the distinction has not been made as to why we are punishing the contempt.

Hon Mark Nevill: Did you read the case that came from the Supreme Court of New South Wales Court of Appeal last week of *Egan v Willis and Cahill*? It was suggested, at least in that jurisdiction, at the Legislative Council in New South Wales, that the committee is entitled to have access to any documents even if they are covered by professional privilege.

Hon PETER FOSS: That is correct. However, the point I am making is the committee is not entitled to a document from a witness who does not have possession of it. It may be that point has not come through clearly.

Hon Mark Nevill: I understand the point you are making and I am sure that is correct.

Hon PETER FOSS: For instance, we could not serve a summons on Hon Ljiljanna Ravlich asking her to produce the document and then hold her in contempt for not producing it if she did not have it. Obviously the witness must have a document before he or she can produce it. In the case of a civil servant, where the minister has said, "I take that document into my possession. I hold that document and I will decide the future of that document" only the minister can deliver it because it is in the minister's possession. One then goes to the minister, not the civil servant, for the document. That is the point I am trying to make. One can no more ask Dr Murphy to produce the document than one can ask Hon Ljiljanna Ravlich because neither of them has possession of it.

I am not for one moment saying the committee is not entitled to a document. When a minister takes a document into his possession, if he refuses to produce it, the issue must come back to this House because that is the only way in which the document can be caused to be produced; and this is quite right. If a minister says he is not going to produce a document,

the matter comes to this House. It does not matter whether it is a document covered by legal professional privilege or executive privilege, if the House asks for its production, that is a decision of the House. The House may impose a restriction on itself, and generally has. For instance, although there is no provision for a claim of legal professional privilege before a House committee, normally a committee will restrain itself and not overcome that. I have been on many committees where it would have been very interesting to have asked a question and insisted on an answer to it because a person could not claim legal professional privilege, but we do not do so because we limit ourselves. We are not limited by the law. Parliament, which is supreme, limits itself. However, Parliament cannot require someone to do the impossible. It cannot require a person who does not have a document to produce that document. It can only require a person to produce a document of which he or she has possession.

I believe the nature of the contempt in this case was as identified by the first committee; that is, the person did not come along and offer the excuse as to why he could not produce the document. That happened at the moment the person did not turn up on the due date. There is nothing further to be served by these proceedings other than to punish the person for the contempt, the insult to the House. I do not think the House has been insulted to the tune of \$1 500. It is reasonable to take into account the consequence of all of this. Drunken driving carries a severe fine but probably not as severe as \$1 500. Drunken driving causing death causes a person to be charged with manslaughter. It is reasonable to take into account both the culpability and the consequence. In this case both the culpability and the consequence are relatively minor.

I do not believe the House has been hurt by this contempt and the contempt which was a short one - failure to turn up and deliver a message - does not deserve a \$1 500 fine. I would like to put that on the record, Mr President, because I would hate it to be thought that that will be the standard tariff for failing to turn up and offer an excuse because one of these days someone may not turn up by accident. They may start out from home late or may be detained by the police on the way. I would hate to see that happen in what, I suggest, is a very minor case of contempt and I hope the House would not take any action on it. If someone forgot to turn up on a particular day, again I would hope we would not take severe action. Whatever might have gone before is not part of the offence. The offence happened on that day at that time when Dr Murphy did not turn up and make the excuse. What went before is not part of the offence and should not be taken to be part of the offence. With those words, I hope we have on the record what I think should be on the record.

HON J.A. SCOTT (South Metropolitan) [2.18 pm]: I support the motion moved by Hon Norm Kelly. Despite the attempts of the ministers to undermine the seriousness of this issue -

Hon N.F. Moore: I beg your pardon?

The PRESIDENT: Order!

Hon J.A. SCOTT: Despite the attempts of the ministers to undermine the seriousness of this issue -

Hon N.F. Moore: Who else has spoken on this issue?

Hon J.A. SCOTT: I think I have heard the Leader of the House speak on it. The previous speaker, Hon Peter Foss, was condoning the lack of accountability and secrecy and, more importantly, was arguing that the Executive should be able to override the will of the Parliament. That is at the heart of this issue.

Another parliamentary committee, the Joint Standing Committee on Delegated Legislation, has had numerous difficulties with some departments. I do not know whether they do not want to provide information but those departments do not seem to think that the Parliament has a right to scrutinise them. We have mechanisms to disallow their regulations or whatever regulatory matter they are putting through this Parliament.

This case is rather more than the Attorney General was arguing. He was arguing that this is a very complex and complicated matter, but it was clear from the committee's report that Dr Murphy was an aggressive and hostile witness who did not want to produce this information. The minister is playing with words in the argument that he is putting forward. I would describe his argument as a Sir Humphrey, bureaucratic, secretive-type argument to try to take our minds off what is occurring; that is, the Executive trying to disempower the Parliament by an attempt to subvert the power of one of the committees of this House. Quite frankly, it is a more serious issue than the Easton issue. As Hon Mark Nevill has pointed out, on that occasion there was no ability to apply a fine; the only options were jailing or an apology. Whatever case the ministers might put forward is for their own purposes; that is, the Executive should be able to subvert the will of the Parliament. I do not agree with the approach, and so I will support the motion.

Question put and passed.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

Second Reading

Resumed from 23 June.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.24 pm]: I was saying to the House during my introductory remarks in the appropriation debate that it is important to look at the budget of Western Australia from many different perspectives, not least of which is the micro perspective; to look at the smallest government programs and to see therein the value of building a sense of community in Western Australia and to recognise that limited amounts of state contribution can make a significant difference to a community when building that sense of community. Therefore, many areas of government funding across the State are so necessary. The issues that are addressed by government funding are so diverse that a speech in the second reading debate of an appropriation Bill such as this presents an opportunity for members to move through a pretty broad range of issues which are alive and well for communities across Western Australia.

The first instance I gave of a successful government-funded program, about which the Minister for the Arts has spoken, which I thought would be of use to a sense of community in the township of Broome in the Kimberley region, is in contrast to the current lack of funding in another area of the State; that is, the funding of dental health through the Health Department. The people of the Murchison region have complained about the lack of dental facilities, in particular the absence of a school dental van that was available to the dentist based in Meekatharra. No replacement for the dentist who left in 1998 has been found. The school dental van has not visited the schools of that region for 12 months. This illustrates the incapacity of the Health Department to attract even a visiting dentist to the region. I am also told that the efforts by residents to get a dental therapist to visit schools in Meekatharra, Cue, Mt Magnet, Wiluna, and the area to Yalgoo have been unsuccessful.

This is illustrative of a problem about which the Labor Opposition has been speaking for some time; that is, the need for financial resourcing in the Health Department to enable it to respond to the situation in a way that will attract professionals into those regions that need them. That has not been forthcoming from this Government. In the Kimberley region, for instance, whole communities and towns are inadequately serviced by dentists. Some towns are not regularly visited by dentists. Larger communities with huge dental problems are not being serviced by dentists in the absence of the Health Department providing sufficiently attractive remuneration. As a result, very substantial questions of dental health are facing people in those locations. Enormous cost comes to those individuals and the communities in which they live in the absence of dental health. I commend to the Government the need to resource this area of health in a far more reaching way. I am conscious that this is a problem for seniors and people with low incomes across the State, not only in remote regions. There has not yet been an adequately funded program in the State to respond to the challenges of delivering dental services to all citizens.

I have been watching the delivery of essential services in this State with considerable interest, and I am concerned. In response to the devastation caused by cyclone Vance, the State Government indicated it would ensure easier access to essential services. The State Government should ensure easier access to essential services at all times to regional Western Australians.

I refer members to the changes that have occurred in the administration of Western Power and the Water Corporation. Those two utilities were able to respond very quickly to the circumstances that confronted Exmouth and Onslow following cyclone Vance. A superhuman effort was made in the aftermath of that enormous cyclone. However, at times other towns experience a loss of service because electrical wiring fails. Vast time frames have opened up between when the power goes down and when it is restored. Mt Magnet recently experienced a power failure and Western Power advised that the local contractor could not do the repair work. It would cost \$600 for a contractor to come from Meekatharra, and he would not be available for a week. The town had previously had a linesman, but he had been relocated elsewhere and the Meekatharra contractor was given the job of maintaining services in the region. In the normal course of events, decisions such as that have an effect on towns, resulting in a loss of employment and flexibility, and that subsequently has an effect on the economy. In emergency situations such as cyclones, the consequences can be much more significant. Of course, in recent emergency situations the agencies responded very rapidly.

The restructuring of the delivery of power services into the Wyndham area has resulted in electricity being delivered via a powerline going back to the Ord hydroelectricity scheme at the base of Lake Argyle's top dam. Power is generated and reticulated first to Kununurra and then to the Argyle diamond mine. From Kununurra it is then sent 400 kilometres to Wyndham. Previously Wyndham had a fully-functioning power generator. We have a vast powerline across a region that is subject to turbulent climatic conditions, particularly during the wet. As a result, the powerline's capacity to deliver power to Wyndham is questionable. The recent wet season has resulted in an unreliable system and power failures. At this time of the year - when the weather is very pleasant in the north and there are no electrical storms - there is no excuse for the power supply to fail on a Friday, as happened a couple of weeks ago, and not be restored for 26 hours. The residents were not given any advice about what was going on, which indicates a substantial problem in Western Power's approach to the delivery of power.

Western Power has picked up all the cash benefits of purchasing power from the Ord hydroelectricity scheme for 7¢ a unit and selling it on to government agencies at 31¢ a unit. It can now sell it to businesses for 22¢ a unit or more if the consumer uses in excess of 300 000 units a year. Western Power is picking up the benefit of having a contract with the Ord hydroelectricity scheme and it is cashing in on the foresight of those who built the scheme. At the same time, it has not retained the flexibility to respond to power failures that might arise at localities such as Wyndham. It has stripped that town's ability to switch on a generator to restore power when the system fails, which is becoming increasingly frequent.

That illustrates the mentality that is sweeping through the current Government and its utilities. They are stripping back costs and ignoring their community service obligation to provide a reliable power supply to the citizens of Western Australia at a reasonable rate. It alarms me to think that that philosophy can leave communities so horribly exposed. I am appalled that this utility thinks it is good enough to leave a community exposed without power for 26 hours and that it is reasonable to leave replacement parts in Perth subject to the vagaries of transport services. That is a shocking tale. It illustrates a sense of negligence developing within those utilities that must be rapidly turned around.

As a standing committee member, I visited New Zealand during a power crisis in the South Island. That country has been pursuing a philosophy of corporatisation, privatisation and user-pays. That approach has left the South Island subject to the vagaries of rainfall to supply the reservoirs that are vital in the production of hydroelectricity. That vital service has been handed over to private or corporatised bodies that have abrogated their responsibilities. They do not recognise that there are unusual circumstances, such as 100-year droughts, that can make it necessary to invest in capital equipment. Those issues must be considered so that that essential service, for which the State has ultimate responsibility, is maintained for the citizens of that two-island nation.

Similarly in this State, unfortunately, our utility, Western Power, sees itself apparently as freed of its obligations to whole remote regions and towns. Regrettably also it sees itself as freed of any obligation to deliver reasonably priced power to the Aboriginal communities, even those large communities and towns that have existed in this State for decades. For instance, Beagle Bay Mission has existed for 100 years, yet the State and its utility, now called Western Power, see themselves as having no obligations to provide power to communities of that size. It has always had responsibility for these towns, at least in my time, but it now seems to be relinquishing those obligations to guarantee the delivery of power.

The regional areas of Western Australia have increasing challenges confronting them in the absence of dramatic responses to the significant need for road funding. Regrettably, the Howard Government is building its budget surplus by stripping services, projects and public servants from the regional areas, for which it was incomprehensibly praised by the current Premier of Western Australia. It is bad enough that regional Western Australian programs, for which federal funding has been allocated, such as those for the expansion of health, financial and communications services, are dependent on the sale of Telstra, but then one realises that that is nothing more than blackmailing country residents into supporting the sale. Clearly the sale of the additional percentage of Telstra will bring considerable benefit to Tasmanians, but this sale will proceed in a way that will cause enormous damage to regional Western Australians. Australians do not want this sale to proceed and the people who are facilitating that sale, both the Australian Democrats and the coalition Government, eventually will find themselves the owners of the wrath of the Western Australian and regional Australian communities when those voters have a chance to get hold of their members at the various elections. Fortunately the full sale of Telstra will not proceed through the Senate; however, the partial sale will continue. I hope, even at this late stage, that the State Government will seek the Commonwealth's guarantee that the regional programs which have been caught up in the sale of Telstra proceed, irrespective of the outcome of the Government's ambitious program to sell all of Telstra. Funding cuts by the State Government to rural and regional Western Australia have exacerbated the federal budget's slashing of road funding to this State. Federal funding for the Western Australian road program was slashed from \$84.5m in 1998-99 to \$65.9m in 1999-2000; that is a cut of \$18.6m. The consequences are being seen in the regional areas of this State. When inflation is taken into account, the cuts in real terms are a staggering \$20m; that is 23.6 per cent, or almost a quarter. This will hit hard across the State, but will particularly impact on regional areas. The Mt Magnet to Leinster road was originally scheduled for completion in 2002, but it will now be delayed until 2004. The starting date for the construction of the goldfields highway between Waroona and Meekatharra has also been delayed for another year.

If this Government were serious about helping rural and regional Western Australians, the Premier would demand extra funding from the Commonwealth; he would not be applauding the cutbacks in capital works funding which so dramatically and adversely affect our State. The solution is not, however, the continued contracting out of Main Roads WA projects, which seems to be the response of this Government. Main Roads is already imposing upon its employees savage cuts to the work force in the regions, and the completion of much needed roadwork is no longer at the stage which people in the regions legitimately expect. Main Roads workers are losing their jobs and the regions are losing access to good roads.

It is important also to focus on the issue of the teachers in Western Australia whose services are desperately needed to provide educational services to the regional areas of this State. The people of regional areas need educational services which are of real quality and substance and will benefit the students and the people of those regions. The State Government must support incentive programs aimed at encouraging experienced teachers into the hard-to-staff rural, regional and isolated schools. The Labor Opposition has consistently endorsed such a range of support programs. At our most recent state conference, we adopted a policy commitment that will deliver such a program when we take office. It is not fair for the Government to leave these regions and the teachers in those regions inadequately recompensed and financially supported in the delivery of those much needed educational services to the remote and regional areas of Western Australia. These teachers should not have to wait for this uncaring State Government to be either dumped from office or begrudgingly dragged to the post as it recognises that an essential part of its obligations is to implement initiatives that tackle the current staffing problems in regional schools. This Government's policies are denying regional students the opportunity to be taught by the teachers who want to be in regional schools. Unbelievable as it may seem, with almost half of the school year completed, this Government still has not fully and adequately staffed every school across regional Western Australia. Teachers are professionals and must be treated in the same way as other professionals in the regions. They must be provided with financial remuneration for their services and they must have access to professional development and programs aimed at improving the amenity of their lives in regional Western Australia.

Additional funds should be made available to encourage qualified teachers into the non-metropolitan areas of this State. They should then have guaranteed access for return to the metropolitan areas and preferred destinations after an agreed period of regional service. The sooner that is achieved the better.

I appreciate that regions in Western Australia do not have available to them the funds that could be used to make those locations attractive, the schools well resourced and packages of professional development sufficiently alluring because across the State they are required to pay vast sums of money back to Western Power, another government service provider that is charging the schools of regional Western Australia for power far in excess of that which is reasonable.

As I mentioned earlier, Kununurra is paying 31¢ for a unit of power to a utility that is buying it for 7¢ a unit. Kununurra, in the north east Kimberley, has large electricity customers, such as the school, that continue to pay far too much for their power despite the advice of the Minister for Energy. He said that large electricity customers in regional areas that consume more than the 300 kilowatts a year should be able to source their power from the supplier of their choice as from 1 January. Irrespective of whether Ord Hydro Ltd can enter into an arrangement with Western Power to enable this to occur - some debate on this has occurred - it does not help large customers who must pay these unnecessarily high costs.

For some time now I have been receiving approaches from customers in this category. They include not only the providers

of government services, such as education and health, for which the Government has primary responsibility, but also customers in the commercial field. One large electricity customer in the tourism industry in Kununurra is paying a whopping \$205.46 a day for power. That power bill could be slashed by approximately two-thirds if that customer had direct access to Ord Hydro, the generator of power on which Western Power is relying. It also includes government agencies such as the Kimberley Health Service, which is paying \$2m more a year to buy power from Western Power than it would pay to Ord Hydro if that option were available under the regulations presented by the Minister for Energy. Indeed, figures in the Kimberley Health Service's annual report show that around 5 per cent of its funding base is spent on energy and water. How many more patients could be treated more quickly if our health service could spend its budget on health rather than on contributing to Western Power's profits? Figures show that hospitals and schools in the Kimberley are paying 400 per cent more for their electricity than the State Government is paying to buy power from the private electricity provider. More than 31¢ a kilowatt hour is paid to Western Power, which, as I said, is paying as little as 7¢ a kilowatt hour.

Effectively, government institutions are being denied corporate rates because some big private businesses are able to purchase electricity for as little as 12¢ an hour. The minister claims that Western Power is a loss-making business overall in regional areas. However, it does not make sense for one arm of government to be making money at the expense of another, which is experiencing severe financial shortfalls. It shows that the Government is more concerned with Western Power's making profits, presumably fattening it up for some next phase of its life, which I fear may be down the path of slaughter towards privatisation.

Hospitals are left with the difficult task of trying to be able to afford to deliver health services to patients. We hope these customers will not be deprived of a service just to fatten up Western Power's profits for any disastrous embarkation on the privatisation journey. The fact that hospitals are being forced to use their already trimmed-back funding to fatten Western Power's situation rather than to meet the health needs of regional Western Australians is altogether too galling. Electricity prices in Kununurra for large consumers increased by 7 per cent in January and we are told that more increases of up to 28 per cent in the not too distant future will confront those same large users.

My concern with this issue has prompted me to request the Australian Competition and Consumer Commission to investigate the contract signed by Ord Hydro and Western Power and any possible anti-competitive behaviour on the part of Western Power with that contract. I am concerned about the exclusive and secretive contract that exists between Ord Hydro and Western Power, written in such a way as to disadvantage the people of that region.

I note that the people of that region have many health challenges, not just those of the dental health area about which I have been speaking. The delivery of mental health services to the remote regions of Western Australia are also fundamentally important. Funds have been allocated to the provision of mental health services in regional parts of Western Australia. Regrettably, much of that funding allocation has been misplaced to position the senior bureaucrats, such as psychiatrists and mental health nurses, at the top end of the scale without adequate attention being given to the community mental health workers who could be available to meet the crises of families adversely affected by mental health challenges and problems. In so many fields, when confronted with a problem, this Government seems to say that the answer is another bureaucrat. Clearly that is the wrong answer in response to the wrong questions.

That comes from a democratic socialist to a Government on the inadequacies of the approach it is adopting too frequently in this area. I am committed to the delivery of services, but that is not done simply by positioning bureaucrats in the areas of need. It is done by driving Governments into partnerships with communities to find more practical ways of responding to the crises and challenges with which communities and individuals are so regularly faced.

In the Kimberley region, of which I speak regularly, the mental health crisis is blowing out into large suicide statistics among the young and the males of that region. Unfortunately that region is no orphan in this matter of suicide. The statistics are so bald; they are devoid of the pain and the anguish behind each death. Over an extended period I have had connections with the families and individuals who appear as those statistics. To see that the death by suicide of people from families in the country areas of Western Australia is a growing and alarming reality is unacceptable to the people of that region. It should not be left to a cash-strapped government agency to deliver programs that are controlled by professionals who are available from 9.00 am to 5.00 pm Monday to Friday at the full rate of a highly paid bureaucrat.

The program is stripped of its essential barefooted workers who could otherwise be available to assist individuals and families confronted with the crises which typically occur outside office hours. Such services are rarely provided in government-funded programs in that region. I beg the Government to be responsive to reality. I have highlighted a means by freeing up cash resources eaten up in the Health Department to pay the provider of power, which is ripping funds out of the agencies for an expensive power supply. Those funds could be immediately made available to provide community workers to support people in crisis.

It is an anomaly that when faced with such a crisis, the Minister for Youth will tomorrow go to Derby in the west Kimberley to host a Kimberley youth forum. This is in the face of this increasingly occurring tragic youth suicide, particularly among young men, particularly those in remote regions of the State and particularly those who are Aborigines. These people are turning to self-destruction. Hosting a discussion is not the appropriate response to this reality. Although mapped-out strategies should be embarked upon, that discussion is the Government's response. Funds can be made available to these communities to engage appropriate workers to support people in crisis. That statistic is not bald. Too frequently I am confronted with bereaved families who face the realities of suicide. I receive calls from remote locations in the Kimberley to tell me that, for instance, a nine-year-old girl has committed suicide, or a 21-year-old young man has killed himself. When given their names, one discovers that one has known them and their families for all their lives. To know their tragedy demands more support than is made available currently through the Government. To be left with the obligation to go with

families to the morgue to assist them through the processes of grief is to know the tragedy. The remote regions of the State are not provided with support programs to respond to the challenges of contemporary life. It continues to be criminal that we have not resourced adequately this area of mental health and responded to the phenomenon emerging across rural and regional Western Australia affecting young men, in particular, and other sections of the community. It is a reality too frequent inflicted on our community. We cannot simply turn a blind eye and leave the agencies hard pressed to cope with the reality.

Hon Simon O'Brien: Are you aware that the Minister for Youth is actually in Derby today in connection with this issue?

Hon TOM STEPHENS: I just told the member and the House exactly that point. I am aware of it. I expressed my concern that the Government is delivering a minister to a region to conduct a forum in the face of demands from the people for resources for mental health support. The Minister for Youth, Mike Board, is an extremely good self-publicist. Perhaps he is a good man - I do not know. However, he is part of a Government which does not deliver the resources needed in the region. People of the region have identified the resources they want. They do not want just another minister to put public gloss on the situation by offering a sense of a Government which wears its heart on its sleeve.

Hon Greg Smith: Do you think he should not be going up there to find out their needs?

Hon TOM STEPHENS: The young people of the region have already told the Government what they want.

Several members interjected.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The Leader of the Opposition will address the Chair rather than interjectors.

Hon TOM STEPHENS: When the people of the region have already identified what they need and want, it is redundant for a forum to be held which will be nothing more than the provision of a willing ear without a connection to the pocket of government to deliver resources to respond with programs which work. That is my criticism of many ministers of this Government. Some ministers are good blokes, but good blokes are not what is needed.

Hon Ed Dermer: Action is needed.

Hon TOM STEPHENS: Indeed. We need ministers who can persuade their cabinet colleagues to deliver resources needed in Western Australia. One must get past the head, past the heart and deliver programs into the community.

Hon Murray Montgomery: When that happens you criticise them for doing something!

Hon TOM STEPHENS: Not in my case. I never criticise people for that.

Hon Murray Montgomery: You were prepared to criticise the previous Minister for Transport because he did something.

Hon TOM STEPHENS: We only criticised him when he did something wrong!

Hon Murray Montgomery: He made decisions.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: Adolf Hitler made decisions! I was never a fan of the decisions made by the previous Minister for Transport. No doubt should reside in the member's mind about my view. The previous Minister for Transport was very sincere. There is no more sincere person in the world than a madman coming at one with an axe - that person is sincere in intention! That does not mean that sincerity or action are virtues in themselves. Action must be -

Hon E.R.J. Dermer: Backed by wisdom.

Hon TOM STEPHENS: Absolutely. Good sense is needed.

Hon N.D. Griffiths: You may recall that like Hon Eric Charlton, Hitler was a great fan of roads.

Hon TOM STEPHENS: I am a great fan of roads up and down my electorate. I would be a bigger fan if they were better funded. I will get a chance to persuade the new Minister for Transport in that regard. He is yet another good bloke - I do not agree with the member for Wanneroo.

Hon Ljiljana Ravlich: He is not a boofhead.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition might like to continue his speech unaided by all members who have participated of late.

Hon TOM STEPHENS: The Minister for Transport can and will embark on programs as he knows the challenge facing rural and regional Western Australia.

Hon M.J. Criddle: I do.

Hon TOM STEPHENS: He knows it is essential to find ways to deliver the road programs that these regions need.

Hon M.J. Criddle: Not only the road programs but the airstrips and -

Hon N.D. Griffiths: Why not do something about it?

Hon M.J. Criddle: We have a very good program in place for both.

Hon N.D. Griffiths: More promises! In my electorate, you are postponing works.

Hon M.J. Criddle: We are delivering, as the member knows, in the airstrips and roads in his area.

Hon N.D. Griffiths: You are wrong.

Hon TOM STEPHENS: I look forward to working in partnership with the Minister for Transport to deliver -

Hon Max Evans interjected.

Hon TOM STEPHENS: I do not know what the minister said, but I hope it was not bad news for the Minister for Transport or me! I hope there are ways of getting this Minister for Transport, who is a good bloke, not a boofhead -

Hon N.D. Griffiths: He is not a boofhead!

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order, members! The Leader of the Opposition may wish to address the Chair rather than the ministry.

Hon TOM STEPHENS: The challenge is to move this Minister for Transport into action to get his cabinet colleagues to release the resources that are needed for the people of the regions of Western Australia.

I will now finish my remarks about youth suicide, which is a real problem. Rural and remote communities need a complete set of programs upon which they can draw to help tackle this challenge and this tragic trend of increased youth suicide. Despair and suicide is increasing among rural youth, particularly Aboriginal youth, and there appears to be little pro-active response on the part of the Government. I have said to the Minister for Youth that I welcome his coming to my region. I have sent him a fax apologising for not being able to be with him at the forum that will be held in Derby tomorrow and asking him to relay to the forum participants my support for the forum, and to emphasise the need to hear from the whole region and to respond to the needs of that region. I also assured the minister that I will find out what was said at the forum and will be on the Government's tail in support of the initiatives that are being demanded by the people who will be at that forum, because they have made pleas for resources in the past which have gone unheard, and nothing could be more futile, nor more counterproductive, than to sponsor a forum like that, listen to the pleas, and have the minister return to Perth and deliver on none of those needs. I commit myself as one of the members for that region, and as the opposition spokesperson for regional development and Aboriginal affairs, to keep on the Government's tail until it does deliver on programs that will effectively turn this issue around and create an opportunity for hope that is based on a sense of a reality that can benefit the individuals, families and communities within that region so that they have some chance of living as human beings -

Hon E.R.J. Dermer: To make sure there are no cruel hoaxes.

Hon TOM STEPHENS: - and of walking tall and with dignity, and so that they are certainly not left the victims of any cruel hoaxes from the Government, as Hon Ed Dermer has said.

I will move from that area, which is difficult to move from, into other areas of government activity and to the issue of the cost of living in remote communities. That issue seems in many ways almost trite when we have just been talking about efforts to sustain life and to support the good mental health that keeps people away from the tragedy of suicide. However, in part the question of economics for those communities is intertwined with issues like mental health and health in general. In recent times, the Federal Government has failed to act to guarantee the interests of regional Western Australians in the area of the cost of air travel, which is an important part of life in the remote regions of this State. The Federal Government refused to accept the recommendation of the Productivity Commission that Australia should be prepared to negotiate on a case-by-case basis the removal of cabotage; that is, that the right to engage in air transportation with a country's borders be restricted to domestic carriers. Two days after the Federal Government made that decision, Ansett announced that it would withdraw its current twice-daily jet service to Kununurra. One cannot have any regard or respect for that federal cabinet decision, which was allegedly based on trying to protect regional Australians, including, one hopes, regional Western Australians, when two days later one of the major Australian carriers, Ansett, withdraws its twice-daily jet service to Kununurra and the only response from the Federal Government is deafening silence. That move is apparently part of a wider decision by Ansett to cancel 30 weekly jet services between the north eastern Kimberley and the Northern Territory. The Kununurra jet service has been part of the fabric of the life and economy of that north eastern Kimberley town for some 30 years; I think it began in 1968. Local tourism operators, other businesses and the residents of that community are concerned about the effect of the loss of that twice-daily jet service on their operations. Ansett was able to dress up its decision with what is effectively a downgrading to a smaller non-jet service that will be operated out of Darwin by Air North on behalf of Ansett. However, that is not an adequate replacement of that service. The commission rejected the suggestion that this would affect less profitable routes and said that the degree to which additional competition on the more profitable domestic routes would compromise the airlines' ability to continue to operate other less profitable services is questionable.

The Minister for Transport has stated that he will discuss this issue with the Federal Minister for Transport. It is important that the minister realise that these issues need to be tackled with some urgency. It is incumbent upon the minister to ensure that he gets a guarantee from the federal minister that existing air services in regional areas will be maintained by the current operators, and that in some cases, like the service into Kununurra, but also the service into the Gascoyne region and into other parts of the Pilbara, that they be restored, otherwise those two major carriers should be subject to the real prospect, if not reality, of international carriers coming into Western Australia and Australia and delivering air services to domestic passengers across this State and this nation. It seems to me now that one of the things that is slowing down the development of that part of the State is the absence of real competition for Ansett and Qantas, which I fear can come only from

international carriers. The prospect of Singapore Airlines and other South East Asian carriers coming into that region and delivering additional air services in competition with Ansett and Qantas, and then fanning out over the country, is the way to go. It will speed up tourism and the economy and deliver more economic air travel to our State. To that extent, I agree with the Premier, who I believe has made the same assessment of the issue; but he has gone silent, as have his federal counterparts, and has allowed this question to be resolved with the half-baked resolution that they believe would protect regional services. It did not protect regional services. Two days after it took the decision, Ansett withdrew its services into the Kimberley region. It dressed it up with a fancy press release and gave us great briefings on how good it would be. I hold Ansett in extremely high regard for operating a splendid service across this State in those areas where it is still operating. When it is operating with its best aircraft, it is a great service and very capable of responding to the market. Obviously for people such as me the taxpayers have the misfortune of having to pick up my costs; the expense is borne not by me personally. It is a class act service that meets my needs, but it is an expensive service for those who must foot the Bill. Increasing the volume or size of the market is essential in that process. I fear now that Ansett is no longer the flagship for the delivery of air services into Kununurra and the north east Kimberley. Air North carriers will now operate the route from Broome to Kununurra and on to Darwin, except on those days when the jet comes in on the weekends.

Hon M.J. Criddle: There will be a jet service.

Hon TOM STEPHENS: However, it is no longer the daily jet service which was part of the fabric of life for all of us in that region for 30 years, and now we return to using a non-jet service, the Brasilia aircraft, with which I am not familiar - I am told that it holds 28 passengers. It is a slower aircraft and moves from Kununurra to Broome in an hour and three-quarters instead of the hour and 10 minutes that the F28s and the BAe146s took. Think of the other problems associated with this route. The freight that is carried between Broome and Kununurra comes in large quantities and averages out at large numbers for which the Brasilia aircraft may not always have the capacity. Picture the problems that will arise and take the example -

Hon M.J. Criddle: Are you saying they definitely won't have?

Hon TOM STEPHENS: The Brasilia has a cargo compartment capable of holding 701 kilograms. The average baggage and freight weight between Kununurra and Darwin is 650 kilograms. Imagine the variations that produces that average with a 50 kilogram buffer between the average and the maximum capacity of the Brasilia. What will happen to the people of Kununurra with their freight needs between Kununurra and Darwin? Between Kununurra and Broome, 415 kilograms is the average weight that is lifted between those two ports, giving a buffer of less than 300 kilograms. Think of what this will do to the people of that area. I recognise that Ansett is experimenting with the types of aircraft that it is introducing into the eastern States routes in Queensland with its experiment with the 12 Canadair regional jets that will be redeployed on the south east Queensland, Tasmania, Coffs Harbour and Ballina routes. However, there is no guarantee that it will have the opportunity of extending those aircraft into Western Australia or even whether those aircraft are appropriate for us. We know that the BAe146s and the F28s worked for us. To see the loss of that service is a tragedy for the region. Unfortunately that tragedy has been accompanied by, effectively, mute silence from the Minister for Transport. I look forward to the opportunity of discussing it with him as I have done with Ansett to express my concern about that reality. That loss of service was created in this case by a private carrier, but nonetheless a private carrier that is supported by government decisions which protect it from the international competition that would otherwise have been available if the decisions of the federal Productivity Commission's report had been adopted.

Australia Post is now starting to modify the delivery of services to the people of that region. Picture the people of a region who have been used to something called air mail, a fairly basic thing that most of us are used to - the delivery of the mail by air. During the time that I lived in Kununurra and up until now, air mail meant that a letter was posted in Perth, put in the air mailbag, and then placed on the plane and was typically delivered in Kununurra the next day. The mail could be posted across the road at five o'clock and people could be ringing the next day from Kununurra around midday to say that the mail had arrived; that could be simply for a standard post within the time frames in excess of the consumer service obligations that Australia Post currently has upon itself. However, as from 1 July, picture the new air mail service that this government utility will now deliver to the people of that vast region. Australia Post in all of its wisdom has decided that air mail in Western Australia will now fly up the coast only as far as Karratha because of its partnership with Airlink, Qantas. In Karratha, the air mail is chucked off the plane onto a truck and trucked up to Port Hedland. It is then put into a mail hub at Port Hedland and then chucked into the back of, not the Cobb and Co coach, but the next best thing, the Greyhound bus. This is the air mail coming from Perth or across the nation, the air mail service into the top end of the State, the air mail service that will now be delivered to the people in my electorate; it will be chucked onto the back of a Greyhound bus and carted all the way from Port Hedland - when the roads are in and buses are working - through to the towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Kununurra and back to Wyndham. These inadequate roads which exist within that region are regularly cut off by the climatic conditions that impact upon that region - the vast wet season which unleashes its fury on that part of the State over extended periods and cuts off towns. That mail will cover an enormous distance. Even the Minister for Finance would be horrified by this. This is the new air mail service that is delivered by Australia Post under the current federal government regime. The mail will finally wind its way up to Kununurra - if the bus gets it in. What a joke of a service that people -

Hon Max Evans: Pigeon post would be quicker.

Hon TOM STEPHENS: I agree with the Minister for Finance. What an extraordinary service this is which we are getting under the coalition Governments at state and federal level. This is a decision of the federal coalition Government that has left Australia Post now apparently free of community service obligations to deliver mail.

It seems that it is false advertising when the Government says to use airmail to that part of the country. That is where the airmail stops and from there on, it is by road if one is lucky and unless the Minister for Transport is able to inject the necessary funds into this region, the mail may never get through.

Hon M.J. Criddle: I am putting more funds in for roads and airports than you blokes ever did.

Hon TOM STEPHENS: The minister will need to do that because the community service obligation to get the mail through is pretty basic and runs the considerable risk -

Hon Murray Montgomery: I take it there are no bitumen, blacktop roads up there at all.

Hon TOM STEPHENS: No, there is a blacktop road.

Hon Murray Montgomery: You just said the roads there were totally inadequate.

Hon TOM STEPHENS: They are inadequate for meeting the needs of year-round daily mail delivery. The climatic conditions experienced up there mean one would need a snorkel to drive on the roads for many weeks of the year because they are regularly under water. The buses would require snorkels for both drivers and passengers in order to deliver the mail to these regions in the same efficient way which previously existed under Labor Governments and their administration of Australia Post.

Hon Murray Montgomery: The way I hear it, you would not be able to fly an aeroplane up there anyway.

Hon TOM STEPHENS: The mail always got through with the planes.

The DEPUTY PRESIDENT (Hon John Cowdell): Order! The Leader of the Opposition might wish to address the Chair rather than argue with the backbencher or the minister.

Hon TOM STEPHENS: It will become increasingly difficult for even the planes to get the mail through because the Federal Government has allowed the planes to be shrunk to prop jets which do not have the capacity to carry the mail. The composite picture is the Federal Government has reduced the size of the planes from jets to props and reduced the capacity of those planes to carry freight. To solve that, the airmail no longer goes by plane as the planes cannot carry it and is sent on the coach which will take it up the roads which are regularly closed because the funds necessary to maintain the roads in adequate condition are not available. The poor people living in Kununurra or Broome are seeing these services, these things which have been part of the fabric of their lives, stripped away, and members can appreciate what is happening to these people. It is like living in a Kafka novel. Until now everybody has been able to get next day Express Post delivery of items through Australia Post but that will be gone as of 1 July. There will no longer be an opportunity to use that service; there will be only a two-day service.

I conclude by drawing one other issue to the attention of the Minister for Transport. His Government needs to ensure it delivers upon a promise it made to the Carnarvon community for funds for the restoration of the Carnarvon jetty.

Hon M.J. Criddle: I have instituted a solution to that.

Hon TOM STEPHENS: Does the solution include the funds?

Hon M.J. Criddle: Yes.

Hon TOM STEPHENS: Funds to a level of \$200 000?

Hon M.J. Criddle: We are moving towards a solution but it will be funded in the near future.

Hon TOM STEPHENS: The funding of \$200 000 which was previously committed?

Hon M.J. Criddle: Yes.

Hon TOM STEPHENS: I am pleased about that and will not spend any more time on that issue if a solution has been reached.

Hon Murray Montgomery: A decision has been made.

Hon TOM STEPHENS: Yes. I told members the minister was a good bloke. He just needs help to be an even better bloke and a better minister. He certainly needs the help of the Minister for Finance and others to get the necessary resources to meet the needs of regional Western Australian communities. I can see that one of my colleagues is ready to speak.

Hon N.F. Moore: I cannot even see one of your colleagues.

Hon TOM STEPHENS: I know the Leader of the House is always keen to hear from Hon Ljiljanna Ravlich so I conclude my remarks on that note. No doubt I will be able to take advantage of other opportunities to speak on the budgetary matters affecting this State.

HON LJILJANNA RAVLICH (East Metropolitan) [3.34 pm]: It is always a pleasure to address the members across the Chamber. I look forward to these opportunities. Today I will make a presentation on an issue about which all members should know something.

Hon Max Evans: Not education?

Hon LJILJANNA RAVLICH: No, it will be far more exciting than that. I bet many members do not know what I will be

speaking about but I am sure they will be interested in what I have to say. I bring to the attention of the Chamber today an issue relating to Western Power Corporation and some of its activities, particularly the formation of a joint venture company called Integrated Power Services which is a joint venture between Western Power Corporation and Brown and Root AOC. I can see that bells are ringing and that members are all full bottle and know exactly what I will say. I am being a bit sarcastic because in truth probably none of the members opposite knows anything about this. Quite frankly, I did not know anything about this and the fact that so few people know anything about this issue is the cause of my concern.

Members would be aware Western Power recently announced that it would sack 400 of its 980 power generation employees and that most of those lost jobs would be in regional areas. I have always been surprised that the Government has gone down this road given Western Power's performance which looks very good to me on the face of it. Apparently it made an after-tax profit of \$141.6m last year which is 43 per cent higher than the previous year and that looks fairly healthy. It made a direct contribution of \$87m to state revenue. The labour, materials and services expenditure of \$353.6m was 5 per cent below budget. The capital works program was worth \$50.3m and 98 per cent of the Collie power station projects were completed before a fire in June 1998 with associated transmission lines completed on time and below budget. Western Power's return on revenue was 10.1 per cent which is about 6 per cent above the previous year. On the face of it, members would have to agree that it looks as though Western Power is operating fairly efficiently; it is certainly providing a return to the State and generating a profit. Therefore, one has to question why such drastic changes are proposed for Western Power.

Hon Max Evans interjected.

Hon LJILJANNA RAVLICH: We just have to ask. That is just a global introduction; we know these jobs will be lost. I am here today to express my concerns about Integrated Power Services and the way this joint venture has been formed. There has always been concern on this side of the House about what might motivate the Government's privatisation policies. For the life of me I still have not received an honest answer from the Government. That in itself is concerning. When one looks at the activities of Western Power Corporation, one cannot help but conclude that maybe its privatisation agenda is driven purely by ideology; that it is based on this Government's absolute dislike of the union movement and, therefore, its intention to do whatever it can to destroy the union movement in this State. This goes hand in hand with the other sub-agenda which flows through all of this, and that is the intent of this Government to maximise the profits of private corporations at all costs, some of those costs of course being the working conditions of employees. That is why the Government is desperate to move employees from award systems onto enterprise agreements.

Western Power Corporation's future is very uncertain. We know that changes are taking place. However, the full extent of those changes seems to be an area of contention. The minister has put on record that he does not propose to privatise Western Power. However, when one examines the activities of Western Power, the indications are that it is clearly heading in that direction. Western Power has contracted out its maintenance services to Integrated Power Services, a joint venture company which I have already said is half owned by Western Power and Brown and Root AOC.

This in itself is an interesting arrangement. First, how did these two bedfellows come to fall into bed with one another? It seems odd that an agency of the Government of this State, which is funded through taxpayers' dollars and underwritten by the Western Australian Government, can of its own accord choose where it puts the resources of this State and decide which private companies it will therefore support. It seems odd that Western Power has the ability to make that sort of decision without having that proposal scrutinised by the Western Australian Parliament. It seems odd that Western Power decided of its own accord that it would form this joint venture arrangement with Brown and Root AOC and not seek expressions of interest or go through a process which would have opened up that equity position to some level of competition. Clearly, that did not happen. Instead, Western Power decided that it wanted to form the joint venture with Brown and Root AOC, and did so.

What is surprising about this joint venture is that there is so little known about it, although plans have been underway since 1997 to form this joint venture arrangement. The minister might rightly argue that the information on Integrated Power Services has been put into the annual report of his department; however, the Government has not come clean about what is the full intent of this company. How can Western Australian taxpayers be safeguarded from joint venture arrangements which include a private company that may enter into business arrangements which may not provide a benefit to the Western Australian public and may put the Western Australian taxpayer at great risk?

I refer to the annual report of Western Power Corporation, which actually puts on record the interests of Western Power in joint ventures and associates, and also discloses whom are the Western Power representatives in Integrated Power Services. I do not know what is the legal position in respect of putting Western Power directors in a private company.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon LJILJANNA RAVLICH: Prior to the afternoon tea break, I was about to identify the directors of Integrated Power Services, a company of which 50 per cent ownership is held by Western Power. The directors include Malcolm MacPherson, H. Stebbins, D. Eiszele, who is the chief executive officer of Western Power, Mark Cans and Raymond Kirkpatrick. I am concerned about the lack of information available about the formation of Integrated Power Services, the current activities of that company and, most importantly, its proposed activities. My colleague in the other place, the member for Nollamara, received an answer to a question on notice on Tuesday, 24 November 1998 which will give members a good insight into Integrated Power Services. The member for Nollamara's first question asked -

Is Western Power involved in a joint venture with Integrated Power Services Pty Ltd?

The response was -

No. Integrated Power Services (IPS) is an independently registered company of which Western Power is a 50 per cent shareholder. The other shareholder is Brown & Root AOC, now a part of the Halliburton Organisation.

The responses to another question explained why Integrated Power Services had been formed. The explanation given was that it was formed -

. . . for the purpose of providing asset management services to mining, process industries and utilities.

The response specifically outlined those services. It also provided information about when Integrated Power Services was incorporated - on 19 January 1998. The response highlighted that the formation of Integrated Power Services by the joint venture partners was a mutually agreed initiative between Brown and Root AOC and Western Power. I was particularly interested in the response to the fifth question asked by the member for Nollamara. The question was -

What was the method of advertising or calling for expressions of interest prior to selecting this particular company for such a joint venture or association?

The minister's response was -

No formal expressions of interest were called by either party, since this opportunity was perceived and developed mutually between the parties over a period of time.

It is reasonable to ask why this opportunity was not offered to other companies and whether Western Power has the right to enter into such arrangements. I intend to spend some more time dealing with this issue. This information was given to the member for Nollamara on 24 November 1998, and on Thursday, 11 March 1999 I asked a question of the Acting Leader of the House, Hon Murray Criddle, representing the Minister for Energy. The question was in three parts and concerned this joint venture arrangement. I asked -

- (1) Prior to the formation of IPS, were expressions of interest sought from any other companies apart from Brown and Root to take up a 50 per cent shareholding in IPS?
- (2) If so, when was the expression of interest called and which companies expressed interest?
- (3) If expressions of interest were not called for other companies to enter into a partnership with the Government, why not?

The minister's response was very poor. He thanked me for the question and said that the information would take too long to collate and therefore he could not provide it. Clearly, that was not the case, because the information had already been made public. Furthermore, subsequent questions that I have asked on this matter have either not been treated seriously by the Government or it has tried to distract me and made it difficult for me to obtain information that I need.

I put a series of questions to the minister on Thursday, 15 October last year, on Western Power's regional maintenance contract. I asked -

What is the value of the contract and what role will Integrated Power Systems Pty Ltd have as part of this contract?

The response I received was that Integrated Power Services had achieved the status of a preferred supplier. This is interesting, because I want to know who gave IPS the preferred supplier status, and was the preferred supplier status given to IPS by the Department of Contract and Management Services or by Western Power. If Western Power gave the preferred supplier status, that would appear to be a conflict of interest, given that Western Power is a 50 per cent shareholder in IPS. The response to the question went on to say that no contract had yet been let to IPS and that IPS would need to bid competitively for any contract which is let, along with any other preferred supplier.

There is an inherent conflict of interest here, because at the end of the day obviously IPS will have an amazing advantage over any competitor when it comes to competing for this sort of work. It will have that competitive advantage because it will be Western Power which lets the contracts, it is Western Power which has given IPS the preferred supplier status, and it will be Western Power which allocates the contract after deciding which is the best tenderer or best supplier. One cannot get away from the fact that this is riddled with conflicts of interest. Not only that, it is anti-competitive, because Western Power will, in 99 per cent of cases, pick its own company or its joint venture company to carry out its own contracts. If any person tells me that there is no conflict of interest here, there is something wrong with that person. This is clearly an issue which needs thorough investigation.

Although no contract had been let as at 15 October 1998, contracts have been let subsequently, for which IPS has been the successful tenderer. Once again, my colleague in the other place, the member for Nollamara, on 29 October, which was 14 days after I received the response to my question, asked a series of questions on the contract for the operation and maintenance of the Tiwest Pty Ltd cogeneration facility. The fourth question he put to the minister was -

Has this contract been let and, if so, who was the successful tenderer?

Guess what happened? IPS popped up and was awarded that contract.

There is concern among workers at the generation division of Western Power because, as has been expressed to me, what appears to be happening is that Western Power's activities or services in the generation division are being outsourced. Western Power and Brown and Root AOC have set up IPS, and the Government is closing parts of its Western Power operations and is then attracting workers to Western Power projects or, more specifically, to projects which have been won

by IPS. It is getting these workers to go into IPS, and it is taking them off the award system and putting them on workplace agreements with lesser conditions and lower rates of pay.

As to the Muja power station, management has expressed an intent to workers to contract out the coal operations and the maintenance functions - they are two separate functions - to the preferred tenderer. As I understand, the preferred tenderer is Integrated Power Services. There will be 30 to 35 jobs shed as a result of that activity. I am advised that the general manager of power generation has given a verbal commitment that workers will go across on the same wages and conditions. That is yet to be seen. However, it is interesting that we are seeing a shift of Western Power workers into this company which is partly owned by Western Power and partly owned by a purely private sector company. I am also told that there is the potential for a repetition of this shift of workers at the Muja power station and those at the Coolangatta site.

This issue that I bring before the House unfortunately has many unexplained aspects to it. It is beholden on the Government that if government agencies are to enter into joint venture arrangements with the private sector that the public be advised, because at the end of the day it is with taxpayers' money that these agencies enter into these joint venture arrangements. I have already put on record that I have had a difficult time obtaining information on Integrated Power Services. For an initiative which has been in the pipeline since early 1997, it seems that there are very few people with any level of knowledge about the activities of IPS. That in itself is of concern. I find it frightening when I speak to people about the activities of IPS and they do not know what I am talking about. That is a reflection of what this Government is getting into; it is getting itself into a mess.

I have managed to obtain a memo, and at the risk of boring members in this Chamber -

Hon B.K. Donaldson: Table it.

Hon LJILJANNA RAVLICH: No, I will not table it, because this is important and valuable information which I want on public record, and I want to make sure that we do not skip a beat in regard to it. This is a memo from D. Eisezele, dated 23 September 1997, addressed to the Minister for Energy. It is a briefing note which explains the agency's progress towards the formation of this joint venture company, Integrated Power Services.

Hon B.K. Donaldson: Did you obtain this letter under freedom of information?

Hon LJILJANNA RAVLICH: Why?

Hon B.K. Donaldson: I am just asking.

Hon LJILJANNA RAVLICH: What difference does it make? Am I under any legal obligation to divulge my sources? This is a very interesting letter, and I am sure if Hon Bruce Donaldson behaves himself I can proceed. Hon Bruce Donaldson will find it of amazing interest. He might get as excited about it as I am and he might ask some people about IPS instead of my doing all of the asking. It will be interesting to hear the sort of response he receives. Hon Bruce Donaldson is a government member, so it is beholden on him to understand what is going on with government agencies.

The 1997 briefing note is addressed to the Minister for Energy and is headed "Formation of joint company, Western Power Corporation/AOC Australia Pty Ltd" - that is, Brown and Root AOC - and reads -

In accordance with Section 36 of the Electricity Corporation Act 1994, I write to advise you of a new initiative to be undertaken by Western Power Corporation.

On the 17th of September, the Board approved a proposal that Western Power Corporation form a proprietary limited company jointly owned 50% by AOC Australia Pty Ltd (AOC) and 50% by Western Power Corporation (WPC). The purpose of this company will be to provide private sector mining, process industries and utilities services that focus on . . .

The letter lists the functions. The letter continues -

BACKGROUND

AOC and WPC have had a relationship for some time via a contract under which AOC provides gas turbine maintenance services to Generation Division of WPC.

I do not have a problem with that, and I will not read the whole of this letter. The letter goes on to say -

Extensive market research was carried out to determine the level of interest in having services provided by such a venture and a strong business case was developed with the assistance of an independent consultant, Arthur Andersen.

I want to put on record that as far as I know no-one outside the executive of Western Power Corporation - I do not think the minister would have seen this - has a copy of the market research that was carried out by the independent consultant Arthur Andersen. I put on record that I want the minister to table this document. I would also be interested to know how independent Arthur Andersen is. I do not know the extent to which Arthur Andersen contracts to the Government, but I would think it is a major supplier of services. I am not suggesting it is not independent, but it goes to great lengths to point out it is independent. I want that research tabled in this place.

The letter outlines some financial considerations. The seed capital for the formation of this company was not a great deal of money. Western Power's annual report states that as of 30 June 1998 it had invested \$350 000. The issue is about what

this company was set up to do and what may be the potential risk or the liability to this State if things go wrong, and the fact that no information has been provided to the community about the use of taxpayers' money in this joint venture. The letter continues -

It is expected that a relatively small amount of seed funding . . .

The amount has been inked out -

- will be necessary to establish the company, which will then be resourced by acquiring personnel, facilities and equipment from the parents at commercial rates.

I assume "parents" in this case means both Brown and Root AOC and Western Power. The letter continues -

This will ensure that the contribution of each parent remains equal as the business grows. It is anticipated that it will directly employ additional people beyond the initial staff supplied by the parents.

Insurance will be established by the separate proprietary limited company, thereby limiting liability of the parents. The exposure of the parent companies to losses is estimated to be -

That figure has once again been inked out. I also want to know what is the exposure of the parent companies, and I am more interested in the exposure of Western Power to the losses. The letter goes on to say -

The post-tax profit for the new entity is conservatively estimated to reach . . . within five years.

Once again the figure is inked out. The letter continues -

Tax considerations

Profits flowing to WPC from equipment and services supplied to the entity will be subject to the Tax Equivalent Regime, however dividends paid to WPC and to AOC will be tax exempt.

I do not know whether it is normal practice that dividends to Brown and Root AOC would be tax exempt or whether that might be an arrangement which the Government has with the Brown and Root AOC.

Hon B.K. Donaldson: It is confined to government agencies, not to the joint venture partners.

Hon LJILJANNA RAVLICH: If there are tax dividends should they be tax exempt? Do we treat a private company in the same way as a government enterprise in that regard? I hope the minister will provide me with a response.

Hon Max Evans: Hon Helen Hodgson is the tax expert these days.

Hon LJILJANNA RAVLICH: I will ask Hon Helen Hodgson this interesting question. The letter continues -

Treasury will be consulted prior to formalising arrangements for this venture.

I would also like *Hansard* to record that I would like the Treasurer's advice on this matter to be tabled.

Hon Kim Chance: The state or federal Treasurer?

Hon LJILJANNA RAVLICH: It refers to the State Treasurer. The letter mentions reporting arrangements and states -

It is proposed that the new company be responsible to a Board consisting of three WPC nominees and three AOC nominees. The WPC nominees will consist of one existing WPC Board member and two members of the WPC Executive.

I have gone through who they were. The letter goes on to explain the advantages of the proposal and reads -

Aside from generating a revenue stream for Western Power from dividends -

This would have occurred anyway -

. . . this venture will enable WPC to accelerate the desired cultural changes to bring about a fully commercially focused organisation.

I interpret that as being one giant leap towards privatisation. The minister in the other place has stated that the Government will not privatise Western Power, but a briefing note in 1997 stated that the advantages of the proposal for the joint venture company will enable Western Power Corporation to accelerate the desired cultural change to bring about a fully commercially focused organisation and will enable the transfer and development of contracting skills in the organisation. We need an explanation from the minister about what that means. I would be interested to know the intent of that.

Hon Colin Barnett, the Minister for Energy, wrote back to the managing director of Western Power Corporation and expressed his concerns. They were legitimate concerns. He was concerned about the potential risk to the State. Very few people have heard of this joint venture arrangement with Integrated Power Services. The minister in his response to the managing director of Western Power on 10 October 1997 states -

The potential state liability extends beyond the initial investment -

Point of Order

Hon B.K. DONALDSON: I draw attention to the standing orders. I believe I can ask the member to table the document.

The PRESIDENT: The standing orders provide that members are entitled to ask a member to identify a document and the member is required to identify the document. At the conclusion of debate - in this case at five o'clock tonight - as it may well be adjourned the member will then be required to table the document and it will sit on the table for 72 hours.

Debate Resumed

The PRESIDENT: Can Hon Ljiljanna Ravlich identify the document?

Hon LJILJANNA RAVLICH: Yes, I can. The first document to which I referred is a briefing note from D. Eiszele, dated 23 September 1997 to the Minister for Energy entitled "Formation of Joint Company Western Power Corporation/AOC Australia Pty Ltd". The second document is a letter to the managing director of Western Power Corporation from the Minister for Energy, dated 10 October 1997

[See paper No 1159.]

Debate adjourned, pursuant to standing orders.

House adjourned at 5.01 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HEALTH SUPPLY COUNCIL, EXPENDITURE ON CONSULTANTS

1402. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

With regard to the \$484m worth of purchases made by the Health Supply Council through the State Supply Commission (SSC) in 1996/97 (see Figure 3, SSC Annual Report 1997/98, page 29), how much of this figure was spent on consultants?

Hon MAX EVANS replied:

1996-97 \$1,369,786 was spent on consultants providing professional and technical advice at a management level.

MERREDIN DISTRICT HOSPITAL, COMPLAINT

1487. Hon KIM CHANCE to the Minister for Finance representing the Minister for Health:

- (1) Has the Merredin Health Services Board received a complaint from the parent of a boy who presented to the Merredin District Hospital on Sunday, January 31, 1999, with injuries to his mouth?
- (2) If so, what processes were used to investigate the complaint?
- (3) Did the processes that were employed by the board satisfy the requirement for natural justice?
- (4) Were the processes consistent with Health Department of Western Australia policy in dealing with such complaints?
- (5) What opportunity was provided to the complainant to -
 - (a) put his case to the board; and
 - (b) hear and rebut the statements of persons who he had accused of neglect of his son?
- (6) Was the complainant directed to a pay-phone and given the number of the dentist's surgery, despite the fact that it was a Sunday and that the Dentist was unlikely to be in attendance?
- (7) Did the hospital staff have a record of the Dentist's after hours number at the time the complainant requested it?
- (8) Did the Board Chairperson, by way of response to the complainant, allege that the complainant had been abusive and aggressive?
- (9) Following the receipt of the complainant's response to the Chairpersons's letter of February 25, 1999, did the Chairperson respond by stating in a letter dated April 1, 1999, that "the Board has reviewed the opinions provided by the relevant parties involved and now considers the matter closed", without offering the complainant any further avenue to pursue his case?
- (10) Is the Minister for Health satisfied that this complaint has been adequately processed and that the procedures for handling such disputes at the Merredin District Hospital are in accordance with Government policy?
- (11) If not, can the Minister advise what action he intends to take to correct these procedures?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The Health Service Manager received the complaint by telephone from the complainant. Statements were received from the staff involved in the care of the child, and who had dealings with the complainant. Two meetings took place between the Board Chairperson and the complainant to further discuss the issues. The doctor providing care to the complainant's child was also contacted.
- (3)-(4) Yes.
- (5) (a) The complainant put his case to the Board in writing and verbally to the Board Chairperson on two occasions.
- (b) The complainant was advised of the issues the staff raised by both the Health Service Manager (by telephone) and the Board Chairperson (in person on tow occasions). He refuted the allegations of the staff to both the Health Service Manager and the Board Chairperson.
- (6) Yes. A doctor was called to attend to the patient who had presented to the Emergency Department on January 31, 1999. The son received necessary medical treatment, which was initiated by the doctor.
- (7)-(8) Yes.

- (9) Yes. The Board Chairperson believed that adequate opportunities had been provided to the complainant to present his case. The Chairperson was satisfied that all parties involved had presented their views and that no further action was warranted.
- (10) Yes.
- (11) Not applicable.

LEIGHTON MARSHALLING YARDS

1521. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Has or will a social impact assessment be carried out for the proposed development of the Leighton Marshalling Yards?
- (2) In a Westrail News Release dated March 2, 1999, Mr James, Acting Commissioner of Railways, stated that "...among the criteria by which the proposals will be judged were environmental issues...". What are the environmental issues that will be assessed in relation to the development proposals?

Hon MAX EVANS replied:

- (1) As the Western Australian Planning Commission has not yet received a formal development proposal, this matter has not been considered.
- (2) It is assumed that the question refers to environmental assessment under the Environmental Protection Act 1986. I am advised that the proposed development of the Leighton Marshalling yards has not been referred to the Environmental Protection Authority for a decision on whether or not it should be assessed under the Environmental Protection Act 1986. Consequently, the question of "environmental issues that will be assessed" is not applicable at this stage.

MINING, REWARD AND NORTHERN ORE BODIES

1524. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to an appeal report titled "bulletin 919 - Mining of Gold ore from Reward and Northern Ore Bodies adjacent to Mount Charlotte Kalgoorlie" to the Minister for the Environment by Appeals Convenor, Mr Derek Carew-Hopkins, dated April 1, 1999 -

- (1) Can the Minister for the Environment clarify whether the statement on page 4 "there is no written evidence of the State Mining Engineer recommending a 400 metre exclusion zone" is correct, given the State Mining Engineer's recommendation made on page 3 of the minutes of September 3, 1992 meeting of the "Golden Mile Mining Development Planning Committee Residents Sub Committee"?
- (2) Can the Minister explain the rationale behind the statement "a reduction in property values in Williamstown as a result of the implementation of the Proposal is not expected as a result of any physical effects from the proposal"?
- (3) Can the Minister state the number of individual property owners in Williamstown who have declined to sell their properties to KCGM and who they are?

Hon MAX EVANS replied:

- (1) The 400m separation distance relates to primary blasting only within the Super Pit and not to blasting as proposed for the Reward and Northern Ore Bodies.
- (2) The rationale behind the statement is based on the expectation that potential off-site impacts can be managed to acceptable levels. Hence physical damage or effects arising from the proposal (eg dust and noise) are not expected to reduce property values.
- (3) No. This is a matter between Kalgoorlie Consolidated Gold Mines and property owners.

MINING, REWARD AND NORTHERN ORE BODIES

1526. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to an appeal report titled "Bulletin 919 - Mining of Gold Ore from Reward and Northern Ore Bodies adjacent to Mt Charlotte Kalgoorlie" to the Minister for the Environment by Appeals Convenor, Mr Derek Carew-Hopkins, dated April 1, 1999 -

- (1) Did the appeals convenor consider a safety exclusion zone for the potential of pit wall collapse within the open pits and floor pillars taking into consideration the large tonnage blasting of the floor pillars leaving very deep holes within 120 metres of housing and other community infrastructure within Williamstown?
- (2) Can the Minister for the Environment explain the rationale behind the statement "it is believed that the impacts to health and property will be at an acceptable level"?
- (3) Can the Minister explain why dust monitoring is not seen as sufficient to guarantee reasonable amenity?

- (4) Can the Minister advise why it is considered that it may raise the values of lots and therefore increase the costs of purchase in the event that open pit mining is proposed?
- (5) Can the Minister explain how the community consultation plan will assist in restoring positive communication between the residents and KCGM?

Hon MAX EVANS replied:

- (1) The role of the Appeals Convenor is to review the process for the assessment of projects under appeal, not to carry out technical analysis of blasting. The Department of Minerals and Energy has the proper expertise to assess blasting and advised that expertise and techniques exist to allow pillar blasts to occur safely.
- (2) Computer modelling has been undertaken to predict the impact of blasting. The proponent has committed to applying industry best practice to reduce vibration levels below accepted levels and thus should not lead to damage of residential buildings nor risk to the public.
- (3) Management of dust requires not only monitoring but also active control, including the use of water for dust suppression at the source.
- (4) As indicated in the appeal report, the issue of zoning and its implications for property values are planning matters and are more readily dealt with under the provisions of the Town Planning and Development Act.
- (5) The community consultation plan is intended to provide a forum for a wide range of community concerns, rather than simply focus on the acquisition of properties, in a structured format and with third party, ie Environmental Protection Authority, involvement. Previous consultation has been predominately related to dust and noise incidents and therefore emphasised negative issues. Expanding consultation to a wider range of community concerns and taking a more proactive approach is considered to be more positive.

MINING, REWARD AND NORTHERN ORE BODIES

1527. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter from the Minister for the Environment dated April 7, 1999, sent to Mrs Diane Mills, Chairperson of the Williamstown Residents Committee, as an appeal response in relation to the proposal by Kalgoorlie Consolidated Gold Mines (KCGM) to develop the Reward and Northern Ore Bodies open pits and floor pillars for the owners Homestake Gold Australia Ltd and Normandy Mining Ltd -

- (1) Can the Minister for the Environment explain the substantial array of concerns and information about the proponent's current and past environmental and consultative performance that were received from the appellants?
- (2) Can the Minister state how the substantial array of concerns has served as a useful guide to the appropriateness of operating conditions to be applied to the project?

Hon MAX EVANS replied:

- (1) During the public review period on the proposal, the public raised a number of concerns in submissions to the Environmental Protection Authority (EPA) relating to the proponent's current and past environmental and consultative performance. These concerns related to noise, dust, vibration, community consultation, ground stability, rehabilitation, flyrock, pedestrian access to towns, blast gases and social impacts.
- (2) Concerns raised by the community were subject to rigorous investigation and assessment by the EPA and reviewed during the appeal investigations by the Appeals Convenor. One of the key outcomes from the appeal by Mrs Mills was that the application by KCGM for exemption to the Noise Regulations for the Williamstown residential area was refused. The project will have stringent environmental conditions and a Community Consultation Plan will be required to foster better communication between KCGM and the residents of Williamstown.

MINING, REWARD AND NORTHERN ORE BODIES

1528. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter from the Minister for the Environment dated April 7, 1999, sent to Mrs Diane Mills, Chairperson of the Williamstown Residents Committee, as an appeal response in relation to the proposal by Kalgoorlie Consolidated Gold Mines (KCGM) to develop the Reward and Northern Ore bodies open pits and floor pillars for the owners Homestake Gold of Australia Ltd and Normandy Mining Ltd and ask, what guarantees can the Minister give that there will be no in-pit blasting in relation to the proposal?

Hon MAX EVANS replied:

The Minister for the Environment has not given any approval for in-pit blasting for this proposal.

MINING, REWARD AND NORTHERN ORE BODIES

1529. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter from the Minister for the Environment dated April 7, 1999, sent to Mrs Diane Mills, Chairperson of the Williamstown Residents Committee, as an appeal response in relation to the proposal by Kalgoorlie Consolidated Gold

Mines (KCGM) to develop the Reward and Northern Ore Bodies open pits and floor pillars for the owners Homestake Gold of Australia Ltd and Normandy Mining Ltd -

- (1) Who advised the Minister for the Environment that the building of noise control bunds, in relation to the development of open pits, is "construction activity"?
- (2) Is the Minister aware that Mr Jim Torlach, State Mining Engineer of the Department of Minerals and Energy stated in a letter to KCGM, dated July 10, 1992, that the construction of an environmental barrier wall, at the Super Pit in Boulder "constitutes a mining operation under the *Mining Act 1978*"?
- (3) Will the Minister explain the apparent conflicting evidence between the DEP/EPA and the DME in relation to "construction activity" and "mining activity", as it relates to the open pit proposal in Mt Charlotte?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1) The Environmental Protection Authority (EPA) in Bulletin 919 advised that the building of noise control bunds is a non-mining activity in relation to the *Environmental Protection (Noise) Regulations 1997*.
- (2) The Minister was not aware of the letter to KCGM from the State Mining Engineer dated 10 July 1992. In any event, the letter relates to the Mining Act 1998 and not to the Environmental Protection Act 1986.
- (3)-(4) There is no conflict between the EPA and the Department of Minerals and Energy. The definition of mining operation is in the Mine Safety and Inspection Act and includes construction.

MINING, REWARD AND NORTHERN ORE BODIES

1530. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter from the Minister for the Environment addressed to Mr Bob Bryant of the Trades and Labour Council of Western Australia dated April 7, 1999 concerning Bulletin 919 - Mining of Gold Ore from Reward and Northern Ore Bodies adjacent to Mt Charlotte, Kalgoorlie and ask -

- (1) Can the Minister for the Environment explain how the DEP is dealing "as a matter of priority, with the excess seepage from these tailings facilities"?
- (2) If not, why not?
- (3) Has KCGM been given a written direction from the DEP to urgently reduce the water levels on Optimum Resources tenements?
- (4) If not, why not?
- (5) Can the Minister explain how the DEP allowed KCGM, with their Fimiston I and Fimiston II tailings dams, to have "excess seepage from these facilities"?
- (6) Can the Minister state how and in what manner have "KCGM been informed of its obligations under the Noise Regulations to ensure that machinery such as rockbreakers, which produce loud and intrusive noise are in compliance at all times"?
- (7) If not, why not?

Hon MAX EVANS replied:

- (1) Kalgoorlie Consolidated Gold Mines (KCGM) has been informed of the need to reduce groundwater levels across the central floodway area between Fimiston I and Fimiston II tailings storage facilities (which includes the Optimum Resources tenements).
- (2) Not applicable.
- (3)-(4) KCGM has been requested in a letter from the Department of Environmental Protection (DEP) dated 18 March 1999 to install additional measures prior to 30 June 1999, to achieve a measurable reduction in groundwater levels before 31 December 1999. This is considered to be a reasonable time frame to achieve the required reduction in groundwater levels.
- (5) It has recently been confirmed via an external review by the Water and Rivers Commission at DEP's request that groundwater levels in the area adjacent to KCGM's tailings storage facilities are elevated due to the operation of these facilities. The DEP has not allowed this to occur. Whilst action by KCGM through the installation of additional abstraction bores has reduced groundwater levels adjacent to the facilities, the DEP has required additional action to further reduce the levels, specifically across the central floodway area.
- (6) KCGM is required by law to meet the provisions of the *Environmental Protection (Noise) Regulations 1997* during its proposed mining at Mt Charlotte and at all other times. KCGM was reminded of its obligations under the Noise Regulations in a note to the KCGM Senior Environmental Officer on 16 December 1998 and verbally in a meeting between KCGM's Manager - Environment, Health & Safety and senior DEP officers on 15 April 1999. How KCGM proposes to meet the requirements of the Noise Regulations will also be a necessary part of its

Environmental Management System which must meet the requirements of the Environmental Protection Authority on advice of the DEP.

(7) Not Applicable.

MINING, WILLIAMSTOWN RESIDENTS COMMITTEE

1620. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter from the Minister for the Environment dated April 7, 1999 and sent to Mrs Diane Mills, Chairperson of the Williamstown Residents Committee, as an appeal response in relation to the proposal by KCGM to develop the Reward and Northern Order Bodies open pits and floor pillars at Mt Charlotte in Kalgoorlie for the owners, Homestake Gold of Australia Ltd and Normandy Mining Ltd and ask -

- (1) Will the Minister for the Environment guarantee that KCGM will not be permitted to extend the life of the proposal beyond a period of 12 months?
- (2) What guarantees can the Minister give that there will be no flyrock associated with the proposal?
- (3) Can the Minister state whether the EPA did have input into the decision by the Minister for Planning to refuse advertising of rezoning to Residential for Williamstown?
- (4) If not, why not?
- (5) Can the Minister guarantee that all information given by the proponent about the proposal is truthful?
- (6) If not, why not?
- (7) What guarantees can the Minister give that the proponent did not "knowingly give false information to or mislead the EPA during its enquiries"?
- (8) Can the Minister state who did the "technical review" of information that was found to be "adequate"?
- (9) If not, why not?

Hon MAX EVANS replied:

- (1) The Environmental conditions for this proposal have yet to be set. The scope of work covered by the request for approval for this project is specified in the EPA's Bulletin 919. The scope of work is such that it should be completed within 12 months.
- (2) Flyrock is associated with surface blasting. The Minister for the Environment has not given any approval for surface blasting for this proposal.
- (3-4) The EPA did not provide advice that advertising of the rezoning of Williamstown to Residential be refused. However, the EPA did give advice on aspects of the Scheme in accordance with Section 48A of the *Environmental Protection Act 1986*.
- (5)-(7) The Minister cannot give such a guarantee. However, the Department of Environmental Protection (DEP) and the Department of Minerals and Energy (DME) reviewed information provided by the proponent during the assessment and much of this information was further reviewed by the Appeals Convenor.
- (8)-(9) The technical review was undertaken by the DEP and DME in their advice to the EPA.

MT CHARLOTTE MINE, APPEAL REPORT

1652. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to the appeal report, dated April 1, 1999 and titled "Bulletin 919 - Mining of Gold Ore from Reward and Northern Ore Bodies adjacent to Mt Charlotte Kalgoorlie" sent to the Minister for the Environment by Appeals Convenor, Mr Derek Carew-Hopkins, and ask -

- (1) Did Mr Carew-Hopkins, or any of his departmental staff, send a copy of the above named report to Kalgoorlie Consolidated Gold Mines?
- (2) If yes, why?

Hon MAX EVANS replied:

- (1) No. However, the appeal report is publicly available from the Department of Environmental Protection's library.
- (2) Not applicable.

KIMBERLEY, CHEMICAL SPRAYING

1668. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Health:

I refer the Minister for Health to the report in *The West Australian* Big Weekend of May 8, 1999 on dioxin exposure of workers -

- (1) What action has been taken to monitor the health of former Agricultural Protection Board workers in the West Kimberley division, who used or were exposed to Agent Orange and schedule X wastes between 1975 and 1985 as a result of spraying programmes for noxious weeds?
- (2) If no action has been taken, why not?
- (3) What action has been taken to monitor the health of Aboriginal communities around the Fitzroy Crossing area exposed to Agent Orange, 2,4,5,T and/or 2,4,D and schedule X waste as a result of APB spraying programmes during the period 1975 to 1985?
- (4) If no action has been taken, why not?
- (5) What action will the Minister take to ensure that workers and community members exposed to these chemicals through Government directives and policy are medically assessed, treated and compensated?

Hon MAX EVANS replied:

- (1)-(2) The Health Department of Western Australia (HDWA) has no substantiated evidence that APB workers were exposed to Agent Orange or schedule X wastes. These herbicides have never been registered as pesticides in Western Australia.
- (3) None.
- (4) HDWA has no substantiated evidence that Aboriginal communities around the Fitzroy Crossing area were exposed to Agent Orange, schedule X wastes, or harmful levels of 2,4,5-T or 2,4-D. No harmful effects would be expected from 2,3,4-T or 2,4-D if used according to registered label directions.
- (5) Whether occupational exposure to pesticides has affected a patient's health is best assessed by the patient's medical practitioner. Any case where the medical practitioner considers there is a causal relationship with pesticide should be referred to the HDWA.

POLICE, YALGOO

1678. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

- (1) Is the Minister for Police personally satisfied that there is an "insufficient workload to justify a second officer at Yalgoo"?
- (2) If yes, will the Minister provide his reasons?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Commander BALCHIN recently conducted a review of staffing at all stations within the Central Region. This review clearly demonstrates that the workload at Yalgoo does not warrant the placement of a second officer in the town. The allocation of resources is an operational matter for the Western Australia Police Service and I fully support Commander Balchin's decision.

MOORA POLICE STATION, DAMAGE

1688. Hon KIM CHANCE to the Attorney General representing the Minister for Police:

I refer to the damage caused to the Moora Police Station caused by recent flooding and ask -

- (1) Can the Minister for Police provide an assurance that this damage will be repaired as quickly as possible?
- (2) When does the Minister expect that the Moora Police Station will be repaired so that it can resume operations in full?
- (3) Will the Minister take advantage of this opportunity to provide for an upgrade of the existing facilities at the Moora Police Station in order to provide for an improvement in office accommodation and public facilities?

Hon PETER FOSS replied:

- (1) The Police Service is arranging for repairs to be completed as quickly as possible.
- (2) The Police Station will be repaired ready for reoccupation in the next three to four months. In the interim, two transportable buildings have been installed to enable the delivery of Police Services in Moora.
- (3) The repairs will include a minor upgrade of the existing facilities and office accommodation.

QUESTIONS WITHOUT NOTICE**RAILWAY SLEEPERS, FIRST-GRADE TIMBER****1385. Hon TOM STEPHENS to the Minister for Transport:**

I refer to the comments of the Deputy Leader of the National Party of last Wednesday on the High Conservation Value Forest Protection Bill: "I do not believe anyone would disagree . . . that we do not need to cut down good timber to make railway sleepers . . ."

- (1) Does the minister agree with his comments, and if not, why not?
- (2) If yes, why has Westrail recently let and awarded contract No 93/98 for the supply and delivery of 30 000 type-A and 5 000 type-B first-grade timber railway sleepers?
- (3) What is the price per sleeper achieved from the cutting down of the State's high-grade timber?
- (4) In light of the minister's deputy leader's stance, will he instruct Westrail to find alternative sources for railway sleepers in future?

Hon M.J. CRIDDLE replied:

- (1)-(4) Yes, Westrail has used sleepers in the majority of its tracks, particularly in locations where axle loads, train speeds and freight tasks are low. I understand that it is using our timbers. The member referred to first-grade timbers. Although we talk about first-grade sleepers, they mostly come from second or third-grade timbers. I have spoken to the Minister for the Environment this afternoon regarding this practice. We will continue with those negotiations in future to see whether we can make some other arrangements.

WHITTAKERS LTD, GREENBUSHES**1386. Hon TOM STEPHENS to the Minister for Finance:**

I refer to the moves by the receivers of Whittakers Ltd's timber mill in Greenbushes to dispel concerns that the mill may close.

- (1) Is ministerial approval needed for the transfer of logging contracts?
- (2) If yes, has the minister been consulted over a National Party proposal reportedly being considered by the Premier to trade off logging contract commitments to Whittakers against proposed new forest reserves to minimise the impact upon the timber industry?
- (3) Does the minister intend to agree to this proposal?

Hon MAX EVANS replied:

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

LEGAL AID AMENDMENT BILL**1387. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Now that the appointment of the new Director of Legal Aid has been announced, what is the Attorney's timetable for the proposed legal aid amendment Bill?
- (2) Given that the Bill proposes to create a process for handling Dietrich applications, will there be an increase in the Legal Aid budget to accommodate that process?
- (3) Will finance for Dietrich matters continue on a case-by-case basis?

Hon PETER FOSS replied:

- (1)-(3) My timetable has always been to do it as soon as possible. I hope that the appointment of the new director may assist that process as one difficulty has been the constant consultation and the need to go backwards and forwards with various people. I am sure members opposite would applaud such a process.

Hon N.D. Griffiths: Not in the way you do it.

Hon PETER FOSS: I carry out consultation for extraordinary lengths of time, and am criticised for it. I hope that people recognise what I try to do: If there is a possibility of agreement, I try to reach that agreement.

The method of financing will probably be that we will estimate the amount of money required for Dietrich applications, and will allow that without having to come back to Cabinet or to me. Significant changes occur from year to year on the amount required for Dietrich applications. If an unprecedented amount is required for Dietrich, the amount will need to be supplemented when required.

YARLOOP-COOKERNUP, UNDERGROUND WATER USE

1388. Hon J.A. SCOTT to the minister representing the Minister for Water Resources:

Further to question without notice 1308 of 15 June 1999, I ask -

- (1) Given that the underground water aquifer is exploited by Cable Sands (WA) for its Yarloop mining operations, and by Yarloop-Cookernup residents for domestic and garden supplies, why has the local water resource remained outside a proclaimed ground water licensing area?
- (2)
 - (a) What responsibility does the Water and Rivers Commission have for underground water resources outside of the proclaimed licensing area?
 - (b) If the Water and Rivers Commission has no responsibility, whose responsibility is it to ensure the ground water resource is used sustainably?

Hon MAX EVANS replied:

- (1) The Yarloop area was excluded from the nearby proclaimed ground water licensing area because at the time of proclamation it was not anticipated that any substantial ground water abstraction would occur in the area that would need management through licensing. Action is now being taken to change the boundaries to include the Yarloop area. In the meantime, the Water and Rivers Commission is working cooperatively with Cable Sands (WA) to handle the ground water abstraction and impacts upon other users.
- (2) (a)-(b) The rights to ground water outside the proclaimed area are vested in the Crown, and the commission is charged to act as the agent of the Crown in administering this. However, unless the area is proclaimed, land owners and occupiers have a right to draw ground water without licensing except if the resource is artesian, in which case a licence is required everywhere in WA. The commission has the power to give a direction as to the amount of water that may be drawn in unproclaimed areas if the draw is considered excessive by the commission. Areas are proclaimed to require licensing when abstractions are considered to have the potential to exceed sustainable levels.

INTERIM FOREST INDUSTRY MINISTERIAL ADVISORY COMMITTEE

1389. Hon NORM KELLY to the minister representing the Minister for the Environment:

- (1) How many of the people appointed to the Interim Forest Industry Ministerial Advisory Committee have a potential conflict of interest when advising on the allocation of funds from the Regional Forest Agreement structural adjustment and industry assistance fund?
- (2) Will the minister provide the names of members of the committee who may have a conflict of interest?
- (3) What amount of money will be under consideration when the committee advises on structural adjustments and industry financial assistance?
- (4) What steps will the minister take to ensure that there is no real or perceived conflict of interest affecting the committee's work?
- (5) Will the minister consider any funding allocations to the plantation sector of the WA timber industry?
- (6) If no to (5), why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(6) The industry sector of the Regional Forest Agreement is contingent on the Government's working cooperatively with industry parties to refocus the industry towards increased value-adding and greater efficiency. The Interim Forest Industry Ministerial Advisory Committee has been established as part of the communication process to provide advice on industry restructure and other matters arising from the Regional Forest Agreement. As such, it will act as a conduit in progressing issues, such as the voluntary step down in logging volumes agreed to by the timber industry.

The issue of conflict of interest has been raised with both the chairman and members of the committee, and mechanisms have been put in place to ensure that any real or perceived conflict is addressed. It should be noted that the committee is an advisory rather than a decision-making body.

POLICE MARINE RESCUE SERVICES, ALBANY

1390. Hon MURIEL PATTERSON to the Attorney General representing the Minister for Police:

What sort of equipment and resources do the police marine rescue services operating out of Albany have at their disposal?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The Western Australia Police Service at Albany does not have a dedicated police marine rescue service/squad/section. To coordinate marine contingencies, the WA Police Service at Albany has the following resources available to it -

Albany Volunteer Sea Search and Rescue - 43 foot vessel and 14 foot inflatable runabout.

Transport Department - 23 foot vessel.

Halls Shipping Service - 30.5 metre tug boat, 23 metre tug boat, 15.1 metre vessel.

BREAST ASSESSMENT SERVICE, ACCREDITATION

1391. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

- (1) Is it true that Western Australia has not been granted accreditation for its breast assessment service because the State has no permanent medical director overseeing these services?
- (2) If not, what is the reason?
- (3) When will the Government appoint a medical director in charge of breast assessments?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) BreastScreen WA has not been granted accreditation, firstly because the first part of assessment - further mammography - was being done at the metropolitan screening units and not at the breast assessment service. As of April 1999, metropolitan women requiring further mammography are being referred to the breast assessment service. Secondly, the four hospitals contracted to provide breast assessment services did not have common protocols and procedures. As of April 1999, the Metropolitan Health Service is providing a coordinated breast assessment service through Royal Perth and Sir Charles Gairdner Hospitals.
- (3) The Health Department of Western Australia has advertised for a medical director on two previous occasions, without success. The department plans to conduct an Australia-wide executive search.

CASUARINA PRISON, RESTRAINT BEDS

1392. Hon JOHN HALDEN to the Minister for Justice:

- (1) Are restraint beds used in Casuarina Prison?
- (2) If so, for what purpose?
- (3) How many such beds are there in the prison?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The bed is used as the final stage in attempts to protect an individual prisoner -

Hon John Halden interjected.

The PRESIDENT: Order! I want to hear the answer.

Hon PETER FOSS: The bed is used as the final stage in attempts to protect an individual prisoner from acts of self-harm until such time as medical or psychiatric assistance can attend and treat the prisoner. It is also used at the direction of medical staff where the welfare of the prisoner is considered to be at risk.

- (3) One.

WHITTAKERS LTD, TIMBER SALES TO CHINA

1393. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

Mr President, I seek leave to first ask a question in the name of my colleague Hon Giz Watson.

The PRESIDENT: She is not here, so you may ask that question.

Hon CHRISTINE SHARP: I ask -

- (1) In the 16 June edition of the *Manjimup-Bridgetown Times* it is reported that Whittakers Ltd is in the process of exporting a large quantity of jarrah timber to China. Has Whittakers paid the Department of Conservation and Land Management for any or all of the logs used to produce this timber?
 - (a) If not, why not?
 - (b) If yes, how much?
- (2) Will the income from the sales of the timber to China be used to pay Whittakers' debts to CALM for unpaid royalties?

- (3) What is the total amount of those debts?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) Receivers and managers have been appointed to Whittakers Ltd. Questions regarding the sale of sawn timber should be referred to the receivers and managers. Whittakers Ltd pre-receivership debt to CALM amounted to \$3 691 755.27.

JOHN CURTIN SENIOR HIGH SCHOOL, SUSPENSIONS

1394. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) How many students have been suspended from John Curtin Senior High School during the current school year?
 (2) How many of those students have been suspended for not complying with the dress code?
 (3) Did any contravention resulting in suspension present a safety risk to the students?
 (4) Did any such suspensions comply with any Education Department policy regarding sanctions against students who do not comply with the school dress code as prescribed by the school council, and what is that policy?
 (5) Does the minister believe that students should be denied access to education for non-compliance with a dress code?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) There have been 19 suspensions totalling 48 days.
 (2) Nil.
 (3) No.
 (4) Not applicable. As none of the students was suspended for breaches of the school's dress code, the sanctions as outlined in the Education Department policy did not apply.
 (5) A student is not to be disciplined - suspended - for non-compliance with the school's dress code. The Education Department's "Dress Codes for Students in Government Schools" indicates that students not following the dress code may be denied the opportunity to represent their school at official school activities, which can include choir, sporting and social events. Students are entitled to general educational provision regardless of their dress. Exemptions to the school's dress code can be sought and negotiated.

ROAD REPAIR, MOORA AND MID WEST

1395. Hon B.K. DONALDSON to the Minister for Transport:

Can the minister inform the House of the estimated cost for repairs to roads in the mid west and Moora areas following flooding due to the recent heavy rains?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The member will be well aware that in May severe flood damage occurred in the mid west region. The national highways cost is around \$800 000, the Main Roads and state highways cost is around \$570 000, and the local government roads cost is \$1.240m, a total cost of \$2.6m. Obviously changes may be made to that funding, because as the work progresses it may be discovered that more work needs to be done. In the Shire of Greenough, the Main Roads and state highways cost is around \$30 000, and the local government roads cost is \$200 000, so the total cost to the Greenough Shire is around \$230 000. In the Moora area, which tragically suffered recently from cyclones Vance and Elaine, and on top of that from the March flooding, the cost is in the region of \$800 000 just for the Moora Shire. There are 14 other shires in the wheatbelt north area, and the total funding required there is \$1.783m. The extent of the damage from the May flooding is unlikely to be sufficient to qualify for natural disaster funding. However, the councils will be able to make a claim for 100 per cent of the opening up costs, which is the immediate clearing that is required after the flooding, and also for two-thirds of reinstatement costs from the road funding to the local government supplementary fund.

UNTRAINED TEACHERS

1396. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) How many untrained teachers are currently employed by the Education Department in a teacher capacity?
 (2) How many schools have been authorised or advised by the department that they may hire untrained teachers in a bid to meet the teacher shortages in regional areas; and if so, which schools?
 (3) How many schools have been authorised or advised by the department that they may drop subjects where student demand still exists in a bid to meet the teacher shortages in regional areas; and if so, which schools?

(4) Will the minister table any documents relating to this advice?

Hon N.F. MOORE replied:

I am afraid confusion reigns supreme again with regard to the questions submitted and asked by this member. It is the same situation as the other day, when she submitted two questions that were almost identical -

Hon Ljiljanna Ravlich: The confusion reigns because you do not want to give the answer!

Hon N.F. MOORE: Would the member be quiet for a minute until I can tell her what the problem is? Mr President, the member submitted a question yesterday to which an answer has been provided. A similar question has been asked today.

Hon Ljiljanna Ravlich: That is right. The question was resubmitted.

The PRESIDENT: Order, members! I have Hon Ken Travers, Hon Ed Dermer and others who missed out yesterday and who are still trying to get a question up. Let us sort this out. Hon Ljiljanna Ravlich missed out yesterday because of all the interjections.

Hon Ljiljanna Ravlich: That is right, and I am still grumpy!

Hon N.D. Griffiths: Not as grumpy as the Leader of the House!

Hon N.F. MOORE: I am trying to explain. I will allow the time to go a bit longer so that I can explain that the member submitted a question yesterday, to which I have an answer. The member submitted a further question today which is slightly different from the one that she submitted yesterday. I have yesterday's answer but not today's answer. I do not know whether there is a difference between the two questions that would affect the answers that I give. Why not ask me yesterday's question, and I will give yesterday's answer? That will make it a lot easier. I do not know what the difference is between the two questions.

Point of Order

Hon LJILJANNA RAVLICH: It is true that yesterday's question has been varied, but I have resubmitted a new question which was put in on time and it has a submission number, and there should be no excuse why the minister cannot give me a response to today's question.

The PRESIDENT: That is not a point of order. It is a point of view, but whether it is a valid point of view is a question which I am not prepared to answer. Perhaps members should look at Standing Order No 140(c), which makes reference to questions that are of the same substance as those already answered. I do not know whether that applies to this question, but I am sure that the office of the Leader of the House is no doubt searching through any questions that it might have outstanding in Hon Ljiljanna Ravlich's name to ensure that if an answer is available, it can be brought in before question time finishes.

Questions Without Notice Resumed

FORMER MILK VENDORS, COMPENSATION

1397. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:

- (1) Can the minister indicate on behalf of the Minister for Primary Industry what progress he has made towards finalising arrangements for the payment of full and fair compensation to the former milk vendors in accordance with the decision of the Legislative Assembly?
- (2) Can the House expect to be advised of these arrangements on its return for the spring session?

Hon M.J. CRIDDLE replied:

- (1)-(2) I thank the member for some notice of this question. The minister has given me this answer: I previously advised that the Legislative Council motion to which the member refers is presently being considered.

PORT HEDLAND TO MARBLE BAR ROAD CONTRACT

1398. Hon TOM STEPHENS to the Minister for Transport:

I refer to the \$5.2m contract for the construction of part of the Port Hedland to Marble Bar road to Henry Walker Contracting.

- (1) Can the minister confirm what the benchmark price for this road was prior to the awarding of the contract?
- (2) Has any estimate been made of the Government's potential liability to Henry Walker Contracting as a result of reducing the Ripon Hills Road contract? If so, what is that estimate?
- (3) If not, why not, and how was it determined that a \$5.2m contract was appropriate compensation?
- (4) What is the estimated total cost of the Ripon Hills Road and what is it if the road were sealed?
- (5) Have any of the locality governments made representation to the Government for the road to be sealed?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The figure was \$3.9m for 10 kilometres. A total of 13 kilometres was ultimately contracted.
- (2) Yes, \$580 000.
- (3) Contract number 1003/97 was awarded to Henry Walker Contracting Pty Ltd in the amount of \$4 884 819. Variations to the contract increased the contract price to \$5 522 815.12.
- (4) The estimated total cost of construction of the Ripon Hill Road to a gravel stage is \$52m, and \$64m to a sealed stage.
- (5) The 2020 regional development strategy study identified the sealing of the road as a priority A project. The four Pilbara local governments were in this study working group. The report was published in July 1997.

GOODS AND SERVICES TAX, TOURISM

1399. Hon KEN TRAVERS to the Minister for Tourism:

I refer to the minister's answer last week stating that he had not read the Treasury figures indicating that a 10 per cent GST would result in tourism prices increasing by an aggregate 6.7 per cent.

- (1) Has the minister now read the Treasury figures; and, if not, when is he planning to do so?
- (2) Given his understanding that prices will increase by about 4 per cent across the board as a consequence of a GST, how will the tax cuts which are supposed to offset this increase benefit those overseas tourists?

Hon N.F. MOORE replied:

- (1) No. I do not know.
- (2) Probably not at all.

PLANTATION TREE CROPS

1400. Hon GREG SMITH to the minister representing the Minister for Primary Industry:

What steps has the State Government put in place to develop plantation tree crops, in particular sandalwood, for arid regions of Western Australia?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The honourable member has referred to arid regions in his question. Normally this means a less than 250 millimetre rainfall zone. I have taken the question to mean areas of Western Australia with a focus on the agriculture zone and the nearby rangelands. The Government has made commitments to research, development and extension support for a number of tree crop initiatives. Partnerships between the agencies are well developed, with joint project development and management already underway. A low rainfall revegetation service has been developed and a statewide partnership agreement, covering woody vegetation, between Agriculture Western Australia and the Department of Conservation and Land Management has been drafted. AGWEST produces information resources and fanner demonstrations of sandalwood. AGWEST, working with CALM, has produced a revegetation information kit on the southern sandalwood. AGWEST officers based in Wagin and Albany are establishing demonstration sites with farmers to show the commercial potential of sandalwood in rehabilitated natural vegetation and in revegetated sites. CALM has a specialist sandalwood research and development officer based in Perth, and trial sites from near Geraldton through to the south coast. About 40 hectares of trial sites have been established. Both CALM and AGWEST have commitments to expand their involvement. CALM, in partnership with AGWEST, is leading a farm forestry program-funded project, started in 1999, to select and develop commercial species. Tree crop development includes eucalyptus oil mallees, goldfields and wheatbelt specialty timbers, pistachio, jojoba, and bush tucker. Industrial tree crops for energy production are being investigated by Western Power and CALM. Many other projects and activities are carried out by AGWEST, CALM, the Water and Rivers Commission and others to investigate the commercial and land care opportunities for revegetation in the low rainfall areas. In the rangelands, destocking in some areas will lead to greater sandalwood production in the long term.

Hon N.D. GRIFFITHS: I think the minister has just answered the point of order I was about to raise by finishing his statement.

The PRESIDENT: If questions are asked, members obviously expect an answer. Some of the questions being asked are five or six parts long, and that is causing answers to be five or six parts long. I have said to ministers before that we do not need a PhD thesis on whatever is being asked, but members should have a look at the length of some questions before they consider raising points of order about answers.

EVERINGHAM STREET, CARINE, SURVEY

1401. Hon E.R.J. DERMER to the Minister for Transport:

I refer to the survey conducted by the member for Carine which asked west Carine residents if Everingham Street north should be connected to the Reid Highway extension. The survey to which I refer is that which I advised his office of on Friday, 18 June.

- (1) Will the minister confirm that it is his intention to resolve the question of whether Everingham Street north in

Carine will be connected to the Reid Highway extension in accordance with the outcome of the survey to which I have referred?

- (2) Is the minister completely satisfied that the structure and methodology of this survey is such that it will provide a valid and reliable indication of the will of the residents of west Carine with respect to the connection of Everingham Street north to the Reid Highway extension?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) The survey referred to is an initiative of the member for Carine to gauge the views of the people she represents in the west Carine area. The survey is the result of a commitment given by the member at a recent public meeting to discuss whether the northern leg of Everingham Street should be connected to the proposed extension of Reid Highway. I understand that some 1 600 survey forms have been distributed in the west Carine area with a response deadline of 30 June. As the survey is a local electorate matter, the result would not in itself determine whether Everingham Street is connected. However, the result will be taken into consideration if the member for Carine decides to make them available for that purpose.

Hon E.R.J. Dermer: I have a supplementary question.

The PRESIDENT: Hon Ed Dermer's supplementary question is at the end of about 15 others.

Hon E.R.J. Dermer: The minister will not answer my question.

The PRESIDENT: The fact that a minister will not answer a question has never been a valid point of order in the time I have been here. I say that because I used to say the same thing.

ANTI-CORRUPTION COMMISSION, BUDGET ITEM

1402. Hon J.A. COWDELL to the Leader of the House representing the Premier:

Noting that the Anti-Corruption Commission/Official Corruption Commission appropriation appeared as a one-line item in the budget of the Ministry of Premier and Cabinet when this was "a small organisation with a small budget," I ask -

- (1) Are budgetary accountability standards currently being met by the appearance of a one-line grant of \$6.372m for 1997-98 and \$9.582m for 1998-99 in the budget of the Ministry of the Premier and Cabinet?
- (2) Will the Premier assure the House that in future the ACC will present comprehensive budget papers in line with the requirements for comparable agencies?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The provision of funding for the Anti-Corruption Commission is an administered expense within the budget of the Ministry of the Premier and Cabinet. This arrangement is consistent with the provisions of the Financial Administration and Audit Act, Treasury budgetary requirements and relevant accounting standards.
- (2) In future budgets the activities of the ACC will be presented in line with the treatment accorded elsewhere in the budget sector.

TEACHERS EMPLOYED BY EDUCATION DEPARTMENT

1403. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) How many teachers are currently employed by the Education Department in a teaching capacity?
- (2) Have schools been authorised or advised by the department that they may hire untrained teachers in a bid to meet the teacher shortages in regional areas?
- (3) Have schools been authorised or advised by the department that they may drop subjects where student demand still exists in a bid to meet the teacher shortages?
- (4) If yes to (2) or (3), will the minister table any documents relating that advice?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Education Department currently employs 33 people in a teacher capacity who do not have a teaching qualification but have specialised skills to assist schools to offer a comprehensive curriculum.
- (2) No. The majority of schools are staffed by the staffing department within the central office of the Education Department. The Education Department employs qualified teachers in the first instance. However, there are instances when it is appropriate to employ people who are not trained teachers but have specialist skills which can add value to the curriculum and to students' learning experiences. Examples include dance, including ballet; music, including specialised instruments; sports such as abseiling, cricket and soccer; horse mastership; and aeronautics.

A large number of high schools contract technical and further education colleges to provide services in the area of vocational education and training. Examples include hospitality, arts, maritime training, and business courses. The Education Department employs teachers without a teacher qualification only after careful consideration of the needs of students and the skills and suitability of the person.

- (3) Schools have not been advised to drop subjects where student demand still exists. The decision of what curriculum to offer students within a school is a school decision normally involving consultation with staff, students and the school community. The principal is empowered to make a decision from this information as to the curriculum to be offered, having regard for the available human, physical and financial resources of the school. This might involve consideration of the scope for schools to share specialist teachers.
 - (4) Not applicable.
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