

Legislative Council

Thursday, 23 September 1993

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

MOTION - URGENCY

Industrial Relations Legislation

Debate resumed from 22 September.

HON KIM CHANCE (Agricultural) [2.35 pm]: When my speech on this matter was interrupted because of the effluxion of time yesterday I was saying that the Government's indecisiveness was indicated by the events of last Wednesday evening when the Government was not able to tell us just what stage of the debate we would be going into next. It was not until about two o'clock in the morning when finally the Minister for Transport showed the leadership that the rest of the Government members had failed to provide. I am told that he issued a note to the Minister for Health stating that unless the Minister sat down and concluded his contribution, the Minister for Transport was going home and that probably his colleagues would go with him. Occasionally we have had some cruel things to say about the Minister for Transport but on that occasion he was the only one capable of showing leadership on the Government side.

Hon Peter Foss: Do you mean that?

Hon KIM CHANCE: Of course I do. Hon John Halden's motion questions whether the Government appreciates the consequences of what it is doing with these three industrial relations Bills. Some of us have pointed to the benefits of the present process of reform. None of us has ever denied that reform in industrial relations is something that we should all be supporting and aiming for. Last night I referred to Hon Tom Helm's introduction to this place of the BHP Iron Ore agreement. He and I have since pointed to the tremendous benefits that that agreement will give to BHP Iron Ore and the competitive advantage that the enterprise bargaining arrangement set in place by a powerful group of unions and by an equally powerful employer will give to BHP against its competitors.

Few of us in the debate so far have pointed to the consequences of a deregulated labour market. Yesterday - I will not go back over this matter today - I mentioned that the deregulated labour market in the United States over the past decade had resulted in roughly three times the number of full time wage and salary earners earning poverty level wages compared with the number in Australia. In the same decade -

THE PRESIDENT: Order! Let me remind the honourable member of what we are debating. I wonder whether he would mind pointing out to me whether the point he is making at the moment covers parts (a), (b), (c) or (d) of Mr Halden's letter. It occurs to me that the honourable member is talking about the effect of the legislation, as distinct from the Government's ineptitude in handling its Bills. They are two different things. I do not want the honourable member to use up his time and not address the motion, because he gets only one shot at it. It seems to me that it would be very remiss of me not to point this out to the member. This facility is not one for the member to talk about the merits or demerits of the legislation; it is a facility for the member to talk about his view that the Government has shown its ineptitude in the way in which it has dealt with the legislation - if the member gets my drift.

Hon KIM CHANCE: I am acutely aware of the necessity to adhere to standing orders on a matter like this. I was referring to point (a) of Mr Halden's letter and I was giving an illustration from a speech I made last night outlining the concern I feel about the results of the legislation. I was about to say that the Minister for Labour Relations has not considered these points adequately. I will certainly not spend time on something to which I devoted time last night. Nonetheless, in the United States the policy has not delivered the final result that we are told will be delivered here as a result of these Bills. The same Minister for Labour Relations who is so keen to impose on injured workers an

American disability scale for workers' compensation has been strangely silent on the result of labour market deregulation in the same country. Why has the Minister for Labour Relations been silent on what I would have thought was a critical test of the worth of the principles of the Bill? I believe there are three possible reasons for that: He is either ignorant of the inevitable result of his policy; he knows what will be the consequences and has weighed that knowledge against the clear advantage it will bring to his supporters; or he sees such political advantage in what he is doing that he just does not care about the consequences. Whichever of those three is true is really irrelevant in the terms of this motion. What is important is that the Government, in its deceitful promotion of these Bills, is either unaware of the consequences or is proceeding with malicious intent in spite of the known consequences.

I wonder whether Government members ever concern themselves about what the rank and file employers think of these Bills and the manner in which the Government has carried them. Most employers are decent, hard working people. Most would have supported the Court Government in the last election on the basis that it promised to introduce legislation which would speed up industrial relations reform. Very few of those employers to whom I have spoken - as recently as last night when I met a considerable number of employers from within the pastoral and agricultural industries - have the vaguest understanding of the oppressive and un-Australian nature of these industrial relations Bills. Those to whom I have explained the Bills and the Government's management of them have been disgusted at the manner in which that has been conducted and are even fearful of the consequences which could result from them. What is in common with the employers to whom I have spoken is that they appreciated the reforms that were introduced by successive Labor Governments and the resultant industrial harmony from those reforms. I remind members that I said last night that the agricultural industries experienced huge problems in industrial relations, particularly in the late seventies when the free flow of exports was impeded. Those same exporters have very much appreciated what has happened to costs in both our port and transport structures generally and that those exports are now no longer impeded by industrial action.

I do not believe that rank and file employers want what the Government is attempting to force through this Parliament. I would have thought that the Government had sufficient time - some 10 years - to get this legislation right. I wonder why it is proceeding now to try to force the pace and get the Bills through the Parliament even though they are clearly flawed. I believe this is directly relevant to part (a) of Hon John Halden's motion. The Bills are clearly flawed and have fallen apart as soon as they have come under the scrutiny of the parliamentary process. Hon Tom Helm in the second reading debate on the Workplace Agreements Bill would not address the Bill itself. He said that, as the Bill will be subject to changes of which we are as yet unaware - we still have not seen the amendments - he would address only the Minister's second reading speech because he simply did not know what the Bill contained. Surely the most appropriate action now would be for the Government to withdraw the Bills and reintroduce them when it knows what it wants to do.

Why do we even need the Bills? An article in *The Weekend Australian* of 14 and 15 August which may interest members refers to comments at the Australian Centre for Industrial Relations, Research and Teaching of the University of Sydney and reads -

The co-director of the Employment Studies Centre, at the University of Newcastle, Mr Roy Green, said there was potential for the creation of "a society of two nations".

"We could end up with an unproductive nation and a productive nation just like the United States or United Kingdom," he said.

While these predictions were based on the economy remaining in recession, there was also the chance a wages explosion would change the forecast and create a different set of problems, as it did in England in the late 1980s after a sustained period of collective bargaining.

The deputy director of the ACIRRT, Mr John Buchanan, said many of the participants in the enterprise bargaining debate were expecting too much from the process.

There were a number of other points which, if time permitted, I would like to read. They tend to reinforce those quotes which I read from EPAC last night. International experience suggests that there may or may not be some marginal economic benefit from labour market deregulation. There is no evidence from any studies that substantial gains can be made. In fact there is some reason to suggest that marginal gains which could or could not be attributable to labour market deregulation in fact could result a little further down the track in rather more serious consequences.

Hon A.J.G. MacTiernan interjected:

Hon KIM CHANCE: Exactly. What I am suggesting as a result of that, Mr President - I can see you looking at me - is that the appropriate action for the Government is not to continue with these Bills in the state they are, but take them away and readdress the problem.

In his second reading speech on the Workplace Agreements Bill the Minister said that since 1979 an emphasis has been on conciliation as a means to settle and prevent industrial conflict. That is quite true. Since 1979, we have successfully worked towards unprecedented harmony. That is hardly a reason for the acknowledged "radical change" inherent in these Bills. The words "radical change" comes straight from the Minister's second reading speech. The question we are asking is, what justifies that radical change? Australia now loses to industrial disputes two hours each employee each year. The hours and working days lost because of industrial accidents far exceed the time lost to industrial disputes.

Where is the single Bill introduced by this Government which addresses industrial safety, given that as a cost to this country, industrial safety is a much bigger issue than the cost of industrial relations deficiencies in their various forms. In fact, as recently as yesterday's debate on the disallowance motion, the Government was defending the point of view that the allowable decibel rate in a work place in the long term should go to 90 rather than staying at 85 as we had suggested and as other significant evidence suggests. That is an occupational health and safety issue, which I argue is an issue just as important as industrial relations. Yet we see this Government introducing Bills which potentially could create havoc in our workplaces to address what is a minor point of Australia's cost structure. A little later the Minister with carriage of these Bills here in the second reading speech on the Workplace Agreements Bill said -

The Government holds that only by providing workers and employers with choices and freeing them from the rigidities of the present industrial relations system will genuine opportunities for increased productivity and wealth creation occur. Such stimulation is essential if real and lasting jobs are to be developed.

Going through the Minister's speech we find the emphasis on four qualities. He says that we will have an improved choice because of the system; that we will eliminate rigidity in the industrial relations system; that we will create genuine opportunities for increased productivity; and that we will create jobs. These are the four fundamental aspects of the Minister's justification in the second reading speech. First, Mr President, the word "choice" is nothing short of a lie. There is no choice implicit in the Bills. In fact, it is easy to demonstrate, although this is not the time to do it, that there is no requirement for an employer to offer the potential employee any element of choice.

The PRESIDENT: Order! The honourable member knows why I am calling him to order. I am very reluctant indeed to curtail his comments, but he is debating one of the Bills, and that clearly is not what he is permitted to do on this particular motion. There is a pretty narrow path that you can follow in regard to what you can speak about. Although I took your word for it that perhaps I should interpret point (a) pretty liberally, and I have been doing that, I think you would agree that you have been taking a chance and perhaps you might have expected me to ask you not to wander over the merits of the

Bill. I do not believe this motion gives an opportunity to discuss the merits of the Bill. There are proper times to discuss that. It is the Government's actions in producing the Bills that this motion wants to highlight. You should be highlighting all those points that Hon John Halden so carefully outlined in four different ways and indicating how you believe the Government could have handled the matter a bit better. I am not saying that, but that is what you must say. You must not talk to the merits of the Bill or explain what you believe will be the result of passing the Bill. That is not what the motion is about.

Hon KIM CHANCE: Thank you very much, Mr President. It would pain me greatly to disagree with your assessment of the situation, and I would never dream of doing that. My references in this case to the four elements of the second reading speech do fit within a reasonable assessment, in my view, of point (a).

Point of Order

Hon W.N. Stretch: While the member is in such a conciliatory mood, I took offence at his remark that the Minister's statement was nothing short of a lie, just before you, Mr President, pulled him up on a point of procedure. I ask that the word be withdrawn.

The PRESIDENT: I did hear what Hon Kim Chance said, and I thought about calling him to order. The word "lie" is unacceptable in Parliament and he certainly cannot say an individual lied. I was being lenient in suggesting to myself that the member was using the word in a much broader and less direct way than indicating that the Minister was lying. If I thought he had done that, I would have asked him to withdraw it. Hon W.N. Stretch was justified in calling my attention to this, but it probably would have been better had he had done it a bit earlier, as I was mulling over in my own mind whether I should pick up the member myself. I remind Hon Kim Chance that he cannot call any member of either House of Parliament a liar, and if he was doing that I would ask that he withdraw the word. On the other hand, if he was not doing that, and I finally came to the conclusion he was not, that is another matter. The member has often said I am wrong, and maybe he will say I am wrong this time. If I am wrong and the member used the word in an unacceptable manner, he can withdraw the remark; otherwise, I suggest he get on with speaking to the motion.

Hon KIM CHANCE: Thank you, Mr President. Of course, if I have given offence to anybody I would unreservedly withdraw. My use of that word was in a context which you precisely described.

Debate Resumed

Hon KIM CHANCE: Mr President, what I was doing at the time of the point of order being raised was explaining that these four fundamental points raised in the second reading speech of the Minister are consistent with part (a) of the matters highlighted by Hon John Halden and they express the apparent inability of the Government to express those policies in legislative form. My point was that in each case the legislative form in which they are being presented falls short of the Government's aims as expressed by the Minister in the second reading speech. Time being what it is, I will not read that now but, if I may assist you, Mr President, I will be leaving that speech in any case.

Hon John Halden's motion refers to the Government's obvious incompetence. I think he is being too kind. Insincere, oppressive and disingenuous seem more appropriate descriptions of this program of Bills. However, given my reservations about the Government's intentions, its stated aims contain nothing that could justify its haste to force through Parliament Bills which are now seriously damaged. For example, I do not think the Minimum Conditions of Employment Bill is terribly contentious - certainly not when taken on its own - but considered in the context of the trilogy of industrial relations legislation, the very existence of the Bill is a contradiction of this Government's philosophy. The Government is telling the Opposition that the Workplace Agreements Bill and the Industrial Relations Amendment Bill will create a better climate for negotiation and workplace agreements and that employers will be fair, so we shall not need an Industrial Relations Commission. In that case, why on earth do we need a Minimum Conditions of Employment Bill? The very existence of that Bill - although not

in itself offensive - tends to deny the philosophy held and argued by the Government with regard to the Workplace Agreements Bill and, very likely, the Industrial Relations Amendment Bill, although we have not yet debated that.

The reform process is proceeding well. However, the Government's arguments suggest that we need these three Bills in order to reform the industrial relations process in this country. In fact, the process of reform is not only mature but also could be called advanced. More than one million Australian workers currently work under enterprise bargaining arrangements. That includes almost the whole of the Australian coal industry - our biggest export industry - and a large part of the iron ore industry. My colleague, Hon Alannah MacTiernan, in her contribution to the second reading debate, referred to the Waterfront Industry Reform Authority and the remarkable process of reform on the Australian waterfront over the past 10 years. I am glad Hon Ross Lightfoot raised with me the significance of 1979, because that brought back many memories I have of that time when I was on the other side of the fence as a director of an employer organisation. I remember the problems we had getting exports out of and goods into the country. Perhaps members on the other side of the House have short memories, but I am sure that the farmers among them will have painful memories of the problems in the whole of the transport infrastructure, right through to the port system, in the late 1970s. Those who do not remember that or appreciate how smooth the process is now, probably cannot recognise the reforms that have taken place. I do not think any farmer with personal experience of those days has any excuse for saying he does not remember.

Hon P.H. Lockyer: Do you think ports have been reformed enough?

Hon KIM CHANCE: By implication, the member is asking whether the reform process generally has gone far enough. In my view the process needs to continue. I fully support the continuation of the reform process, and I do not think anything I, or my colleagues, have said suggests that we would want to reverse or halt that process. Some of us have even supported the idea of speeding the process of reform.

Hon P.H. Lockyer: Do you know that fewer ships call into Australia now than at any time in the past 20 years?

Hon KIM CHANCE: I suggest that Hon Phil Lockyer should check that figure in relation to tonnage, and he will find a quite different situation. Certainly, that has happened but much bigger ships are calling at Australian ports than previously. It is not necessary for the Government to introduce three Bills in order for the process of reform to continue.

Hon Derrick Tomlinson: What does it need?

Hon KIM CHANCE: The process of reform needs a lot of patience, skill and hard work. I said last night that good industrial relations do not come about by Acts of Parliament. Members opposite have never learnt that. They think they can construct these paper tigers and that somehow, suddenly, everything will fall into place.

Hon Derrick Tomlinson: So you would abolish the arbitration commission?

Hon KIM CHANCE: That is the most extraordinary statement I have ever heard.

Hon Derrick Tomlinson: You said we did not need a legislative structure.

Hon KIM CHANCE: No-one in the Australian Labor Party wants to abolish the Industrial Relations Commission, and none of us has ever said anything to lead Hon Derrick Tomlinson to that extraordinary belief.

Hon P.H. Lockyer: Why is it cheaper for a New Zealand business to ship something to Australia via Singapore than to ship it directly?

Hon KIM CHANCE: A proposition has been put to me by Hon Phil Lockyer. I do not know that it is correct and, if I were a Minister I would suggest he put the question on notice. Since I am not a Minister, I do not have to do even that.

The DEPUTY PRESIDENT (Hon W.N. Stretch): Order! I suggest that members allow Hon Kim Chance to finish his speech, and no doubt he will answer questions privately at a later date.

Hon KIM CHANCE: The Government, in justification of the introduction of these Bills, has promised it will deliver greater protection for individual workers' rights. In all my life, not one worker has ever complained to me that his rights have been compromised because of the current system. Certainly I have read about the odd case in the newspaper, and I recall one that caused a massive and expensive strike in the iron ore industry. That involved one individual - backed by whom I do not know - who got in the way of a number of workers' jobs in the huge iron ore industry. Neither that individual nor any other Australian worker has complained to me that the current system in any way compromises their rights. At the same time, a great number of workers come to me complaining that the Government's proposed system will destroy their rights in Western Australia, and that the system in Victoria has destroyed the workers' rights in that State.

Hon P.H. Lockyer: Absolute nonsense.

Hon KIM CHANCE: Obviously Hon Phil Lockyer knows more about what goes on in my office than I do.

From where does the Minister get the impression that workers are somehow urgently calling for his version of "a greater protection of individual rights"? When I see 10 000 workers walk up the city streets and campaign in front of Parliament House to demand that we agree with the Bills that will give them greater individual rights, I will agree that the Minister is right.

Hon P.H. Lockyer: Union thugs!

Several members interjected.

The DEPUTY PRESIDENT (Hon W.N. Stretch): Order! I have called the House to order several times. I suggest we let Hon Kim Chance finish the last five minutes of his speech.

Hon KIM CHANCE: Until that happens, I will have to accept that the one occasion on which I have seen 10 000 workers campaign in front of Parliament House, they were here to campaign against the Bills rather than for them.

Hon P.R. Lightfoot: The police number was 2 500 people.

The DEPUTY PRESIDENT: Order! The interjections and interruptions have become quite unruly and out of order, and I suggest again that Hon Kim Chance be allowed to complete his speech without interjection, and certainly without any of these extremely long speeches in interjections.

Hon KIM CHANCE: Thank you, Mr Deputy President. I find it extraordinary that members on the Government benches have finally come to life when all I am suggesting is that when I see 10 000 workers - Mr Lightfoot said it was 2 500, and that is fine with me - campaign for the Bills in front of Parliament House, I will agree that workers do want the wonderful individual rights that the Minister is telling us they want. In regard to Mr Lockyer's reference to union thugs, I knew a lot of people in that crowd, none of whom -

Hon P.H. Lockyer: So did I. I spent 12 years in the Pilbara and I recognised most of them by name and by face, and they were union thugs.

Hon KIM CHANCE: None of the faces which I recognised in the crowd was the face of a person whom I would call a thug. They were the faces of people whom I know to be honest men and women, who have families to feed and children to worry about. In most respects, those people are no different from anyone in this place. If the Government wants to convince itself that there are 10 000 thugs ready to drop whatever thuggery they are involved in at the moment and parade in front of Parliament House, I suppose it is entitled to that fantasy. All I can say is that it is wrong.

Hon P.H. Lockyer: The ones who tried to break into Parliament House were thugs. They were your painter and decorator mates.

Hon T.G. Butler: Painters and decorators are gentlemen by definition, you fool!

Hon KIM CHANCE: None of the stated aims of the legislation has demonstrated an urgent need for these Bills, nor, for that matter, any need at all. If members opposite want to speed up the reform process, they should first take away the Bills and reform them. Further, if the Government was urgently interested in reform, it would come back with something that the Opposition and the community as a whole could accept. The Government has failed to win either Opposition or community support for its legislation. The purpose of this motion is to make an earnest and sincere plea to the Government to take away the Bills and get them right, to at least look at what are the objectives of this legislation, and to bring back legislation which will reflect those objectives. The Minister who has carriage of the Bills has told us that the last thing in his mind is the destruction of the union movement, yet these Bills are about the destruction of the union movement. There is no evidence that they will speed up the reform process. There is ample evidence, and we saw it in front of Parliament House only a few weeks ago, that they will bring the reform process into chaos.

[The member's time expired.]

HON P.H. LOCKYER (Mining and Pastoral) [3.15 pm]: I oppose this motion. I cannot allow the previous speaker to try to foist upon us the view that the general public support what he is saying, because they do not. The previous speaker is naive in the strongest way because he simply does not understand what the industrial situation has been like in the north of our State over the last 20 years. The mess that needs to be cleaned up is horrendous. I concede that there have been some steps forward, thanks to Robe River and some of the more moderate workers who understood that unless steps were taken so that there was no requirement to provide fillet steak at lunchtime or five or six different flavours of ice cream -

Hon John Halden: You have made this speech 10 times, and it is no better or more relevant this time than it was last time.

Hon T.G. Butler: Would you agree that Robe River was moderate when it asked -

The DEPUTY PRESIDENT: Order!

Hon P.H. LOCKYER: The member is very unruly, Mr Deputy President, and that is out of character for him. The iron ore companies were not angels either, because when the original agreements were set up at Mt Newman and in the Pilbara in general those sorts of things had to be agreed to in order to get them up and running. However, after a while, when the world situation changed, there was no question that unless there was some moderation, that industry would not survive. Had Robe River not taken that step - and I know it made people in this place squirm and that Hon Tom Helm almost had to be taken away and given oxygen on the day that Robe River took that step - perhaps it would not be operating today and perhaps the other mining companies would not have taken the lead of Robe River and entered into workplace arrangements.

Points of Order

Hon GRAHAM EDWARDS: I have been listening intently to the speaker on his feet and I am having great difficulty in relating what he is saying to either part (a), (b), (c) or (d) of Mr Halden's letter. I ask you, Mr Deputy President, to agree with my view and to perhaps ask the member to address his remarks to the motion.

The DEPUTY PRESIDENT: Order! I remind members of the President's earlier statement that this is a fairly wide ranging debate, but I think the member was correct to draw to my attention, and I draw to the attention of the member, the fact that he is straying a little wide of the mark, although he is not the first one to do so in this debate.

Hon P.R. LIGHTFOOT: My point of order is that there is no point of order. Clearly paragraph (a) refers to statements by the Minister for Industrial Relations about the Workplace Agreements Bill.

The DEPUTY PRESIDENT: Order! There is no point of order.

Hon SAM PIANTADOSI: I accept your interpretation, Mr Deputy President, that the issue is far ranging and that you have given latitude to the member on his feet, but a

personal attack on Hon Kim Chance is not part of Mr Halden's letter. A remark was made that the member has not been further north than Geraldton, and that is a personal attack.

The DEPUTY PRESIDENT (Hon W.N. Stretch): I do not interpret that remark as a personal attack.

Debate Resumed

Hon P.H. LOCKYER: I abide by your interpretation, Mr Deputy President. Hon Kim Chance knows that it was not a personal attack. The only people who make personal attacks here are Sicilians.

Point of Order

Hon SAM PIANTADOSI: The member should withdraw that remark.

The DEPUTY PRESIDENT: I ask the member to withdraw the remark.

Hon P.H. LOCKYER: I am happy to withdraw it.

Debate Resumed

Hon P.H. LOCKYER: I was provided with a map today to show me where Sicily is.

I know that it makes Hon Graham Edwards squirm when he hears these sorts of things, but there has been no ineptitude on the part of the Government with its industrial relations policy.

Hon Graham Edwards: The more you say that, the more we believe there has been!

Hon P.H. LOCKYER: There has been no ineptitude. It is simply what the general public require. It is absolutely necessary for us to give the general public a choice. The reason the 2 000 to 10 000 people marched on this place on that day was not that they objected to the Bill. The majority of them were unionists, terrified that they would lose power. We have seen how the mob opposite operates.

I have been to the Pilbara. Members opposite speak about the poor fellow at Tom Price who just because he decided he did not want to be in a union, caused the whole mob to stop work on principle. It is all in or all out. People do not worry about arguments, they stick to the numbers. That power will be taken away, and people will be given the choice.

Hon Kim Chance: It was taken away in 1976.

Hon P.H. LOCKYER: Members opposite are living in dreamland. Hon Kim Chance should come for a run with me to the Pilbara and I will show that sort of thuggery is alive and well. It is not just the Painters and Decorators Union, or the sewerage workers union. They are bad, and others are just as bad. If members tried to go to Karratha or to the Burrup and chose not to be in a union, they would not get past the gate. If they did, their lives would be a misery.

Hon A.J.G. MacTiernan interjected.

Hon P.H. LOCKYER: The trouble with people like Hon Alannah MacTiernan is that it is bred into them that the union is always right. I can understand that. If I had to face a selection committee to become a representative of unions, I would do what the sheep opposite are doing now.

Hon A.J.G. MacTiernan interjected.

Hon P.H. LOCKYER: The member will ring the bell when she has to. I understand the system where the member must argue day and night, but in the end members will have to cop the legislation.

Hon A.J.G. MacTiernan: Someone must fund those unsuccessful campaigns.

Hon P.H. LOCKYER: We do not have unsuccessful campaigns up there.

Hon A.J.G. MacTiernan: You just come second!

Hon P.H. LOCKYER: I have been here a while. I have seen the wins and the losses. I spent 10 years sitting on that side of the House, and I hated every second of it. It is beautiful sitting here, listening to dills like the member. She will have to suffer for the next four years.

Hon John Halden: The dill went from here to there.

Hon P.H. LOCKYER: The member can yell and scream all he likes, night and day, but finally the people of Western Australia will thank us for the Workplace Agreements Bill.

HON SAM PIANTADOSI (North Metropolitan) [3.25 pm]: I wish to clarify some matters raised by Hon Phil Lockyer. His remarks were incorrect. His knowledge of industrial matters is clear. He referred to the Painters and Decorators Union and to the sewerage workers union and said that they operated in the Pilbara. The member is wrong. I can prove that the sewerage workers union does not have coverage in the Pilbara. The member has his facts wrong.

Hon P.H. Lockyer: I did not say that it operated in the Pilbara.

Hon SAM PIANTADOSI: The member was talking about the Pilbara and attacking Hon Kim Chance about his lack of knowledge. The member referred to the unions operating in the Pilbara, and referred to the thuggery in the Pilbara.

Hon Graham Edwards: He has never been north of our electorate by road!

Hon SAM PIANTADOSI: That is probably right. Being a former trade unionist, I took offence at the member's innuendo about thuggery. I have never belted anyone in the mouth in my life. I can talk with clarity about an incident in this place 10 years ago when a thug sitting on the Government bench now, struck another member in the face.

The DEPUTY PRESIDENT: Order! Hon Sam Piantadosi's comment is not applicable to the debate. He should stick to the subject of the urgency motion, which he will find on the opening page of today's Notice Paper.

Hon SAM PIANTADOSI: I find that difficult, Mr Deputy President, because earlier during a member's speech we had to listen to accusations about members on this side being involved in unions, and the thuggery that took place. I accept your decision that we should not use that kind of language in this place but it is difficult for members on this side of the House to cop that sort of argument about thugs.

Point of Order

Hon GEORGE CASH: I am not sure whether Hon Sam Piantadosi is attempting to address a point of order or to relate his comments to the motion. I suggest to you, Sir, if he is not addressing a point of order to you, he is directly defying your earlier direction that he return to the substance of Mr Halden's letter. I ask you, Sir, to invite the member to do so now.

The DEPUTY PRESIDENT: It is an indirect breach of standing orders. I take it that Hon Sam Piantadosi is addressing the motion. I remind him to stick to the item on the Notice Paper.

Debate Resumed

Hon SAM PIANTADOSI: I am addressing my remarks to the motion in the same manner that Hon Phil Lockyer addressed his remarks. I apologise to you, Sir. Members opposite are a little sensitive when remarks are directed towards them.

Hon P.H. Lockyer: You were a union thug.

Hon SAM PIANTADOSI: Again, the remark is that I was a union thug. It is interesting that only a moment ago I was being earmarked by Government members for using unparliamentary language. Not only has the member who interjected continually used such language during the 12 minutes he spent on his feet but again by way of interjection he makes the same statement. I would like to believe that we all receive a fair deal in this place but not in the last five minutes. Some members are privileged because members opposite seem to get away with their statements.

Withdrawal of Remark

The DEPUTY PRESIDENT: Order! I am not sure from which direction the comment came when the member was called a union thug, but the remark is unparliamentary and improper. The member who claims ownership of the remark should withdraw. In general terms of the debate, both the member recently on his feet now and the member who spoke earlier, were using unparliamentary language.

I ask all members to cease interjections and the member on his feet to address the urgency motion. I ask the member who claims ownership of that remark to withdraw it.

Hon P.H. LOCKYER: I am very happy to withdraw, but I might add that I was called a thug earlier in the debate. However, because it is unparliamentary and you request me to do so, I withdraw my remark.

[Debate adjourned, pursuant to Standing Order No 195.]

VALUATION OF LAND AMENDMENT BILL*Introduction and First Reading*

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

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.31 pm]: I move -

That the Bill be now read a second time.

The purpose of the Bill is twofold: Firstly, it will clarify the authority of the Valuer General to make valuations other than rating and taxing valuations for all organisations performing a public function and have legislative authority to deal in land or impose a rate or tax on land. As presently enacted, the Valuation of Land Act authorises the Valuer General to charge rating and taxing authorities for supply of valuation rolls and other valuations, but such charge shall not exceed the cost of making the valuations.

The Valuer General's Office, for some time, has applied a fixed charge per value but subject to a minimum charge. Although this is based on the overall cost of making the values it is not compatible with the intention of the Act, in that the charge does not reflect the actual cost of making valuations for each rating and taxing authority and does not provide for applying a minimum charge. The amendment will continue to require the charge to be prescribed by regulation and will therefore continue to be subject to parliamentary scrutiny.

Rating and taxing authorities are charged the cost of providing valuation rolls. If another agency subsequently requires the same values, no charge can be raised except for processing, as the original client has met the full cost. This may occur where a local government changes its rating base from unimproved values to gross rental values. The amendment will permit the Valuer General to charge for the values at the prescribed rate. The Act currently requires that the basis of charging for rating and taxing values also apply for the provision of other types of valuations, when made for rating and taxing authorities - that is, market values for local governments. The amendment proposes that the charge for these types of valuations be on the same basis as for any other authority requesting non-rating valuations.

The public, particularly the real estate industry, has sought the assistance of the Valuer General to integrate property improvement details with sales information to provide products and data not available from any other source. As costs have been recovered for rating and taxing purposes the current restrictive legislation permits only a processing charge to be raised making the provision of this information uneconomic. The amendment enables the levying of an appropriate charge for the provision of products.

The second major proposal, is to allow the Valuer General to carry out valuations for the Crown and State agencies currently excluded. Such agencies include Homeswest,

universities and Main Roads Department. The amendment will enable the Valuer General to make valuations for those agencies provided their enabling legislation allows them to deal in land. It is not the intention of the amendment, nor does it allow the Valuer General, to make valuations for private individuals and companies. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Debate resumed from 7 September.

HON JOHN HALDEN (South Metropolitan) [3.34 pm]: This is the third of the Government's industrial relations Bills we have debated over the past few days. It provides primarily for the amendments that are required consequentially to reform the Industrial Relations Act to take account of the two previous Bills debated in this House. Members opposite would say that the first Bill, the Workplace Agreements Bill, will ensure that people could enter into individual workplace contracts. The Opposition suggests of course that that is not the case and that the first Bill seeks to ensure people are required to have individual contracts if they are covered by a State award or by no award. The primary purpose of that Bill is to remove the role of unions from the workplace. The second Bill, the Minimum Conditions of Employment Bill, contained the raft of minimum conditions.

I do not have any false impression and will not be swayed from the premise that this Bill is about shackling the Industrial Relations Commission so that people do not have an independent umpire before which to air their grievances. If members cast their minds back to the Workplace Agreements Bill and the issue of arbitrators and how unfair and biased those people can be and how the provision of arbitrators in that Bill will give no comfort to workers. One could have the ludicrous situation where one's relative is the arbitrator; there can be no clearer example of the problems that will exist for workers if these three Bills are passed. It may be appropriate that the Minister will not go through a lengthy philosophical discussion on this Bill, or through our objections to the concept of a safety net which is so low as to be impractical for a worker and his family to live on. I intend to analyse the clauses and comment on their meaning and their consequences, and basically I hope to encourage a response from the Minister when he responds to this debate and during Committee indicating that he has some understanding of our position. I hope the Minister accepts that the clauses in the Bill the Opposition will be debating are particularly draconian. I am again concerned that the Minister said there were no unforeseen consequences arising from these three Bills. When one looks at this Bill one sees there will most definitely be some unforeseen consequences. I am sure that as speakers on this side go through this Bill to try to highlight these points members opposite will see the number of unintended consequences of this legislation. Even if one accepts the general philosophy of these Bills, I do not believe one can accept the consequences that will arise from some of the clauses of this Bill. Part 1A of this Bill contains provisions that will impose limitations upon the jurisdiction and powers of the Western Australian Industrial Relations Commission. Clause 7D defines when the Industrial Relations Act applies and when the proposed Workplace Agreements Act will come into force.

The difficulty is that the functions of the Industrial Relations Commission are being curtailed to the detriment of workers to the point where, as I read this Bill, the commission will not be able to call for compulsory conferences. Are we serious about trying to minimise industrial conflict? I am sure you are aware, Mr Deputy President (Hon W.N. Stretch) that there are times when the parties choose not to negotiate. That sort of silly situation cannot be allowed to continue. It is appropriate that an umpire, if that umpire has any powers at all, should be able to at least call for a compulsory conference. Issues that arise between parties in the workplace will not be regarded as industrial matters and will not be determined as such under the provisions of this Bill.

The definition of "industrial matter" has been changed considerably and again to the detriment of the employee.

Today, I listened to the comments of Hon Phillip Lockyer about the excesses of unionism. However, when one analyses the Bill one cannot help concluding that, through this Bill, the pendulum will swing back the other way and the employer will have the excessive powers and the employee little power at all. It has been suggested by others that that is a deliberate move by this Government and those who advise this Government.

One of the problems that will be created by not only this legislation but also the three Bills together is best illustrated by school cleaners. Where is the equity for school cleaners if every school in the State - there are 700 or 800 of them - have different workplace agreements and people are being paid different rates of pay and made to work in different conditions, often dangerous conditions, by virtue of the Workplace Agreements Bill? There is no equity for workers in the legislation. That example was deliberate because it is easy to downgrade the most vulnerable worker's role in the education system because of a school board's desire to maximise the educational opportunities for children. One would not suggest always that that is not an outrageous aim. However, it can be if taken to excess - and it will be taken to excess, not by all, but by some as is always the case in our society. What one will see is that, in an effort to maximise the school dollar, not only wages, but also conditions will be cut and members are aware that some conditions are already particularly dangerous.

One of the consequences of these three Bills, and particularly the Workplace Agreements Bill, is that a member of another place was threatened with prosecution under clause 65(2) of the Workplace Agreements Bill for distributing information on workplace contracts. Such a situation highlights the example - I do not wish to get into a discussion with those opposite about whether it was factual information -

Hon Derrick Tomlinson: Don't bother with the facts!

Hon JOHN HALDEN: Hon Derrick Tomlinson never has, so I will not.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon JOHN HALDEN: A great difficulty with this set of three Bills relates to the distribution of information regarding employment contracts. I indicated earlier that I did not want a huge argument with members opposite regarding a member in another place distributing information on workplace agreements being threatened with prosecution under this legislation. If members of Parliament can be threatened, clearly the average worker will not be able to communicate with people to acquire knowledge about what is reasonable within a workplace agreement, particularly pertaining to that worker's workplace. Again, that totally lacks equity. As previous speakers have said regarding another matter today, that is a recipe for no justice in the workplace. We will have potential conflict between employees which will not be particularly relevant to the workplace.

Clause 97 of the Workplace Agreements Bill deals with incriminating answers and subclause (1) states that it is not lawful for the purposes of clause 95(1) or (2) for a person to refuse to answer a question or produce a book, document or records on the grounds that the answer, book, document or record might tend to incriminate the person or make that person liable for a penalty. We have heard from members opposite that these are fair and reasonable pieces of legislation. Can members imagine an employee trying to prove that he has been underpaid, and an employer, by virtue of this clause, saying, "I will not produce those books because it might incriminate me"? It could most definitely be incriminating for the employer to produce that wages book. It denies commonsense. Members should consider Hon Phil Lockyer's comments to which I said by way of interjection that he should read the Bill. I do not believe one can say that clause is fair and reasonable.

Hon Peter Foss: In America it is enshrined in the Constitution.

Hon JOHN HALDEN: It may well be, but in our legal system, and as Hon Peter Foss, more than anyone else, will be well aware, that is not the premise under which we have operated.

Hon Peter Foss: It is -

Hon JOHN HALDEN: It is not, the Minister knows that not to be correct; I apologise, I interrupted the Minister.

Hon Peter Foss: It is a basic premise not to incriminate. We often change that law.

Hon JOHN HALDEN: As I will detail when I go through the Bill, the onus of proof is reversed under the clause. There is a particular clause in the Industrial Relations Bill, which I will address later, under which irrespective of which action one takes, one is guilty.

Hon Peter Foss Interjected:

Hon JOHN HALDEN: The Minister should not worry, I will point it out to the Minister. A union, or even a bargaining agent, to use the terminology of this legislative package, will clearly not be able to get the documents that are crucial to prove that somebody has been underpaid. One cannot argue with what is in the clause and that until now the reverse of this has been the industrial relations norm. I am interested by way of interjection to hear whether the Minister would suggest otherwise. He must know that this is the reverse of what happens now. The clause is an impediment to people trying to seek true compensation, even if they are paid at the base minimum. Even if they could get access by the very limited and tortuous paths available, this clause proposes that it is basically impossible. One cannot incriminate oneself and one can say so and have that right upheld. The defendant has the right to say nothing, as I said, and the onus of proof is on the complainant. This is a particularly carefully worded, but sinister, clause. The Minister responsible for the Bill in this place can say this may well be enshrined in the Fifth Amendment of the American Constitution.

Hon Peter Foss: Yes, it is the Fifth Amendment.

Hon JOHN HALDEN: I am glad the Minister told me it was the fifth; I thought it might have been the fourth. That is not the legal system we have developed in this country.

Hon Peter Foss: The precept is the same here.

Hon JOHN HALDEN: It is not the industrial relations system.

Hon Peter Foss: That may be so.

Hon JOHN HALDEN: I was waiting for the Minister's interjection so we could at least agree on that.

Hon Peter Foss: We do.

Hon JOHN HALDEN: As I said earlier, the Bill has a new definition of industrial matters. By excluding a number of matters currently included within the definitions, it quite blatantly and clearly swings the balance of power between an employee and employer in favour of the employer. We will obviously go through that in detail and in greater depth during the Committee stage. I want to examine these points and both formally and informally hold discussions because I have perhaps naively had the concept that those opposite believe their own rhetoric and propaganda that this Bill is fair and reasonable. I have examined it clause by clause and one does not have to be a lawyer like Hon Peter Foss to work out that it quite clearly swings the pendulum of power from wherever it happens to be now - we could argue about that - in favour of the employer to an enormous extent.

Hon Peter Foss: Are you talking about the definition section?

[Quorum formed.]

Hon Graham Edwards: Only three Government members in here for this debate.

The DEPUTY PRESIDENT (Hon Barry House): Order! A quorum is present; let us resume the debate.

Hon Graham Edwards: The Government should be ashamed.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: They cannot wait to hear this speech because this legislation has considerable problems and I understand why one would be keen to be involved in this debate at an early stage!

Hon N.F. Moore: You had to ring the bells to get us to listen to it.

Hon JOHN HALDEN: There were twice as many Opposition members in here as Government members, and Hon Norman Moore knows it. There is no doubt that this Bill will have the effect of limiting the jurisdiction of the State Industrial Relations Commission. As I said in my comments about the Workplace Agreements Bill, by doing that, quite clearly, as has been the case in Victoria, there will be a transfer of workers from the State to the Federal award system. Unions - I can assure members, having spoken to a number of the larger unions in recent days - are organising the transferral of their workers' coverage from the State to the Federal system. The State system has significant advantages over the Federal system; it is quicker, the judges are more acquainted with the issues that are before them -

Hon Reg Davies: Hon Peter Foss said this trilogy of Bills would be beneficial to the union movement inasmuch as -

Hon Peter Foss: Yes, they will get better service. It deregulates all sorts of things.

Hon T.G. Butler interjected:

The DEPUTY PRESIDENT: Order! Let us have one member on his feet addressing the Chair.

Hon JOHN HALDEN: With regard to the first interjection, it is quite within the parameters of this Bill to make passing comment about it. One need only go to Victoria to draw a comparison. The reality is that, as someone else said, union numbers have declined in that State because it has no award system.

Hon Reg Davies: Do they have a tandem system?

Hon JOHN HALDEN: No, they have no award system and union member numbers have declined in Victoria the same as they have in New Zealand because of the difficulties in unions being involved in the workplace agreement process. Everyone knows where I stand on this matter. It is absolutely essential that members should not believe the propaganda. If they think unions can operate under these three Bills and be effective and represent the workers, not in a militant way but in only a moderate or minuscule way, I suggest members read the clauses. That is not what will happen. I will discuss it with people privately and members can show me where I am wrong - I have offered that to members before.

It is not my intention to stand here for four hours and filibuster, but members should read the clause if they do not agree with my interpretation and then discuss it with me privately. It is blatantly clear that this legislation will have the effect of reducing union membership because the union role is so limited. There will be no purpose in joining a union because they will be unable to do anything for people.

Hon P.R. Lightfoot: What the legislation does is take away compulsory unionism, and that is all the Bill does.

Hon JOHN HALDEN: From time to time I think the member is genuine.

Hon Bob Thomas: I do not think he is.

Hon JOHN HALDEN: We do not agree about the issue, but I am saying I believe he is genuine about it.

Hon Bob Thomas: I do not think he is genuine.

The DEPUTY PRESIDENT: Order! I think the member is quite capable of making his speech without the voice behind his right shoulder.

Hon JOHN HALDEN: If the issue is about compulsory unionism, and Hon Ross Lightfoot and I differ about that, and I do not have a problem with that, but these pieces of legislation are not about doing away with compulsory unionism. If members read the clauses they will see that unions will have no effective role in representing workers. That is what I have been saying, and that is why I say again, that if the member is genuine and not wanting to play games with me, and I am not suggesting he is, then he should read the clauses. It is quite clear what will happen here is that unions will not be able to represent workers. That is the problem.

Hon P.R. Lightfoot: We are not preventing anyone from joining unions.

Hon JOHN HALDEN: That is right. However, why would anyone join anything that could give the person no representation or coverage?

Hon P.R. Lightfoot: It would depend on the workplace agreement. There is nothing to stop the union negotiating it for you.

Hon JOHN HALDEN: When the member talked about being a 14 year old and having to join a union, his position was one of being powerless.

Hon P.R. Lightfoot: I was.

Hon JOHN HALDEN: If he were a 15 year old or 16 year old now going to an employer to negotiate a workplace agreement, he would be in a similar position to that. I will not be provocative and say that it is the same, but it is similar. He will understand that more than anybody, because, at that age, what would he know about negotiating a workplace agreement? How would he appoint the arbitrator if there were a particular issue to be resolved? Who would he say would be the arbitrator? He would not know as a 15 year old. I am suggesting, in these clauses, that is where the problems lie.

Perhaps I will return to the Bill, Mr Deputy President, and thank you for your indulgence.

Hon Tom Helm: This is part of the Bill.

Hon JOHN HALDEN: It is, but it is a little wide of the mark.

The issue of unfair dismissals comes up in clause 7, proposed section 23A(3). Could I ask Hon Ross Lightfoot to listen to what it says. It provides -

If an employer fails to comply with an order under subsection (1)(b) the commission may, upon further application, revoke that order and, subject to subsection (4), make an order for the payment of compensation for loss or injury caused by the dismissal.

Reading all of proposed section 23A, the situation is that it may be financially beneficial, bearing in mind what is prescribed as the payout, for employers to thumb their noses at this and say, "Fine, I will cop paying the six months' salary." In a financial sense the employee might be entitled to annual leave, pro rata long service leave, redundancy payment or whatever, which could well exceed the provisions of the maximum penalty. Blind Freddy could see that some employers could take that advantage, but in the philosophy and essence of that clause -

Hon Peter Foss: What clause?

Hon JOHN HALDEN: We are straying a little, but it is section 23A, which gives the power to the commission to act upon unfair dismissal.

Hon Peter Foss: Unfair dismissal is different from contractual rights.

Hon JOHN HALDEN: I understand that. We have strayed from that.

Hon P.R. Lightfoot: I am genuinely offering to have a look, and if I do not I cannot assist you.

Hon Bob Thomas: There is nothing genuine about you at all.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: I do not wish to get into a Committee stage debate, and I

appreciate your tolerance, Mr Deputy President, but it is clear that any employer can thumb his nose at the commission and the commission can then order compensation. However, there is a limit to that maximum compensation.

Hon Peter Foss: Proposed section 23A (1)(a) deals with what you are talking about. If the person is entitled to all those things as a result of an order under 1(a), he gets them. Proposed subsection (3) refers to it, but (1)(b) deals with reinstatement. Proposed subsection (4) deals only with the amount paid because of unfair dismissal, and that is the matter you are referring to.

The DEPUTY PRESIDENT: Order! I think we will try to resume the debate so that the whole House is involved.

Hon JOHN HALDEN: Whether we debate this or not, the question needs to be asked: Why not at the beginning give the power to the tribunal to do both of these things? That has been the traditional power of the tribunal. It could reinstate somebody, if that was a reasonable prospect, or make an order for a payout as compensation. There are some relationships between employers and employees which are irretrievably broken down, to use the matrimonial terminology which could be applicable here, and to force people back into a situation like that is ridiculous. By virtue of historical evidence and need, we need the provision of both options, because how does one send back an employee to a hostile employer and hostile work situation?

Hon Peter Foss: Currently they have the option, but it is not both.

Hon JOHN HALDEN: They have both one or the other, but there is only one option here.

I am sure the Minister will find that is correct, and that is the difference.

Hon Peter Foss: You cannot give both.

Hon JOHN HALDEN: The clause provides for action under paragraph (a) then under paragraph (b). Again, this is now a more complicated and difficult process for a person claiming unfair dismissal and if, at the end of the day, the first decision can only be to reinstate the employee in the hostile environment, why would that employee pursue the matter, particularly if his employment had been a negative experience?

Hon Peter Foss: Most employers claim that they get people sent back to them that they do not want.

Hon JOHN HALDEN: That is a very interesting point. At the Committee stage we could be constructive in this process, and compare the Government's perception with the Opposition's perception. The perception of the worker in that situation, with the likelihood of only one option being applied - going back to the workplace - would discourage him from pursuing the case, particularly if it were a costly and complicated system in which he had no faith.

Hon Peter Foss: A decision was made that under section 29 compensation could not be awarded, although that was in fact happening. The decision was that under that section the only remedy was to send the person back to the workplace. If that is still the case, this is in addition to what can be done currently. I have not checked the latest cases.

The PRESIDENT: Order!

Hon JOHN HALDEN: I wonder with regard to that interjection -

The PRESIDENT: It was not an interjection, it was a speech.

Hon JOHN HALDEN: The issue with regard to the recent Coles-Myer decision - with which I am not very familiar - may well have impacted on the options available. We need to look at the implications of that case with regard to this legislation.

A number of clauses in this Bill relate to the power of the Minister. The Bill is particularly generous in that regard, and I am concerned about the power being given to the Minister through the various clauses. For example, proposed new section 37A states -

If in the opinion of the Minister a number of the employees to whom a particular award under this Act ... extends are bound by an award under the Commonwealth Act the Minister may by order published in the *Industrial Gazette* suspend the State award.

The reality of those words, "in the opinion of the Minister", is that the Minister may not be correct in his opinion. The Bill refers extensively to the Minister's power, but surely we should not give those powers on the basis of a Minister's opinion but rather on the basis of some facts. I do not think that is unreasonable.

Hon Peter Foss: That is how he will get his opinion.

Hon JOHN HALDEN: In this matter, bearing in mind the sensitivities involved - I am sure the Minister and I understand that - this needs to be more clearly explained in the Bill than at present.

Hon Peter Foss: It is subject to disallowance.

The PRESIDENT: Order! I will not allow the member or anybody else to debate the Committee stage of the Bill in the second reading debate. He should be making broad reference to the fact that the Minister will be given powers in this Bill that the member believes he should not have. Hon John Halden and the Minister are, in fact, engaging in a private Committee stage of this Bill. Some people could be excused for thinking they were the only people in the Chamber, although there are a few members present at the moment. Leaving that aside, we shall never get to the end of the second reading debate if every member takes the opportunity of speaking in detail about every one of the clauses in the Bill. More to the point, I will not allow it. I am not trying to stop the honourable member from making his points in a general way, as the second reading debate allows him to do, but he must stop going through every clause word by word, and getting a long-winded interjectory response from the Minister.

Hon JOHN HALDEN: I did not intend to breach the standing orders. What led to it on this occasion was an attempt to find common ground between the Government and the Opposition, so that we can progress the Bill at a later stage.

The PRESIDENT: I am delighted to hear that, but there is a proper way of doing it and this is not it.

Hon JOHN HALDEN: I understand, Mr President. I was trying to make excuses for myself, more than anything else. Some would suggest that I need to do that often!

The Minister said by interjection that this clause provides for disallowance. As I have said before, disallowance at this stage is not of great comfort to the Opposition or, I am sure, to workers. The Government is not showing itself in a benevolent light - fairly or unfairly - to workers. Neither is the Opposition comforted by this provision. I do not think the House should be comforted by it either. The suspension of an award should not be in the hands of the Minister. In the first place, it should be in the hands of the Industrial Relations Commission, which has the role of umpire and not of a political proponent in the process. The Opposition is also concerned that it will be done on the basis of the opinion of the Minister.

Hon Reg Davies: At least in that situation it would come before the Parliament and we would have the option of debating it and disallowing it.

Hon JOHN HALDEN: Yes, it would come before the Parliament and we would debate it, but the workers, like the Opposition, can count the numbers in this House and they are not comforted by the proposal on that basis.

Hon Reg Davies: It would apply in future years to future Ministers also.

Hon JOHN HALDEN: I do not know that any Government, be it Labor or Liberal, or any Minister, should have that sort of power. In the area of award coverage, this State has established over the past 100 years an umpire system that has not been massively controversial. The commission has acted responsibly. People have from time to time complained on one side and then on the other, but it is not an area in which there is great

controversy. Under the proposed provision, if a union decided to move from the State award to the Federal award - I am sure it relates to the Workplace Agreements Bill - the Minister would have the power to cancel the current award conditions. Therefore, I stress again that it is necessary to read this clause carefully in conjunction with the other clauses of the Bill and with the parent Act.

It seems to me that were the Government committed to the process of enterprise agreements in proposed section 41A, it would allow not only for single enterprise agreements but also for collective enterprise agreements. I suggest the Government does not want to have agreements over a number of enterprises because that would in essence result in a union-type situation and would give workers more strength. The Government wants to keep the smallest quantifiable number of workers in any workplace in order to reduce workers' strength. I am not saying that in a militant way, nor am I suggesting that putting people together would result in their making enormous demands on employers. However, I imagine that this will not be a cheap process, and it would be simple economics to allow enterprise agreements to apply across a number of enterprises.

Hon Peter Foss: You know that flow-on has always been a bit of a problem in the award system, and that has been admitted by everybody.

Hon JOHN HALDEN: The Minister is correct. Flow-on can be a problem, and when we look at the issue of enterprise bargaining agents, flow-on in a range of areas can actually stop, but one does not have to, by using EBAs, actually curtail or change the power situation as drastically as is occurring here. I know that the Minister and I disagree about the power situation. I do not know whether that is a political position that he takes or a position that he holds personally.

Hon Peter Foss: To me, personal and political are the same.

Hon JOHN HALDEN: I do not believe that, because I know they are not for me from moment to moment. However, there is an alternative, and although that alternative may not be totally acceptable to the Government, it is better than this. The union movement and employers have acknowledged that flow-on has been a problem, and that issue is being addressed.

Proposed section 50 provides that the Minister may override the Industrial Relations Commission in regard to prescribing minimum conditions. I do not understand how we can have minimum conditions and then allow a Minister to override them.

Hon Peter Foss: That has been taken out. The Industrial Relations Commission will not have power to prescribe minimum conditions.

Hon JOHN HALDEN: That is right. My comment is that the Minister will be able to override the Industrial Relations Commission.

Hon Peter Foss: No. The Industrial Relations Commission will not be able to do that any more.

Hon JOHN HALDEN: I accept that.

Hon N.D. Griffiths: The Minister is about to override the Industrial Relations Commission!

Hon JOHN HALDEN: Yes; I thank the member.

I seek some clarification about the long service leave general order. By virtue of proposed section 50(1)(c), will the general order be offset by workplace agreements? I do not expect the Minister to answer that question now, but I would appreciate an answer later. I also have some concerns about the fact that the Minister may cancel the long service leave general order from time to time. When and under what circumstances will the Minister be able to do that?

I understand that in proposed section 43 there is no provision for ex parte variation and there is no ability for the Industrial Relations Commission to exercise any discretion in regard to that matter. I am concerned about the implications of proposed section 73, which provides that the Minister may direct the Industrial Relations Commission. We

need to outline the circumstances under which the Minister may do that, if he should do that at all, and I suggest that he should not. Proposed section 73 provides that the Minister may initiate deregistration proceedings against a union when, in his opinion, the safety, health or welfare of the community is at risk, and it will then be mandatory for the Industrial Relations Commission to comply with whatever decision the Minister makes. Additionally, the Minister may deregister a union if it commits an offence. This is a particularly dangerous provision, because even if an employee of a union were involved in a particular process of discussion, whether that be in a private capacity or in his or her employment capacity, the union would still be responsible. That is in proposed section 73(8a)(a)(i) and (ii) at page 25. It is such vague terminology. When dealing with legal matters the terms must be clearer than "instigated or encouraged the breach". Subparagraph (ii) reads -

where subparagraph (i) does not apply, the organization does not prove that it took all reasonable steps available to it to prevent the breach;

People are caught one way or the other. A fair degree of jeopardy is involved in having to be perpetually responsible for other people. I do not know whether it is correct to say that there is a degree of onus of proof here, but the wording could be significantly improved to clarify the jeopardy. We will discuss that matter at the Committee stage.

The Minister can deregister a union where one of those clauses is breached. If that is to be the sanction, and to a union it is the ultimate sanction, we must be more specific. It is not unreasonable to want to be specific in this area. I have said on a number of occasions that this is one of the problems with these Bills. I do not claim to be a lawyer. I am trying to look at the consequences and to take a layman's approach. I am aware that the Minister for Health is not responsible for the Bill but we have heard about proposed amendments and perhaps some of the points we have made will be overcome when we receive the amendments. It is unfortunate that they have not come to hand quickly because some of our concerns may not be warranted. By convention, such amendments do not need to arrive here a great time prior to the Committee stage, but with this sort of legislation it is incumbent on the Government not to go as far as it has with these Bills.

Hon B.K. Donaldson: When talking about breaches one must return to the Workplace Agreements Bill because clauses 65 to 69 of that Bill cover offences relating to representation, threats and intimidation, and so on. If the Bills are read together the provision is not quite so draconian.

Hon JOHN HALDEN: I am not saying the provision is draconian. It is just not clear. The member is correct. Perhaps the general tone of Opposition speeches has suggested it is a draconian provision. I talk about clarity and unintended consequences more than anything else. The term "encouraged the breach" is vague as it relates to the Workplace Agreements Bill. That is my concern. I am not saying that it is a draconian measure.

The other matter regarding deregistration of unions is the issue of proof. All that is required is sufficient evidence. As I read the Bill, charges do not have to be known; they do not have to be proven. The Minister will make a decision and will advise the Industrial Relations Commission. On that basis, where the proof of evidence is suggested in that way, the charges are not known and do not have to be proved. There will be no hearing. The Minister can just make a decision. Great principles of law are not involved, and no-one could say that that is a fair arrangement. Historically, the Industrial Relations Commission has deregistered unions. Government members might say that it should have deregistered more. However, the commission has used that power.

Hon Peter Foss: Sparingly.

Hon JOHN HALDEN: The Minister is correct. Power is given to the Minister - it is at the Minister's discretion - but within the parameters we are discussing, the charges are not known, they do not have to be proved, and there is no right of appeal. Those principles cannot be supported by a House of Parliament. Parliament should be concerned about that situation. This is an area where the provisions should be amended. We will debate this issue vigorously because, industrially and in the context of civil rights, we do not agree. The power placed in the hands of the Minister is remarkable.

Proposed section 96G(2), responsibility of employee organisations and officers and members, needs considerable attention. Like other proposed sections, this is a classic example of guilt by association. I do not think for one moment that I am a person with great industrial relations skills or great legal skills but this is a classic example of excessive power. It is an example of power being taken from the Parliament and given to a Minister. The power is self-evident; it is very excessive, and it is incumbent on the Government to reconsider this proposed section.

Hon Peter Foss: Last year, consumer affairs legislation provisions were stronger than proposed section 96G(2).

Hon JOHN HALDEN: I am not in a position to debate that at the moment because I do not recall the legislation. I am quite happy for the Minister to prove me wrong or to show me the error of my ways, but I do not think that is the case. We might chose to disagree about the philosophy again.

Hon Peter Foss: You constantly make companies liable for an offence when it is committed by an individual in the company in that sort of legislation.

Hon JOHN HALDEN: When we put this legislation together and we read it step by step, we will see the potential for guilt by association, particularly in regard to that clause. The issue here is that good legislation should not be vague legislation. I am not sure they are the words of Hon Peter Foss but they are very close to words that I am sure I have heard him say on a number of occasions.

Hon Peter Foss: I prefer to use broad words as you probably know.

Hon JOHN HALDEN: That is true. I will not disagree with the Minister. In these matters broadness is not helpful. In these matters it is better to be far more specific. In industrial law we can be far more specific. Irrespective of which party is on the Government side, we would not want to have the door opened to allow a Minister to abuse the intent of the law rather than the principle that was first thought of. We have had similar discussions on numerous occasions. Broadness and the ability to interpret may not be the safest process in these pieces of industrial legislation.

Hon Peter Foss: What about clause 96(h)? Do you think that is a bit better developed than clause 96(g)?

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Perhaps we can leave consideration of the detail of the Bill to the Committee stage.

Hon JOHN HALDEN: I am quite happy, as the Deputy President suggests, to look at that issue then and discuss it. If it is as the Minister suggests, we can see what we can do. Perhaps I have taken some liberties in going through these clauses, trying to highlight my concerns and presenting a different speech rather than a philosophical one. Perhaps that has been awkward and very tortuous in regard to the Minister's trying to understand my concerns. In this instance I have done this to highlight what a number of us on this side fear or are concerned about. I am sure that speakers will express their views about those issues, and perhaps far more eloquently than I.

I will refer in a general sense to the issue of equity in the power relationships that exist. I will give an example that was raised in question time. I have more information that I will provide to the House. This example is about a seminar that was held entitled "Workplace Agreements and Industrial Relations Reform Conference". We have heard that this legislation will be simple for people; it will be easy for them; they will all be able to understand it; and it will be a better system.

I want members to think about this conference which was held to explain this sort of reform. The cost of attendance at the conference was \$895 per delegate. It was a two day conference. It provided the delegates with a whole range of topics and information and was designed quite clearly in this instance to assist employers to be able to go through the process and draw up successfully a workplace agreement to their satisfaction. At a cost of \$895 for a delegate for two days, one is left to ask how we can counterbalance that with information given to an employee. Let us think of the example

that Hon Ross Lightfoot gave about the 14 or 15 year old employee. That employee will not be in a position to have any knowledge of what and how to negotiate, of what is reasonable and what is not reasonable. It is just an example of how unfair this system can be. This pendulum has swung only one way.

By way of interest I will provide the House with one titbit of information about the conference. Bearing in mind the comments that have been made previously, one would imagine that there would be great interest among employers to go along to this conference to find out how the new industrial relations legislation would work. In fact, only 49 people attended. Quite surprisingly of those 49, 19 were from Government departments. Even more surprisingly seven were from the Building Management Authority. We hear lines about their needing to be fiscally responsible and financially responsible; but the expenditure of \$5 220 - the discounted rate for the delegates - for seven employees of the same Government instrumentality is outrageous. The Minister for Labour Relations may think it is appropriate that all of his managers - all of those seven people who went to the conference were at that level - need to know about the proposed reform.

Hon Peter Foss: Did any of my people go?

Hon JOHN HALDEN: I think one attended, which is reasonable. That person was from one of the regional health zones. I do not agree with the Bill, but I have no problems with that person's attendance. However, I do think that seven people from the one organisation attending a conference at that sort of cost is excessive. I have been asked whether it was just an effort to stack the numbers, to pay for the conference and that the Minister saw the inevitable that employers were not particularly interested in this piece of legislation and was prepared to pay out that sort of money for his people to attend at the taxpayers' expense. I raise that by way of a side comment. I think, given the cost of the conference and the detailed information that was provided - I understand that the information was quite extensive - one could say that, even with only that amount of knowledge, employers would be far better off than employees.

This Bill clearly seeks to limit the jurisdiction on the Industrial Relations Commission. It establishes new procedures for unfair dismissal. The Minister has power to suspend awards. The Bill contains significant punitive measures giving to the Minister extraordinary powers that Ministers, traditionally, have not enjoyed in regard to either this legislation or any other legislation. The Industrial Relations Commission has been seen to be, and is, a protector of the weaker sectors of our community and has established a reputation for being able to do that. The safety net that has existed for a considerable time will be affected because the powers of the Industrial Relations Commission will be circumvented considerably.

The Industrial Relations Commission has been responsible for a number of initiatives in industrial relations conditions, including the length of our holidays, equal pay for women and maternity leave. It has enshrined those conditions into our awards and conditions. Those sorts of benefits apply not only to people who are covered by awards but also to people who are not.

The great irony in this legislation is that during the last election campaign the Australian Workers Union put out a pamphlet suggesting that the Government would do fairly much what it is doing now. The cry from the then Opposition was that it was lies and deceit. One can see now that the pamphlet was very perceptive and one can suggest that the union had a tinge of clairvoyance. The Government's smokescreen is its claim that it was honest and clear about its intentions on the industrial relations front. The union predicted exactly what the Government would do, and it is doing it. However, at the time that the union said this, the Government said the union was lying and deceitful. Members opposite can say their industrial relations message was clear, but the moment somebody spelt out what it would mean, the Government said it was lies and deceit. I do not know that the Government was necessarily that clear or that it wanted its intentions that clearly spelt out, but the AWU was particularly perceptive about the Government's agenda. The Government was particularly cute about avoiding being honest on that front.

I will conclude my remarks with a quote from Benjamin Disraeli, who said that conservative Governments were nothing more than organised hypocrisy - I hope that is not appropriate to members opposite. Hubbard said that a lot of people who are called conservatives, in reality, are only stupid. I also hope that does not apply to members opposite. Over the past 10 years members often said that they were all about protecting the weak and protecting civil liberties. I hope that in our discussions on this Bill members opposite will display the often quoted Liberal view of themselves. If they do not do that in this debate, hypocrite is a word that springs heavily to mind. It is not necessarily a word I want to use about the Government, but at the end of the day we will be able to decide whether it is appropriate. The Opposition will be opposing this Bill, but it hopes that the Government will bring forward some amendments that will ameliorate the worst aspects of this legislation.

HON N.D. GRIFFITHS (East Metropolitan) [5.43 pm]: The Industrial Relations Amendment Bill 1993 - significantly, the IRA Bill - is a piece of social terrorism.

Hon E.J. Charlton: You should be in Ireland with Mr Keating, or perhaps you should go to Northern Ireland.

The DEPUTY PRESIDENT: Order!

Hon N.D. GRIFFITHS: This Bill seeks to emasculate the Industrial Relations Commission and the award system.

Hon Reg Davies interjected.

Hon N.D. GRIFFITHS: I am surprised that Hon Reg Davies has spoken, but I will address you, Mr Deputy President.

The DEPUTY PRESIDENT: Please do.

Hon N.D. GRIFFITHS: I trust Hon Reg Davies will get up and make a speech. If he wants an extension of time I will do my best to accommodate him.

Hon Reg Davies: You make all those claims. I want to know how the Bill will do this.

Hon Derrick Tomlinson: You may not, either.

Hon N.D. GRIFFITHS: If Hon Reg Davies listens to others he may not find out about the Bill, but they will not speak because they are not allowed to speak. This is a Western Australian Bill, not a Victorian Bill. What is proposed in this Bill is different from what Kennett did in Victoria.

Hon E.J. Charlton: Too soft is it?

Hon Derrick Tomlinson: And what Brereton will do in Canberra?

Hon N.D. GRIFFITHS: The aim of the Victorian legislation was to chop off the head of the award system. The Government led by the member for Nedlands proposes to deliver its cut to the Industrial Relations Commission and the award system of Western Australia a little lower. The Minister in his second reading speech made a number of observations. He referred to the Bill as providing primarily for those amendments consequent on the reforms contained in the Workplace Agreements Bill. With the greatest of respect to the Minister, who used the word "reforms" in the context of the Workplace Agreements Bill, it is not a reform; it is a bad proposed law; it is a change for the worse, not a change for the better.

Hon E.J. Charlton: Where was this lawyer when Mr Foss was out making all that money they say he was making?

Hon Cheryl Davenport: He was representing real people.

Hon Derrick Tomlinson interjected.

Hon N.D. GRIFFITHS: If Hon Derrick Tomlinson read this Bill to try to find some justice - as I am sure he will - he would find that it contains injustices of which we on this side of the House are well aware. If he does, I trust he will do the right thing and join with the Opposition in opposing it. If he does not do so, I look forward very much to his

explanation for not doing so, as will those people that he, the Minister for Health, Hon Alannah MacTiernan and Hon Tom Butler represent. They are all very interested - especially after what happened at the Midland Workshops when Hon Derrick Tomlinson promised they would not close down.

Hon E.J. Charlton: There are no IR problems in the Midland Workshops.

Hon N.D. GRIFFITHS: Very soon as a result of the callous decision of the Minister for Transport there will be no work in the workshops because as we all know there will be no workshops.

Hon T.G. Butler: That is the reason for the Minister's great jocularly - a lot of people were put out of work.

Hon Reg Davies interjected.

Hon N.D. GRIFFITHS: I look forward to Hon Reg Davies making a speech one day.

The DEPUTY PRESIDENT (Hon Barry House): Order! I invite the member to address the details of the Bill before the House.

Hon N.D. GRIFFITHS: I am doing so, Mr Deputy President.

Hon Peter Foss: You get nought out of 10.

Hon N.D. GRIFFITHS: The old Mr Schoolmaster. The Minister said -

... the Bill also contains provisions which will bring some long awaited reforms to this legislation.

Again, we see the misuse of the word "reform". It is reasonable to ask: Long awaited by whom? They are not long awaited by those who sat in this place before the Minister. They are not long awaited by the many people who represented the once great Liberal Party or the once great Country Party in this Chamber. They are long awaited perhaps by those persons to whom Hon John Halden referred in his speech on the Workplace Agreements Bill. The Minister pointed out that there would be significant changes to industrial matters and said -

Issues that arise between parties to a workplace agreement will not be regarded as industrial matters, and will not be capable of being determined as such for the purposes of the Industrial Relations Act.

Therefore, a potentially large class of people will be removed from the justice administered by the Industrial Relations Commission in respect of matters which concern them greatly - industrial matters - by virtue of this legislation. In particular, the Minister referred to the employer choosing to cease collecting union dues on behalf of the union. That is significant. That is a direct attack on the trade union movement. Of course, the Minister is concerned only with employers; he is not concerned about protecting the interests of employees.

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: We will deal with the Truck Act down the track. Perhaps the Minister for Transport will deal with the Truck Act in great detail when he delivers his speech in this debate and represents Agricultural Region.

Hon Peter Foss: You are very clever.

Hon N.D. GRIFFITHS: You are a joke, Mr Foss.

The DEPUTY PRESIDENT: Order!

Hon T.G. Butler: He is a bad joke.

The DEPUTY PRESIDENT: Order! The debate is progressing nowhere with constant banter across the Chamber. I invite the member on his feet to address the Chair on the details of the Bill.

Hon N.D. GRIFFITHS: Thank you, Mr Deputy President. I am much obliged. I look forward to the Committee stage. Perhaps the Minister and I can have a dialogue at that

stage. In the meantime, I will leave it to him to restrain his tongue as I am sure he will in deference to your observation, Mr Deputy President.

The Minister said -

It is intended that parties to a workplace agreement should resolve disputed matters directly or by the procedures outlined in the Workplace Agreements Bill and not have recourse to the powers of the Industrial Relations Commission - such as those available under section 44.

It is important that the people of Western Australia are aware that the purpose of this Bill is to remove the independent arbitrator's functions. The purpose of this Bill is to allow a strong employer to prevail over a weak employee without the Industrial Relations Commission having any role.

Hon B.K. Donaldson: You have no faith in the employee. They are not stupid, you know. Is that what you think of the employees of Western Australia? They are very intelligent people.

Hon N.D. GRIFFITHS: The employees of Western Australia are extremely intelligent and they will show that in three and a half years at the ballot box.

The DEPUTY PRESIDENT: Order! Let us resume the debate with the member addressing the Chair.

Hon N.D. GRIFFITHS: Thank you, Mr Deputy President.

The DEPUTY PRESIDENT: Get on with it.

Hon N.D. GRIFFITHS: I do not want to have to call on a hard working staff member here to get me more water because of these constant interjections. The Bill proposes removing from section 44 of the Industrial Relations Act the power of the commission to summons persons to attend a compulsory conference. Section 44(5a) of the Industrial Relations Act states -

In endeavouring to resolve any matter by conciliation the Commission shall do all such things as appear to it to be right and proper to assist the parties to a conference under this section to reach an agreement on terms for the resolution of the matter.

That will no longer be open to the people of Western Australia. That is something that they have come to enjoy. That section provides protection for the weak against the strong. Importantly, it enables employers and employees who have got it wrong out of sheer ignorance to get together and have the truth of the matter pointed out to them at an early stage. It is a very sensible measure which has led to the resolution of many disputes over the years. It is a sensible arrangement for dealing with many problems between employers and employees cheaply, efficiently and speedily before they blow up into a full industrial dispute. The community has benefited significantly from that section of the Industrial Relations Act because the number of industrial disputes has declined dramatically over the last decade.

[Debate adjourned, pursuant to Standing Order No 61(b).]

DISABILITY SERVICES BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Peter Foss (Minister for Health), read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Minister for Health) [6.00 pm]: I move -

That the Bill be now read a second time.

The Disability Services Bill seeks to establish a new statutory body responsible for the funding and provision of disability services in Western Australia. It builds and improves

on the provisions of the Disability Services Act passed by Parliament in 1992 and proclaimed as recently as April of this year, and marks the start of a new era of coordinated effort to ensure that all people with disabilities and their carers are able to lead a quality life as equal members of our Western Australian community.

In recent times there has been a developing awareness of the extent and impact of disability on the lives of our fellow Western Australians. It is estimated that one in every eight, or more than 190 000 people in this State, have a disability at some time in their lives, which means that nearly every family is affected. Yet it is only comparatively recently that the rights and needs of this most substantial sector of the population has been widely recognised and supported in the public arena. Despite the large numbers of people affected, until recently disability has tended to be a somewhat invisible force in our community. For many Western Australians the impact on individual and family life has been daunting but not always obvious because people with disabilities were often secluded or shut away from public view, with no power or opportunity to improve their own lives. Carers coped as best they could in private, often without the energy or resources to access, or ask for, the help they needed to relieve the stresses of care. Great progress has been and is being made in this area. People with disabilities are increasingly being seen and heard as part of the community to which they rightfully belong. Carers have grouped together for support and to lobby and advocate that their needs be met. But the legacy of the past means there is still a reservoir of unmet need to be addressed.

The previously uncoordinated approach to disability services has meant that services have often been fragmented and piecemeal with service providers assigned responsibility for meeting needs less on the basis of the need than on the label given to the person's disability. Thus, we have seen people missing out because they did not fit neatly into an agency's labelling system, public confusion regarding which agency had responsibility for providing services, and costly duplication of service structures between agencies focused exclusively on the needs of a narrowly defined client group. A diffuse focus between agencies has meant that the needs and rights of people with disabilities could not be represented in a united way. This is not to deny the commitment and dedication of service providers working on behalf of their clients. Government service provision agencies such as the Authority for Intellectually Handicapped Persons and the Health Department have made major contributions, both towards advancing a better quality of life for the people they serve and promoting full participation in the community. It is also appropriate to acknowledge the pioneering work of the Bureau for Disability Services which, since its establishment in 1991, has provided a coordinated focus for the planning of policy and services to people with disabilities in Western Australia.

The need in the first place for a coordinated agency arose largely because of the existence of separate agencies with service provision responsibilities for people with different disabilities. This was a model which grew out of the isolation and exclusion of people with certain disabilities from the normal activities and opportunities of community life. Although recognising the diversity and individuality of people's needs, much is to be gained from a united front. The time has come to adopt a broader approach to disability services in Western Australia.

As more people with disabilities move out of protected and segregated settings into the community, mainstream agencies will increasingly need to accept their responsibilities to provide services and facilities which are accessible to all citizens. Information will also need to be provided in a more accessible manner so that all people have the same opportunities to make informed choices and decisions. The more contact and experience community members have at a community level with people with different levels of ability, the easier it will be to break down the practical and attitudinal barriers which have for so long excluded people with disabilities from joining in and making their unique contribution at home, work and play.

The establishment of a single Disability Services Commission will further the good work undertaken on an individual agency basis on behalf of people with disabilities and their carers. This will enable a united approach and a pooling of creative expertise and skill throughout the disability services field. It will provide a more powerful focus from

which to advocate the rights and needs of people with disabilities and their carers in Western Australia. It will also enable more effective coordination of policy and services, and minimise costly duplication of service structures so that resources can be freed to address other areas of unmet need.

This Bill retains all the provisions of the Disability Services Act 1992 with some minor changes in wording and includes the provisions necessary for the operation of the commission. Although amendment of the Disability Services Act was considered, a consolidated Bill was drafted for ease of reading and to encourage the widest understanding of the Government's intention. By taking this course of action it is not intended that the House again debate the provisions of the Disability Services Act which was so recently passed and proclaimed, particularly in view of the all party support for the legislation at the time. Extensive community consultation prior to the drafting of the Disability Services Act revealed strong support for the creation of a single administrative and coordinating entity. Given the bipartisan support afforded the Disability Services Act, and the public support for the provisions to be added, this Bill should receive the approbation of the House. The provisions carried forward from the Disability Services Act have only been improved by the amendments in this Bill which I will detail in due course.

Essentially, this Bill is not about re-enacting the provisions already agreed to, but about giving effect to the coalition Government's policy on disability which was released earlier this year. That policy recognised that a person with a disability is handicapped if the community of which he or she is a part does not enable that person to develop and live at the optimum of his or her capacity and to have the opportunity equal to all members of that community to achieve happiness. The Government's policy is aimed at removing from the lives of those affected by disability as many of the handicaps as can possibly be removed. The Disability Services Commission, provided for in this Bill, will seek to reduce such handicaps. This will be achieved in part by the services it provides or funds, and equally by its efforts to educate and assist Western Australian agencies and communities to accommodate persons with disabilities. As those advertisements sponsored by the Cerebral Palsy Association so rightly point out, we need to "see the person, not the problem".

In establishing the Disability Services Commission the Government will amalgamate the functions and resources of the Authority for Intellectually Handicapped Persons and the Bureau for Disability Services into a single entity charged with broad responsibilities to assist individuals and their families to enjoy the highest quality of life attainable. The creation of this commission is needed and timely. Although recognising that disability takes many forms and that individuality and differences need to be taken into account, the funding and development of services requires Statewide coordination. This is particularly so following the signing of the Commonwealth-State disability agreement as 114 services receiving \$20m were transferred to State administration on 1 July 1993.

As members would appreciate, the need to negotiate effectively with Commonwealth Government agencies is paramount to ensuring the best deal for this State. In turn, the need to ensure the efficient and effective administration of services is essential. The Disability Services Commission allows for the achievement of both goals. In essence, this Bill therefore -

- Contains all the provisions of the Disability Services Act, including the previously endorsed statement of principles applicable to people with disabilities and objectives for services and programs relating to people with disabilities - schedules 1 and 2;

- makes additional provisions for the establishment of the body corporate of the Disability Services Commission, including its staff functions and financial arrangements - part 2;

- gives legislative authority to the functions of the new commission with an emphasis on providing people with choices about services which most effectively meet their needs; and

makes provision for the maintenance of services by the transfer of resources to the new agency - schedule 6, part 2. It should be noted here that it is not the intention of the legislation to automatically appoint senior staff of the Authority for Intellectually Handicapped Persons to the Disability Services Commission. The retention of senior staff during the transition period is for the purpose of ensuring effective service delivery and continuity. The new agency's most senior positions will be advertised.

In cooperation with other individuals and agencies the Disability Services Commission will have a role -

- in policy development, including an advisory, research and evaluation function;
- in service provision, both directly and by encouraging and assisting the development of services by other non-government and community agencies. The commission's service provision role includes the promotion and oversight of service standards and the promotion of equal access for people with disabilities to services generally available to the community;
- in funding and accountability to enable agencies to provide a diverse range of services which meet the needs of people with disabilities and their carers, and for individuals and carers to purchase service of their choice; and
- in community education and consumer advocacy to promote the dignity and rights of people with disabilities.

The service orientation of the Disability Services Commission will be towards enabling and supporting personal choice. The funding and facilitation of non-government and community based services will allow for the development of a broad range of innovative service strategies from which consumers can choose according to their own individual needs. The allocation of funds directly to individuals and carers will allow people the dignity of purchasing services which they have selected for themselves to improve and enrich their quality of life. The provision of accessible information on the availability of services is an essential prerequisite for enabling valid choices to be made.

The Bill establishes the framework that provides for the extension and expansion of the local area coordination scheme recently established by the Authority for Intellectually Handicapped Persons. This individualised service has been most successful in providing people with a disability with a greater choice and control over the supports they receive. Funding agreements will ensure a high level of accountability to ensure that public money is spent in the best and most effective way possible.

The commission will be established with a board of nine members who will be appointed on the basis of their ability to represent the diverse range of groups served by the commission and to contribute the knowledge and expertise necessary for the commission to carry out its functions effectively. Action has been taken - subject to the passage of this Bill - to advertise and consider the membership of the board. This will ensure that the appointment can speedily follow the assent of this legislation.

I now turn to the provisions of the Bill in more detail. Part 1 deals with such preliminary matters as the short title, commencement and interpretation. The definition of disability provided in the Bill is broad, encompassing intellectual, psychiatric, cognitive, neurological, sensory or physical impairment. This follows the pattern set in the legislation of other States and the Commonwealth allowing uniform funding and the development of national data on disability services. One difficulty arising from this approach lies in the provision of services to people with a psychiatric illness who are currently the administrative responsibility of the Health Department of Western Australia. There is no intention that the Disability Services Commission take over the administration of treatment of psychiatric illness. This is a medical matter outside the purview of the commission. Only in circumstances where people are disabled following an acute psychiatric illness and need ongoing support will the services or funding of the Disability Services Commission be relevant.

This legislation is binding on the Crown, requiring Government service providers to meet

the same standards required of non-government agencies. A clause to protect against the possibility of litigation over the entitlement to services has been included on legal advice. In no way should this be taken to mean that people with disabilities do not have a right to expect services which meet their needs. It is recognised, however, that there are gaps in services, particularly for some areas of disability which, until now, may not have been as well resourced as others. The Disability Services Commission will be addressing these areas of need. The possibility of legal challenges over entitlement to services would not be constructive to this process.

Part 2 provides for the establishment of the Disability Services Commission, detailing the composition of the board and arrangements for staffing. It sets out the functions of the commission, funding and financial provisions, and details the relationship between the commission and the Minister. The Bill provides that the Minister will have access to information required for the proper conduct of ministerial business and will be able to give directions to the commission. Directions will be in writing and the text of any ministerial direction will be included in the commission's annual report to Parliament.

The power to fix fees and charges provided in clause 13 is expressed in more general terms than the provisions of the Authority for Intellectually Handicapped Persons Act 1985. Since the framing of the authority's Act, the range of accommodation services has broadened significantly. In addition to Government-owned group homes and hostels, private property and Homeswest housing are utilised. Service models now include co-residency, joint tenancy and an array of other support arrangements. In all cases residents are asked to make a contribution to the running costs of their place of residence, relative to the range of services provided and having regard for their limited income. The rewording of this provision is intended to reflect current charging practice; it is not intended to provide for the introduction of any broadly based fee for service.

The composition of the nine member board is a matter which has received extensive consideration. In overseeing an agency with an annual budget in excess of \$100m, the board will need to be able to draw on knowledge and skills in management, finance and the provision of services in the public and private sectors. At the same time the understanding and expertise of people who have more direct and personal experience of disability issues will exert an important influence on board decisions, and the Bill provides for a strong representation from people with a disability and those who advocate or care for them. The final composition of the board will take account of and ensure a representative range of expertise and experience among members.

Although not specifically provided for in this section of the legislation, it is recognised that the needs of country residents must also be represented and advocated for in the planning and provision of disability services in this State. Members may recall that this Government, while in Opposition, successfully moved to ensure that the entitlement of country people to services of a similar standard to those available to people living in the metropolitan area was included as one of the principles of the Disability Services Act 1992.

Part 3 relates to the Advisory Council for Disability Services established under the 1992 Act. This body has provided a valuable forum for the exchange of views and contributed significantly to the advice on which the Minister is able to draw. The Advisory Council for Disability Services is an important element in the provisions of checks and balances that ensures that the opinions of both service providers and people with a disability are heard. Given the many different forms disability may take, there is a need to ensure their distinct problems are understood and represented. The Bill provides for the continuity of current advisory council membership, subject to their current terms of office, and ensures that the views of the council are available to the board of the Disability Services Commission by the requirement that the chairperson be appointed to the board.

Part 4 concerns the allocation of funding for services relating to people with disabilities. The Bill provides for the funding of service providers and developers and for grants to be made directly to individuals or their families, advocates or carers, consistent with the principles and program and service objectives listed in schedules 1 and 2. These

principles and objectives establish the framework for the development of services. At this time the services of both the Disability Services Commission and funded non-government agencies are required to seek to further the principles and meet the objectives specified in the legislation. Compliance will be required by 1 January 1996.

Clause 24 represents an amendment to the original provisions of the Disability Services Act 1992, recognising the funds that are provided to families and carers on behalf of a person with a disability. Although this Bill rightly focuses on the needs and rights of persons with a disability, it is acknowledged that these are often highly interwoven with the needs and rights of families. Specific reference is made to the maintenance and support of the family unit in the legislative principles and objectives.

Although the commission is empowered to make decisions on the granting of funds, there is a capacity under clause 26 for the Minister to review such funding decisions. A service provider may request a review if that provider has been directly affected by a decision. Any review would be conducted independently from the Disability Services Commission under the direction of the Minister's office. This provision has been included in response to some concern expressed by service providers who see a need for a review mechanism independent of the commission, as part of the checks and balances in the funding process. The Minister may make a written directive for the commission to amend its decision which would then be included in the commission's annual report. The funding provisions are cost effective, provide for service diversity and consumer choice, and ensure a high level of accountability.

Part 5 provides for the development and implementation of disability service plans by public authorities. The 1992 Disability Services Act referred only to the services provided by public authorities, thereby excluding those agencies which, although dealing with the public, may not be deemed to be providing a service as such. This exclusion has been corrected in the Bill now before the House.

Part 6 provides a grievance mechanism for the handling of complaints about disability services. The unreasonable provision of a service, its absence or the manner in which it is provided, are grounds for complaint, as is the disclosing of confidential information, restricting access to a complainant's records and the making or not making of a grant. The Bill includes a number of amendments to the complaints provisions of the 1992 Act. The original provisions created a tiered system whereby complaints unable to be resolved between the parties were referred to the director of the Bureau for Disability Services for conciliation. If conciliation was not possible at that level, the matter would be referred to the Commissioner for Equal Opportunity for resolution.

As the bureau will now be incorporated within the Disability Services Commission, it is considered inappropriate that complaints be lodged with the body which funded or provided the service which is the subject of the complaint. As a result, complaints unable to be resolved between the parties will now be referred direct to the Commissioner for Equal Opportunity. Upon investigation, if the commissioner finds that unreasonable conduct has occurred, remedial action may be required of the service provider. The service provider must report back to the commissioner of the action taken.

Care has been taken in the drafting of this legislation to try to ensure that it does not conflict with any other complaints mechanism. Services funded or provided by the Disability Services Commission can be the subject of a complaint. Services funded or provided by the Health Department of Western Australia have been explicitly excluded, as it is anticipated that a separate complaints mechanism will be created later this year in respect of health services. The legislation has also been amended to provide for complaints on behalf of another, a broadening of the basis for making a complaint to include the provision or non-provision of a grant, and several minor amendments in procedural matters to ensure consistency with the Equal Opportunity Act 1984.

Part 7 details various miscellaneous provisions including confidentiality safeguards and a requirement for the Act to be reviewed after five years. Clause 53 creates an offence of ill-treatment of a person with a disability, with a \$4 000 fine or 12 months' imprisonment penalty. In the drafting of this Bill, consideration was given to mechanisms which may

offer some assurance of service quality and protection of people with a disability, such as the licensing of facilities or mandatory reporting provisions. Licensing measures have, however, been found to incur administrative costs which far outweigh their value. The need to protect vulnerable people from ill-treatment while in the care of others is a matter of some concern to which the Disability Services Commission will attend as part of a broader program of quality assurance and service monitoring.

The creation of the Disability Services Commission is an important next step in advancing the rights and needs of people with disabilities in Western Australia. The individual efforts of people and agencies must now be brought together to ensure that people with disabilities are not handicapped by barriers of our creation. Disability is a fact of life for many thousands of Western Australians. The extent to which a disability becomes a handicap, on the other hand, is a matter over which we, as a community, have some control. By providing choices and opportunities for people with disabilities we can all take part in enabling them to play their roles as equal and valued members of society.

I commend this Bill to the House.

Debate adjourned, on motion by Hon Cheryl Davenport.

LOTTERIES COMMISSION AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON PETER FOSS (East Metropolitan - Minister for Health) [6.18 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Business of the House - Industrial Relations Bills

Hon PETER FOSS: I have had discussions with the Deputy Leader of the Opposition in regard to the timetable that we may need to meet in order to debate the Workplace Agreements Bill, the Industrial Relations Amendment Bill and the Minimum Conditions of Employment Bill.

Earlier, the Leader of the House mentioned that we may have to have a special adjournment to bring the House back during the break which is to occur. Having gone further into that, it appears that members of the Government have some difficulties with that in the fifth, sixth and seventh week; in the following week, I understand, members of the Opposition have considerable difficulties in attending. It appears that we will not be able to consider the Bills in Committee during either of the two weeks of the break. However, I have discussed the matter with the Deputy Leader of the Opposition and I believe that we have worked out a program that will allow us to have about six days of full debate, with a further day for debate on the third readings of the Bills. So there is adequate time for them to be discussed at the Committee stage after the break. I thought it was important for members to know that was the situation and that we appear to have worked out an adequate period for discussion of the three Bills in Committee.

Adjournment Debate - Industrial Relations Legislation, Government's Attitude

HON SAM PIANTADOSI (North Metropolitan) [6.21 pm]: I will not keep the House long, but I want to draw to your attention, Mr Deputy President (Hon Barry House) and that of other members, my concern about the attacks by the Government on the working people of Western Australia in its industrial relations legislation. As if that were not bad enough, attacks were made on certain members of the Opposition in the Chamber this afternoon and accusations were made about certain actions said to have been taken by members on this side of the House in the past in respect of involvement with the trade union movement. I was one of the people selectively targeted by Hon Phil Lockyer. I am sorry he is not in the Chamber, but I warned him that I intended to speak on this matter before he left. He returned to the Chamber for about five minutes, but then decided not to stay.

Hon W.N. Stretch: He had to go.

Hon SAM PIANTADOSI: We all have commitments. I am concerned that some 14 years ago similar actions were taken by another Court Government to attack the conditions of working people in the State. In the other House, the guillotine was applied at question time; in this place, there have been certain attacks. I urge members opposite not to engage in cowardly attacks on members of the Opposition. If Mr Lockyer wants to chance his arm - he is quite a big fellow and tried it before on one of our members - he can do so. Some Opposition members - Mr Helm is a bit of a heavy fellow, as is Mr Chance and I am no lightweight - could accommodate him. Mr Chance feels somewhat aggrieved that Mr Lockyer maintained that Mr Chance had not been in the Pilbara or worked up north. I know for a fact that Mr Chance spent some time there and he is probably just as much an authority on the area as Mr Lockyer.

Hon Peter Foss: Fat chance!

Hon SAM PIANTADOSI: I am appalled. We will not be intimidated by the cowardly attacks and accusations made by members of the Government. There will come a time when members opposite - whether they use an iron bar or standover tactics -

The DEPUTY PRESIDENT (Hon Barry House): Order! The member is coming very close to using unparliamentary language in the context in which he is suggesting that members may be able to settle their differences in a manner that is inappropriate to members of the House and society in general.

Hon SAM PIANTADOSI: Mr Deputy President, you can use an iron bar in construction demolition and I guess that demolition can take many forms. The Government's attitude to what is happening concerns us. We are concerned more generally about its attitude to people who cannot defend themselves. We are able to defend ourselves quite easily, but the main concern of those on the Opposition benches is the attitude and general train of thought that has been demonstrated by Government members. I would hate to see the exercise such as we worked through this afternoon carried on into the future. I was heartened by some of the remarks that the Minister for Health had to make, such that we were able to reach an agreement. We get on very well with a number of members, as we are very likeable people and willing to be accommodating in many areas. But we will not be intimidated. We serve notice on members opposite that if they want to use strong arm tactics or make unfounded accusations, we will respond accordingly.

Adjournment Debate - Education, Ministry of - New Executive Appointments

HON KIM CHANCE (Agricultural) [6.26 pm]: My comments have nothing to do with those raised by Hon Sam Piantadosi.

Hon George Cash: Mr Chance, we did not think you would be intimidated.

Hon KIM CHANCE: Intimidation is not something I suffer from. In respect of the term "fat chance", it is reasonable to say that when I was working in the Pilbara some 21 years ago I was referred to as "slim chance". It is a question of which is the more insulting.

I rise on a serious matter arising from a question without notice answered by Hon Norman Moore put by me concerning the Minister's plan to increase the top end of the Ministry of Education bureaucracy. I do not have a corrected record of the Minister's answer, but from my memory and my notes he answered in terms like these: "No decisions have been made in respect of the issue" and "The final arrangement has not been decided and I am going through the process of deciding it now." I was prepared to accept that answer until my attention was drawn to the *Public Service Notices* published yesterday, 22 September, in which all five of those positions are advertised.

Hon Tom Stephens: What a disgrace!

Hon KIM CHANCE: All five of those positions have already been advertised. For the record, the positions advertised are Executive Director, Schools, three positions, class 2, salary \$82 308 per annum; Executive Director, Educational Services, class 2, salary \$82 308 per annum; and Executive Director, Personnel, class 1, salary \$78 098 per annum.

Hon Tom Stephens: Extraordinary! Has the Minister misled the House?

Hon KIM CHANCE: It is difficult to reconcile the Minister's statement with the facts as detailed in the *Public Service Notices* published yesterday. It would seem that despite what the Minister has said, a decision has been made and must have been made some time ago for those positions to have been advertised in yesterday's *Public Service Notices*, page 463.

The Government's handling of the Education budget has been one of posturing. It has attacked the previous Labor Administration on those issues, yet when it had the opportunity to correct them, it failed miserably. I draw the attention of the House to some of those comments. In respect of education generally, the Premier was quoted in *The Australian* on 31 July 1993 as saying -

We want to give a greater priority to education because it's a key area . . .

That is a nice statement. In *The Australian* on 31 July 1993 it was reported that Mr Moore said his portfolio had been depleted of funds in the last 10 years and now needed an injection. I agree at least with the latter part of that report. But it is in conflict with the facts and this is the matter that concerns me. Pages 45 and 55 of the Economic and Financial Overview of the Budget papers show that total education spending has grown from 21.9 per cent of public sector outlays in 1983-84 to 24.1 per cent in Labor's last Budget, despite claims by the Government that education spending declined as a share of overall State funding over the last decade.

Hon Peter Foss: Can the member identify the document from which he is reading?

Hon KIM CHANCE: I am reading from my notes. The Minister is welcome to them when I have finished.

Hon Derrick Tomlinson: Get your facts straight!

Hon KIM CHANCE: It is stated that this year total education spending has increased marginally to 24.2 per cent of public sector outlays. However, according to the Australian Bureau of Statistics, total capital spending has fallen by 13.4 per cent.

In relation to school maintenance, the Minister has been going around my electorate - and I am sure other members' electorates - saying that schools have been massively undermaintained during the term of the Labor Governments. Let us consider that situation. A media statement by the Minister on 9 June 93 reads -

About \$400 million - or more than four times the last education capital works budget of the Lawrence Labor Government - would need to be spent on existing Western Australian school facilities if they were to be bought up to modern standards.

Applying the same principle, almost six times the Court Government's Education capital works budget would need to be spent. Another article in *The West Australian* on 18 September 1993 was that Education Minister Norman Moore -

... said yesterday that \$40 million was needed to maintain Government schools properly, but the Government could afford only \$25 million.

In respect of new schools, a media statement on 16 September 1993 was that -

Premier Richard Court said education spending was up \$48.2 million (or 4.2 per cent) ... this would mean an additional 356 teachers and support staff ... and the building of eight new schools.

The eight schools were in fact five; he was only three out. Three of the schools were initiatives in Labor's last Budget and were almost completed.

Hon John Halden: He has learnt that from Hon Eric Charlton.

Hon KIM CHANCE: It is a fancy bit of figure shuffling. Contrary to the Government's claims, education has not fared all that well in the Budget just released, with funding for maintenance down 37 per cent, new capital works down by 60 per cent, and no funds allocated specifically for asbestos control - one of the major issues during our term in

Government. Insufficient new schools have been built, and the Government has frozen full time preprimary programs for five year olds - that is, about 14 000 five year olds will not receive full time education. School gardeners and cleaners, we were assured, would not face the horrors of privatisation, and they did escape those horrors of being contracted out, but 1 100 of those positions are to be abolished one way or another.

The Government needs to answer some questions on education. It needs to look hard at some of the statements it has been making on education. In particular, we call on the Minister to explain why he told this House that no decisions had been made on new executive appointments when clearly the decisions had been made.

Hon P.R. Lightfoot: I request that the member table his notes.

Hon KIM CHANCE: I am happy to do so.

[See paper No 617.]

Question put and passed.

House adjourned at 6.36 pm

QUESTIONS ON NOTICE

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
AINSLIE, ROBERT, FEE

657. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Robert Ainslie, Managing Partner, Mallesons Stephen Jaques, Barristers and Solicitors?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
ARMSTRONG, IAN, FEE

658. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Ian Armstrong, Property Manager, Perron Group?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
ARNOLD, ANNE, FEE**

659. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Ms Anne Arnold, Executive Director, Urban Development Institute of Australia, WA Division Inc?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
BRYANT, FRANK, FEE**

660. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Frank Bryant, Director, BSD Consultants Pty Ltd Consulting Engineers - Town Planners - Project Managers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
CAMPBELL, FRANK, FEE**

661. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Frank Campbell, Forestry Industry Consultant?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
CAMPBELL, KERRAN, FEE**

662. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Kerran Campbell, Managing Director, CCD Australia Consulting Engineers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
ELLIOT, BOB, FEE**

663. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Bob Elliot, Superannuation Fund Manager, Clough Engineering Limited?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
CUTHBERT, BOB, FEE**

664. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Bob Cuthbert, Managing Director, RADPEC Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
FITZHARDINGE, MICHAEL, FEE**

665. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Michael Fitzhardinge, Managing Director, Forbes & Fitzhardinge, Architects and Planners?
- (2) What recoup of direct expenses was paid?

- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
GAUNTLETT, GERRY, FEE**

666. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Gerry Gauntlett, Managing Director, Baillieu Knight Frank?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
GILBERT, KEN, FEE**

667. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Ken Gilbert, Director, Civil Engineering, Ove Arup & Partners, Consulting Engineers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
GLASS, CHRIS, FEE

668. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Chris Glass, Principal, Property Bank Australia?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
GOOD, DONALD, FEE

669. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Donald Good, Finance Controller, St John of God Healthcare System Inc?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
GREAVES, BOB, FEE**

670. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Bob Greaves, Chairman, GKW International Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
HAMILTON, KENT, FEE**

671. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Kent Hamilton, Director, Development Projects, Urban Focus Land Management, Development and Planning?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3) The Government appointed an independent commission to

undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
HEATH, COLIN, FEE**

672. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Colin Heath, Partner, Markham & Heath, Estate Agents and Developers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
HOBBS, MICHAEL, FEE**

673. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Associate Professor Michael Hobbs, Department Head, Department of Public Health, University of Western Australia?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in

the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
HOGAN, TERRY, FEE**

674. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Terry Hogan, Director, Hogan & Partners, Stock Brokers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
HOLTHOUSE, SIMON, FEE**

675. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Simon Holthouse, Urban Development Consultant?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources

it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
JONES, PAUL, FEE**

676. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Paul Jones, Director, Phillip Cox, Etherington, Coulter & Jones Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
LENZO, JOE, FEE**

677. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Joe Lenzo, Director, Manufacturing and Industry Development, Chamber of Commerce and Industry of WA?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement

of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
McKAY, VICTORIA, FEE**

678. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Dr Victoria McKay, Nursing Home Consultant?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
MARTIN, JOHN, FEE**

679. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr John Martin, Land Valuer/Director, Australian Property Consultants?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a

matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
McCALL, MICHAEL, FEE**

680. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Dr Michael McCall, Physician, Sir Charles Gairdner Hospital?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
MEACOCK, JOHN, FEE**

681. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr John Meacock, Managing Director, Campbell Capital (WA) Limited Investment Bankers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and

conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
MEAGHER, TIM, FEE**

682. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Dr Tim Meagher, Biologist?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
MERCER, BOB, FEE**

683. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Bob Mercer, Managing Director, Wood & Grieve, Engineers?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
MEREDITH, GRAHAM, FEE**

684. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Graham Meredith, Director, Feilman Planning Consultants Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
NAHAN, MIKE, FEE**

685. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Dr Mike Nahan, Director, State Policy Unit, Institute of Public Affairs?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
NEUMANN, ROSS, FEE**

686. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Ross Neumann, Managing Director, Cedar Woods Ltd, Residential and Commercial Property Development?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
O'CONNOR, ROBERT, FEE

687. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Robert O'Connor, Barrister?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
OWEN, MAURICE, FEE

688. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Maurice Owen, Consultant, Australian City Properties Ltd?

- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
RAY, BRIAN, FEE**

689. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Brian Ray, Forestry Industry Consultant?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
ROBERTS, BOB, FEE**

690. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Bob Roberts, Quantity Surveyor?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
ROWE, LYNDON, FEE**

691. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Lyndon Rowe, Executive Director, Chamber of Commerce and Industry of WA?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
SALMON, BOB, FEE**

692. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Bob Salmon, Director, International Financing and Investment Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
SHARP, TED, FEE**

693. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Ted Sharp, Partner, Parker & Parker, Barristers and Solicitors?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
SORENSEN, HARRY, FEE**

694. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Harry Sorensen, Chancellor, Curtin University of Technology?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to

undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
STANLEY, FIONA, FEE**

695. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Professor Fiona Stanley, Director, WA Research Institute of Children's Health, Princess Margaret Hospital, Professor of Paediatrics, University of Western Australia?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
STANLEY, GORDON, FEE**

696. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Professor Gordon Stanley, Chief Executive Officer, Western Australian Office of Higher Education?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Government appointed an independent commission to undertake the most thorough review of public sector finances in

the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
TUCAK, CHARLES, FEE**

697. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Charles Tucak, Consultant Chartered Engineer?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
VINES, ROGER, FEE**

698. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Roger Vines, Executive Director (WA Operations), Alcoa?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources

it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
WIESE, PETER, FEE**

699. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Peter Wiese, Partner, Clayton Utz, Barristers and Solicitors?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
WHITE, GEORGE, FEE**

700. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr George White, Managing Director, Devex Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its

independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
WILLIAMS, IAN, FEE**

701. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Ian Williams, Group Project Leader/Joint Managing Director, Hamersley Iron Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
WILLING, CHRIS, FEE**

702. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Chris Willing, Partner, Clayton Utz, Barristers and Solicitors?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and

conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
WILSON, JOHN, FEE**

703. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr John Wilson, Chairman (Non-Executive), Taylor Woodrow (Western Australia) Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
YOVICH, STEVE, FEE**

704. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

- (1) What fee was paid or agreed to be paid to Mr Steve Yovich, Director, Consolidated Constructions Pty Ltd?
- (2) What recoup of direct expenses was paid?
- (3) What criteria were used to engage that person as a committee member and/or contributor?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement

between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES -
GOVERNMENT OFFICERS ENGAGEMENT**

705. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to each Government officer described as assisting the commission for volume two in the Report of Independent Commission to Review Public Sector Finances, August 1993.

- (1) How much time was spent in carrying out the work?
- (2) What cost has been attributed to that time?
- (3) What support staff was provided?
- (4) What was the cost of the support staff?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(4)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

**WHEATBELT DEVELOPMENT COMMISSION - MERRIDIN OFFICE
ESTABLISHMENT**

769. Hon KIM CHANCE to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Does the Government intend to establish an office of the Wheatbelt Development Commission in Merredin?
- (2) If so, when will this office be established?
- (3) If not, why not?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

- (1) Yes.
- (2) No final decision has been made. However, it is expected that the office will be established prior to the end of this calendar year.
- (3) Not applicable.

QUESTIONS WITHOUT NOTICE

**SPORT AND RECREATION, DEPARTMENT OF - PROGRAM
STATEMENTS - GRANTS, SUBSIDIES, TRANSFER PAYMENTS \$12.6M**

475. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

I refer the Minister to division 52 - Sport and Recreation - of the 1993-94 Program Statements which indicates that the estimated expenditure for

grants, subsidies and transfer payments is \$12.6m. I do not expect the Minister to have a breakdown of that figure at his fingertips. Will he provide me with a breakdown of that figure by Tuesday of next week?

Hon N.F. MOORE replied:

Yes.

EDUCATION, MINISTRY OF - PULPING OF SCHOOL CURRICULUM MATERIAL

476. Hon GRAHAM EDWARDS to the Minister for Education:

I refer the Minister to question without notice 451 regarding the pulping of school curriculum material.

(1) What action has the Minister taken to investigate the claim?

(2) What was the result of the Minister's investigation?

Hon N.F. MOORE replied:

(1)-(2)

I have asked my office to find out what happened and I have not received a response. I will advise the member when I receive a response.

HOSPITALS - ROEBOURNE DISTRICT, CLOSURE

477. Hon P.H. LOCKYER to the Minister for Health:

(1) Is the Minister aware that the member for Ashburton is widely quoted in the Press as saying that the Roebourne District Hospital is to be closed?

(2) Is it correct?

(3) If not, can the Minister advise from where the member got the information?

Hon PETER FOSS replied:

(1)-(3)

The information is not correct. I have absolutely no idea from where the member for Ashburton got that notion. Certainly no proposition has been suggested to me in the remotest possible way. I would like to assure the people of Roebourne that there is no reason to be concerned.

**PORTMAN MINING LIMITED - IRON ORE EXPORTS, CHINA CONTRACT
*Esperance Port Facility***

478. Hon MARK NEVILL to the Minister for Finance:

(1) Can the Minister confirm that Portman Mining Limited has signed a contract to supply iron ore to the Chinese Government?

(2) Will the iron ore be transported through Esperance?

Hon MAX EVANS replied:

I ask the member to put the question on notice.

**PORTMAN MINING LIMITED - IRON ORE EXPORTS, ESPERANCE PORT
GUARANTEE**

479. Hon MARK NEVILL to the Minister for Finance:

Has the Government requested a guarantee from Portman Mining Limited that it will continue with its plan to export iron ore through Esperance in the light of recent problems with the Australian Securities Commission?

Hon MAX EVANS replied:

I ask the member to put the question on notice.

EDUCATION, MINISTRY OF - NEW EXECUTIVE POSITIONS

480. Hon KIM CHANCE to the Minister for Education:

- (1) With reference to the Minister's plan to increase the top end of the Ministry of Education's bureaucracy, have the Western Australian Council of State School Organisations and the State School Teachers Union been consulted?
- (2) What is the approximate cost of the three new positions?

Hon N.F. MOORE replied:

- (1) I answered a question from the member yesterday in respect of this matter. No decisions have been made in respect of this issue. So the member understands what happened, I will outline the process that was undertaken. It became apparent to me when I became the Minister that the ministry was arranged in a manner which was not necessarily in the best interests of education in Western Australia. The corporate executive comprises five people, four of whom have had no educational experience. It seemed to me that four out of five non-educators running the education system was a bit lopsided. I asked the top 20 or 30 people in the ministry whether they thought it was the appropriate way that the organisation should be structured and, if they did not, whether they would care to be part of an exercise where we would all sit down together and work out whether we could come up with a better solution. They gave up a weekend of their time and worked out a new structure. Out of that group of 20 or 30 people, a subcommittee of nine was appointed to finalise the details. That proposal has been put to the corporate executive and is about to be put to me to determine whether we should go down that path.

The proposal is not to increase the top end. It takes away some layers of the system and puts more people on the third level. The chief executive officer will be the top level and there is a proposal for a deputy CEO because a problem in the system is that a person has not been appointed to coordinate the various divisions of the ministry. It has been suggested that the deputy CEO undertake that job. It is intended that the third level will comprise six persons, instead of four under the present arrangement. The next level of the existing arrangement will be taken away altogether. Therefore, the directors of operations will disappear and that level will become the executive directors for schools. There will be no change in the number of personnel involved. There is probably a net decrease. The final arrangement has not been decided and I am going through the process of deciding it now.

- (2) As far as I am concerned it has always been the intention that any changes will be cost neutral. If they are not, there will need to be a very good reason because I am not in the business of increasing the size of head office - in fact I am in the business of making it smaller and that is apparent from the Budget papers. I have not had any consultation with WACSSO, but the ministry may have. In addition, I have not had any discussion with the Teachers Union and I do not intend to.

ESPERANCE PORT AUTHORITY - STOCKPILING AND LOADING FACILITIES, GOVERNMENT LOAN

481. Hon MARK NEVILL to the Minister for Transport:

Will the Government continue with the \$4.95m loan to the Esperance Port Authority for stockpiling and loading facilities if it does not receive a guarantee from Portman Mining Limited that it will go ahead with its plan to export iron ore through Esperance?

Hon E.J. CHARLTON replied:

I have had no indication from the Esperance Port Authority about any problems with its negotiations. When I have some indication from the port authority I will consider the matter.

**ESPERANCE PORT AUTHORITY - STOCKPIILING AND LOADING
FACILITIES, GOVERNMENT LOAN**

482. Hon MARK NEVILL to the Minister for Transport:

Is the Government's loan to the Esperance Port Authority to finance stockpiling and loading facilities at risk because of the Australian Security Commission's investigation of the Managing Director of Portman Mining Limited?

Hon E.J. CHARLTON replied:

That is an opinion on which I am not prepared to comment.

**ESPERANCE PORT AUTHORITY - STOCKPIILING AND LOADING
FACILITIES, GOVERNMENT LOAN**

483. Hon MARK NEVILL to the Minister for Transport:

Can the Minister assure the House that the Government will not withdraw its proposed loan to the Esperance Port Authority to finance stockpiling and loading facilities in the event that the Managing Director of Portman Mining is convicted of a breach of the Companies Code or Corporations Law?

Point of Order

Hon P.R. LIGHTFOOT: Mr President, that question contains motivations and connotations that are not proper.

The PRESIDENT: It is probably a distasteful question, but I do not think it is out of order.

Questions without Notice Resumed

Hon E.J. CHARLTON replied:

Questions regarding the financial and business transactions of the Esperance Port Authority are for the port authority to determine in the proper way under its jurisdiction and responsibilities. When it makes decisions on business transactions, it is required to follow proper procedures. At this time, there is no question regarding its commercial decisions. If there is a change for any reason, whether something to do with Portman Mining or anything else, the authority will advise me of its recommendation. At this stage, as I mentioned to the member earlier, there has been no communication about any final decision.

**THIRD PARTY INSURANCE - \$50 LEVY
SGIC Advice**

484. Hon J.A. COWDELL to the Minister for Finance:

- (1) With reference to the advice given by the State Government Insurance Commission that there was no reason why the Government could not include an explanatory message on motor vehicle licence renewal forms, when was the advice given?
- (2) Who provided the advice?
- (3) When will the Minister table a copy of the advice?
- (4) Who made the final decision on the wording of the message?

Hon MAX EVANS replied:

I think the member will find that that question has been on notice and has already been answered.

THIRD PARTY INSURANCE - \$50 LEVY
Complaints

485. Hon J.A. COWDELL to the Minister for Finance:

How many complaints has the State Government Insurance Commission received to date about the \$50 levy and the political message on motor vehicle licence renewal forms?

Hon MAX EVANS replied:

I would not even try to say how many complaints have been received. I know that a lot of complaints have come in about the losses caused by the previous Government. I will put the question on notice if it is felt to be relevant.

HOSPITALS - COUNTRY CLOSURES

486. Hon MARK NEVILL to the Minister for Health:

In reference to the Minister's comments in question time yesterday that the Select Committee on Country Hospitals and Nursing Posts and the previous Government recommended the closure of country hospitals, would the Minister advise the House which hospitals were recommended for closure?

Hon PETER FOSS replied:

The only one that recommended the actual closure of hospitals was the previous Government. It had a large list, which I do not presently have with me and which I have no intention of passing around, because as far as I am concerned it is a dead letter. I have no intention of allowing people to be frightened by the activities of the previous Government in seeking to -

Point of Order

Hon MARK NEVILL: Mr President, if hypothetical questions are out of order, are not hypothetical answers?

The PRESIDENT: There is no point of order.

Questions without Notice Resumed

Hon PETER FOSS: I have no intention of releasing that list, although I have seen it. I am sure it would be misused by the Opposition, which would try to frighten people by saying that I intended to close those hospitals when only the previous Government intended to do so. I would not be surprised if that was the source of Mr Riebeling's suggestion that Roebourne District Hospital was to be closed, because it may have been on the previous Government's list. I cannot at the moment recall. Certainly, as far as I know, the suggestion came from the previous Government -

Hon Mark Nevill: There weren't any.

Hon PETER FOSS: I have seen the list and I have been advised by my department that the previous Government intended to close those on the list.

Hon Mark Nevill: We recommended the closure?

Hon PETER FOSS: No.

The PRESIDENT: Order! I ask the member who asked the question to let the Minister answer it. As far as the Minister is concerned, yesterday I tolerated a long, drawn out statement instead of an answer. I will not do

so today. The Minister, in accordance with the standing orders, might be concise in answering the question.

Hon PETER FOSS: I have indicated that there was such a list and I do not intend either to release it or to act on it.

POLICE - CONSTABLES HEALY AND WARD, INTERNAL INVESTIGATION BRANCH REVIEW

487. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Police:

Further to question 160 of 8 July 1993 and the Minister's reply of that same date -

- (1) Has the review by the Internal Investigation Branch into the conduct of Constables Healy and Ward been completed?
- (2) If not, when will the review be completed?
- (3) If yes, what was the result of the review and what action has been taken by the Commissioner of Police?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

- (1) Yes.
- (2) Not applicable.
- (3) No written complaint has been received from either the magistrate or the person charged; however, the matter has been reviewed by officers from the Internal Investigations Branch. This review revealed insufficient evidence to warrant a disciplinary charge. In view of this finding, a recommendation has been submitted for no further action.

ESPERANCE PORT - IRON ORE DUST POLLUTION RESPONSIBILITY

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

In the case of iron ore dust pollution or staining at the Port of Esperance loading facility, who will be responsible to pay for the clean-up - Portman Mining Limited, the Esperance Port Authority or the State Government?

Hon E.J. CHARLTON replied:

Currently, questions about the safeguards to be provided on the loading of iron ore from Esperance are to be assessed as one of many environmental considerations. The position will be determined and the port authority advised about decisions made. Obviously, the aim will be to ensure that pollution does not occur. The question of who will be responsible if it does occur is being considered in the negotiations now taking place.

WITTENOOM AIRPORT - EMERGENCY SERVICE MAINTENANCE

489. Hon MARK NEVILL to the Minister for Transport:

- (1) Is the Minister aware that there have been five night time landings by Royal Flying Doctor aircraft in the past three months at the Wittenoom air strip to evacuate injured tourists?
- (2) Considering the 30 000 tourists that visit Wittenoom each year, will the Minister ensure that the Wittenoom airport remains open to enable this emergency service and normal flight access to Wittenoom to be maintained?

Hon E.J. CHARLTON replied:

- (1) No. I have not been advised of the number of flights out of the area in that period.

Hon Mark Nevill: They were just night-time flights.

Hon E.J. CHARLTON: Yes. I have not been advised of the number.

- (2) As the member is probably aware, there is currently a lot of discussion about the future of that airport. I have not made a final determination of that future, because of the variables that are contained in it.

ROAD FUNDING - COMMONWEALTH, DISCUSSIONS UPDATE

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

Is the Minister able to update the position regarding Federal road funding to Western Australia following his meeting with the Federal Minister for Transport, Bob Collins, especially in light of the increased fuel tax imposed in the Federal Budget?

Hon E.J. CHARLTON replied:

As members may know, I met with Senator Bob Collins, the Federal Minister, this morning and we discussed a number of aspects relating to his and my portfolio areas. The short answer with regard to road funding, I guess, is that the future is bleak.

The Federal Government obviously believes that the fuel excise is simply a means of raising general revenue and is not related to what should be spent on roads. Members may be aware that I have put to Senator Collins and others recently that it would be far better to change the system by which funds are distributed to the States and Territories on the basis of the percentage raised in each State. There would be a consistent base for each State and Territory, so the more fuel consumed the more funds that would be raised to go to the Federal Government.

Hon John Halden: You didn't think of that, did you?

Hon E.J. CHARLTON: Yes, I did. Have I not told Hon John Halden about it?

He and I need to get together again and work in unison to achieve this aim. When I put that proposal to Senator Collins some days ago, and took it up again with him this morning, his response was that he could not see that it was a possibility because the Federal Government did not see excise on fuel as being anything to do with roads. We would have to take our chance on the goodness of the Federal Government's heart as to how much money will come to Western Australia. While the amount of money had been going down continually for 20 years perhaps one year in the future it might actually go up. I said to him, "Pigs might fly!"

**PORTMAN MINING - IRON ORE EXPORTS, ESPERANCE PORT,
ENVIRONMENTAL DAMAGE PAYMENT**

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

Will the Minister give an assurance that in any contract with Portman Mining Company the State Government will not agree to pay for environmental damage caused by the shipping of that company's iron ore through Esperance?

Hon E.J. CHARLTON replied:

No, I will not. I am trying to ensure that a new business gets up and running in Western Australia; that the railway line from Kalgoorlie to Esperance will continue to be upgraded so it can take advantage of other developments that we hope to see in the near future; and that the port of Esperance will continue to grow and be able to export more products from the State so that Hon Jim Scott and all the people of Western Australia can benefit from it.

Hon Tom Helm: Don't you know we are already exporting iron ore?

Hon N.F. Moore: Do you oppose Esperance?

Hon E.J. CHARLTON: At the end of the day Hon Jim Scott and others will support the fact that a new industry has begun from which the State will gain income which it will be able to distribute among the community for the wellbeing of all.

TAFE - FEES INCREASE

492. Hon CHERYL DAVENPORT to the Minister for Education:

- (1) Has the Government made any decision to increase the TAFE fees of approximately 70¢ an hour which were introduced by the previous Government in 1992?
- (2) If so, what is the approximate hourly rate?
- (3) If not, how does the Minister explain the massive 84 per cent jump this financial year in the expected revenue of the Department of Employment, Vocational Education and Training?

Hon N.F. MOORE replied:

- (1)-(2) Consideration is being given to whether those fees might be increased in line with the need for further revenue for vocational education and training in Western Australia. That matter is before Cabinet and is being considered, but no decision has been made as yet.
- (3) There is a significant increase in the money available to DEVET for the provision of vocational education and training in Western Australia. I have a list of the components that make up the increase which I will provide to the member. I do not have it with me at the moment, but essentially there is a significant increase in Commonwealth funding. Money will be available to Western Australia through the Australian National Training Authority growth fund. That authority has funds provided by the Commonwealth for growth. There is also an increase in expenditure by the State itself, contrary to the assertion made by the Opposition spokesman on education and training that there has been a reduction in State spending on vocational education and training. The fact of the matter is there is an increase. We are required by the ANTA agreement to maintain our effort, and the Commonwealth has determined that maintenance of effort means that we will provide the same number of dollars as the previous year plus an inflationary factor. That works out at several million dollars of increased expenditure from the State Government's point of view. So there are a number of components in the increased expenditure, all of which will be put to good use for training young people. I will provide the member with the exact details as soon as I can.

MINING APPLICATION 09/68 - SHELL BEACH, SHARK BAY

493. Hon TOM STEPHENS to the Minister for Mines:

- (1) Is he aware of an application having been made for mining lease 09/68 over an area known as Shell Beach in the World Heritage listed area of Shark Bay?
- (2) If so, what is his attitude to it?
- (3) Regardless of whether he is aware of it, would he countenance an application for a mining lease in that World Heritage listed area?

Hon GEORGE CASH replied:

- (1)-(2) As Minister for Mines, many applications are put before me on a weekly

basis. I do not recall application 09/68, which he says is relevant to Shell Beach at Shark Bay. However, I will make some inquiries to see what is the status of that matter.

- (3) As to whether I would countenance an application in that area, I must say that I would be happy to receive applications generally across the State. Whether they will be agreed to is another matter.

Hon Tom Stephens: Would you agree to one in a heritage listed area?

Hon GEORGE CASH: The member should allow me to finish my answer. Whether approval is granted in respect of an application will depend on a number of factors, one of which is environmental. Rather than continue to deal with that hypothetical part of the question, I will make inquiries about application 09/68 and inform the member.

WESTRAIL - BUDGET, WORKS AND SERVICES SUPPLY ESTIMATE INCREASE

494. Hon JOHN HALDEN to the Minister for Transport:

Can he explain why the works and services supply estimate for the Western Australian Government Railways has increased from \$28.5m last year to \$35.5m this year?

Hon E.J. CHARLTON replied:

I recall some aspects of that, but in order to give full appreciation to the member's question I ask that he put it on notice.

WESTRAIL - BUDGET, TOTAL NET EXPENDITURE INCREASE

495. Hon JOHN HALDEN to the Minister for Transport:

As the Minister has made numerous announcements about the increased efficiencies that will be placed on Western Australian Government Railways, how does he explain the increase in total net expenditure for Westrail from \$6m last year to \$12m this year?

Hon E.J. CHARLTON replied:

I understand part of that is a change in accounting procedures.

Hon John Halden: We can see that.

Hon E.J. CHARLTON: That is right. There are a number of aspects in this Budget relating to the specific manner in which allocations are made. Again I recommend that the member put the question on notice, and I will give him full detail.

SCHOOL BUSES - CONTRACTS, PUBLIC TENDERS

496. Hon MARK NEVILL to the Minister for Education:

When does the Minister propose to place the first country school bus contracts out to public tender?

Hon N.F. MOORE replied:

As far as I know, all school bus contracts are open to public tender in the first place. They are granted and reviewed on a five yearly basis. As far as I know, unless the operator commits some heinous crime, that contract is automatically renewed forever. I do not know whether the member thinks that that is appropriate. However, consideration has been given by the Government to call public tenders for school bus contracts every 15 years, which is the life of a bus. It is appropriate that such discipline should at least be considered, and that is happening.

PARLIAMENTARY SECRETARY - DUTIES, ELECTORAL MATTERS
ASSISTANCE

497. Hon TOM STEPHENS to the Parliamentary Secretary:

I ask the question of the Parliamentary Secretary in his role assisting the Premier with electoral issues: Do his duties include responsibility for working on the boundaries associated with the future electoral redistribution?

Hon P.H. Lockyer: Newman is coming out!

Several members interjected.

Hon TOM STEPHENS: Then I have a further question.

The PRESIDENT: Order! The member cannot ask a supplementary question when his original question has not been answered.

Hon Tom Stephens: I thought I already had it.

Several members interjected.

Hon Tom Stephens: Is that the answer, Mr President?

The PRESIDENT: Order! When honourable members start to behave in a reasonable manner, I will call the Parliamentary Secretary to answer the question. The Parliamentary Secretary.

Hon R.G. PIKE replied:

The question is incorrectly addressed. I am not assisting the Premier in electoral matters. My title is Parliamentary Secretary Assisting the Minister for Federal Affairs. In answer to a question from the Leader of the Opposition in another place about two months ago, it was made clear that I am informally assisting the Minister for Parliamentary and Electoral Affairs. However, there is no provision in that informality to answer questions on electorate matters directly without notice.

Hon TOM STEPHENS: Mr President!

Hon George Cash: You will do yourself an injury. Just give me a little wave.

The PRESIDENT: Hon Tom Stephens.

Hon TOM STEPHENS: Thank you very much, Mr President!

Several members interjected.

The PRESIDENT: Order! Do members want to make a game of questions time?

If the Leader of the Opposition wants to suggest that the Chair is being anything other than impartial, let him say so and we will deal with the question. If members want to carry on in a way that is degrading to this Chamber, they will do it without me; plenty of opportunity is available for arrangements to be made if that is to be the case. In the meantime, if we are to have questions without notice, we will do so in a dignified manner. I give Hon Tom Stephens the call because I believe he is entitled to it. We do not need the raucous carrying on by members of this place just because Hon Tom Stephens happens to be about to ask a question. I cannot see anything funny in that.

MINING APPLICATION 09/68 - SHELL BEACH, SHARK BAY

498. Hon TOM STEPHENS to the Minister for Mines:

I preface my question by indicating that since I asked my last question without notice on this matter, I have been advised by way of interjection by Hon Phil Lockyer, and comment from my colleague, the member for Northern Rivers, that the Minister has granted mining lease 09/68 in the Shell Beach area of the Shark Bay World Heritage Listing area.

- (1) In view of the fact that he apparently granted that mining lease on 16 September this year, will the Minister advise the House whether he obtained environmental advice on that mining application before approval was given?
- (2) What was the nature of that EPA advice?
- (3) Will the Minister make that information available to the House?

Hon GEORGE CASH replied:

(1)-(3)

As I explained to the member earlier, many applications come across my desk. I certainly do not make a habit of remembering each one. I gave an undertaking that I would check the status of application 09/68 in relation to Shell Beach at Shark Bay. I will adhere to that undertaking.

Regarding the matters the member now raises, if the member is correct in what he has said and the application has been granted, I will endeavour to provide the information regarding the environmental and other aspects the member requires.

EDUCATION, MINISTRY OF - PULPING OF SCHOOL CURRICULUM MATERIAL

499. Hon N.F. MOORE (Minister for Education):

I have some information relating to a question without notice asked earlier by the Leader of the Opposition. At the time I did not realise that I had the information with me. The Leader of the Opposition asked a question relating to a question he asked yesterday regarding the shredding of literature. The Ministry of Education has provided some information in this regard. The ex-Ministry of Education bookshop stock is being removed from the Supply West warehouse into storage with a view to possible future disposal. The space is required at the warehouse for the Government Employees Housing Authority materials. The value of the materials cannot be determined as they have been identified by the State Government Bookshop as unsaleable. The materials being removed are mainly unit curriculum clearing house materials plus obsolete syllabus documents and dated schools and staffing books. Sufficient copies of the unit curriculum clearing house materials are being retained at Supply West for issue to schools on request. Schools have previously been issued with free supplies and were able to purchase additional copies when required. Although listed in the State Government Bookshop catalogue and being available for schools, they have not been sold. The entire Ministry of Education bookshop stock was transferred to the Department of State Services' State Government Bookshop in January 1992. A condition of the amalgamation provides that where stocks cannot be sold, the ministry will have the first right of refusal prior to disposal.
