



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Thursday, 28 August 1997

Legislative Council

Thursday, 28 August 1997

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

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report - Fourth Session, Thirty-fourth Parliament

Hon N.D. Griffiths presented the Twenty-third Report of the Joint Standing Committee on Delegated Legislation on Sessional Report: 4th Session, 34th Parliament, and on his motion it was resolved -

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

[See paper No 730.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report - Australasian and Pacific Conferences

Hon N.D. Griffiths presented the Twenty-fourth Report of the Joint Standing Committee on Delegated Legislation on Sixth Australasian and Pacific Conference on Delegated Legislation and Third Australasian and Pacific Conference on the Scrutiny of Bills, and on his motion it was resolved -

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

[See paper No 731.]

MOTION - STANDING ORDERS COMMITTEE

Private Members' Business

Resumed from 27 August.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.01 am]: I said yesterday before the one hour time limit expired that it is interesting that this motion was moved by Hon Tom Stephens, who was, as we know, a former member of a Government which had a view of the Legislative Council that was very different from the view that it now espouses from the opposition benches, albeit with, on occasion, the numbers to achieve its desires in this place.

It is a pity that the Leader of the Opposition used his speech on this motion to be highly critical of a number of things that he claims this Government has not done, and of the way in which the House operates, when his Government did very little to improve the prospect of this House becoming a genuine House of Review. It went out of its way on occasion to ensure that the processes of this House were frustrated, it deliberately starved this House of money, and it made certain that the committee system could not operate. In fact, it went to great lengths to ensure that the committee system was not put in place in the first instance, and it then prorogued Parliament to ensure that one committee did not even meet.

That is the history of the Labor Party's attitude to this House. I am encouraged that the Labor Party has seen the error of its ways and is now prepared to look at this House in the way in which I believe we on this side have always looked at this House. In our view, this House has a significant role to play in scrutinising government business and in ensuring accountability of the various processes of government. It should be the House where government takes place. An interesting situation is developing where some members of this House want to use this Chamber to ensure that they have a direct involvement in the Government of Western Australia. We need to look carefully at that as we assess the future of the Legislative Council, bearing in mind that if we do not change the electoral system, we will probably always have a situation in the future where the Government of the day does not have the numbers in this place.

I do not have a serious problem with what Hon Tom Stephens has suggested in his motion, which is to devise and recommend to the House a procedure that enables private members' business to be considered and cleared at regular intervals. All members probably think consideration of that motion is a worthwhile activity. I might add, as I sought to mention yesterday, that since I have been the Leader of the House, and since the 1993 election, we have been prepared to look at ways and means of improving the processes of this House. Indeed, some sessional orders are being trialled to see whether they improve the way the House operates. Some of the orders are working well, and

some are not working well at all in some respects.

However, we are not making progress with legislation. In the two weeks since the last recess, we have passed only one Bill. I was unavoidably away from the Chamber last night attending the World Track Cycling Championships - members should get along to that event, which is a great achievement for EventsCorp, which some members constantly want to attack - but I understand last night Hon Mark Nevill spoke at length about the Energy Coordination Amendment Bill, and some members spoke about the hairdressing legislation. We did not complete that legislation - which was not the intention - but we are progressing slowly through the Government's legislative program.

On Thursday, we have this motion taking one hour, and then one hour will be spent dealing with committee reports. After lunch we sit from two to five o'clock with a half-hour question time. Therefore, a lot of time is not available under the new sessional orders for the Government to deal with its legislative program. That business needs to be contemplated as well as private members' business.

I made a few comments yesterday about questions without notice because Hon Tom Stephens spent some time being highly critical of the Government for not answering every question asked without notice. I gave a brief history of how questions without notice have changed dramatically. I have some figures on the number of questions which were asked without notice and on notice in both Chambers since 1985. It is interesting that in 1996, 1 182 questions without notice were asked in the Legislative Council and only 694 such questions were asked in the Legislative Assembly. Therefore, almost twice as many questions were asked in this Chamber than in the Assembly in 1996. That compares with 375 in 1985. It is a dramatic increase.

Hon Kim Chance: It is more dramatic if you go back to the 1970s.

Hon N.F. MOORE: Questions without notice were never asked in the 1970s. I acknowledge that the House will evolve and change its processes. People use different standing orders for different purposes at different times. I recall that no motions were moved until Hon Peter Dowding turned up. He created mayhem with his behaviour when he arrived, but it would be considered to be mild when compared with some current members.

Hon Ljiljanna Ravlich: That is not nice!

Hon N.F. MOORE: It is probably true.

Hon Derrick Tomlinson: What are you saying about Mr Dowding?

Hon Kim Chance: Some of us are hurt more by that than others.

Hon N.F. MOORE: We thought Hon Peter Dowding was a very disruptive element in the Legislative Council. In the 1970s and early 1980s, this was a Chamber where not a whole lot happened.

Hon Peter Foss: But what happened, happened quickly!

Hon N.F. MOORE: It did. The House sat no earlier than 4.30 pm and almost invariably we were home before dinner.

Hon Mark Nevill: It wore you out, though!

Hon N.F. MOORE: It did not. I am still here. If it were still like it was then, I would have retired about 15 years ago. It has changed significantly over time. Twice as many questions without notice are asked in this House when compared to the other place.

Hon Peter Foss: Most of them are on notice, which I think is a pity.

Hon N.F. MOORE: That is right. Interestingly, in 1995 the same number of 1 182 questions were asked without notice in this House, and only 701 were asked in the Assembly. The total number of questions asked in this House between 1993 and 1996 was 4 497, which is a huge number of questions; between 1989 and 1992, 3 245 questions without notice were asked; and between 1985 and 1988, 1 609 were asked. A dramatic increase has occurred in the number of questions asked without notice. Hon Tom Stephens is upset that 25 per cent of the questions asked of me were not answered, but I think only 25 per cent is a pretty good record.

Hon Peter Foss: Most of the those questions without notice would have previously been on notice. They require the detail you could only get on notice.

Hon N.F. MOORE: The number of questions on notice asked has not changed significantly over time. In 1996, 1 038 questions on notice were asked. More questions without notice were asked than those on notice. However, in 1995, 4 259 questions on notice were asked, of which about 4 000 were directed to me as Minister responsible for education and training at the time. Somebody decided to use a computer and ask a question about each school in

Western Australia.

Hon Peter Foss: That is another point.

Hon N.F. MOORE: Back in 1989, 1 027 questions on notice were asked, which is about the same number as in 1996. What has changed is that questions without notice have been asked far more often than questions on notice. As Hon Peter Foss rightly pointed out by interjection, questions asked without notice are questions for which some notice is given. Opposition members use questions without notice to get an earlier answer to what normally would be a question on notice.

I can understand that; however, members need to understand that when they ask a question without notice, having given some notice during the day, sometimes of a Minister in another House, members know the Minister has to take some responsibility for the answer given. He must have a chance to fully understand the question and the answer. I do not dispute the member's 25 per cent figure, but on occasions I am not prepared to give the answer as I am not satisfied with it or I have not had a chance to discuss it with the relevant agency. I will not give an answer to a question without notice, even if notice is given, if I am not satisfied with the answer. I am sure the Hon Tom Stephens had the same view while occupying the frontbench on this side of the House.

It is unfair when asking a big heap of questions without notice on notice, to expect an answer to all of them. On some days, many questions are asked in that way. Some agencies, the Tourism Commission particularly, do little else than answer parliamentary questions to the point at which people are driven to absolute distraction. Answers to questions asked that day require a great deal of research, which requires delving into files in antiquity in some cases. To then be abused because they do not have an answer causes those people a pain in the neck - and rightly so. Those questions should be put on notice. If people did not spend time running around researching such questions without notice, they could provide answers to questions on notice. If the member believes that questions on notice are not answered quickly enough, I will take that criticism on board.

Hon Peter Foss: Questions on notice are multitudinous and compendious. Some of them are taking hours of departmental time to answer, and they are really substitutes for the estimates.

Hon N.F. MOORE: Yes. The following question was asked of the Tourism Commission: How many events has EventsCorp been involved with? It then required the detail on every event. That is an enormously complex and difficult answer to compile. I acknowledge that if a genuine concern is held about delays in answers to questions on notice, I will take up the matter with my ministerial colleagues to see if something can be done to hurry along the process. I regularly go through the list of questions on the Notice Paper that are my responsibility and ask the Ministers concerned to ensure the answers are provided more quickly, if it is at all possible.

Hon Mark Nevill: I am sure the police will say it is still under investigation.

Hon N.F. MOORE: They may well say that; it is their job to investigate, as the member will know. I suggest to the Leader of the Opposition that using questions without notice of which some notice has been given is gumming up the system. It is making it very difficult for Ministers to give answers to questions, given relatively short notice, and be comfortable with the answers they are giving. Because we must take responsibility as Ministers in this House for all answers we give, we need from time to time some opportunity to make sure that what we are saying is correct.

The figures I have given to the House demonstrate clearly that although Hon Tom Stephens believes he is not getting a fair go in question time, we are now in the 1 182 questions a year bracket, which is quite significant. In the context of the number of questions asked per sitting day, the figures show that from 1985 to 1988 the average number of questions asked per day was 8.7; from 1989 to 1992 it was 14.9; and from 1993 to 1996 it was 19.6. Compared with other Parliaments that is a pretty good record. Compared with the Assembly I suspect it is exceptionally good, although I do not have the Assembly figures in front of me.

Those figures demonstrate, in my view, that the question and answer process in this Chamber gives members a good opportunity to ask questions. Many questions are asked and many questions are answered. However, I ask for some tolerance from members such as Hon Tom Stephens in respect of questions without notice, of which some notice has been given, which require a detailed and complicated answer. He must understand that on Thursdays, for example, when the House sits at 11.00 am, the questions may not be put into the office until 11.00 am or 11.30 am, and they must then go to the agency for it to work up an answer. It is possible for me, having sat here from 11.00 am to 4.00 pm, not to have a chance to talk to anybody else except people in the Parliament. The answer may not turn up until 3.55 pm, or a note may arrive saying that the agency cannot answer the question. I might have five minutes to look at the answer, and no time to talk to the agency. It is a most unsatisfactory way of answering, particularly when Ministers must take responsibility for what they say.

Hon Tom Stephens raised a question in the House the other day about Ministers asking members to place a question

on notice when it is asked without notice. The President indicated the situation under standing orders. I will indicate what I believe to be the way Ministers will deal with these matters. If a question is asked without notice, every endeavour will be made to give an answer that day.

If it is a question of which some notice has been given, that will be considered in the same way as if no notice had been given. If for some reason a Minister cannot give an answer on the spot, perhaps because the answer has not arrived, or it is coming from the department, he may say he cannot give the answer and the member should put it on notice or ask it the next day. Members should by all means then put the question on notice or ask it the next day.

If a Minister asks the member to place the question on notice, it will not be answered in future except by notice. If the member asks the same question a couple of days later, the Minister will say that he has asked that it be placed on notice and that is how it will be answered. That should clarify any concern members may have. Either Hon Ed Dermer or Hon Ken Travers asked me a question the other day which had been asked a couple of days earlier. I had asked that it be placed on notice, so on the second occasion I said I would not answer except on notice. That should clarify where Ministers are coming from in respect of the questions they are asked.

Under standing orders Ministers are not obliged to answer questions, but we will do everything we can to make sure that questions are answered. I am quite pleased with our record; I did not think it was quite as good as it is. I thank Hon Tom Stephens for drawing it to my attention.

Hon Mark Nevill interjected.

Hon N.F. MOORE: I have not finished. It is a very interesting subject. I have been watching this House with some interest and I am looking forward to the next item on the Notice Paper, which is the report of the committee on committees. I will not pre-empt it other than to say that the decision to have that committee was made by this House on my motion. I am trying to say that my view is similar to that of most members in that we must make this House relevant and contemporary, and make it work in a way that reflects the sort of Chamber it has become over the last 150 years.

I repeat that I am delighted and encouraged by the changed attitude of the Labor Party. During all the time I have been in this House, the Labor Party wanted either to abolish the Chamber - it was Labor policy for a long time until it got rid of it; I am not sure whether it is a temporary arrangement, perhaps it is a bit like the party's attitude towards heroin where it talked about legalising it -

Hon Ken Travers interjected.

Hon N.F. MOORE: Some Labor Party members used to argue for that quite often.

Hon Ken Travers: You said we had a policy.

Hon N.F. MOORE: I assumed it was Labor Party policy. If it was not Labor Party policy, members opposite can tell me. I am sure it is not now, but it may well have been at one time.

Hon Ken Travers: We have never had a policy on legalising heroin.

Hon N.F. MOORE: I accept that. Clearly some Labor Party members were speaking outside party policy when they argued for legalisation of heroin.

Hon Mark Nevill: I have an open mind on any solution.

Hon N.F. MOORE: That is fine. Those who argue that point will have to answer if someone asks them about it. The Labor Party's policy in respect of the Legislative Council was that it should be abolished. I am not sure when members opposite got rid of that policy.

Hon Kim Chance: It was 1971, I think.

Hon N.F. MOORE: No, it was around when I came here, and that was in 1977. It was changed after that. I always figured that was a temporary arrangement to satisfy the circumstances of the time. Most people in Western Australia thought the Legislative Council was worth having and most people supported the concept of two Houses.

Hon Tom Stephens: We changed our policy when we realised we would never be able to achieve it.

Hon Ken Travers: We changed it when the Council became democratically elected.

Hon N.F. MOORE: It is interesting that the Leader of the Opposition should say the policy was not changed for reasons other than that the Labor Party could not achieve it. I thought Labor might have changed its policy because it came to recognise, as members clearly have from their speeches, that this House was worth having, and that it was

worth preserving as a House of Review.

Hon Mark Nevill: Put it to the test and I will vote to abolish it.

Hon N.F. MOORE: Would Hon Mark Nevill do that?

Hon Mark Nevill: Yes, today.

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers will get his chance.

Hon N.F. MOORE: A brief attempt was made to abolish it in 1983 when the Burke Government was elected. I think Hon Arthur Tonkin may have been the Minister for Parliamentary and Electoral Reform and it was suggested to members of this House that they might like to take a lifelong pension and do something about getting rid of the place. That is just a fleeting memory. I do not remember everything that happened in 1983, but I recall that proposition being put. Our side of the House said we would not be bribed on that.

Hon Mark Nevill: You already had terms for life!

Hon N.F. MOORE: I sincerely hope that the changed attitude of Hon Tom Stephens - I can only assume he is speaking on behalf of his colleagues - to the processes of this House is genuine and that he is not simply taking advantage of his new circumstances. It would be dreadful to think that because on occasions he has the numbers in this House he will demand a level of scrutiny and accountability that he vigorously argued against when the boot was on the other foot.

Hon Tom Stephens: I never argued against it.

Hon N.F. MOORE: I did not hear Hon Tom Stephens say that we should not prorogue the House when the Seaman land rights inquiry was to take place.

Hon Tom Stephens: That is different from saying I argued against it.

Hon N.F. MOORE: I will rephrase my comments. Until now Hon Tom Stephens has not at any time - he has been here almost as long as I have - argued positively the line he is arguing now.

Hon Tom Stephens: In this Chamber?

Hon N.F. MOORE: I have no idea what he did outside this place.

Hon Tom Stephens: You do not know what I argued.

The PRESIDENT: Order!

Hon N.F. MOORE: I do not know what he did outside; I am talking about his role in the Chamber and what he is supposed to be doing as a member in this Chamber regarding its future. I guess the tragedy of the last 10 years for the Labor Party is that it could not, as Hon Tom Stephens indicated, get rid of this place. However, it sought to make sure this Chamber could not do anything to scrutinise, or seek accountability from, the Government of the day. The Opposition is now criticising us for not doing the job well enough when it tried exceptionally hard to make sure we could not do the things the Opposition says we should have done.

Hon Ken Travers interjected.

Hon N.F. MOORE: Hon Ken Travers was not here when Hon Joe Berinson, for example, ensured that the Standing Committee on Government Agencies could not have an officer working for it. The committee could do its work only by members writing the minutes and organising inquiries.

Hon Ken Travers: You did not have a majority of the people supporting you.

Hon N.F. MOORE: Hon Ken Travers is now telling me that we did not have the support of a majority of the people when the Opposition went out of its way to ensure this Chamber could not do anything.

Hon Peter Foss: The coalition had 54 per cent of the preferred party vote in 1989; it did have a mandate.

Hon N.F. MOORE: Absolutely. I genuinely hope that Hon Tom Stephen's change of heart and attitude to this Chamber - clearly he is speaking on behalf of his colleagues - is genuine. When the boot is on the other foot, as inevitably it will be, and the Labor Party is sitting on this side of the House and the coalition is sitting opposite -

Hon Ljiljana Ravlich: We can't wait.

Hon N.F. MOORE: Hon Ljiljanna Ravlich will have to wait for a little while; in fact, I suspect she will have to wait for a long time.

Hon Ken Travers interjected.

Hon N.F. MOORE: I hope Hon Ken Travers does not bother to go to the cycling championships; he would not be welcome with that sort of comment.

Hon N.F. MOORE: As I said, when the circumstances inevitably change and the coalition as an Opposition, potentially with a majority, seeks to ensure the committee system operates with the resources it needs and we seek to ensure the

House at least maintains half an hour of question time - remembering that Hon Joe Berinson brought in time limits on questions; members opposite forgot about that - I hope the Opposition will go along with that. When we seek to get a committee to investigate something that is vaguely political I hope the Opposition will take the same attitude that Hon Kim Chance took towards the Public Administration Committee, albeit the issue under investigation has nothing to do with the Public Administration Committee -

Hon Kim Chance: In that case it would be out of order and challengeable by the House.

Hon N.F. MOORE: - other than what has now been decided, which is to modify what the Opposition sought to do in the first place.

Hon Kim Chance: Thank you for that.

Hon N.F. MOORE: On the Notice Paper are a disallowance motion and a motion moved by Hon Kim Chance to refer the disallowance motion to the Ecologically Sustainable Development Committee when a Delegated Legislation Committee is in place to examine delegated legislation. That is a little unusual. However, we will hear the Opposition's argument for that in due course.

Hon Kim Chance: It is a policy matter, not an administration matter.

Hon N.F. MOORE: When the coalition is in Opposition and seeks to score a political point or two, in the spirit in which this Opposition is arguing its case now, I hope the Labor Government will say, "That is what it is all about; we accept and wear it."

Hon Tom Stephens: Come over, Mr Moore, and put us to the test; we are ready to take back the government benches.

Hon N.F. MOORE: I do not have a problem with the motion. The Government has no problem with the Standing Orders Committee examining the way in which the House operates, although the motion is perhaps a little constrained in what it could investigate. However, as I already have a reasonably good track record for seeking, and having implemented, change in this place I do not mind our looking at further change, but in the spirit of ensuring that the House can operate as a legitimate and proper House of Review.

Adjournment of Debate

HON MARK NEVILL (Mining and Pastoral) [11.36 am]: I move -

That the debate be adjourned.

Question put and a division taken with the following result -

Ayes (9)

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

Hon N.D. Griffiths
Hon John Halden
Hon Ljiljanna Ravlich

Hon Tom Stephens
Hon Ken Travers
Hon Mark Nevill(*Teller*)

Noes (15)

Hon M.J. Criddle
 Hon Max Evans
 Hon Peter Foss
 Hon Helen Hodgson
 Hon Barry House
 Hon Norm Kelly

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

Hon J.A. Scott
 Hon Greg Smith
 Hon Derrick Tomlinson
 Hon Muriel Patterson (*Teller*)

Pairs

Hon Bob Thomas
 Hon E.R.J. Dermer
 Hon Giz Watson
 Hon Tom Helm

Hon B.K. Donaldson
 Hon E.J. Charlton
 Hon Ray Halligan
 Hon W.N. Stretch

Question thus negated.

*Debate Resumed**Amendment to Motion*

HON DERRICK TOMLINSON (East Metropolitan) [11.40 am]: I move -

After the word "enables" and before the word "private", to insert the words "Government and".

During this debate we have heard a great deal of support for the notion of this Chamber as a House of Review. I support the sentiment, but it is based upon myth rather than fact. The fact is that this Chamber is one of two Houses of the Parliament with, in many respects, equal powers. In fact, this is the first House of the Parliament; the other place is the second House. The Constitution Act 1889 at section 2(2) provides -

There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly;

The Legislative Council is the first House and the Legislative Assembly is the second House. The first had been in existence for 60 years before the second was established by an Act of the British Parliament of 1889. Section 2(2) of the Constitution Act 1889 continues -

and it shall be lawful for Her Majesty, by and with the advice of the said Council and Assembly, to make laws for the peace, order, and good Government of the Colony of Western Australia and its Dependencies; and such Council and Assembly shall, subject to the provisions of this Act, have all the powers and functions of the now subsisting Legislative Council.

In 1889 there was no reference to this Chamber being a second House, nor to its being a House of Review. From 1889 it was to share its legislative responsibilities with another place, called the Legislative Assembly.

When the Constitution Act was amended in 1893, the Constitution Acts Amendment Act confirmed that the two Houses had, in most respects, equal powers. Section 46 of the Constitution Acts Amendment Act at subsection (5) provides -

Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills.

Mr President, as you are aware, but some of my colleagues might not be, subsections (1) to (4) of the section specify the exceptions, which all relate to money matters, as Hon John Cowdell is well aware.

Hon J.A. Cowdell: My new constitution will deal with all the problems.

Hon DERRICK TOMLINSON: When King John moves his new constitution, I am sure his loyal subjects will bow down and pray. Fortunately, I will not be one of those subjects because by that time I will have shuffled off this mortal coil and will be nothing but decaying bones in the soil.

Hon J.A. Scott: What will change?

Hon DERRICK TOMLINSON: The difference is that I am now outside the soil.

Hon J.A. Cowdell: Does that mean you are not a "Nat"?

Hon DERRICK TOMLINSON: A gnat is a winged creature that cannot pronounce its Gs.

The standing orders that have evolved since 1899 reflect the Constitution of the Council as in the Constitution Act and the Constitution Acts Amendment Act 1899. Except in respect of money Bills, this Council has equal legislative powers to those of the other place. In fact, the Constitution Acts Amendment Act 1899 specifies that at least one member of the Executive shall be a member of this Chamber. We currently have four members of the Executive in this place. In other words, we can anticipate that legislation that is the direct responsibility of those executive members of this Parliament will originate in this Chamber except where it is proscribed by the Constitution Acts Amendment Act 1899. We cannot, and we accept that we cannot, introduce legislation in this Chamber that imposes a charge or cost upon government. Any other legislation can be initiated in this place. The standing orders of this place reflect those conjoint powers.

It is not surprising therefore that there is a close parallel in the work of the two Houses. I do not know whether there was a golden age of this Chamber; I certainly was not here during that time - I am a relatively youthful member of this place. In the mere eight years that I have been here, I have observed that this Chamber is based upon an adversarial construct, with an Opposition and a Government that perform exactly the same roles and functions of an Opposition and a Government in the other place. That does not reflect the sentiment that has been espoused during this debate about this place being a House of Review.

Hon Norm Kelly: There is an Opposition, a Government and the crossbenches.

Hon DERRICK TOMLINSON: If the member were to have a close look at the construct of this place he would see that the Government and the Opposition are two sword lengths apart. While the member might like to regard minor party members and Independents as not belonging to the Opposition, in fact they do. Ideologically they might be separated but, in terms of the construct of this Chamber, they are not members of the governing parties. If we are to change the culture of this place so that it becomes less of an adversarial House in which argument is engaged in upon purely partisan political lines about legislation initiated by the Government, the Opposition or private members, as is permitted in the Constitution and the standing orders, then it follows that we must change the construct of the House, and to do that we must change the standing orders.

I wonder also whether it may be necessary to go further than changing standing orders and that we should consider constitutional amendment as well. For example, the report of the select committee reviewing the Legislative Council standing committee system entertained the notion of eliminating the annual prorogation of Parliament. If the committees are to be effective, it might be necessary - I believe it is - for those committees to continue their work during the time that Parliament is prorogued. It has been inconvenient for the work of the committees of this place to be suspended after prorogation, to wait until the committees are reinstated when Parliament is reconvened and then to take up their work again.

In some cases this might mean a relatively short interruption of the work. In other cases it can be - unfortunately, deliberately so - a lengthy interruption of the work of the committee. I can recall a select committee that I was working on that had been hearing evidence in camera from a significant witness who was giving us sensitive information. We had been going for about 10 minutes and there was a timid knock on the door from a person who is not normally timid who announced, "Mr Chairman, Parliament was prorogued 10 minutes ago." We had been taking evidence for 10 minutes from this witness, who was a very significant officer in the legal processes of this State. That committee was hearing very sensitive and damning evidence from that witness, and it was not covered by privilege.

Hon Tom Stephens: Did this happen in the police inquiry process?

Hon DERRICK TOMLINSON: I will not divulge what happened in the police inquiry, because I would be in breach of privilege. The Leader of the Opposition is well and truly aware of that.

Hon Tom Stephens: I am getting used to it from that side of the Chamber.

Hon DERRICK TOMLINSON: That was an extreme case where prorogation was more than just an inconvenience. To remove the inconvenience of annual prorogation and to enable the smooth continuation of the work of committees of this place will require, according to an opinion from the Crown Solicitor, not merely an absolute majority of the House but a referendum to change the Constitution. It is not enough merely to consider the standing orders; it may be necessary to consider the Constitution of Western Australia and the construct not only of this place but of the other place as well. If we truly are to be a House of Review should we continue with a constitutional provision that one member of the Executive, at least, shall be a member of this place? If we are to be a House of Review there is no place for a Minister in this place. However, the Constitution requires that at least one shall be in this place.

Hon Peter Foss: For a very good reason.

Hon DERRICK TOMLINSON: Over the eight years that I have been a member at least three members of the Executive and three parliamentary secretaries were members of this place. The position of parliamentary secretary was established under the Constitution Acts Amendment Act 1899.

Hon Tom Stephens: Four Ministers and two parliamentary secretaries.

Hon Peter Foss: We had five Ministers.

Hon DERRICK TOMLINSON: Goodness gracious, Mr President, not only were we the first House, we were the House of Government.

Hon Kim Chance: With about 80 per cent of the Budget.

Hon DERRICK TOMLINSON: I will focus on the intent of the motion. My introduction was intended to show the narrow constraints imposed upon this motion, as moved by the Leader of the Opposition. I applaud the intention of the motion; however, it is too narrow. I do not believe it would serve the sentiment expressed of enabling this Chamber to become truly a House of Review rather than a mirror image of the other place, the House of Government.

Hon J.A. Cowdell: We can only do limited things with the standing orders.

Hon DERRICK TOMLINSON: Exactly. Hence, my point that it may be necessary to do more than amend the standing orders and consider the Constitution. However, we can do more in the standing orders than simply consider private members' Bills.

Hon J.A. Cowdell: And I have foreshadowed that.

Hon DERRICK TOMLINSON: I have moved it, so I am pleased that Hon John Cowdell will jump to his feet and second my motion.

Hon J.A. Cowdell: Are you going to finish shortly?

Hon DERRICK TOMLINSON: No. However, I will be patient. I have at least another 10 days to wait. I cannot anticipate what will happen in 21 days, but in 10 days I shall be waiting for the member. It would be necessary for a review of standing orders of the House to consider government as well as private member's legislation. Therefore, that is the motion. The original motion includes the "business to be considered and cleared at regular intervals".

I do not believe that a review of standing orders simply to enable private members' Bills to be considered and cleared at regular intervals will do a great deal for the management of business in this Chamber. It will certainly satisfy the intentions of the Opposition. That is desirable. Once upon a time I was a member of the Opposition and at that time I knew the frustration that members of the Opposition feel now in trying to get their motions through the order of business of the House.

Let us consider the annual program of this place in two sessions. How many times have we gone through interminable debates after the Governor's speech in the Address-in-Reply debate that go nowhere and contribute nothing to the good order and government of Western Australia? Certainly it gives members of Parliament from both sides of the House the opportunity to posture, to represent the interests of their electorates, to get their names in the newspaper and do all of those things which we believe are essential parts of our role as parliamentarians. However, it does nothing for the good order and government of the State of Western Australia. It simply bogs down the legislative program of the House.

How many times have members present now experienced the frustration of legislation accumulating and being hurried through this Chamber in the declining days of the Parliament and we sit until breakfast time and in the wee small hours of the morning pass significant legislation? In one instance that I can remember significant legislation was passed in the other place and brought into this House without sufficient copies for members here. We passed legislation at three o'clock or four o'clock in the morning that we had not read. Three members on this side dared to cross the floor against our parties and vote against it.

Hon Tom Stephens: That happened in the lower House with the labour relations legislation.

Hon DERRICK TOMLINSON: It happens in both places. However, because it happens does not mean it is good. It is totally undesirable.

Hon Tom Stephens: I agree.

Hon DERRICK TOMLINSON: We have this order of business twice a year where, for the first part of a session,

we posture and waste time; and in the second part of the session we get through business which the Ministers insist we must deal with, because the good order and government of Western Australia will fail if we do not get this legislation through. Hence, there is inadequate debate and time for debate, and inadequate opportunity for the review of legislation to make good legislation. How many times have we seen that bad legislation that has been rushed through this place falter?

Hon Mark Nevill: You and I should form the new business management committee.

Hon DERRICK TOMLINSON: To be perfectly honest I do not have the time for those sorts of things. My time in this place is becoming very limited and, in the limited time I now have available to me, I want to do something worthwhile. I do not believe that backbenchers should be responsible for the business of the House, hence I strongly support the recommendation of the Select Committee to Review the Legislative Council Standing Committee System that the business management committee should comprise the Leader of the Government, the Leader of the Opposition and, reluctantly I admit, representatives of each of the other groups.

Debate adjourned, pursuant to Standing Orders.

SELECT COMMITTEE TO REVIEW THE STANDING COMMITTEE SYSTEM

Report - Consideration

Committee

The President in the Chair.

Hon N.F. MOORE: I move -

That the report be noted.

Regrettably I have not had time to read and digest the report in its entirety. I have glanced through the recommendations, which is what most members do when they receive a report, but I have not had a chance to read the reason for the recommendations. Today I hope the members of the committee will explain how they arrived at the recommendations contained within this report. I invite you, Sir, as the Chairman of this committee, to make some comments, if that is appropriate. I do not know whether it is, but you will certainly tell me if it is not.

Before members make a judgment on the various recommendations it is important that the members of the select committee have sufficient time to explain to members how they reached these conclusions. Members will have the opportunity, over the next couple of weeks, to consider the recommendations before they decide whether to proceed with them. I would like to deal with the recommendations relatively quickly as soon as members have had an opportunity to explore what they mean in reality and to consider the consequences of them. I will not make a judgment on them now and I look forward with interest to the reasons the members of the committee made the recommendations and to the comments of other members who wish to speak on this subject. In the relatively near future the House will deal with the recommendations and determine whether it wants to proceed with them.

The PRESIDENT: Before I call the next speaker I take this opportunity, as chairman of this Committee and also as chairman of the select committee, to indicate to members what occurred once the committee was established. Firstly, members will be aware of the membership of the committee. If not, it is on page 1 of the report. The committee met on a number of occasions during the recess. I believe it met in a very positive vein and all comments were directed in a positive manner in an attempt to achieve a better flow of business through the House. As a result, a number of recommendations have been included in the report. I thank the members, the Clerk and both Deputy Clerks who participated in that committee for the work they did during that time.

The format of the report is that items 1 to 3 generally detail what the report is about. Item 1 refers to the appointment and terms of reference; item 2 is a summary of the committee system; and item 3 deals with the agreed principles and propositions that the committee arrived at so it could continue to develop various arguments and recommendations for consideration by the House. Items 4 to 20 deal with specific areas that have been discussed and each has a specific or multiple recommendation. A minority report is appended to the body of the main report.

The discussions by the select committee were held in a positive light. I am encouraged by what the Leader of the House said in as much as he indicated he is keen to pursue matters that will benefit all members by achieving an orderly flow of business through the House and, as it has been expressed in the House previously, given its composition following the last election, that includes all parties represented in the House.

Hon TOM STEPHENS: I commend the Leader of the House for his initiative in bringing forward this proposal for a committee of review. The leader knows that initially I was not attracted to his proposal, but I am now of the view that he was partly right. It was good to have this committee of review and I am pleased it has met.

During the committee's deliberations some suggestions came forward which demonstrated a start to advancing the prospect of all members embracing methods of operation that can enhance the opportunity for government members and members of the government parties to govern and legislate and to have the legislative program brought forward, considered and brought to resolution by the House.

The President referred to the minority report. That is my report and it indicates that I was keen for the committee to find more strongly in favour of the rights of non-government members to pursue their obligations to hold the Government subject to review and accountability, through this Parliament, to the people of Western Australia. I feel that the processes recommended by the review committee may not have adequately done that.

However, I support the majority report of the committee. I am pleased to hear from the leader of the Government in this place that he will take steps to ensure the recommendations will be dealt with quickly. None of us is the font of all wisdom on any topic and it is interesting that that as soon as this report was published members on my side of the Chamber pointed out some inadequacies and deficiencies in the recommendations. They pointed out that the business management committee could most usefully comprise not just the Leader of the House and the Leader of the Opposition, but that they should be able to nominate someone in their place if either of them can not attend. I hope the Chamber will accommodate that very sensible suggestion for the appointment of nominees, as is already the case for the Greens and the Democrats.

The process whereby the Leader of the House is responding to the debate for the first and second hours is advancing the prospect of this place moving to the next phase. I have made the point already to a couple of people that those of us who have been around for a while find it interesting to observe that this place is a living institution. I used to doubt that, yet today a recommendation is before us, with good prospects of success, that I would never have dreamt possible when I first arrived. Of course, that is because of the changed nature of this Chamber and the arrival of new components in the non-government parties that are not part of the Labor Opposition. The strong presence of the Greens and Democrats has produced new needs to which the Legislative Council must respond. That is the rationale for the business management committee.

The Leader of the House has already recognised that need and started to change the operation of the Bills classification committee in such a way as to accommodate the presence of those members. The Bills classification committee is moving in that direction and its mode of operation is changing to that recommended by this committee; that is, an opportunity is provided to discuss the order of business. The Leader of the House is already starting to implement the process in response to the needs of members in this place. This report finds a new way of classifying that committee, naming it and recognising its operations. Some issues from the previous debate and this debate are intertwined and it is almost the case that certain matters are before us in two formats; the report and the motion before the Committee. Hon Derrick Tomlinson's amendment is very sensible. I understand it and the obligations of the House.

Hon Derrick Tomlinson: That is now in *Hansard*.

Hon TOM STEPHENS: I know. I understand the obligations of this place to deal with government business, and I understand that is a pre-eminent obligation. I also believe it must be balanced with the other obligation of the House to provide opportunities for a full accountability and review process.

I commend to members a document I had not seen until this morning, entitled "Business of the Senate" and dated 1 January-31 December 1996. It appears to be an annual report and contains statistical information with graphs which had not previously been drawn to my attention. I recommend that the Legislative Council give consideration to making this type of information available. The report states -

Business of the Senate has precedence over government and general business for the day on which it is listed. It includes disallowance motions, -

Hon N.F. Moore: We have already done that.

Hon Kim Chance: You are still grizzling about it.

The PRESIDENT: Order! Let us have one speaker at a time.

Hon TOM STEPHENS: The leader of the Government in this place is right, but he must recognise it is the business of the House and not the business of the Opposition.

Hon N.F. Moore: It is not government business in the narrowest sense of the word.

Hon TOM STEPHENS: I agree. The report continues -

- orders of the day for the presentation of committee reports, motions to refer matters to standing

committees, motions for leave of absence to a senator and motions concerning the qualification of a senator.

It also states -

General business is all other business initiated by senators who are not ministers. It takes precedence over government business on Thursdays as described above.

Government business is described as -

business initiated by a minister. It takes precedence over general business except for a period of 2½ hours on Thursdays. It includes all debate on government bills, procedural motions and ministerial statements.

It goes on to say with reference to general business -

It includes motions to take note of answers, notices of motion, consideration of committee reports and government responses and matters of public interest.

Questions include question time and additional answers given by ministers at the end of question time.

It refers to urgency motions and matters of public importance. The report then states -

Other business includes prayers, petitions, postponements and ceremonial business.

Hon Peter Foss: Our hour each day is very important and the Government has enhanced that.

Hon TOM STEPHENS: I appreciate that but the only difficulty, as was demonstrated in the first hour today, is that there is no certainty in the process. The Opposition hoped today to deal with the heroin motion.

Hon N.F. Moore: The House decided not to do that.

Hon TOM STEPHENS: I recognise that, but some certitude is needed in the process. The Leader of the House is trying to produce that result through the Bills classification committee and the participation of non-government parties in the process. We are moving towards the stage at which there may be opportunities for more certitude in the operations of the House. I am not trying to be provocative.

Hon N.F. Moore: That makes a nice change.

Hon TOM STEPHENS: This chart shows with reference to the operation of the Senate in 1996 that 46.3 per cent of its time was occupied by government business; 29.6 per cent by general business, which is effectively the non-government business; 12.7 per cent by questions; 5.2 per cent by business of the Senate; 3.5 per cent by urgency motions and MPIs; and 2.7 per cent by other matters. A chart indicates the breakdown of government business as 40 per cent on Bills, 5 per cent on other government business, and 0.7 per cent on ministerial statements.

It has a magnificent chart that describes the flow and change in the proportions between 1991 and 1996. It indicates the Senate is starting to achieve a balance in its processes whereby non-government business is being dealt with and brought to resolution. I think this place will soon reach that point. I welcome the changes. I hope people understand the extra emphasis I have placed on certain matters.

An additional specific issue dealt with in the minority report is the proposal for an Aboriginal affairs standing committee. I have asked by way of my report that the Chamber not yet make a decision on the indigenous issues standing committee proposal. There should be the opportunity for that issue to be left undetermined at this time and for the Chamber to be provided with the chance to consult more widely - as I believe could happen through another process if it were agreed to by the Legislative Council - through the early establishment of a select committee on native title. When this Committee has consulted with the indigenous community of Western Australia, a real expectation will be heard that this Parliament should be responding to the needs of that community. They have a pre-eminent claim on the Parliament for a whole range of reasons, not the least of which are the many issues with which this State is faced - all of us will suffer the consequences of them - and which are caught up with the challenges of coming to terms with the reality of the lives and circumstances of the indigenous population of Western Australia.

The PRESIDENT: Order! I want to make an observation. The Leader of the Opposition raised the point that there were a number of recommendations that in due course would have to be moved for them to take effect. That is true. In the report, in the main, the recommendations are principles that are laid down for adoption. Some will stand alone; for instance, item 11, which talks about technology. If that is adopted, the committee will be able to get on with looking at various aspects of modernising technology. That does not require a standing order. In other cases, a standing order is required. There is other work to be done once the Chamber agrees to adopt the general principles that are inherent in the report.

Hon PETER FOSS: So far it has been a refreshing day because the matters we have dealt with in the previous motion and this one are vital and need to be dealt with regularly so that not only the Chamber but also the members understand what is happening. I have had a prime role in trying to see how the committees work. I will go through some of the matters that are dealt with in the report of the Select Committee to Review the Legislative Council Standing Committee System.

The second recommendation refers to a business management committee. To give us more time, we must stop wasting time. One way we waste time in this place is through vacuous speeches and filibustering. On those occasions when we have had time management in this place, people have spoken much more directly to a Bill. Now that the Government does not control the vote ultimately in this place, we must look at more timely management of our business. It is not in the Government's interest to be defeated; it is in the Government's interest to get its legislation through this Chamber. Traditionally, filibustering has been used as a means of stopping something going through, without members voting against it and defeating it. In doing so, we have wasted a lot of the time of the Chamber. There should be some consequence from the deliberations of the business management committee. Not only should the House do that, it should also complete the business, unless there is a very good reason not to. The Senate gets on with its business. We would be far more direct and useful in getting on with our business if we accept this proposal with regard to the proposition to establish this committee.

Another recommendation relates to having a Notice Paper which leaves off certain motions and orders of the day that are not to be dealt with. By all means those items should be put somewhere else on the paper. Perhaps in due course we may be able to do what is recommended. I do not think we have the capacity to manage things sufficiently well that it would be wise to leave them off the Notice Paper. Perhaps it can be dealt with in a different way. However, for the time being I would not like to see those items taken off the Notice Paper.

I support the next recommendation about the non-members participating in committee work. There is also a suggestion of substitute members. I would like to see a little limitation on substitute members because there is a need for continuity. If members are merely substituted so that the same person is not at two meetings in a row, we will end up without continuity and very poor presentation from that committee.

Hon Kim Chance: Designated substituted members.

Hon PETER FOSS: Yes; something needs to be done about this matter. That comes about in relation to the matter of a member's personal interest in matters before a committee. The recommendation does not seem to suggest that the standing order should be limited to a committee. I think it must be limited to a committee. It is not within the competence of a standing order to limit a member's right to vote. That is within the Constitution. The only person who does not have the right to vote is the President. Obviously members are elected to represent people, and they must vote. If a member has broken the law, he or she will be prosecuted afterwards for having done that, and that person must still have the right to vote.

We can prohibit people from voting on a committee, be it a standing committee or a select committee, because members do not have to go on it. There is always the possibility that the matter can be dealt with by the select group. People often do not recognise that in some other Parliaments these committees are called select standing committees. It is not the Committee of the Whole. There is a selection of members. The question of whether a person can vote or not vote is handled by selecting another member to the committee. In the case of a select committee, which is not a standing committee, a member with a personal interest in the issue being discussed by that committee does not go on it. That is the way to solve the issue of members with personal interests.

In standing committees members never know what items will come up. If something comes up, a substitute member provision could be helpful in allowing the person with a personal interest not to attend the hearing. The recommendation should say that a member of a committee shall not vote on a question of personal interest. There should also be a substitute provision which, when the matter comes up, allows the substitute person to vote. That is an important recommendation. I do not believe we can have a standing order which generally prevents people from voting and the matter being limited to committee members.

Prorogation is a problem. I do not think that can be changed without an amendment to the Constitution. I am not sure whether it would require a referendum for that to be changed.

Explanatory memorandums for Bills is a good idea. I am having trouble getting sensible committee notes written. On a number of occasions I have received committee notes which are a rehash of what is in the Bill. I am hammering the point that that is not what is required. It is amazing how long it takes to change the attitude of civil servants. It may be that we do what is in place in New Zealand; that is, the person who writes the explanatory memorandum is an officer employed for that purpose. The civil servant may not necessarily be writing the explanatory memorandum. That person might be able to go to the civil servant and ask what the Bill is all about and then write a sensible

memorandum about it. It will take far too long to get the whole civil service to write sensible explanatory memoranda. That is a very good idea and I have been trying to do something about it for a while.

I refer to Standing Order Nos 305 to 308, which are recommended for repeal. Generally speaking, the standing orders should be looked at so that we have standing orders that apply to committees generally, that apply to select committees specifically, and that apply to standing committees generally. We do not have quite that sort of arrangement. That whole area could be rehashed so that there is some consistency in the way in which we deal with these things. It is worthwhile doing that in a broader context than it currently is.

Mention is made of the acceleration of time available. I do not understand that fully. Perhaps I should ask the Clerk of the Legislative Council to explain the consideration of the acceleration of time available. It looks like this might have come from his mind.

Hon Mark Nevill: Look at the 1985 report.

Hon PETER FOSS: That work was probably of the same origin, too. The next recommendation relates to the requirement to give notice of a report under Standing Order No 334. It is a sensible measure to delete that. Staffing and resources have always been matters in which I have been very interested.

I draw the attention of the Committee to a matter which came out of the last Privileges Committee; that is, there should be somewhere for members to place privileged material. We must have resources, generally speaking, to maintain privileged material in the custody of the Parliament either as a live matter or as an archive. I would like to see that taken up. For committees to be effective, members must be relieved of that responsibility.

The other important matter in terms of the proposed business management committee is the obligation on the Government to line up its legislation. For the first time the Government has published its list of intended legislation. How accurate that will be is a matter of interest. Doing that is the first discipline. Then we must have a similar process which goes further into the drafting and preparation of legislation, and I have been working on that, too. We have to impose this discipline on ourselves. This was also a problem during the last Labor Government. We never knew when any matter would pop up.

Some orderly dealing with the pipeline of legislation coming through is obviously an important part of that process. If we have dates and expectations of legislation being cleared with the time management we impose on ourselves by which we can say, "We know that legislation will go through", then it makes more sense in the early stages of legislation to get things in order. We can then say, "If you get it ready on that date, it can be dealt with." How can we say that we need some expectation when we deal with private members' business? We do not know when our business will be dealt with. Who knows what will explode in this place? We suddenly find that what we thought was going to happen has no resemblance to what happens.

This is a matter for discipline on both sides of the Chamber. It involves a statement of expectations in advance, so that we can say to each other, "Hang on, didn't we all agree that this would happen?" Ultimately we must have the right of the Government to say, "Things have changed. This is the time when government business must be dealt with." If we published our expectations and both sides said that we would adhere to them, that situation would be a rarity and predictable things would happen.

Hon Tom Stephens: How long have you been here?

The PRESIDENT: Order! The Attorney General has indicated he will take the interjection.

Hon PETER FOSS: I arrived here in 1989. I accept that I have been part of the filibustering process, because we do not have a process which enables one to know when things will come up. We must all take responsibility for that. Filibustering has become part of the way in which we deal with our business. Until we agree to deal with everything appropriately, we will not get rid of filibustering. We have been subject to a lot of filibustering from the Opposition. I do not think it does anybody any good. The time the Opposition has spent on filibustering it could have spent on private members' business.

The PRESIDENT: I do not intend as chairman of the select committee to respond to all the matters that are raised. The members of the committee will be able to give their reasons that the report is as it was presented to the Chamber. However, I will make a point on the acceleration of Bills, because the Attorney General did seek some clarification, in respect of the matters. Members will be very aware that when the Budget is introduced into the other place, rather than wait for the Budget to proceed right through and complete all stages in the other place, this place takes the opportunity to introduce the same papers, not in the form of an official Bill being transmitted from the other place, but in the form of tabled papers only. The Minister for Finance moves that the papers be noted. That enables the Chamber to start work on budget related matters there and then concurrently with the matter being dealt with in the other place. In due course those papers are substituted for the Bill when it is received from the other place. I think

all would agree that a tremendous amount of time is saved through that process. That is the general thesis behind the acceleration of Bills. It is certainly nothing new; we have not experimented with it in this place just now.

Hon HELEN HODGSON: I repeat what has been said about the way in which the committee operated. I thank members and the chairman of the committee for the cooperative attitude that prevailed.

The business management committee would be a huge step forward in the way in which this place operates. Over the last two weeks I was invited to attend the Bills classification committee as an observer. I thank the Leader of the House for that opportunity. For us to be able to know that the Government is aware of matters with which we may have difficulties in the process of classifying Bills has made a big difference. It means that Bills do not sneak up on us without our being aware of what may happen. It also means that we have the opportunity to be fully prepared to conduct business in the following week. For this reason the recommendation was made that the business management committee meet on a Thursday. This would enable everybody to go away and use the Friday and Monday as working days to see what is involved in the items the Government wished to discuss in the following week. It would give us an opportunity to prepare. If we had not had adequate briefings, it would give us an opportunity to do so. We would then be able to ensure that the business of the Chamber ran far more smoothly. It would also mean that everybody would be aware of what was going on.

Speaking as a cross-bencher, when only two of us are trying to cover everything that comes before this place, it is sometimes important that we have notice. If we do not know that something might be raised at a particular time, we may not be in a position to debate the matter. If the Government is aware of that, it can make appropriate arrangements and we can ensure that we are aware of what is going on. The business management committee is an important step forward in the way in which this place manages its business.

The next matters reported on concern the membership of committees. The first issue considered was the status of a member participating in a committee. During the recess I was involved as a participating member on a committee which dealt with the Bank Mergers Bill. I found it a valuable experience to be able to participate, but because I was not able to be present during the deliberations I felt only half involved. When one is the person who has raised a matter and brought it to the attention of the Chamber, one sometimes feels that it is important to be considered all the way through the deliberative process, even though one may not have a vote. For that reason the change to allow participating members to be involved in committee deliberations would be very useful in the management of business before committees.

The proposal to substitute members arose from a method that has been adopted in the Senate. The purpose of the proposal is to ensure that where we have a member who is particularly well informed on an issue, the member can be represented on the committee. An example might be of an opposition spokesperson on a particular issue which is referred to a committee of which they are not a formal member. I am not talking about the specifics of the reference before the committee, but that person's background knowledge may be very important when considering such matters. Rather than having to pass information on to a current committee member, a substitution process for a specific matter would allow the experience and the background of that person to be taken into account right through the committee's deliberative process. The adoption of a system of allowing a substitute member to participate on a committee would increase the efficiency of our committee system.

I support the move for explanatory memoranda for Bills. Having worked for about 10 or 12 years in the tax profession before I came to this place, I found that explanatory memoranda are circulated throughout the profession when a Bill becomes available. The explanatory memoranda are often thicker than the Bills. I agree with the earlier comments of the Attorney General; quite often an explanatory memorandum merely restates what is in the Bill. It then has to be interpreted in such a way that one can use the information. An explanatory memorandum can be a valuable tool not only for this place and its deliberations; this sort of material can be very useful in the court system for interpreting Acts.

The consideration of Bills and the acceleration of time available has already been addressed by you, Mr President. I find the proposition interesting because it mirrors the way in which we as a cross-bench party have already started to work. We find that if a Bill is introduced in the other place, we have nobody there to inform us of what it is all about. If a Bill is expedited through the other place, we have very limited time in which to inform ourselves. For the purposes of our own internal party workings we take the opportunity to find out what is going on in the other place and to assess the implications of a Bill. For that to be done in a formal way, for the benefit of the Chamber as a whole and for matters which may be seen to be controversial, could only improve the workings of this Chamber. It means that instead of matters having to be delayed here by referral to a committee after they have been received in this place, some of that work can be done as preparation and a report can be tabled and deliberations on that report can substitute for part of the Committee process in this Chamber.

We had a good look at the terms of reference of the Standing Committee on Ecologically Sustainable Development

because it was a new committee. We considered terms of reference that have been adopted by similar committees in other Parliaments. The first term of reference was drafted broadly. That was adequate inasmuch as it allowed issues of development in the State to be considered in an ecological framework. The committee found, however, a concern that community issues needed a home as well. For that reason the committee recommends that another term of reference be included, allowing the committee to pick up on its own initiative issues of significant community concern, as long as they do not fall properly within the terms of reference of another committee. Doing that will ensure the community has a place to bring some of its concerns that may not fall within standing committees on public administration or estimates and financial operations, or other standing committees of this place.

The final issue I will address is Aboriginal and other minority interests. When considering that point I had regard to the number of people available in this Chamber to serve on committees. We already have instances where members are on more than one standing committee, apart from select committees that may come up from time to time. Taking that into account, I felt it was not practical to have a separate standing committee dealing with Aboriginal affairs.

The other issue I considered was that Aboriginal affairs must be considered in everything that comes before this Chamber. In the same way, although I carry the shadow portfolio for Women's Interests, I wish I did not have to because women should not have separate interests. Aboriginal interests are in the same category: There should not be a requirement that there be separate treatment of Aboriginal affairs. That is why I support the proposal that every reference that goes before a committee should have reference to Aboriginal affairs implications and regional and minority interests as well.

Hon MARK NEVILL: The recommendations of the committee are excellent. As someone who has been here for 14 years, it is often despairing to see the amount of time it takes for procedures and reforms to come before the Chamber. I am pleased that in recent years that seems to have accelerated. The system will need to be changed much more in the next two to three years as this place evolves. I do not believe this will be an end to that process. I support all the recommendations in the report, except those to which I will refer. The recommendations are sensible and a credit to the committee that put them together.

The matter of legal impediments to which the report refers is not clear. I have read the section on that and I have an idea of what the committee is referring to. I would like to see those technical advances brought in so members did not need to travel unnecessarily when things could be done remotely. I am not clear about what a direct personal interest is. I am clear about a direct pecuniary interest. A number of situations have gone through my mind since reading this report. I would like to see an amplification of the concept of a direct personal interest because it is a little abstract in my mind at the moment. Perhaps some examples of that might help to clarify that issue.

The committee recommends the repeal of Standing Orders Nos 305 to 308. Standing Order No 306 relates to filling a vacancy on a standing committee. There must be some mechanism to do that. I hope an alternative to that will be suggested. The report refers also to the repeal of the standing order on the quorum for standing committees. I have not read the report in great detail. I am not sure whether there is a mechanism to determine the quorum of standing committees and the Standing Orders Committee.

Hon Barry House: Two standing orders were a little confusing, so one is now clear.

Hon MARK NEVILL: Good - the standing order remains. It seems as though the Standing Committee on Ecologically Sustainable Development has been the sweeper of the Parliament. It gets all the references that do not fit under other committees. From my reading, it will be difficult to fit some of those references under the Ecologically Sustainable Development Committee, but I presume the committee wanted to slot in those references that could not fit under any other committee.

The recommendation that all committees have regard to minority and regional interests is important. It is something that I have always been aware of in any inquiry. That issue comes under the Ecologically Sustainable Development Committee. It is probably appropriate that that matter is dealt with in a section by itself. At first reading the recommendation seemed to apply to just that committee, but it refers to all committees. The report is excellent and it will help to contribute to the smoother running of the business of the Chamber.

Hon J.A. SCOTT: I am excited by the way members are approaching this significant change.

Hon Derrick Tomlinson: You look excited, too.

Hon J.A. SCOTT: I am excited. When I first arrived in this place, and even with my experience of the past four years, I felt that change to this place would be nigh on impossible. The balance of the Chamber has now given the impetus for that to occur. I am pleased that change is springing not just from new cross-bench members; it seems to be coming equally from the Government and the traditional Opposition in this place. I commend members for that.

It is exciting to be here at this point to see that we are moving forward to make this place more equitable for all members who work within the system and also more approachable for the community.

I commend all speakers who have spoken so far and all members of that committee who, as the President said, took part in that process, directed by the President, in a good spirit - always listening and working well towards an outcome that I believe is an important beginning. It may not be the end of the process by a long way. People would like to see many things that have been put forward changed to some degree or other things added. However, it is a great step forward. It is the first step towards making this place work in the way people expect it to work.

Hon Derrick Tomlinson: They don't really care.

Hon J.A. SCOTT: They do not really care because they have been lulled to sleep by years of inaction.

Hon Derrick Tomlinson: Worse than that, they have been lulled into apathy.

Hon Cheryl Davenport: Not everyone.

Hon J.A. SCOTT: For me, this is the best time to be in this Chamber. Prior to the last election I felt very frustrated, being a member of a minor party, because it was very hard for me to be part of the real parliamentary process, or to have anything other than a vote which did not count ultimately.

Hon N.F. Moore: Your vote always counts. You should not talk in those terms.

Hon J.A. SCOTT: Earlier the Leader of the Opposition spoke about our dealing with the business of the House as well as government business. That sort of approach would achieve a great change in the way this place operates. For me, it conjures up possibilities of much better legislation emanating from the process, less time wasting, and less anger and frustration at the end of the day. That can only be for the good of legislation, the community which is on the receiving end of the legislation, and the amount of work undertaken and resolved in this place. As to prorogation matters and whether constitutional change is required, I hope that with this newfound feeling of reform that is overcoming this place, if it is necessary to hold a referendum -

Hon N.F. Moore: The member must be aware that we passed a Bill on two occasions to achieve that, but they were knocked down by the Assembly when the previous Government was in power. This place passed Bills to that effect; I was the sponsor on two occasions.

Hon J.A. SCOTT: I hope that the current Government will retain that spirit of change -

Hon N.F. Moore: The member knows that Governments in the Assembly operate on Crown Law advice.

Hon J.A. SCOTT: Given the Minister's acceptance that it is a waste of time to drop business on prorogation when it could continue to be dealt with, we still have a very good opportunity here. The community must become upset when we get two-thirds of the way through a matter which then falls off the Notice Paper on prorogation. Sometimes legislation is partly dealt with, and a good example is the Hairdressers Registration Repeal Bill, which should have been long gone.

Hon Derrick Tomlinson interjected.

Hon J.A. SCOTT: I understand it has given some people a chance for a new hairstyle!

I am very pleased with the suggested changes. I hope we can set up a review after the changes have been in operation for some time. I hope we can review the process and continue our move towards the better operation of this place and a more democratic system which truly reflects the wishes of members and allows the community to feel that we achieve certain goals on behalf of the general public, not in spite of them. That will make people feel a part of the process.

Hon BARRY HOUSE: Speaking as a member of the committee, I found the process very worthwhile. There was some scepticism about the need for the committee, and the whole process; however, committee members consider that it was a constructive exercise. The most constructive aspect of it was that it was inclusive. The enlightening feature of our discussions and deliberations was the level of agreement achieved across the board without our relying on rigid party lines. We have decided there is nothing intrinsically wrong with the existing committee framework in this place; it is just that the process of evolution has been very slow. The framework of the committee structure was set up in 1982, and we have expanded it over the years.

I feel that the committee with which I have been most involved - currently known as the Public Administration Committee - has been the most progressive. We have examined and changed our role from that of the Government Agencies Committee to the Public Administration Committee as a result of changes in society and public administration generally. We have changed our terms of reference and our jurisdiction. We have continued a couple

of inquiries past prorogation. Although we have not been involved in deliberations, we have set up the machinery for research to continue on a couple of matters. One that comes to mind is that relating to the Perth Market Authority when the current Government was elected in early 1993. The committee did not proceed but the work on that inquiry continued, in a sense.

The format of the report is fine. However, it surprised me a little to see the detail of the postal services Bill - an example from New Zealand. It is an excellent example but my preference is for an Australian model. If we could have found a Bill from an Australian Parliament, that would have been my preference, either as a substitute or an addition. Earlier this year an explanatory memorandum was distributed with legislation. I am not sure whether it was the Land Administration Bill or an industrial relations Bill.

Hon Tom Stephens presented a minority report, which is his right. When one reads that report one is not aware that it is a minority report. It is called a report, but it comes from him alone. It is a minor point but members may not be aware of it.

Hon Tom Stephens: I hope you have read it!

Hon BARRY HOUSE: It is worthwhile remembering that the Legislative Council is a very small House of Parliament, with only 34 members. In restructuring and revisiting the committee system, there is danger that we will overload members with committee work. We need to remember that 17 out of the 34 members are country based. As one of those members, I can vouch for the fact that it is more difficult for country members than it is for city members to contribute to committee work and responsibilities. It is much more inconvenient for country members to have to drive for perhaps three hours to attend committee meetings and fit them in with their other commitments.

Hon Tom Stephens: Three Labor members on this side of the Chamber are not on committees and are ready to serve if anyone wants to get off a committee!

Debate adjourned, pursuant to sessional orders.

Sitting suspended from 1.00 to 2.00 pm

LABOUR RELATIONS LEGISLATION AMENDMENT BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Hon Helen Hodgson, and read a first time.

Second Reading

HON HELEN HODGSON (North Metropolitan) [2.00 pm]: I move -

That the Bill be now read a second time.

I have introduced this Bill on behalf of the Australian Democrats to allow the Parliament the opportunity to review the labour relations legislation that was introduced earlier this year and passed in May. The Labour Relations Legislation Amendment Act was introduced into the Legislative Council on 29 April 1997, among much controversy, and was passed on 15 May 1997.

Many aspects of the handling of that Act and the response to it were unprecedented and have now passed into parliamentary history. I do not wish to revisit these aspects. I must, however, make two points that are relevant to the Bill currently before the House: Firstly, the principal Act was debated and time management was applied to ensure that it was passed prior to 22 May, on which date eight new members were due to take their seats and the balance of the Legislative Council would change. Secondly, during the time allocated for debate in this place, only nine of the 41 clauses of the principal Act were debated. The debate did not address amendments moved in the Committee stage in this House, as the guillotine came down before they could be discussed.

This Bill is not a Bill to repeal the third wave industrial relations laws but to replace the most objectionable parts of the principal Act with modified provisions that are workable. The drafting of the Bill was substantially completed before the Standing Committee on Public Administration decided to initiate an inquiry into the impact of those laws. The Bill is not intended to pre-empt that inquiry, and I hope that the evidence heard by the committee will assist the members of this Chamber in their deliberations on this Bill. The main features of this Bill are as follows.

Changes to the pre-strike ballots rules: The Australian Democrats are in favour of secret ballots for certain matters; for example, election of union officials and major decisions on industrial action. We believe, however, that it is important that the ballot process be flexible enough to be tailored to the particular circumstances under consideration.

The provisions passed in May are extraordinarily prescriptive, with the Industrial Relations Commission and the

parties to the dispute being granted no flexibility to ensure that the process followed is appropriate in the circumstances. This lack of flexibility could lead to situations where the process itself became a barrier to the resolution of a dispute rather than an aid to resolution. The only requirements should be that the ballot was secret, the scrutineer was appointed by the commission, and all known members of the union were able to vote.

The amendments that I propose are based on the federal law in this area, which starts from the premise that the commission may order a ballot where it will be of assistance in the resolution of a dispute. On this point it is worth noting the British experience, which is that the ballot process does in fact assist in the resolution of disputes. Many disputes are resolved between the time that the outcome of the ballot is known and the date that industrial action is due to commence.

The commission may act on its own initiative, or the application for a secret ballot may be made by members of a union. The legislation will prescribe the number of employees who must join such an application, based on the number of employees employed by a particular employer at a particular place of work. This will generally be 5 per cent, but with a minimum of four where there are less than 80 employees and a maximum of 250 where there are more than 5 000 employees.

Once the commission has determined that the ballot will assist in the resolution of a dispute, the commission shall issue directions as to the procedure to be adopted, including the questions to be put, the eligibility of persons to vote, and the conduct of the ballot generally.

The amended procedures also modify the quorum required to allow the vote to be carried by a simple majority. This is in accordance with International Labour Organisation conventions, which require that where legislation imposes a strike vote, the State shall ensure that the legislation imposes a reasonable quorum and majority to apply to the ballot.

The second major change is that this Bill will provide limited immunity from legal action in two situations: Where union action has been sanctioned by the secret ballot process and members of a union are acting in accordance with the ballot; and where an employer or employee engages in industrial action for the purpose of compelling the other party to enter into a workplace agreement.

The immunity is strictly limited. It does not apply where the action has involved or is likely to involve personal injury, wilful or reckless destruction of or damage to property, or the unlawful taking, keeping or use of property. It does not allow an employer to dismiss an employee, injure an employee in his or her employment, prejudicially alter the position of an employee, or threaten to do these things. This provision is again based on the federal legislation in respect of workplace agreements, extended to include balloted industrial action, as in the British jurisdiction. The inclusion of this principle will encourage unions to apply to the commission for an order to hold a pre-strike ballot, as it will provide protection from civil action where unions have conducted such a ballot.

Federal award coverage: This Bill will repeal part 5 of the Labour Relations Legislation Amendment Act. The Australian Democrats do not support the changes to the industrial relations system envisaged in part 5 of the principal Act. Until now the Australian industrial relations system has accommodated the dual system of registration and awards at federal and state levels.

Unions have been forced to operate on a federal model, as do all political parties except the Australian Democrats, because of the way in which industrial relations has developed having regard to the Australian Constitution. Under a federal model, each state organisation is autonomous but also exists under a federal umbrella. As we all know as state parliamentarians, the operation of a federal system is filled with jurisdictional problems.

While we acknowledge that some problems are caused by this dual system, we do not believe that the principal Act has developed an appropriate method of dealing with those problems. The State Government cannot override the operation of federal legislation simply because it does not agree with it.

The principal Act contains a number of provisions in this area that the Australian Democrats find objectionable; namely, the compulsory nature of the orders, and the requirement that the union and members have no choice in the replacement union.

The debate surrounding this issue was founded on the basis that the provisions would apply when unions changed from state to federal awards. This is not specified in the legislation and will depend on the regulations, which have not yet been gazetted. The Australian Democrats find this uncertainty in the potential application of the principal Act offensive. Legislation should indicate clearly the circumstances in which it will be applied, particularly when it includes sanctions. Regulations are not an appropriate vehicle to advise the community of its obligations under an Act. The role of regulations is to provide the mechanisms and detail that cannot be incorporated into the legislation.

For these reasons, we believe that this part of the principal Act is fatally flawed and should be repealed. Collection of union dues: This Bill will repeal the prohibition on the collection of union dues by employers. The Australian Democrats believe this is a matter that should properly be resolved by negotiation between particular employers and employees who are members of unions. It should not be compulsory that employers act as collection agents, but where the employer has agreed so to do, there should be no statutory provision.

Power of entry: The provisions introduced in the principal Act severely restrict the rights of unions to enter workplaces. This power of entry is only via a statutory declaration, which authorises the union representative to enter a workplace to deal only with an industrial matter affecting members identified to the registrar. Although the names do not have to be presented to the employer, it is difficult to see how that will be avoided in practice. Under the principal Act the employer may refuse access to records if the employer is of the opinion that access would infringe the privacy of employees who are not members of the union, and this decision would seem to require some access to the details of employees who may have authorised the union to act on their behalf in an industrial matter. I am also concerned that the process requires application to the registrar, which will delay the process.

The Australian Democrats do not advocate unrestricted access to workplaces by union representatives. We agree that there should be some controls placed on the power to enter workplaces and the actions of the representative while there. However, these restrictions must allow access to a union official who is acting lawfully and reasonably to protect the industrial rights of union members.

Access should be authorised where it can be shown that employees working on a particular site are affected by an industrial issue or by working conditions at that site. The federal legislation is an appropriate guide. The federal legislation provides for permits for union representatives, allowing them to enter premises to investigate suspected breaches of the federal legislation, and to allow discussions with employees. We propose a similar system in this State. Under the permit system, permits can be withdrawn where a holder is acting unlawfully or beyond his authority.

When the original Act was debated, much was made of the need for non-unionists to be able to preserve their privacy. By repealing section 34 of the principal Act, the provisions will revert to the former arrangements under which employees could request that information relating to their employment be kept confidential. We believe this is adequate protection. Often non-unionists welcome the intervention of the union in matters where they were unaware of their rights. There are also cases where a pattern of non-compliance with industrial agreements and obligations can be identified only by access to records relating to a number of employees, not all of whom may have been identified in a declaration supporting an application to enter the premises of an employer. For these reasons we propose to replace the provisions of the original Act with new provisions, based on the federal model.

Political disclosures: In this State we already have a system of disclosures for political donations through the Electoral Act 1907. This Act was amended extensively in 1992 to ensure that donations to political parties are disclosed, by requiring political parties and associated entities to disclose donations through returns lodged with the Western Australian Electoral Commission. There were lengthy delays in the proclamation of this legislation; however, it took effect from 9 November 1996, requiring returns to be lodged in respect of the 1996 state election and the 1996-97 financial year.

In addition, industrial organisations were subject to legislation, passed in 1995, under which any member of that organisation could "opt out" of any political donations by electing that no part of the member's subscriptions was to be applied by way of political donations. If a member "opted out" of contributing to a political fund, the organisation could not apply the relevant part of that person's subscriptions for political purposes. A registered organisation includes both employer and employee organisations registered under the Industrial Relations Act 1979.

Under the principal Act the legislation was amended to broaden the types of payments made from "political donations" to "political expenditure", and to change the member's rights from an "opt out" arrangement to an "opt in" arrangement, by requiring the member to specify that an amount should be paid into a political fund. A registered organisation can make political expenditure only from such a fund.

It seems inconsistent to me that we have two different regimes for disclosure of political donations, requiring different levels of control and different levels of disclosure. One regime applies only to registered organisations, while the other applies to all donors to political parties. Our solution to these anomalies is to remove the requirements relating to political expenditure from the industrial law, and transfer it into the Electoral Act, where it fits more appropriately. We also propose dealing with the inequity that sees registered organisations as the only donors subject to such rules by extending the rules to cover all public companies, as defined in the Corporations Law. In this way companies will be held responsible to their shareholders in the same way that registered organisations are responsible to their members.

Conclusion: This Bill does not deal with all aspects of the principal Act. Other aspects of that Act cause me some disquiet, but these are more appropriately handled through other processes. The Australian Democrats advocate the development of industrial relations legislation that promotes harmonious and fair working relationships, both between employers and employees and between the federal and state systems, while promoting productivity and future employment prospects. This requires that all parties should be placed as far as is practicable in a position of equal bargaining power to ensure a fair outcome.

We reiterate our belief that in as many respects as possible it is productive, efficient, cost effective and, therefore, desirable for federal and state industrial relations legislation to be in constructive harmony and to mirror each other. This is the approach that has recently been adopted in Queensland. We further state our strong belief that employers and employees need vibrant organisations and institutions to further their interests. This legislation, in its current form, is unnecessarily harsh on unions, which are an essential and desirable part of many employees' working lives.

Prior to May of this year a cooperative and relatively peaceful industrial relations environment had been evolving in Western Australia. The nature and content of the Labour Relations Legislation Amendment Act 1997 turned this environment unnecessarily into an aggressive, radicalised and polarised one, as evidenced by the increased number of strikes experienced since the principal Act was introduced and the consequent cost to industry and employers. It would be preferable if conciliation and negotiation were used to achieve a peaceful outcome. I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

MARITIME ARCHAEOLOGY AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Derrick Tomlinson, read a first time.

Second Reading

HON DERRICK TOMLINSON (East Metropolitan) [2.16 pm]: I move -

That the Bill be now read a second time.

This Bill reflects the involvement of the Parliament of Western Australia in a venture which has had important repercussions for the State's maritime archeology and heritage. For more than 30 years, divers and archeologists have been engaged in the search for, and discovery of, those vessels which went down off our coast centuries ago, long before the world solved the mystery of the unknown southland. To give the issue some perspective, barely 25 years from now this State will be in a position to mark the 400th anniversary of the sinking of the first-known of these ancient wrecks, the British vessel the *Tryall*, which foundered off the coast, near the Monte Bellos in 1622.

This Bill, which I hope will receive the same multipartisan support in this House as it did in the other, has its genesis in the terms of reference of the Select Committee on Ancient Shipwrecks established by the Legislative Assembly on 3 November 1993. The committee was to inquire into and report on, among other things, the possibility of incorporating the names of the discoverers of Western Australia's ancient shipwrecks into a register, possibly by way of an amendment to the Museum Act of 1959.

Such an unprecedented move - that is, to enshrine citizens' names in an Act of Parliament - was very much to the forefront of the motivation of the select committee and its establishment in 1993, following as it did an earlier upper House select committee on the *Batavia* relics which reported in 1992. There has long been the belief that the discoverers of the *Tryall*, which had been wrecked in 1622, the *Batavia* in 1629, the *Gilt Dragon* in 1656, the *Zuytdorp* in 1712, and the *Zeewyk* in 1727, had achieved wonderful things for Western Australia's and Australia's heritage. They also developed the view that these discoverers had been denied recognition by public officials, and perhaps even wider society.

The Select Committee on Ancient Shipwrecks, comprising the member for Victoria Park, Dr Geoff Gallop; the then member for Floreat and now Churchlands, Dr Liz Constable; the member for Bunbury, Mr Ian Osborne; the member for Fremantle, Mr Jim McGinty, and the member for South Perth, Mr Phillip Pandal, set out on a task of determining a number of difficult, related issues. These included whether any previous recognition had been accorded to discoverers; posthumous recognition; and other forms of recognition.

In its second interim report tabled on 2 June 1994, the select committee recommended that the Maritime Archaeology Act 1973, as distinct from the earlier-mentioned Museum Act, be amended by way of a Bill sponsored by the select committee to incorporate as the third schedule of the Act, a register of discoverers of ancient shipwrecks. Subsequent to this, the committee's final report reinforced the view that the register should be created within the schedule of the

existing Act. Thus members will find the proposed schedule contains the names of all those men and women who should be recognised within the register.

These persons, in alphabetical order, are: Greg Allen, Harry Bingham, Tom Brady, Eric Christiansen, John Cowen, Graham Cramer, Max Cramer, Ada Drage, Henrietta Drake-Brockman, Hugh Edwards, Naom Haimson, Alan Henderson, Graeme Henderson, James Henderson, Colin Jack-Hinton, David Johnson, John MacPherson, Neil McLaghlan, Bruce Melrose, David Nelley, Tom Pepper, Phillip Playford, and Alan Robinson.

The work of each has been of incalculable benefit to the State. In the case of the *Tryall*, the research skills of the eventual discoverers were put to the test because the Captain, John Brookes, falsified the records of the wreck, thus throwing people off the scent of its location for many years. Eric Christiansen's patient research over a six-year period in the 1960s, and the significant input from the late John MacPherson, led to the wreck's discovery.

The discovery of the *Batavia* in 1963 climaxed a fascination for many as far back as Malcolm Uren's expedition in 1938, and his book in 1944. Bruce Melrose's aerial surveys taken between 1957 and 1963 played another key part in the eventual discovery, but he was pipped at the post by Max Cramer's party, prompting the select committee to observe that Mr Melrose "... played Scott to Max Cramer's Amundsen ..."

In the case of the *Gilt Dragon*, the committee found that the weight of evidence supported the view that on 14 April 1963, Graeme Henderson was the primary discoverer, together with James and Alan Henderson, John Cowen and Alan Robinson. I will comment more on Mr Robinson's role shortly.

The discovery of the *Zuytdorp* was by far the most complex story and I invite members interested in more detail to read the select committee's report. The key roles of the late Tom Pepper and Dr Phillip Playford are now acknowledged in a story replete with all the ingredients of a blockbuster movie, including some evidence that European settlement may well have occurred on the west coast of Australia 66 years before the arrival of the First Fleet on the east coast.

Finally, the committee named six people who should be identified as the discoverers of the *Zeewyk*. Before the actual discovery of the wreckage of this ship in 1968 the approximate location had been known since 1840. The role played by the journalist, Hugh Edwards, one of the six, in turn allows us to acknowledge the positive role played by various media outlets over the years in stimulating public interest in expeditions and discoveries. They include *The West Australian*, the *Daily News*, the *Sunday Times* and TVW Channel 7.

Members looking at the proposed register will note that the name of Alan Robinson appears as a discoverer of two vessels. Including his name may go further than the report of the select committee of 17 August 1994 intended, but is by no means inconsistent with its findings. This should be explained further.

Both the *Batavia* Select Committee of 1992 and the Ancient Shipwrecks Select Committee of 1993-94 were very much driven by the earlier stated desire to recognise wreck discoverers for their unselfish and civic minded efforts which ensured that wrecks were protected and relics were retained in public ownership for posterity. Indeed, in the foreword to the August 1994 select committee report it was stated in the opening paragraph that one of the fundamental issues being addressed in the report was whether people should be rewarded for doing the "right thing" by society; that is, by reporting the whereabouts of, and protecting relics from, ancient shipwrecks.

In the light of the decision to recommend the inclusion of the name of Alan Robinson, the exact words of the select committee are worthy of quoting for the *Hansard*. I refer to the report of the Select Committee on Ancient Shipwrecks presented by Hon Phillip Pandal to the Legislative Assembly on 17 August 1994. In that report at page 1 the committee had this to say -

One of the primary aims of this Committee has been to determine the adequacy or otherwise of official recognition for the discoverers of the five ancient shipwrecks under investigation. The importance of acknowledging each discoverer's unique and selfless work cannot be over stressed. Each discovery has significantly contributed to uncovering Western Australia's rich maritime history and should be given due and proper recognition. It is unfortunate, however, that the efforts of these people have gone either unnoticed or have been inadequately recognised.

In this regard Alan Robinson was seen by the 1993-94 select committee as presenting particular difficulties. Although he was involved in the discovery of a number of wrecks, his subsequent activities helped sour opinion against him. The committee, in the report to which I referred earlier, at page 6 made special reference to the late Alan Robinson in these words -

The case of the late Alan Robinson presented particular difficulties for the Committee. On the one hand, he was involved in the discovery of a number of wrecks, while on the other hand subsequent conduct fell far short of the standard of public spirit and cooperation shown by other discoverers whom the Committee

wishes to recognise.

Notwithstanding this, he gave a significant stimulus to the recovery of the material of the Dutch shipwrecks.

In the three years since the tabling of the final report of the select committee, a number of things have persuaded members of the former committee of the need to include Mr Robinson's name in the official register. First, it was never the committee's intention to "punish" Mr Robinson, or to diminish his role. Instead, it was the committee's desire to set others apart for their exemplary behaviour. Second, members of the former committee generally take the view that it is one thing to have adversely reflected on Mr Robinson - as we were so inclined to do, with good reason, in 1994 - but quite another to give rise to perceptions that we might have been re-writing the history books.

Third, Hon Phillip Pandal was approached, as were some other members of Parliament, by Mr Robinson's daughter, Sandra, who sought to gain for her father the recognition she believed he merited. For some or all of these reasons, members of the former select committee agreed before the introduction of this Bill that Alan Robinson should have his place alongside those others whose names will be enshrined in the Act. Meanwhile, the great work of the divers and archaeologists continues. As recently as a few weeks ago, staff from the WA Maritime Museum discovered the resting place of the *Stefano* south of Ningaloo reef while on an expedition to find the *Correo d'Azur*, the Portuguese vessel which sank in the area in 1816.

For my part, I am disappointed that the Government has not supported the committee's recommendation to establish a top level inquiry into early European presence in Australia to establish once and for all the facts about when and by whom Australia was first settled by Europeans. The committee saw this proposed inquiry comprising historians, pre-historians, scientific and Aboriginal groups whose task it would be to comb through the variety of documents that point to Dutch settlement in Western Australia early in the eighteenth century. It is still not too late to undertake such a new and exciting study - something which could be this State's contribution to the one-hundredth anniversary of federation or which could coincide with the approach of the new millennium. Meanwhile, the passage of this Bill will forever be its own tribute to the many men and women who have helped put Western Australia at the forefront of the world's maritime archeological movement. It may also be an encouragement for others to follow their lead. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

CASINO (BURSWOOD ISLAND) AGREEMENT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

HAIRDRESSERS REGISTRATION REPEAL BILL

Second Reading

Resumed from 27 August.

HON NORM KELLY (East Metropolitan) [2.34 pm]: I previously mentioned that the Hairdressers Registration Board has accrued about \$700 000 in assets. If the board is to be dissolved, it is proposed that those funds be used "in the interests of the hairdressing industry". My discussions indicate that this has not instilled a sense of confidence in the Government's long term support of the industry. It is largely seen as nothing more than a sweetener. It has not deceived members of the industry; they regard it as a short term measure. It fails to address adequately the wide-ranging effects of the loss of the board. For that reason, this measure has not gained support across the industry. Providing these funds for the industry's use still does not provide for an ongoing mechanism that would ensure long term support for training standards.

The current board has been operating for just over 50 years - it was set up in 1946. When the Act was introduced it initially applied only to the Perth area - a range of about 25 miles from the GPO. Since then its coverage has been extended to Kalgoorlie, Geraldton and the south west land division. Although the board's coverage is not uniform across the State, in its present form only a relatively small percentage of the population live outside the regulated area. It is a small but significant part of our community. Even though the board does not have a direct impact on those areas, the fact that it is operating across most of the State on a population basis has led to a general beneficial effect in maintaining standards.

Hon M.J. Criddle interjected.

Hon NORM KELLY: The fact that the board has been in place maintaining standards impacts on the areas not covered. There is a flow-on effect.

The powers and the duties of the board relate to the registering of principal hairdressers and employee hairdressers. It conducts examinations to determine the suitability of people wishing to be registered as hairdressers and it is within its power to suspend or cancel the registration of people who have offended under the Act. Staff are employed to ensure compliance with the Act. The board can also recommend the standards of hygiene and sanitation that are to be observed in hairdressing salons, and it is able to initiate proceedings for offences against the Act and the regulations.

I have separated the standards into three main categories: First, health and safety for both the workers and customers; second, consumer confidence in the maintenance of professional standards and service in the industry; and, third, training and apprenticeships in the industry.

There are currently about 6 500 registered hairdressers in Western Australia. The board can use spot checks of health and safety standards to help ensure the protection of workers in the industry.

Hon M.J. Criddle: Is there any indication of how often they are carried out?

Hon NORM KELLY: The board stated in its 1996 annual report that, because of the review process, it had adopted a policy of responding to complaints rather than conducting inspections of salons.

Hon Derrick Tomlinson: That is different.

Hon NORM KELLY: We are talking about the powers of the board and the fact that it is responding to complaints rather than initiating investigations. That is probably more a statement of how the board has degenerated given its history in the past few years.

A lot has been made of various incidents in the industry and the fact that hairdressers are dealing with chemicals that can be dangerous if they are not mixed correctly. They can be carcinogenic and with long term use they can cause health problems such as dermatitis.

We are talking primarily about small establishments. The average hairdressing salon employs 2.6 workers. In that situation it is easy to overlook occupational health and safety standards. People will readily say that they are meant to use gloves at all times, but in reality the practice is not stringently enforced. In a small establishment there are not sufficient ways of ensuring that the regulations are adhered to.

The dangers and health risks in the industry require that an independent board act as an overseeing or monitoring agency to ensure that proper safety procedures and standards are adhered to. That is particularly the case where there is little regulation and no adequate provision for inspection.

The health and safety aspect also applies to customers. Customers should have confidence that when they go to a hairdresser they will receive treatment from people who are suitably qualified and trained, or who are suitably supervised in the work that they do. Customers who walk into a hairdressing salon in Western Australia should not be subjected to unnecessary health and safety risks. It should not be a case of buyer beware. It is not the case of a week or a fortnight being the difference between a bad and a good haircut. This is potentially about very serious situations arising from the application of chemicals.

Hon N.F. Moore: Does that happen now?

Hon NORM KELLY: Yes.

Hon N.F. Moore: So there are potential problems now with the wrong application of chemicals, and we have a Hairdressers Registration Board?

Hon NORM KELLY: One case that is frequently cited is the Spearwood salon where a woman's scalp was badly burned.

Hon N.F. Moore: That was a registered hairdresser. Do not use that as an example that a registration board will prevent that happening.

Hon Ljiljanna Ravlich: How many more accidents will occur, Minister?

Hon N.F. Moore: How many teachers are registered? None.

Hon NORM KELLY: These accidents have occurred while the board has been operating, so the Minister cannot say that doing away with the board will make no difference. I am arguing that the operations of the board need to be examined. It is the Government's duty to provide a certain standard of care for its citizens, and it should ensure that consumers' health and safety are not at risk.

What is more common, though not so well publicised, is the greater extent of lesser injuries that occur on an ongoing basis; for example, minor skin complaints, and small areas of chemical burning.

Hon Simon O'Brien: Do you have any indication of the number of accidents that occur in the metropolitan area, where the Hairdressers Registration board exercises power, compared with areas outside of its control?

Hon NORM KELLY: I do not have the exact figures. However, Hon Simon O'Brien will find that because the board covers the majority of the population in Western Australia, figures in those areas may distort the actual situation.

Several members interjected.

The PRESIDENT: Order! If Hon Norm Kelly addressed the Chair we would all hear what was going on.

Hon NORM KELLY: Customers must be confident that they will receive a minimum standard of care when they visit the hairdresser. That is important to maintain customer confidence in the hairdressing industry. For consumers to remain confident not only must an adequate safety standard be in place but also a process whereby consumers can address cases of injury and seek damages. The Government has a role to assist people in this situation and to ensure that the mechanisms are in place to protect consumers' rights. I am well aware that a number of agencies can handle this role; however, I will argue that it is in the consumer's best interests that the Hairdressers Registration Board carry out this work.

Hon Peter Foss: Have you looked at a lot of business registration boards?

Hon NORM KELLY: If we pass that responsibility to the Ministry of Fair Trading we will ignore the expertise in the industry that is in a far better situation to address the complaints.

The third area of concern is training and apprenticeships in the industry. Much has been said about the short term private courses that are available for people who wish to train as hairdressers. The fact that private colleges are competing with the four year apprenticeship course has caused some problems in the industry, and has gained a lot of publicity for the Hairdressers Registration Board. The industry is concerned that the proliferation of private courses will decrease the value of the apprenticeship system.

Hon Peter Foss: It is competition.

Hon NORM KELLY: Hon Ljiljanna Ravlich cited some figures yesterday on the decreasing number of apprentices in the industry. In the past 10 years the number of apprentices in hairdressing in this State dropped by 43 per cent.

Hon Peter Foss: Sounds like it is a protective measure for the industry rather than the public.

Hon NORM KELLY: That is not an answer for the young people who are coming out of high school and not getting apprenticeships.

Hon Peter Foss: It is a restrictive practice.

Hon NORM KELLY: It is a disadvantage for youth in the community in the current climate of high unemployment. It also creates inequity in the industry.

Hon Ken Travers: The Government does not want you to get a haircut or a real job!

Hon NORM KELLY: A dominance of private short term courses will make it far easier for people with money to gain an advantage by undertaking a short course. Those people who come out of school and who do not have money will be disadvantaged in the work force.

Hon Peter Foss: What does it cost to forgo an income to do an apprenticeship?

The PRESIDENT: Order! Hon Norm Kelly quite rightly is not responding to the interjections. Let us not have any more.

Hon NORM KELLY: Thank you, Mr President. When we discuss the benefits of apprenticeships and private courses it is important that the accreditation process for people coming out of both systems can guarantee a supply of suitably qualified people into the industry. In that sense the Hairdressers Registration Board assessed newcomers to the industry, whether from within the State, interstate or overseas. The number of hairdressers working on a mobile basis - that is, doing one's hair at one's house - has grown markedly in recent years. It has caused alarm within the industry, partly through self-interest because they see the profitability of their own establishments under threat, but also in an environment of self regulation it would result in a drop in standards, especially if there were no mechanism to make sure these people were trained to an adequate standard.

The Government could point to the situation in other States where varying degrees of deregulation have been

implemented. The Government Agencies Committee noted that it is less a case of deregulation and more of neutralisation of the registration bodies in those States. For example, in South Australia an Act was passed in 1988 to repeal the Hairdressers Registration Act. However, South Australia ensured that protective measures were in place and people still had some guarantee of the quality of people entering the industry. At the same time that the South Australian Act was repealed, legislation provided that it was an offence for an unqualified person to carry on the practice of hairdressing. The penalty for a first offence was \$1 000 and for subsequent offences, \$4 000. It was also an offence for a hairdressing establishment to employ unqualified people. The South Australian Government was aware when repealing the board in that State that there was a danger standards could drop. To counteract a drop in standards it took action to implement a minimum standard.

In researching this Bill I surveyed a number of people in the industry to obtain their views. I was aware that by speaking only to the peak organisations one can get a distorted view of the industry's real opinion. I have, in part, based my final position on the Bill upon their responses.

Hon Peter Foss: Did you ask the customers?

Hon NORM KELLY: Yes. The overwhelming response from people to whom I spoke and in the correspondence I received is that people are opposed to the abolition of the Hairdressers Registration Board.

Hon Peter Foss interjected.

Hon NORM KELLY: Perhaps the Minister should speak to his electorate.

I will read some of the responses to the House.

The first letter states -

Once we were proud to boast that W.A. had the highest standards of hairdressing in the world. Deregulation will only further encourage apathy and crucify what is left of the standards of hairdressing in W.A.

Another letter reads -

Take away the board and it will be a free for all, because the standard of hairdressing will be lowered.

That letter refers to the training of staff, backyard hairdressing and mobile hairdressing. Another letter reads -

After paying my hairdressing fees for the last eight years I don't think it's good enough that anyone can become a hairdresser. After a four year apprenticeship which I've done to get where I am today. You can't tell me after doing a 1 year course you can become a qualified hairdresser, you cannot cram four years of training into one year.

That letter relates to my earlier comment that this State must have a system whereby some people can come out of a private course after one year and be very well qualified, but it is not a standard quality -

Hon B.M. Scott: Do you oppose competency based achievement?

Hon NORM KELLY: No.

Hon B.M. Scott: You are saying hairdressers should do a four year course.

Hon NORM KELLY: I did not say that. I am quoting from a letter I received. People must have the option to undertake a four year apprenticeship course. Therefore, we must ensure that that option is available. It would not only stop the drain of apprentices in the industry, but also allow people who have undertaken the shorter courses to be accredited to an acceptable standard. We would then have a parity in standards to ensure that the people who are coming out of the shorter courses have the standard of skill required. If they can achieve that skill in six months, that is great. They can then sit for a competency based test to determine whether they can operate in the industry.

Hon B.M. Scott: They can already do that under the TAFE system. We are trying to repeal the Act to bring it into line with the TAFE system.

Hon NORM KELLY: This Bill will not do that.

Hon Peter Foss: You should find out what is in the Bill.

Hon NORM KELLY: I have. Some of the other responses I received were that the Hairdressers Registration Board should be given more power to police salons as well as mobile and home-based units; the power should include health protection - for example, to have a health inspector on the board; and people who do not provide a professional service or meet the standards necessary to maintain a professional service could destroy the industry and send

accredited hairdressers to the wall. A letter from the operator of a salon in Manjimup states -

Home occupations, mobiles, unregistered hairdressers, nearly all without local council approval are flourishing. Is it any wonder that bona fide businesses are frustrated and turning to unscrupulous ways just to exist? In my first eight years in the industry I put through approximately 24 apprentices. In the last four years I have only put through four.

For every senior tradesman lost to a non bona fide situation the opportunity for 2 apprenticeships are lost.

These are the comments which are coming through on this Bill. Government members are confident that their direction is correct. Obviously they have been unable to get that confidence to flow through to the people in the community who will be affected and who are not aware of what the Government has in mind. There have been 10 years of uncertainty.

Several members interjected.

Hon N.D. Griffiths: Will the Attorney General speak up?

Hon Peter Foss: What I have to say is more interesting than what he has to say.

The PRESIDENT: Order! Hon Norm Kelly is addressing the Chair and certain members seem to be addressing themselves or other members.

Hon NORM KELLY: The board has been under a question mark for over 10 years. Its future has been thrown into doubt, and that doubt has increased in the past three or four years. Its future is a grey area. In the current situation the performance of the board will suffer and that is reflected in its annual report for 1996. It is not in a position to carry out the work it is entrusted to do in an effective manner. Its staff numbers have dropped. It is still drawing the fees from hairdressers in the State and, to a large degree, those fees are accruing in an unused fund.

It is important for the hairdressing industry to promote itself in a more professional way. This is not a job for the board, but it is intrinsically connected to the promotion of the hairdressing industry in the State.

It is clear that three options are available for the future of the Hairdressers Registration Board. One option is to maintain it as it is now. Members agree that is not a viable option. The second option, as the Government proposes, is to abolish the board and repeal the existing legislation and regulation requirements. The third option is the tough option which the Government should take; that is, to strengthen the board so it can become more effective, efficient and powerful to be able to protect the workers in, and consumers of, the industry, regulate workers entering the industry and maintain standards.

The board should be strengthened and given greater powers to resolve consumer complaints and be allowed to address the issue of the introduction of private colleges into the industry. It should be given the responsibility for maintaining the high standards of monitoring hairdressers in the industry. To achieve this the make-up of the board should be restructured.

Hon Peter Foss: We could have a hairdressers' Parliament.

Hon Ljiljanna Ravlich: You have a good head of hair; you could be the president.

Several members interjected.

The PRESIDENT: Order!

Hon NORM KELLY: The Standing Committee on Government Agencies' report did not state that the board should be dissolved; however, if it is retained it should be restructured in a major way. That is my position on this Bill. I strongly believe the Government should take the hard option and work towards establishing a better board rather than abandon the industry and completely deregulate it. I would be far happier with this Bill if adequate legislative measures were already in place to ensure that would happen. That is not the case at this stage and, therefore, the Australian Democrats are unable to support the Bill.

HON KIM CHANCE (Agricultural) [3.00 pm]: It could be argued that the Parliament and its committees have spent an extraordinary, if not inordinate, time on this issue.

Hon Peter Foss: Outrageous.

Hon KIM CHANCE: I would not go so far as the Attorney and call it outrageous. It is worth spending some time on this legislation because there is a tendency to downplay the importance of this industry. Let us put the question of the hairdressing industry in context. Every Western Australian, including every member of this place, with some

obvious exceptions, attends a hairdresser from time to time. Aside from that, this industry touches every Western Australian. I use the word "touches" advisedly because it is one of the few industries in which a person is licensed to touch another person. Very few occupations that permit one person to touch another person in making a living do not license, regulate, restrict, or control in some way.

Looking beyond the consumer side of the industry towards the employment and training side, this industry employs a huge number of people. I am not sure that the Government Agencies Committee ever quantified the figure but it is significant. I can recall visiting Thornlie TAFE when it was a technical college and the largest course it ran, and one of the key reasons for its existence, was its hairdressing school. It was a very new technical college at that time and when I went through the number of enrolments it became clear that if it were not for the trainee hairdressers, there would be little reason for it. It is important in a number of aspects and that perhaps justifies our spending so much time on it.

There is also the principal matter of whether this industry should be subject to regulation. The Leader of the House by interjection asked Hon Norm Kelly whether teachers should be registered. I thought they were, but he informed the House that that is not the case. That perhaps explains a great deal! When this Bill was last before the House I recall arguing in the positive, but on this occasion I will oppose the Bill.

Hon Murray Montgomery: It is called fence sitting.

Hon KIM CHANCE: I am jumping from one to the other. It was put to me, rather unkindly, that I could make my 1996 speech again and just change the positives to negatives. In justifying the position I am now adopting -

Hon Peter Foss: You only need one justification - Caucus has decided otherwise.

Hon KIM CHANCE: I was about to say that my party had made a contrary decision. I am happy with that decision. If the ALP changes its mind, as its representative, I must support it.

Hon Peter Foss: That is okay. You can sit down now.

Hon KIM CHANCE: There is more to it than that. I had to be comfortable with the decision to the extent that I was prepared to volunteer to speak on the Bill. I could have absented myself but I chose not to. The difficulties for me in opposing this Bill are magnified somewhat by the fact that I was a member of the Government Agencies Committee that delivered the report on which the ALP based its first view. Having considered that, it was then necessary to go back to the report to determine to what extent my current position can be justified from a reading of the report on the legislation. I refer members to page 3 of the report under the heading "Consensus and Disagreement". In a sense this is where the committee summed up its position and it states, in part -

The committee is not critical of the positions that stakeholders have adopted; from varying perspectives, each position has its own logic and validity. However, the committee has been asked to recommend whether the green paper should become law. The committee has no hesitation in making a positive recommendation; the 1946 Act is no longer relevant to the operation of the hairdressing industry.

The committee believes that although, strictly, it could stop at that recommendation it should indicate what should happen after repeal and why it has the preference for the course of action it will recommend.

Two factors are identified: Firstly, the committee had no hesitation in recommending that the board be repealed as a result of the 1946 Act no longer being relevant. Secondly, although the committee made that recommendation and, technically, it could have stopped at that point, the committee felt there was cause to explain to people what should happen if that recommendation were executed. To that extent and to summarise, the committee looked at a number of factors, which included regulation versus deregulation. I note from page 4 of the report that the committee contemplated a form of regulation continuing. The opening words of the third paragraph under the heading "Regulation v Deregulation" are -

If some form of external regulation of hairdressing is to be retained, . . .

It continues with qualifications. The committee did not recommend but it contemplated a form of external regulation. Another factor considered was training, and I will return to that.

Hon Peter Foss: Are you justifying or condemning yourself at this stage?

Hon KIM CHANCE: I am simply explaining the way the committee addressed the question. In the conclusions at page 6 of the report recognition is given to the fact that some form of regulation may replace the Hairdressers Registration Board. It reads, "Whatever form of regulation is finally adopted . . ."; therefore, we have a rather more clear position on regulations in the report.

Hon Peter Foss: Are you trying to say that that constitutes a regulation?

Hon KIM CHANCE: No.

The PRESIDENT: Order! Hon Kim Chance is not inviting interjections.

Hon KIM CHANCE: The third paragraph reads-

Whatever form of regulation is finally adopted, it should be directed towards licensing both hairdressers and the working environment. The procedure should be administrative; the grant of a licence as of right if the criteria for registration are met, and revocation for willful, persistent or gross breach of the licence conditions. In extreme cases, revocation would prevent a licensee from operating in the industry either for a defined period or permanently.

Members should bear in mind that that is at the conclusion of the report; it is a clear contemplation by the committee. In replacing the existing regulations under the Hairdressers Registration Board, the committee contemplated another form of regulation. It is clear that the committee contemplated that ongoing form of regulation, yet no provision is made for ongoing regulation in the Bill. The bottom line for many people is: After the passage of this Bill, will an unqualified person be able legally to operate as a hairdresser and to use the techniques and chemicals of that trade?

Hon Peter Foss: Or farmers for that matter. Should we stop farmers?

Hon KIM CHANCE: Farmer are people too, although many people in large cities do not recognise that.

Hon Peter Foss: You use chemicals all the time.

Hon KIM CHANCE: We are licensed to do so in most cases these days.

Hon Peter Foss: But not qualified.

Hon KIM CHANCE: One must be qualified to get a licence.

Hon Peter Foss: To what qualifications do you refer?

The PRESIDENT: Order!

Hon KIM CHANCE: That is the bottom line. I invite the Government to answer that question. I acknowledge, as does the committee I am sure, that many of the chemicals used in the hairdressing industry today are not potentially as dangerous as those used in the industry 20 years ago. However, that is not to say that all chemicals used today are totally safe, particularly in the hands of untrained operators.

Hon Barry House: Regarding your interpretation of "whatever form of regulation is finally adopted", our committee freely admitted that it may be no regulation at all. You interpreted it as some regulation to be adopted.

Hon KIM CHANCE: I thank my fellow committee member for drawing the attention of the Chamber to that point. It is clear that the committee at least contemplated some form of ongoing regulation, as was outlined in the report's conclusion.

Hon Barry House: It was contemplated from the present position to none at all.

Hon KIM CHANCE: Indeed. But it did not recommend that there should be no regulation whatsoever; it contemplated a situation in which some regulations or ongoing regulations might exist. It is a very short passage. If honourable members want to be quite clear about the conclusion, I invite them to read page 6 of the report.

Hon Peter Foss: It does not say there should be statutory regulations.

Hon KIM CHANCE: I do not believe I have taken a statement unfairly out of context.

Hon Peter Foss: We will accept that you have some conscience about this and are trying to justify it.

Hon KIM CHANCE: I do not think I need to go as far, although it is tempting, as reading all the recommendations to the Attorney.

Hon Peter Foss: Let's do it.

Hon KIM CHANCE: I will resist.

Hon N.F. Moore: This is getting a bit silly.

Hon KIM CHANCE: I am trying to get on.

The PRESIDENT: Order! Let us have no interjection so Hon Kim Chance can make progress. It is hard when one member continues to interject, as I can see other members would like to interject but are restraining themselves because I have asked them not to interject. Let us have some fairness.

Hon KIM CHANCE: In the light of that comment, I need not continue much longer. I said I would return to the training aspects, and I now quote from the first paragraph of item 7.1 on page 4 of the report -

Hairdressers and salon owners were well aware of the psychological and physical damage the untrained or careless in their number could wreak on the consumer. As a consequence, training was seen as fundamental to the maintenance of proper standards and in need of continuing, external regulation or monitoring.

There was strong support for mandatory refresher courses for qualified hairdressers, the classification of hairdressers according to skills, recognition of prior learning qualifications, and a requirement that all practitioners should be obliged to operate solely from licensed premises.

Again, the concept of regulation arises. On that same matter, page 5 of the report reads -

The committee agrees with the statement of a Hairdressing Industrial Training Council having sole responsibility for training and skills development.

Nevertheless, the Bill does not provide for the hairdressing ITC to be established. Rather, it puts that responsibility onto an amalgamated ITC, in which hairdressers will not necessarily have a predominant voice.

In view of those two key matters, particularly in training, significant variation exists between the committee report and the Bill. The Bill contains no registration requirement at all, yet the committee in its conclusion clearly wanted the board to be replaced by some other form of regulation; at least that is my argument. Even if such a body is not to be established, the Minister needs to establish an advisory body. Although the second reading speech refers to an advisory body, no commitment is given for the Minister to establish that body. The committee was keen to see that body created.

Competency training and mutual recognition have become a little fudged around the edges. I agree almost word for word with the way Hon Norm Kelly defined the question of competency recognition. I understand from what he said - he has looked at the question more closely than I - that part of the equation is not dealt with adequately in the Bill.

I am more concerned about the question of mutual recognition. Other States have no requirement for registration of hairdressers and have different standards of qualification, particularly with private training providers. If in the absence of a requirement for registration in, for example, Victoria, are we, as bound signatories to mutual recognition principles, to accept the qualification of a trainee from Victoria?

Again, I return to the argument on meat inspectors, although I hope we would never confuse the two trades! It would seem from answers I received yesterday that we in Western Australia will be bound to accept the training standards or qualifications of South Australian trained meat inspectors; that is, those qualified only on the basis of a six week training course, even though our standard is a degree level or a two and a half year TAFE course. We wander into the same difficulties of mutual recognition with hairdressing competency.

The Attorney General, by way of interjection, asked to what extent the Opposition had contacted consumers on this matter. The extensive consultation carried out by the Standing Committee on Government Agencies concentrated mostly on speaking to people working in the industry; nonetheless, the inquiry was open to consumers. However, I most certainly consulted consumers on the question and can say that consumers do not seem to believe that the Hairdressers Registration Board ought to be maintained. That is probably so because over 99 per cent of consumers would not know what the Hairdressers Registration Board was. However, people, particularly women - because it is more likely that women will come into contact with chemicals in a hairdressing salon - universally recognised that there was a need to ensure that the people attending to their hair were adequately trained and that the premises were properly registered. I do not believe this Bill will assist consumers in achieving those two quality standards that were so readily identified.

HON CHRISTINE SHARP (South West) [3.22 pm]: The Greens oppose this Bill because we generally believe that regulation is important. We do not support deregulation and would prefer the hairdressing industry to be regulated.

Although the existing legislation is totally out of date, the solution is not to completely remove any protection to consumers and the industry, but rather to revamp the legislation and to introduce a new regulatory system that will maintain necessary training standards, adequate consumer protection, proper handling procedures, occupational and consumer health and safety, and employee conditions of employment. The system should operate across all States

so that there is a universal standard within the industry. That re-regulated and modernised regulatory system should be established by mediation between government, consumers, employers, employees and any other relevant training organisation or interested party, so that people can get together and work out a satisfactory regulatory system.

HON BARRY HOUSE (South West) [3.24 pm]: I want to have a bit of fun, because members do not get many opportunities for that in this place. When Hon Kim Chance said that his comments today would directly contradict comments he had made previously, I took the opportunity to look back at the comments he made in this place on Tuesday, 15 October 1996 on this very same issue. However, I will not begin with Hon Kim Chance's comments but with Hon Tom Stephens' comments, who was also a member of the Standing Committee on Government Agencies. At page 6395 of *Hansard* Hon Tom Stephens says -

Support for this legislation across the Chamber, both from the Government and Opposition, is against a backdrop of some of the most prolonged consultation with the industry and the wider community that any legislation could ever have had . . . I am horrified at the suggestion that the Government should go more slowly on the issue or consult anyone else.

He goes on to say, further down the page -

Arguments can be made for and against this proposal, but everybody, with a few exceptions, comes down in favour of repeal.

He then rightly points out that there has never been any regulation of the hairdressing industry in the Mining and Pastoral Region, apart from around the Kalgoorlie area.

Hon Kim Chance was also a member of the committee that considered the Bill at length and, eloquently as always, illustrated that the legislation was archaic and that time had introduced far more satisfactory regulation in the fields of occupational health and safety, consumer welfare and industrial relations to address the major concerns that came out of the hairdressing industry. He also made the point about other States not seeing the need for regulation. He summed up his comments by saying -

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

Hon Doug Wenn was also a member of the Government Agencies Standing Committee and he is reported at page 6388 of *Hansard* as saying -

This Bill is archaic; it goes back a long way, to when Hon Peter Dowding was the responsible Minister. It was last handled by Hon Kay Hallahan when she was a Minister in this place. The Bill was never acted upon because of the indecision on the part of so many people. I congratulate the Government on doing something about this matter.

The Government finally decided to do something about it when Hon Norman Moore was Minister for Employment and Training last year. I, for one, sincerely regret that the Bill did not clear the Assembly before the last election so that this Chamber did not have to consider it again.

I am amazed at the Labor Party's backflip, given the comments of some of its members to the committee when it spent about 18 months on this matter. It would have been simple for the committee to have listened to evidence from witnesses from only the Hairdressers Registration Board and a few other people and to have agreed at that point to the repeal of the Hairdressers Registration Board. But, as always, members took their roles seriously and issues were raised which needed to be investigated further - and they were investigated further. That is why the committee took some time to come to any resolutions on the matter. However, I now regret that, because it delayed the inevitable even more.

I cannot see any reason for outdated legislation. Of course, some basic conditions need to apply to the industry, but those basic conditions are already employed by local government, the Health Department and other agencies. I cannot see any reason for members not supporting the Bill.

HON B.M. SCOTT (South Metropolitan) [3.30 pm]: This might seem like a jovial argument but it impacts seriously on many, many Western Australians. I would like to put into context some of the considerations of the Public Administration Committee, which was then the Government Agencies Committee. Many of the issues have been very well covered by previous speakers. It is acknowledged, recognised and agreed by everyone who has spoken that the Hairdressers Registration Act 1946 is irrelevant, outdated, outmoded and today does not perform any relevant legislative function.

On the first page of our report to the Parliament it is made clear that, for example, the Hairdressers Registration Board is quite discriminatory. It pertains to parts of Western Australia, and so to argue that the board should be kept in place is not rational. The operations of the 1946 Act and the Hairdressers Registration Board are confined to the Perth metropolitan area, the South West Land Division and the area bounded by a circumference 8 kilometres from the Kalgoorlie Post Office. I hope that members opposite who are arguing for the retention of the Hairdressers Registration Board are fully aware that it does not cover all hairdressers in this State. The board collects registration levies from most hairdressers and not all. There is no compulsion to pay, and many hairdressers have said to me that they have not paid for four years and nobody has come to see them. I intend to look at other issues, but the issue that it does not apply across the State is a very relevant one.

The quite major issue of training and registration of hairdressers seems to have taken up quite a lot of time of previous speakers. The mutual recognition legislation obliges this State to recognise training across Australia. Therefore, the Hairdressers Registration Board has no role in the area of training. It may perceive that it has a role but that is not the case. Another aspect of training that I will bring in a serious mood to the attention of other speakers, and Hon Ljiljanna Ravlich referred to it in her speech, is that the State Employment and Skills Development Authority Act was brought in by the then Labor Government. Part of the Bill and the whole form of the training area was to recognise prior learning and competencies. I put it to the Opposition that the hairdressers' industry is full of young women in the main. I am very surprised that women on the opposition benches could stand and support something which compels young women across the State to oblige their mainly male masters by being attached for four years to a training system which is outdated and outmoded. It is not recognised across Australia.

Hon Ljiljanna Ravlich: We are not against competency based training. You are misinterpreting what we have said.

Hon B.M. SCOTT: I do not know whether the member has read the 1946 Act properly.

Hon Ljiljanna Ravlich: We will not throw the baby out with the bathwater.

Hon B.M. SCOTT: The member will if this Bill is not repealed.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order!

Hon B.M. SCOTT: I am surprised that members of the Opposition would not see through this male driven Hairdressers Registration Board and recognise that many young women are slaves to male owned hairdressers' salons and multi-owners of salons. They are forced to do four years of training, even though they may be competent. We have competency based training throughout other sectors. I am a member of the South Metropolitan College Advisory Board for Child Care Training. It is very clear in that area that where we need trained and competent workers we must competency base our training and fast track our workers. I would have thought the Opposition would be the first to acknowledge that if a person is competent and able, that should be recognised.

Hon Ljiljanna Ravlich: Who would accredit them?

Hon B.M. SCOTT: The Hairdressers Registration Board at the moment does not.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order!

Hon B.M. SCOTT: I will tell the member who will accredit them.

Hon Ljiljanna Ravlich interjected.

Hon N.F. Moore interjected.

The PRESIDENT: Order, Hon Ljiljanna Ravlich and the Leader of the House!

Hon B.M. SCOTT: There is a recognised system in this State of industry training councils. Hairdresser training is part of one of those ITCs. Until one abolishes something, one cannot put something in its place. The argument that something has not been put in place of the Hairdressers Registration Board is fallacious. Governments over time have been promoting the repeal of this board because it is no longer relevant. It does not take in all of the hairdressers of Western Australia. It takes in many, many women. Trained women hairdressers in other countries cannot operate as hairdressers at the moment unless they go through a compulsory four year apprenticeship scheme.

Hon Jim Scott interjected.

Hon B.M. SCOTT: The competency based training at TAFE is enabling hairdressers in their second or third years

to advance one extra year. Unless we repeal the Act the direction of the present TAFE system will have to be overturned. The changes were brought about by the Labor Government. I believe they were good changes because anybody in the work force should have the opportunity of competency based fast track training, if they can prove their competency.

Hon Ljiljanna Ravlich interjected.

Hon B.M. SCOTT: It is advantageous for employers to have a young 17 year old forced into a four year apprenticeship scheme or a 39 year old woman who has trained in another country to be compelled to four years of training, because it enables employers to pay them lower rates during that four years. It is cheap, slave labour which I should think opposition members would totally reject out of hand. I find their attitude most surprising.

I want to canvass another issue that we looked at in the report. It is the occupational health and safety of not only the workers but also the clients. In my travels especially since my involvement with the committee, each time I went to hairdressers here, interstate or overseas I made a point of asking about training and occupational health and safety. In three of the other States hairdressers said that anyone who was a poor operator would soon be out of the market because clients would not go back. However, one of the issues that the media has highlighted here is the incident that occurred at the hairdressers salon at the Phoenix Shopping Centre in my electorate. The salon was covered by the Hairdressers Registration Board and not brought into line by it. The board did nothing about it. To argue that the board will make sure that the chemicals used on clients in hairdressers' salons are safe and that clients can be assured nothing will happen does not stand up to rational argument.

Hon Ljiljanna Ravlich interjected.

Hon B.M. SCOTT: I point out to Hon Ljiljanna Ravlich that the Hairdressers Registration Board is a very entrenched anachronism. It is not likely to change unless we give it a push.

I am concerned about the number of women working in the industry who are low paid and whose services are being abused. Some people may argue that they need four years' training. That argument was used some years ago for nurses when they trained in hospitals. It was argued that they needed to be on the wards doing the dirty work, emptying the pans and taking away the urinated pyjamas and whatever. I have to put to you, Mr President, and the Opposition that the university based nursing education is recognised as very good training for nurses, yet it was fought.

Several members interjected.

The PRESIDENT: Order!

Hon B.M. SCOTT: We are talking about hairdressers today. If members opposite want to talk about ripping off people, they should look at apprenticeship salaries. Members opposite are the ones who profess to stand up for workers and women workers. Unless something is done about repealing the Hairdressers Registration Board, those women will be confined to enslaved conditions for much longer. We must repeal the Act and give the industry training council more teeth, which the Government intends to do.

Hon Ken Travers: Under your proposal they will pay \$10 000 more for training with no extra wage at the end of it. You are not removing the exploitation.

Hon B.M. SCOTT: The committee was serious in its deliberations and in speaking to hairdressers across the State. Many hairdressers did not know why they paid their fee to the Hairdressers Registration Board. They commented that they were artists and were not interested in legislation. They do not have anything to do with the Hairdressers Registration Board and it does not impact on their life. They go to TAFE, they are trained and they work in a salon or run their own business, and that is imperative to making a living. The training issue can be addressed in a serious nature. The Government intends to give strong support for mandatory refresher courses, which is what the hairdressing industry supported.

It will be supported also by a number of companies that provide products to the hairdressing industry. Mr President, kid yourself not, the hairdressing industry is very much controlled by the suppliers of products that are used in salons. They are the big players in the training schemes. They have big national and international competitions for hairdressers and provide incentives and motivation for hairdressers to keep on their toes and upgrade their skills. The TAFE sector is endeavouring to put in place competency based training that is proper and appropriate for this industry.

I have a concern also that we are moving towards competency based training and that people who wish to access training outside the industry, as they have done in nursing and other industries, will be denied that opportunity to fast track. Training is essential. Nobody would want to see the hairdressing industry decline. I made a point of

telephoning a couple of hairdressers this morning because I needed to refresh my mind on their views and how they felt. The comment was made that there are concerns in the hairdressing industry and that conditions and quality have declined. However, they said that had nothing to do with the Hairdressers Registration Board because it does not put in place training schemes and it does not monitor or check hairdressers or visit salons.

Several members interjected.

Hon B.M. SCOTT: They have been there since 1946. Members of the board draw very nice salaries. It is an entrenched male dominated body that oversees mainly women workers. I find that objectionable.

Hon Mark Nevill: What's wrong with that?

Hon B.M. SCOTT: I find it objectionable.

As the second reading speech states, the Government has rightly made a move to remove unnecessary regulations and financial burdens on the small business sector. Most hairdressers I have spoken to said they do not see anything for the fees they pay. Why should hairdressers pay the fees when, as the Opposition said, they are not on big salaries? Some young hairdressers who have just qualified object to paying that annual subscription when they do not see anything from it. Because the current legislation does not encompass all hairdressers in Western Australia - it does not cover the whole State - it is a nonsense not to repeal this Act and put in place another system. The Government has given an undertaking to do that. Only when we repeal the board can a determined and genuine effort be made to replace it with something that is workable for not only the clients of hairdressers, but all hairdressers in this State.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.45 pm]: On 15 October 1996 at the end of the second reading debate I said -

I have been a member of this place for 20 years and I never cease to be amazed at some of the things that happen in this place.

Nothing has changed in 12 months. Hon Tom Stephens interjected and said, "Because we have supported one of your Bills!" I said then -

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

Hon John Halden then interjected, "I supported it!" He made sure that his name was included with those giving the Bill support. I said then -

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

Hon Kim Chance said, "That is not what you said yesterday!" I said, "That is when I thought he might become the leader." Hon Tom Helm said, "We thank you for your vote anyway." Nothing has changed in the past 12 months other than the Leader of the Opposition, although perhaps that is not quite true. A significant amount of change has occurred because we have seen the Opposition going from one side of the argument to the other and not even blushing. It may be that some members are, because they know very well that their position on this legislation is absolutely ridiculous. I have heard arguments today that I find incomprehensible. People who mix up the notion of qualification and registration do not understand the difference between the two.

By interjection I said that teachers are not registered. There was some thought years and years ago of having a teachers registration board. It was decided not to proceed with it because it was thought unnecessary. A teacher has a qualification, is employed as a teacher and teaches under that qualification. If a teacher does not have a qualification he or she is usually not employed. At least one knows when one is about to employ someone whether the person has a qualification. Similarly with hairdressing, a qualified person is entitled to be employed; an unqualified person is not entitled to be employed. Most occupations in Australia no longer have registration requirements.

A couple of anachronisms exist, one of which is hairdressing. The great irony, as Hon Barbara Scott clearly pointed out, is that in some parts of Western Australia hairdressers do not need registration and in other parts they do. One does not go to Port Hedland, Kununurra or Esperance and find people with strange haircuts. It may be that we see

people in Perth with strange haircuts but that has nothing to do with registration. It does not mean that all those people outside Kalgoorlie and the Perth metropolitan area have unqualified and unacceptable hairdressers. The suggestion that we must have registration to have a decent hairdresser is ridiculous.

The most important thing about this debate is that I have been told until it comes out of my ears by members opposite that this House must become a House of Review; we must get the committee system going to make sure that contentious issues are sent off to the committees so that the public has an opportunity to make its point of view well known to members of Parliament who are deciding on such legislation as this. I brought into this House a Green Bill for the abolition of the Hairdressers Registration Board. The Green Bill was referred to the then Standing Committee on Government Agencies for report. The committee took countless submissions. I note that Hon Ljiljanna Ravlich said that nobody had been consulted about the Bill. How can she say that? It demonstrates that she does not understand the history of it.

Hon Ljiljanna Ravlich: You should have passed it when you had the chance.

Hon N.F. MOORE: I am sorry we did not; I would not be wasting my time now. The report said, "Go ahead with the Bill, but we would like to have some of our concerns taken into account." As the Minister at the time, I said, "I will take your concerns into account." The last time we debated this I gave the sort of undertaking that the current Minister is prepared to give. In the *Hansard* of 16 October 1996 at page 6595 I said -

I will give an undertaking - assuming I am still the Minister if this Bill ever comes through the system - that prior to proclamation a steering committee set up by the Minister will be formed to monitor the transitional arrangements; in other words, to look at the formation of the professional body; to bring together industry groups to talk about how that might come about; to make judgments about its composition; and to look at some of the issues raised today by Hon John Halden and Hon Kim Chance. Once these matters have been considered I suggest that the steering committee report to the Government Agencies Committee for its consideration, and once the Government Agencies Committee thinks it is a good idea we will proclaim the Act.

That commitment still stands; in other words, pass the Bill and we will sit down with a steering committee made up of the industry. I am told by the Minister's office that the steering committee is being set up at the present time by the State Training Board to do the things the commitment requires. That committee can then come back to what is now the Public Administration Committee and ultimately have the committee tick it off. That is very fair and reasonable. However, if anybody ever tells me again how important the committee system is to this House for reviewing legislation, they should not waste their time, when here we had a committee review a Bill, return with a report saying that it agreed and then a year later, not just the members of the committee but the members of their party, saying they will vote against the very same Bill. We went through all the proper processes of review and scrutiny. The report tells members how many people gave evidence and how many people's views were taken into account. It shows that the process was carried out in an appropriate and proper way. It appals me to hear Hon Ljiljanna Ravlich, who fortunately was not here when that happened, bleat on. I did not hear her speech, but I read it. I was pleased I was not here to hear it.

Hon Tom Stephens: It was a very good speech.

Hon N.F. MOORE: It may have been a very good speech, except it contains all the bleating nonsense we hear about the industry training council network. She said by interjection that the Skills Standards and Accreditation Board does not work. SSAB does not exist any more. She has no idea of the training system in Western Australia. She is living in the past. She is living in the days pre-Kay Hallahan. She is living in the days of the State Employment and Skills Development Authority. SESDA is dead and buried, thank goodness. Everybody agrees with that. A proper training accreditation council is in place, which Hon Ljiljanna Ravlich knows is alive and well and exists to ensure that training is done properly and is properly accredited.

All I can say is that the lady lives in the past. It is good from the Government's point of view that there are people like her who live in the past because that will indicate to all those who listen to and read what occurs in this place that the Labor Party is still entrenched in the 1930s - or even earlier than that - when it formulated most of its policies about regulation and tripartism. I am pleased Hon Ljiljanna Ravlich still makes the speeches she does because it tells the people there really is a difference between that side of the House and this side.

That is all beside the point. The fact is this: A Bill is before the House that is identical to a Bill this House has already passed. It was passed with the support of the Labor Party, effusively - I think that was the word I used at the time - by Hon Tom Stephens and Hon John Halden.

Hon Tom Stephens: Why don't you do what the Government did in the other place this week with the Speaker's ruling and rule that it does not matter that it has been knocked out here this time, and put it through anyway like the

Government has done with the Land Administration Bill?

The PRESIDENT: Order! Let us deal with the Hairdressers Registration Repeal Bill.

Hon N.F. MOORE: The member knows very well there is a difference between there and here. I have 16 votes in this place. However, if I could get this Bill passed without having to go through this nonsense, I would, and I would do it the way we did it before.

I am aware that a number of members are not certain of their point of view on this matter. I started my speech before I was aware that some members were having second thoughts about this Bill and I was unable to ask for somebody to adjourn the debate. I therefore seek leave to continue my remarks at the next sitting of the House to give some members a chance to contemplate how they might vote on the second reading of the Bill.

[Leave granted.]

Debate thus adjourned.

ENERGY COORDINATION AMENDMENT BILL

Second Reading

Resumed from 27 August.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.43 pm]: I thank members for their contribution to this debate. Unfortunately I was not here last night to hear the debate, but I have some notes from the Minister for Energy's office. I am aware Hon Mark Nevill indicated he would like this legislation to be sent to the Legislation Committee. I do not have a problem with that, provided he can give an assurance that it would not involve a laborious and time consuming period.

Hon Mark Nevill: I'm not the chairman of the committee.

Hon N.F. MOORE: I know that, but presumably Hon Mark Nevill will move the motion for referral after the Bill has been read a second time.

Hon Mark Nevill: Yes.

Hon N.F. MOORE: I would support such a motion provided a period of three weeks was set for reporting back to the House, because there is a degree of urgency with this legislation. Concern has been expressed by the Office of Energy that further projects, particularly in the electorate that Hon Mark Nevill and I represent, at Leonora and Laverton, must be covered by this legislation. The Office of Energy is anxious for this Bill to be progressed quickly. However, I have told that office I am happy for the legislation to go to the Legislation Committee for a short period if the Opposition is agreeable to a time frame.

Hon Mark Nevill: The Office of Energy should convince the committee that those projects are urgent, because they may be able to be done under other legislation.

Hon N.F. MOORE: That is not the question I am putting. Hon Mark Nevill can argue that with those officers at the time.

The PRESIDENT: Order! Whoever moves that it goes to the Legislation Committee can impose a time period or the motion can be amended to impose a time period. That matter can be discussed in due course.

Hon N.F. MOORE: You are right, Mr President. I was hoping to get some indication from the member so I could curtail my remarks at this point. Hon Mark Nevill has expressed some concerns that are worthy of further consideration. However, he made some comments that are disputed. He claims there was no consultation on the Bill and that AlintaGas was not consulted prior to the introduction of the Bill in the other place on 10 June. In fact, AlintaGas was forwarded a draft of the Bill on 25 February - some three and a half months before it was introduced into the lower House. In addition, members of Parliament, including Hon Mark Nevill, were offered a briefing that took place at Parliament House on 27 May. Present at that meeting were Legislative Assembly members Julian Grill, Bill Thomas, Alan Carpenter and Megan Anwyl, and I understand that Hon Mark Nevill arrived late. A further briefing was given to the Western Australian Chamber of Commerce and Industry and the Chamber of Minerals and Energy of Western Australia on 11 July, at which the Bill was explained fully to those members present.

Hon Mark Nevill: That was after the Bill was introduced.

Hon N.F. MOORE: That does not matter.

Hon Mark Nevill: I was talking about consultation with the industry before it was introduced.

Hon N.F. MOORE: As late as last week a briefing was given to a member of the Legislative Council. A variety of government departments have been involved - Treasury, the Crown Solicitor's Office, Parliamentary Counsel, and the Department of Minerals and Energy. The rationale for the Bill and the licensing system was outlined in the second reading speech. In general terms the Bill is intended to facilitate, not hinder, the development of a fully competitive market for gas and gas transport services in Western Australia. It is about creating an environment in which competition may develop, especially in areas that were previously the sole domain of government utilities. It will also service the mechanism through light-handed regulation to monitor the operations of the bigger players in the market while providing a framework to see that the needs of the smaller players in the community are satisfied and respected.

The Bill is not solely about access; it is also about promoting an efficient and orderly market and associated structures in Western Australia. The national access code is about players in the market gaining access to monopoly assets. In any event, the national access code is still only in draft form. Western Australia has had a major input into the draft code. It is intended that the terms and conditions placed by the coordinator on a licensee would be consistent with the provision of a national access code and entirely consistent with the functions as expressed in the Energy Coordination Act.

In view of the time, I do not propose to respond to all the issues raised by members in this debate because I am prepared for this Bill to go to the Legislation Committee for a relatively short period. If I can get some indication that the Opposition is agreeable to that, I will curtail my comments so that can be put in place now. I am trying to give members an opportunity for this Bill to go to a committee and for that committee to begin its work next week, because the House is not sitting next week, and for it to report back in three weeks. I ask the House to support the second reading as this is a Bill worthy of our support.

Question put and passed.

Bill read a second time.

Referral to Standing Committee on Legislation

HON MARK NEVILL (Mining and Pastoral) [4.50 pm]: I move -

That the Energy Coordination Amendment Bill 1997 be referred to the Standing Committee on Legislation for consideration and report.

Hon N.F. Moore: By Thursday, 18 September.

Hon MARK NEVILL: I cannot agree to that. I will be paired the week after the break. It will be difficult for me to be available on all the days of the following week.

The Opposition has no interest in delaying the Bill. It will be dealt with expeditiously and promptly and returned to the House as soon as possible. Putting a date on it would not be useful.

Amendment to Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.51 pm]: I move -

To add after the word "report" the words "no later than Thursday, 18 September 1997".

The House is due to have a one week recess next week and will sit for a further two weeks, concluding the second sitting week on Thursday, 18 September. Following that is a recess of three weeks. I am asking that this matter be dealt with before the House goes into that three week recess.

I would have indicated, had I spoken at greater length during the second reading debate, that there is a very strong argument that this Bill needs to be dealt with because of a number of issues relating to places such as Leonora, Laverton and other towns that want reticulated gas as soon as possible. I am trying to set a time frame to give an indication that there is some urgency to the passage of this Bill. If the committee cannot report by then it can seek an extension of time. I sincerely ask the member to accept this amendment.

HON HELEN HODGSON (North Metropolitan) [4.53 pm]: I am prepared to support the amendment, mainly because we do not have the full committee represented in the Chamber. I am aware the committee is able to seek an extension from the House. If members have commitments that take them out of the State for the next few weeks I am sure the House will give favourable consideration to granting the committee a short extension.

Amendment put and passed.

Motion, as amended, put and passed.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion, without notice, by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 9 September.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.54 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Building and Construction Industry - Safety

HON LJILJANNA RAVLICH (East Metropolitan) [4.55 pm]: I want to bring to the attention of the House a problem which has been occurring for some time. I refer to the problem of safety in the building and construction industry. Over the last few years the number of deaths in the building and construction industry has increased.

The industry is male dominated. It is a high risk industry in terms of occupational health and welfare and is a competitive industry, given that the housing sector of the building and construction industry has been depressed for some time. There has been activity in the commercial side of the industry, but the housing sector has been depressed.

State building and construction industry workers risk death on the job under current policies and I am particularly concerned that since 1988 there have been well over 200 deaths on these worksites in Western Australia. Members cannot sit back and allow this to continue. Between 1988-89 and 1995-96, 37 workers were killed while employed in the building and construction industry. In the past 18 months this State has lost a Builders Labourers, Painters and Plasterers Union organiser, the late Mark Allen, who died on an East Perth construction site last year; rigger John Perrott, who also died on a site late last year; and Wayne Dayman, who was crushed to death by an electrical transformer on a building site near the Forrestfield shopping centre. A newspaper article published in *The West Australian* on 17 June about that death reads -

Former West Perth footballer Wayne Dayman was crushed to death yesterday by an electrical transformer on a building site. . . . electrical contracting organiser for the Communication, Electrical and Plumbing Union, claimed there were many safety problems at the site.

He said the State Government's occupational health and safety and industrial relations legislation - which restricts union access to sites - could lead to more accidents.

Union secretary Bill Game said the accident was another tragic example of falling safety standards.

Safety standards in industry generally, but certainly in the building and construction industry given its high risk nature, must be addressed as a matter of urgency.

Approximately 30 000 accidents occur each year in Western Australia. Some are minor and some are serious. The extent of some of those accidents is not known, but I suspect that after an accident many people cannot go into fulfilling employment or, in some instances, any employment at all. Therefore, the degree of injury is not recorded.

Of particular concern is the reaction of WorkSafe Western Australia inspectors to Commissioner Bartholomaeus' ruling on complaints received by building and construction industry organisers. It has been brought to my attention that there is clear evidence that WorkSafe officers failed to attend to calls from building union organisers on occupational health and safety breaches on the worksite.

On 14 June 1997 a WorkSafe inspector visited a multistorey building in Victoria Park in response to a call from a BLPPU organiser and when he arrived he found that over 25 safety breaches had been recorded on that site. However, only two improvement notices had been issued. The WorkSafe inspector was called again to that site on 17 June but refused to attend after being told that the dangerous working conditions, which were the subject of two improvement notices issued three days earlier, had not been rectified. Clearly, that is not good enough. Something must be done.

A key function of WorkSafe is to enforce a standard of occupational health, safety and welfare through inspection of workplaces, plant and injuries. Evidence suggests this is not happening and it is putting Western Australian workers at risk, especially workers in high risk industries, such as the building and construction industry.

There is strong evidence to also suggest that there are too few WorkSafe inspectors allocated to field inspections to pursue compliance with the law. I understand there are no random inspections and the employers know it. If an employer knows there is a chance he may get away with cost cutting by not meeting occupational safety and health standards, obviously that is a clear area in which to maximise profits because he will not factor in the cost of ensuring

the safety of his workers. In that way a saving is made, but it is placing every worker at risk.

I suggest that the fines currently imposed for breaches of occupational safety and health by WorkSafe Western Australia are particularly poor. The prosecution summaries indicate that although the maximum fine under the Act is \$200 000, and the Minister for Labour Relations holds this up as a benchmark saying that if employers do the wrong thing they face a maximum fine of \$200 000, the reality is far different. That is why I asked the question without notice today of the Attorney General representing the Minister for Labour Relations.

The list of prosecution summaries for 1997 for breaches of occupational safety and health requirements indicates fines of \$5 000, \$1 000, \$500 and so on. Keyport Pty Ltd, trading as Statewide Demolition, was fined \$35 000 after a second employee of that company was killed. I understand that fine was never paid, because the company went broke. I do not know this for a fact, but the company could have been dissolved and re-emerged trading under a different name. That is absolutely disgusting. It is not good enough.

Every worker in Western Australia has the right to work in a safe environment. There should be adequate funding for health and safety checks. Clearly, there is a role for WorkSafe and some improvement is needed in this area. Anything less is unacceptable, and I can only conclude that workers in the building and construction industry are dying because of the Government's policies at the moment.

Adjournment Debate - Water Corporation

HON KEN TRAVERS (North Metropolitan) [5.03 pm]: I draw to the attention of the House a matter that concerns my shadow responsibility for water resources and one that is causing concern to a significant number of constituents in the North Metropolitan Region. Members will recall that a couple of years ago there was a major hue and cry in the northern suburbs when the Water Corporation decided to move a number of employees from the Joondalup regional centre. I thought it was an appalling decision at the time and indicated the Government's lack of commitment to regional centres. We were told the purpose of this move was to introduce a streamlined approach to the Water Corporation, under a Perth north region and a Perth south region. The Perth north region was to be established in purpose built offices in the Balcatta area. I understand the cost of building those offices was \$3.5m, and they were opened in February of this year.

A decision has recently been made by the Water Corporation to close the Perth north region and Perth south region offices, and amalgamate them in one office. It is proposed to use the Balcatta offices for a customer service centre. I understand that in order for this proposal to proceed, the Balcatta offices will require a \$1.4m refit. I remind members that that office was opened only in February of this year. This indicates major incompetency in the management of the Water Corporation in that it spent \$3.5m on a building opened in February this year and before the end of this year it plans to spend another \$1.4m on refurbishing the offices and changing their function. That is not the end of the expenditure. A further \$380 000 will be required to bring the Canning Vale office to the necessary standard to accommodate the Perth north region staff who will be part of the new headquarters for the total Perth region.

The decision demonstrates not only the incompetence of the management, but also the total failure of the Water Corporation Board to consider the human side of the impact of its decision. I understand 144 staff work at the Balcatta offices, of whom 70 will be required to travel to the Canning Vale office. Members will be aware that the journey from the northern suburbs of, say, Merriwa and Clarkson to Canning Vale through peak hour traffic on the freeway will be significant. It might be thought that staff should buy homes close to their place of employment. However, those staff were led to believe by the Government in recent times that their jobs in the Balcatta offices were secure. In April of this year a memo was sent from Jim Gill reassuring staff that there was no intention to abolish or relocate any of the regional management positions. He wrote that representation at that level was important in our growing State. I do not know how the north and south regional offices can be relocated without relocating the regional managers.

An Opposition member interjected.

Hon KEN TRAVERS: It happens, but at least the Labor Party changes it on the basis of decent and reasonable argument.

In April a document was sent to staff within the Water Corporation advising there was one constant to all four options for the future accommodation of the new customer centre. It stated that with the exception of the call centre, the new branch would be accommodated in the John Tonkin Centre. That is nowhere near Balcatta. For most of this year every indication from the Water Corporation Board has been that the new customer centre would be located at the John Tonkin Centre, and the current functions of the Perth south and north regions would remain as they are. Therefore, the staff living in the northern suburbs and working in the Balcatta offices reasonably expected to continue in their jobs close to home.

It was even more amazing to read in *The West Australian* on 2 August that the Water Corporation is leasing 3 000 square metres of floor space at the John Tonkin Centre. Is this a case of the Water Corporation entering the property management business? Does it want to relocate the staff in order to become a property manager? I thought this Government had made it clear that the Water Corporation should stick to its core function, which is the delivery of water services. It is interesting that it is becoming an absentee landlord. I understand the customer service centre project team's preferred option for the location of the centre was Leederville but for some reason, which does not seem to be economic, the board has overruled it and decided to use the Balcatta offices, thereby forcing the relocation of staff to the Canning Vale location. The lack of public transport to the Canning Vale site will have a significant impact on families in the form of additional travel costs and travel time. Staff who have spoken to me have indicated that they currently give up some of their free time if a bit of extra work needs to be done for the corporation, but they will not do that if it will take them an hour and a half to travel home every night.

The final issue is the effect that this will have on clients of the Water Corporation. I understand that 60 per cent of the assets of the metropolitan region are north of the Swan River and include two of the fastest growing areas - the north west and the north east corridor. It is totally unacceptable that these people will have to travel to Canning Vale if they require services from the Perth regional office.

I hope the Government will look at this matter and call upon the Water Corporation Board to review its decision on the basis that it is financially irresponsible, callous in the extreme, and will provide no benefits to the customers of the Water Corporation.

Adjournment Debate - Dampier Archipelago Fishery

HON KIM CHANCE (Agricultural) [5.11 pm]: I do not like to delay the House, but I must do so on this occasion in order to raise a matter that has significant implications for the future of the commercial fishing industry in Western Australia and also for the continuing confidence of the industry in the management and administration of the Fisheries Department. I refer to the closure of the Dampier Archipelago to commercial rock lobster fishing, an action that was taken by the Minister for Fisheries, through the mechanism of a ministerial order, on 26 June 1997.

The issue at stake is not the outcome that was sought and achieved by the Minister for Fisheries in his closure of the fishery to commercial operators, because I am the first to recognise that a conflict was in place with regard to the resource use of that fishery between recreational fishers for tropical rock lobster and the only active commercial fisher of the same species in the archipelago, Mr Arnold Piccoli. I am not disputing the outcome that the Minister achieved in addressing this resource conflict. What is at issue here, and what has further undermined the confidence of commercial fishers in the management regime of the Fisheries Department, is the process which it and the Minister have followed in imposing a resolution to those competing demands for a fish resource.

On closer examination, members will see that there is more to this matter than the tardy and arbitrary manner in which this conflict was resolved. I am arguing not against the Minister's decision per se but against the use of an administrative mechanism which threatens again the level of respect that this Government is seen to afford to the property rights which are inherent in the grant of a licence to exploit a marine resource. I have spoken about that issue in this House previously.

In order to understand what has happened, it is necessary to give the House some background information on the fisherman who is affected by that decision, Mr Arnold Piccoli. Over the past eight years, Mr Piccoli, who is a world class athlete and champion diver, has dived around the Dampier Archipelago for tropical rock lobster between the months of July and September as a licensed commercial fisher.

Initially he sold his product as frozen tails, but over the past four years he has been able to develop his business to the extent that he is successfully exporting live lobster to niche markets in Hong Kong and China. Live tropical lobster has never been exported from Australia in that manner before, and as a result of what he has done, he has created interest from the only other area in Australia that has tropical rock lobster - Queensland - to the extent that Australia now exports over 30 tonnes of live tropical lobster.

In developing the capacity to supply that niche market, Mr Piccoli has invested significant resources in the form of time and capital. He had to obtain a specialised boat, employ a deckhand, put in live handling facilities in Dampier and Perth, and build a holding facility in accordance with Australian Quarantine and Inspection Service standards that was suitable to hold live lobster. His efforts were so successful that he effectively gained himself a fivefold increase in the value of the product: Rather than returns of \$10 per kilo for frozen lobster, he was able to gather returns of up to \$60 per kilo for the live product. Unfortunately, all of the time, effort, enterprise and capital that Mr Piccoli had invested in that export business was undone in a single day by a single order of the Minister for Fisheries. It is here that we come to the process - I use the term "process" loosely - that the Minister followed in his decision to close the Dampier Archipelago to commercial fishing.

On 26 June, the Minister for Fisheries declared the Dampier Archipelago closed to commercial fishing by ministerial order. The effect of that mechanism was twofold: First, although the Minister had not withdrawn the authorisation, or licence, that Mr Piccoli held to exploit this resource, he made it illegal for him to do so in that archipelago. Secondly, the Minister's use of that mechanism effectively denied Mr Piccoli any prospect of entitlement to compensation. In simple terms, because Mr Piccoli technically retained his authorisation to access this fishery, he could not be compensated for the loss of this authorisation even though he had lost access to the fishery in question. No other area of the coast has been identified in which this operation can be carried out, except perhaps Onslow, which is already exploited.

As far as I been able to ascertain, Mr Piccoli will be awarded no compensation unless he seeks redress through litigation. I understand that Mr Piccoli was not consulted or informed of the Minister's decision until the day that it was proclaimed, when in a meeting with Fisheries Department and ministerial staff he was handed a letter informing him that the archipelago in which he was licensed to fish was closed.

I reiterate that more is at stake in this matter than a ministerial decision to reallocate access rights to a marine resource in the public interest. I understand the decision, but I do not understand the process that was used for its implementation. The failure of the Minister to observe the principles of natural justice and sound fisheries management in this matter is particularly disappointing given the fact that not only had the Minister at least two, and I suspect three, options which he could have used to open the door for Mr Piccoli to seek compensation, he had actually made a statement of intent to do so. The Minister made that statement on 20 May 1997 when he responded to a question in the Estimates Committee hearing in the other place on the progress of a buyback scheme for the sole remaining active rock lobster fisherman in the Dampier Archipelago by saying, "It is my intention to buy the person out to solve the problem."

Had the Minister realised this intention, at least two options would have been available to him. The first option was a compensation package under the Fisheries Adjustment Schemes Act. The second option was to wait until the enactment of the Fishing and Related Industries Compensation (Marine Reserves) Act, which both Houses have now passed. That Act would have allowed Mr Piccoli adequate compensation for the loss of livelihood and investment.

What is at stake here is the real need of our commercial fishing sector for competent, fair and just administration of access to marine resources. The fact that a government agency assumes control over a marine resource through the allocation and prescription of access to that resource and that this prescribed access often comes to possess significant value in the marketplace suggests that we should expect no less if the financial security of the commercial fishing sector is to be ensured.

I am again concerned about the breach of principle by this Minister. It is not a matter in which he had no choices. He certainly had choices. On Monday, I met with Mr Piccoli, along with Guy Leyland from the Western Australian Fishing Industry Council Inc. WAFIC is outraged at this decision. My meeting with Mr Piccoli began with the words, "Arnold, if I were the Minister, I probably would have had you out of that fishery as well." Clearly a problem in that fishery needed to be resolved and, from my information, it was beginning to turn somewhat ugly. However, there was no call for the Minister to act in the way in which he did. In fact, I argue - my colleague the member for Burrup has argued this for some time - that this problem could have been solved by proper resolution almost 12 months ago.

I do not know what we can do about this, other than raise the attention of the public to it. I am still awaiting legal advice. I suggest that the Minister should cancel the order he made to allow Mr Piccoli technical access and sit down with him and come to an arrangement with him under the Fisheries Adjustment Schemes Act that will satisfy all parties. There is absolutely no need to pull on the jackboots when we are facing a situation where we have 600 votes on one side and one vote on the other.

Adjournment Debate - World Cycling Championships

HON N.F. MOORE (Mining and Pastoral - Minister for Sport and Recreation) [5.21 pm]: I do not want to delay the House for very long either. However, I must raise a matter this afternoon - regrettably. Members will be aware that currently Perth is hosting the World Cycling Championships. This is the first time this event has been held in the southern hemisphere and it is very significant that it is being held in Perth. One reason it is being held in Perth is that we happen to have a facility called the Speed Dome in Midvale which was used for the 1993 Junior Cycling Championships. We demonstrated that the facility was good enough for a world championship and that we were capable of organising one. Hence, the 1997 World Cycling Championships are being held in Perth.

Last night I attended the opening ceremony and the evening of finals, which was a magnificent occasion. The stadium was full to capacity, with 3 000 spectators, and it was a very enjoyable evening. I spoke to the international president of cycling who was very complimentary of the organisation, the venue and members of the crowd, whom he said were

very knowledgeable; they knew what was happening in cycling. We have a very positive situation in Perth at present.

Regrettably over the past six months or so the organisation of events has been severely criticised by some sections of the media and by the Opposition, in particular. They have claimed that EventsCorp is not operating in the way they think it should. EventsCorp was instrumental in ensuring that we held this event, and many other events that have been held in Western Australia this year. In the context of this ongoing criticism, I hoped - beyond all hope, obviously - that when events were taking place, we might get a little peace and quiet and a little support from the Opposition for them. Regrettably that is not to be the case.

The member for Willagee, for whom I have a great deal of respect, today decided to criticise the Government severely in the Legislative Assembly and on radio because a decision has not been made about the final ownership and operation of the Speed Dome. For the information of the House, on 25 March this year the Shire of Swan wrote to the Ministry of Sport and Recreation and said that it could not afford to keep maintaining that venue.

By way of background, this venue was built by the previous Labor Government at a cost of about \$1.65m, in conjunction with the Shire of Swan, in a location which in my view is absolutely stupid; it is the worst place in which to put a facility of that nature. There is no access to it from any public transport that I could find. It is a long way from anywhere. It is a very good facility, except that whoever built it did not do so very well. The roof still leaks. As the Minister for Sport and Recreation, I allocated \$30 000 recently to get the roof fixed for these championships; however, it still leaks.

As I said, this facility was built by the former Labor Government, for which I commend it, although it did not do a good job in building it and located it in the wrong place. As a consequence it is costing the Shire of Swan a heap of money to maintain and operate it. The shire wrote to me on 31 July - just a few weeks ago - to tell me that its final position was to walk away from the facility after the World Cycling Championships. I have been ensuring that consultation has been taking place between Ministry of Sport and Recreation, the cycling federation and the Shire of Swan since the March letter was received by the ministry. It was interesting to receive this ultimatum from the Shire of Swan at the end of last month, saying that it would be walking away from this facility.

I am advised that the cost of maintaining and operating the centre is \$250 000 a year. Alan Carpenter is now telling the world that we should have decided within that very short time that the State Government should take it over and run it. I will not make that decision in three months flat. I will work through the decision properly. A number of recommendations have been put to me by the Ministry of Sport and Recreation, one of which is that we seek to have the Western Australian Sports Centre Trust - it manages the Challenge Stadium and will also manage the Arena Stadium in Joondalup - take over the management and operation of the Speed Dome. Last night that was considered by the Western Australian Sports Centre Trust committee, which has indicated some positive vibes about that happening, provided we can work through the financials and the logistics of its taking over the management of the venue.

I have taken a totally responsible approach to this issue. The facility was built by the State, with assistance from the local authority, on the basis that the local authority would operate and maintain it. The local authority has found it cannot do that and it is now telling me that it is walking away. I can understand that, but it is not acceptable for those opposite to scream that the Government should make an instant decision to take over the venue, using taxpayers' money to pay for it.

Hon Ken Travers: You would if there was an election next year.

Hon N.F. MOORE: We should not do that without some proper consideration, and it will get proper consideration.

Hon Ken Travers: It makes a nice change.

Hon N.F. MOORE: This member is absolutely pathetic! We are making a proper decision to deal with a very difficult situation, a problem which was created by the previous Labor Government. One day I hope the member will tell me why this venue was built where it was. Perhaps he could tell the world that. Perhaps it was because it was in the seat held by Gordon Hill or Gavan Troy. I suspect that the member will tell me that one of these days.

We need to resolve this situation. It is disgraceful that we continue to get this negative, snide, carping approach from the Opposition about these issues - right in the middle of the world championships. Now people will be talking about not what a great event it is, but who will fix up the venue and who will pay for it, or they will ask whether it will close down.

I cannot work out why this Opposition must be so negative about everything. Maybe it feels that is what Oppositions are about. However, I believe there are times when we can be positive about what is going on in this State. Competitors from 35 countries are participating in this event, and others from around the world are here to witness this event. It would be really good if as a community we could say to these people "You are welcome; it's a great

place and we are putting on a great event for you."

What do we get? The Opposition is on the radio saying that the Government will not commit to the Speed Dome; that it will close it down; that it is the end of cycling as we know it. This is absolutely ridiculous. The time has come for the Leader of the Opposition to do something positive; to tell his shadow Ministers to get positive about Western Australia. They have been knocking it ever since they have been in opposition, and they continue to knock it. They got done at the last election because of that attitude. They take the view that somehow or other an Elle Macpherson conversation with the Premier on the radio might have been the reason the Government won the election. If those opposite think we won the election because of the Elle Macpherson advertisements, they have learnt nothing. Following the last election the Opposition has the lowest number of members in the Legislative Assembly it has had since the First World War. That is not because of the Elle Macpherson advertising campaign; it has nothing to do with that. It is because those in the Labor Party just have not learnt from the mistakes of the past. They must learn to be positive about these things. To be constantly negative, carping and criticising is not good enough.

As I said a while ago, I have the greatest regard for the member for Willagee. Until now, as the shadow Minister for Sport and Recreation, he has taken a positive and sensible approach. However, I am disappointed that on this occasion, in the middle of the world cycling championship, he chose to attack the Government over a decision it is working through. Had I made a decision five minutes after receiving an ultimatum from the Shire of Swan that we must outlay \$250 000 a year in perpetuity without considering what it was to be used for, I would be rightly criticised for making a decision without proper consideration. It is sad that that should occur when we have the international media focused on Western Australia.

It is a magnificent event and members should try to get out there some time between now and Sunday night. It is an exciting sporting event being held in a great venue. There is a great atmosphere and members will feel really good about being a Western Australian because people like being here. It is a great place and they like what we do here. All we hear from the Opposition is whinge, whinge; knock, knock. I wish it would at least not do that while people are here from overseas.

Question put and passed.

House adjourned at 5.31 pm

QUESTIONS ON NOTICE

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

COMMERCE AND TRADE - NOBLE INVESTMENTS AND JACKSON FIBRES*Incentive Package*

659. Hon BOB THOMAS to the Leader of the House representing the Minister for Commerce and Trade:
- (1) With regard to the \$4.67m incentive package offered to Noble Investments, what is the current status of -
 - (a) the interest free loan convertible to grant;
 - (b) the provision of effluent headworks;
 - (c) the payroll tax rebate to alleviate freight cost disadvantages;
 - (d) the stamp duty rebate for the purchase of the Albany Woollen Mills assets; and
 - (e) the 3.5 per cent investment incentive for the Canning Vale operations?
 - (2) Further to (1)(e) above, does the Minister for Commerce and Trade have reason to believe that Jackson Fibres will not take up the incentives offered by the State Government as per his Ministerial Statement of April 30, 1996?
 - (3) Does the Minister have reason to believe that Noble Investments are no longer committed to a long term presence in Western Australia?
 - (4) What funds have Noble Investments and Jackson Fibres accessed from the incentives announced in the April 30, 1996 Ministerial Statement?

Hon N.F. MOORE replied:

- (1) The 4.67 million incentive package consists of:-
 - a \$2.882 million interest free loan converting to a grant for the establishment of an integrated synthetic yarn and rug manufacturing facility at Canning Vale and to purchase Albany Woollen Mills as a going concern and:
 - a \$1.788 million grant made up of:-
 - a freight subsidy in the form of a payroll tax reimbursement, costs of new infrastructure for effluent treatment, and stamp duty reimbursement in relation to Albany facilities; and
 - an interest subsidy on new fixed capital expenditure for the Canning Vale facilities.
 - (a) The interest free loan convertible to grant has yet to be provided.
 - (b) A water audit is currently under way to determine the most cost efficient way of upgrading effluent head works prior to determining a design and works program.
 - (c) A claim has recently been submitted and is currently being examined.
 - (d) Incorporated in the grant and awaiting finalisation of security arrangements and submission of a claim.
 - (e) Incorporated in the grant and awaiting finalisation of security arrangements and also requires establishment of the facility and verification of establishment costs.
- (2)-(3) The company has reaffirmed its commitment to the Albany Spinning Mills operation and is currently running the plant as an ongoing operation and has met the employment targets. With regard to the Canning Vale project, the Company has advised that due to market conditions, it intends to postpone commencement until the latter half of 1998.
- (4) No funds have been accessed to date.

RAILWAYS - WESTRAIL

Albany - Derailment

701. Hon BOB THOMAS to the Minister for Transport:

- (1) Has Westrail completed its investigations into the cause of the train derailment at the Albany Railway Station in February 1997?
- (2) What was the cause of the derailment?
- (3) What changes does Westrail propose to implement to prevent further accidents of this nature?
- (4) Will the Minister table the report?

Hon E.J. CHARLTON replied:

- (1) Westrail has completed its investigation into the cause of the derailment of two locomotives and three wagons at Albany on 2 February 1997.
- (2) The derailment occurred as a result of part of a train traversing damaged points. Damage to the points resulted from a previous train passing over them while they were incorrectly positioned.
- (3) Staff responsible for the incorrect positioning of the points have been counselled and retrained in respect of that aspect of their duties.
- (4) No.

LAND - ALBANY FORESHORE REDEVELOPMENT STAGE TWO

Delay

709. Hon BOB THOMAS to the Minister for Transport:

- (1) What meetings has the Minister had in the past twelve months, either in his Ministerial office or elsewhere, regarding stage two of the Albany Foreshore Redevelopment?
- (2) Which of those meetings were called by the Minister?
- (3) What action did the Minister take to influence other Ministerial colleagues to either place a moratorium on stage two of the Albany Foreshore Redevelopment or have it discontinued altogether?
- (4) What other action did the Minister take to stop stage two of the Albany Foreshore Redevelopment either permanently or temporarily?
- (5) Has the Minister taken a submission to Cabinet which may halt stage two of the redevelopment either temporarily or permanently?
- (6) Has the Minister lobbied any rural groups in the past twelve months calling for them to lobby against stage two of the Albany Foreshore Redevelopment?
- (7) If so, which groups were they?
- (8) Is stage two of the Albany Foreshore Redevelopment supported by the Government?
- (9) What action does the Minister intend to take to ensure that this development is expedited?

Hon E.J. CHARLTON replied:

- (1) I met with the Albany Port Users Group on 1 July 1997 in regard to the Albany Foreshore Redevelopment. I am also proposing to attend a seminar on 5 September in Albany convened by the Port Users Group on this issue.
- (2) None.
- (3) I have advised the Hon Minister for Lands of the potential adverse impact the Albany Foreshore Redevelopment could have on port access.
- (4) None.
- (5)-(6) No.

- (7) Not applicable.
- (8) The original concept for the Albany Foreshore Redevelopment is supported by the Government.
- (9) I understand it is now proposed to increase the residential units from around 20 to 90. This is a significant change to the concept and when combined with the woodchip and grain tasks at the Port of Albany, both projected over 1 million tonnes per annum, require in my view reconsideration of this project. It is vital for Albany and the surrounding region that efficient safe and environmentally compatible access is maintained for the Port of Albany.

FAMILY AND CHILDREN'S SERVICES - TASKFORCE ON FAMILIES IN WA

Implementation of Recommendations

- 713. Hon NORM KELLY to the Minister for Transport representing the Minister for Family and Children's Services:

In reference to the 1995 Report of the Taskforce on Families in WA (titled, "WA Families – Our Future"), and the Taskforce's 83 Recommendations -

- (1) Will the Minister for Family and Children's Services state how many of the recommendations have been implemented so far?
- (2) Will the Minister indicate how many recommendations are planned to be implemented, and when?
- (3) Will the Minister table a list of these recommendations and their current status?

Hon E.J. CHARLTON replied:

- (1)-(3) State government agencies are implementing a range of initiatives in response to the 83 recommendations of the Taskforce on Families report *WA Families - Our Future*. A report on the status of these initiatives is currently being compiled and I have asked the Family and Children's Advisory Council to provide me with advice on any further action that may be required. As this is a working document it would be inappropriate to table it at this stage. However, a Summary Progress Report is available and I have forwarded one to the member.

EMPLOYMENT AND TRAINING - APPRENTICESHIPS

Great Southern

- 731. Hon BOB THOMAS to the Leader of the House representing the Minister for Employment and Training:

- (1) What is the rate of successful completion of apprenticeships in the Great Southern for the years -
 - (a) 1990/91;
 - (b) 1991/92;
 - (c) 1992/93;
 - (d) 1993/94;
 - (e) 1994/95;
 - (f) 1995/96; and
 - (g) 1996/97?
- (2) How many apprentices commenced in those years?

Hon N.F. MOORE replied:

- (1)
 - (a) 73
 - (b) 102
 - (c) 112
 - (d) 125
 - (e) 64
 - (f) 69
 - (g) 93
- (2)
 - (a) 92
 - (b) 100
 - (c) 173
 - (d) 129
 - (e) 175
 - (f) 186
 - (g) 139

EMPLOYMENT AND TRAINING - TRAINEESHIPS

Great Southern

732. Hon BOB THOMAS to the Leader of the House representing the Minister for Employment and Training:

(1) What is the rate of successful completion of traineeships in the Great Southern for the years -

- (a) 1990/91;
- (b) 1991/92;
- (c) 1992/93;
- (d) 1993/94;
- (e) 1994/95;
- (f) 1995/96; and
- (g) 1996/97?

(2) How many traineeships commenced in those years?

Hon N.F. MOORE replied:

(1) (a) 5 (completions relate to traineeships which may have commenced in the preceding year).

- (b) 2
- (c) 12
- (d) 13
- (e) 14
- (f) 19
- (g) 30

(2) (a) 4

- (b) 15
- (c) 24
- (d) 29
- (e) 45
- (f) 73
- (g) 151

EMPLOYMENT AND TRAINING - SMALL BUSINESS TRAINEESHIPS

Great Southern

733. Hon BOB THOMAS to the Leader of the House representing the Minister for Employment and Training:

(1) What is the rate of successful completion of Small Business Traineeships in the Great Southern for the years -

- (a) 1990/91;
- (b) 1991/92;
- (c) 1992/93;
- (d) 1993/94;
- (e) 1994/95;
- (f) 1995/96; and
- (g) 1996/97?

(2) How many Small Business traineeships commenced in those years?

Hon N.F. MOORE replied:

(1) (a)-(f) Small Business traineeships did not start until 1996.

(g) 5

(2) (a)-(e) Small Business traineeships did not start until 1996.

(f) 20

(g) 60

RAILWAYS - ADELAIDE-DARWIN

Western Australian Benefits

736. Hon TOM STEPHENS to the Minister for Transport:

(1) What steps is the Minister taking to develop strategies aimed at ensuring that Western Australia, and particularly regional Western Australia, benefit from proposals for the construction of a railway from Adelaide to Darwin?

- (2) Is the Minister aware of concerns that this rail link may in fact lead to reduced market prospects for Western Australian producers in Darwin and the Northern Territory and beyond into South-East Asia unless urgent steps are taken to secure guaranteed sea transport links from Perth via the Kimberley into the far North of Australia?
- (3) If so, what steps is the Minister taking to alleviate those concerns and to ensure that the State Government provides the necessary guarantees and support required for the maintenance of at least the existing shipping service and for efforts to improve the service?

Hon E.J. CHARLTON replied:

- (1) Although the Prime Minister has only just announced Commonwealth funding support for the completion of the railway from Darwin to Adelaide, thus greatly improving the chances of this development proceeding, its possible impact, along with the related port and shipping services out of Darwin, has been under active consideration by the Department of Transport for some time. Collectively these developments have the potential to influence the transport of trade from particularly the Kimberley and Goldfields Esperance Regions of Western Australia. It is equally important for the rest of Australia's Rail Network to be upgraded to complement any new link out of Darwin. It is therefore imperative that we position ourselves to influence them to our best advantage as plans are being formulated, rather than to simply react to developments once they have been implemented. To this end, the *Kimberley Regional Transport Strategy*, which will be released next month, contains the following specific strategy and actions:

Strategy 1: Strengthen the Kimberley's competitive position in World, National and State trade and investment markets, by -

Action 1.2: Positioning the Kimberley to take advantage of Darwin's emerging role as a transport hub, by-

1.2.1: Building a strategic alliance with the Northern Territory to enhance the Kimberley's position as Darwin develops as a freight and tourism hub.

1.2.2: Developing the air, road and sea transport links which are required with the Northern Territory to provide competitive transport options for the Kimberley.

A transport strategy for the Goldfields Esperance Region is currently being developed. This issue has already been flagged for attention and the formulation of strategies and actions relevant to this region.

- (2) While we will be implementing these actions and continuing to monitor the situation, a rail link between Adelaide and Darwin would complement Western Australian producers in respect of either South-East Asian or Northern Territory markets. This State is presently enjoying intense levels of competition between northbound liner shipping operators which have seen freight rates fall and service levels rise. Local producers are taking advantage of this situation to make significant inroads into South-East Asian markets. The Northern Territory continues to be serviced by shipping and by road transport out of Western Australia. Strong competition between the two modes ensures that this remains a viable and important market for local producers.
- (3) The Government will continue to support the shipping service into the Kimberley and Northern Territory under the present contract until February 1999. Prior to that time, consideration will be given to the future of those support arrangements. A wide variety of factors will come into that consideration. Any development of an Adelaide-Darwin rail link would be one of them. More importantly, however, will be the need to see a clear demonstration of greater efficiencies on the part of the shipping operation, such that the Kimberley community, local producers and the Government generally can be certain of obtaining maximum value from the support arrangements. In that context, the shipping reforms currently being developed are of critical importance. If labour costs on Australian vessels and Ports cannot be made more relevant to international practice, then these operations will price themselves out of the market.

QUESTIONS WITHOUT NOTICE

HOSPITALS - FREMANTLE

Elective Surgery

719. Hon KIM CHANCE to the Minister representing the Minister for Health:

How many cases of elective surgery have been cancelled at the Fremantle Hospital since the opening of the new accident and emergency centre?

Hon MAX EVANS replied:

I do not have any record of this question. Was a similar question asked yesterday?

POLICE - ORGANISED CRIME UNIT

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

I have a two part question about the organised crime unit, and I would like to know whether the Attorney has an answer.

Hon PETER FOSS replied:

I have a reply to the effect that the Minister would rather not give an answer because it would make information about the unit publicly available. I suggest this question is better asked in a committee of the House under confidentiality, when the committee can decide whether it is appropriate for the information to be made public. It has been done previously in the Legislation Committee and it is probably a more responsible way of dealing with it.

The PRESIDENT: I do not know whether that answers Hon Tom Stephens' question, because no question was asked. Does the Leader of the Opposition have a question or is he satisfied with what has been said?

Hon TOM STEPHENS: I will think about the Minister's answer and come back towards the end of question time.

SCHOOLS - TRANSPORTABLE

Feasibility Study

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

- (1) Did the schools rationalisation unit of the Education Department examine the feasibility of transportable schools in 1995?
- (2) If so, did that study conclude that relocatable schools were not cost efficient?
- (3) If so, why did the Government promise on 13 November 1996 to build a relocatable school at Landsdale?
- (4) If so, why did the Minister not advise the House of this in response to the question without notice I asked yesterday?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I have not received the question personally and, therefore, I do not have the question or answer. I understand from a brief comment by the Government Whip that the Minister for Education is not available today to sign off the answer, so I suggest the member ask the question at the next sitting.

BUILDING INDUSTRY - DEMOLITION SITES

Safety Breaches

722. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

In view of the death of a 12 year old girl and the injury of nine others caused by the demolition of the old Royal Canberra Hospital in July, and the death last year of Builders Labourers, Painters and Plasterers Union organiser, the late Mark Allen, on a demolition site, I ask -

- (1) What are the maximum penalties for breaches of occupational health and safety legislation on demolition sites?
- (2) Has the maximum penalty ever been imposed?
- (3) What is the highest penalty imposed so far this year for breaches of occupational health and safety provisions on demolition sites?
- (4) Upon whom was this penalty imposed?

- (5) What are the particulars of the offence for which this penalty was imposed?
- (6) Does the person on whom this penalty was imposed continue to operate in the industry?
- (7) What checks or safeguards exist to ensure that demolition contractors who continually breach occupational health and safety standards on demolition sites are not awarded contracts by the Government?

Hon PETER FOSS replied:

The preliminary part of this question is out of order. I am not sure questions on the death of a 12 year old girl and the injury of nine others in Canberra or the death of the late Mark Allen are appropriate in this House. A question should be a question rather than start with such a preamble. I have answers to the questions and it would be appropriate to ignore the preamble.

- (1) Maximum penalties for breaches of occupational safety and health legislation in workplaces, including demolition sites, are -
 - (a) \$200 000 for an employer whose contravention of certain sections of the Occupational Safety and Health Act 1984 causes the death of, or serious harm to, an employee.
 - (b) \$25 000 for an employer who breaches certain requirements of the Occupational Safety and Health Regulations 1996.
- (2) No.
- (3) A penalty of \$35 000.
- (4) The penalty was imposed on Keyport Pty Ltd, trading as Statewide Demolition.
- (5) A breach of section 19(1) of the Occupational Safety and Health Act 1984.
- (6) The penalty was not imposed on a person.
- (7) Contract conditions and specifications for government works, where appropriate, provide for occupational safety and health performance of tenderers to be considered prior to the contract being awarded.

WATER RESOURCES - FITZROY RIVER DAMS

Salt Problems

723. Hon RAY HALLIGAN to the Minister representing the Minister for Primary Industry:

- (1) Will the proposed Fitzroy River dams create any, or add to existing, salt problems in the catchment area?
- (2) Will the irrigation water from the proposed dams create, or add to, salt problems on land to be set aside for irrigation purposes?

Hon N.F. MOORE replied:

On behalf of the Minister for Transport, I thank the member for some notice of this question.

- (1)-(2) There is presently no formal proposal to dam the Fitzroy River.

HOSPITALS - BUNBURY REGIONAL

Psychiatric Services

724. Hon J.A. COWDELL to the Minister representing the Minister for Health:

- (1) Is the Minister aware that the Bunbury Regional Hospital's only consulting psychiatrist has resigned?
- (2) Has the Minister read reports indicating that this psychiatrist was doing the work of 12 psychiatric specialists, and that his resignation is partly due to overwork?
- (3) What is the Government doing to ensure that Bunbury people needing psychiatric help can be assessed locally?
- (4) When will adequate psychiatric services be provided at the Bunbury Regional Hospital?

Hon MAX EVANS replied:

I do not have an answer to this question.

ENVIRONMENT - COCKBURN CEMENT LTD

Trials

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

- (1) What progress has been made in the trials funded by Cockburn Cement Ltd to grow seagrass - *Posidonia* -

in Cockburn Sound?

- (2) Where and at what depth are the *Posidonia* plantings taking place?
- (3) Does this area accurately match the conditions found where lime sand dredging has taken place?
- (4) Is the Commonwealth Scientific and Industrial Research Organisation still involved in the trials and if not, when and why did it withdraw?
- (5) Are the trials to continue and what funding will be provided by Cockburn Cement and the Western Australian Government?
- (6) Who is carrying out the trials?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Cockburn Cement Ltd has just submitted the shell sand dredging Environmental Management Program Annual Report June 1996-July 1997 to the Department of Environmental Protection. This report is yet to be reviewed in detail by the DEP; however, the executive summary of the document states that to the end of July 1997 approximately 220 sods of predominantly *Posidonia coriacea* and some *Amphibolis* have been transplanted since November 1996.

The member should be aware that Cockburn Cement Ltd is holding a technical symposium on Tuesday, 2 September and if he is interested in the detail of the trials he should contact Cockburn Cement Ltd to seek an invitation to the symposium. In addition, the member is welcome to view the CCL Environmental Management Program Annual Report June 1996-July 1997 at the DEP library.

- (2) I understand the locations of the recipient sites are provided in the CCL Environmental Management Program Annual Report June 1996-July 1997 and, based on figure 3.9 of this report, mechanical transplantation trials are occurring at depths of less than 10 metres.
- (3) Two recipient sites are located on southern Success Bank where conditions are broadly comparable with areas where lime sand dredging takes place.
- (4) The Commonwealth Scientific and Industrial Research Organisation has not been involved in Cockburn Cement's trial.
- (5) I expect the trials will continue and remain fully funded by Cockburn Cement.
- (6) Cockburn Cement has engaged consultants to undertake the trials, and the marine and freshwater research laboratory of Murdoch University is one of the consultants.

HOUSING - KEYSTART LOANS LTD

Safety Net Program

726. Hon JOHN HALDEN to the Minister representing the Minister for Housing:

In reference to the Keystart housing program -

- (1) When were the Keystart retailers advised of the safety net provisions which the Minister said were introduced in April?
- (2) When will the Minister table the letter he sent to retailers advising them of the safety net program?
- (3) How many homes which have been foreclosed on or returned to Keystart have not been sold?
- (4) How many Keystart loans are in arrears?
- (5) What are the total value and the value of write-offs in 1996-97?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Retailers were advised by the Keystart manager of the safety net provisions in a letter dated 10 March 1997.

- (2) Not applicable.
- (3) 147.
- (4) As at 31 July 1997, there were 413 Keystart - credit foncier - loans with one or more instalments in arrears.
- (5) For 1996-97, there were 144 loans with a shortfall amounting to \$1.629m.

TOURISM - ECO-TOURISM STRATEGY

727. Hon NORM KELLY to the Minister for Tourism:

- (1) When will the Minister be releasing the WA eco-tourism strategy?
- (2) Will the strategy be released in draft form to enable public comment?

Hon N.F. MOORE replied:

- (1)-(2) My understanding is that the report is now available. The Government is in the process of putting in place a strategy for its implementation. In fact, funds have been set aside in this Budget to ensure that that happens. I will make a copy of the report available to the member.

POLICE - ORGANISED CRIME UNIT

Budget and FTEs

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

- (1) Will the Minister please provide the operating budget, and the operational allocation, excluding salaries, of the organised crime unit of the Police Service for -
 - (a) 1995-96;
 - (b) 1996-97; and
 - (c) 1997-98?
- (2) What were the number of FTEs for the organised crime unit of the Police Service for -
 - (a) 1995-96;
 - (b) 1996-97; and
 - (c) 1997-98?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The member has indicated that he would like me to place my answer to the question on the record.

The organised crime unit has perhaps one of the most hazardous jobs in the Police Service as it deals with a murky side of the criminal element in this State, other States and indeed the rest of the world. It is the opinion of the Commissioner of Police and the Minister for Police that the revelation of this information in such a public forum would be providing unnecessary and potentially damaging information to the very individuals from whom the organised crime unit struggles to protect us. Detailing this kind of information would place the organised crime unit in a position where it would be running to catch up with the criminal element. It is a situation I will not condone and I think members opposite will not want to occur.

I can assure all members of the House that the sound reforms that the Western Australian Police Service has undertaken have provided the Commissioner of Police with sufficient flexibility to move resources to where they are needed at specific times for specific operations. That flexibility can be applied just as easily to the organised crime unit as is presently being done with the drug squad to combat the heroin problem facing the State.

The Government provides the resources to enable that flexibility in the shape of 800 additional operational officers. The Government has provided the technology to fight organised crime such as the recently opened telecommunications interception unit, which was soundly endorsed by the Opposition. The Government will provide legislative support in the form of telecommunications interception legislation to back up the officers working against organised crime.

I suggest that if the member wishes to pursue this matter in detail, it be through an in camera session of a committee; in such case, I suggest that better than usual security should apply and police witnesses may still raise security objections to the committee if they consider the information to be too sensitive. I will refuse to give any detail in this House.

ENVIRONMENT - KEMERTON INDUSTRIAL PARK

*Buffer Zone***729. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Planning:**

This question comes about as a result of the proposed changes to the Kemerton industrial park north of Bunbury.

- (1) How has the new state buffer policy changed the definition of an industrial buffer zone?
- (2) How will the Minister take heed of community concern as people wish to retain the original purpose of a buffer zone as a green belt to limit noise, light and visual pollution?

Hon PETER FOSS replied:

- (1) The state industrial buffer policy does not change the definition of a buffer zone. It advocates a range of compatible uses to occur within buffer areas.
- (2) In general, the retention of green belts is compatible with the intention of the protection of buffers. Local authority town plan schemes may allow other compatible uses.

DRUGS - SAVE A MATE PROGRAM

*Aims***730. Hon MURIEL PATTERSON to the Minister representing the Minister for Health:**

Will the Minister please outline the Save a Mate program and advise the House how it aims to reduce drug abuse?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The Minister for Health launched the Save a Mate program yesterday. This innovative program was developed by Red Cross first aid instructor Liz Gent with the support of the Australian Red Cross First Aid, Health and Safety Services and the Duke of Edinburgh's Award. It was developed largely in response to His Excellency the Governor of Western Australia, Major General Michael Jeffrey's challenge to young people of this State. Both the Red Cross and the Duke of Edinburgh's Award felt they each had a role to play in supporting the Governor's challenge as providing a highly valuable community skill of first aid could be a subtle method of teaching the dangers of drug abuse to young people in a constructive, non-threatening and acceptable way.

This low cost course will target young people who are perceived not to be attracted to the drug scene, as well as those who are potentially at risk. Under the SAM program, the Red Cross will draw on youth leaders or community role models to help young people develop their self-esteem and self-worth and reject drug use through example and improved knowledge.

On completion of the SAM program, young people aged between 15 and 24 years will not only have the skills to recognise and treat emergencies, but the certificate will also act as a service component for the Duke of Edinburgh's Award. Twelve young people have now completed the pilot first aid course as part of the SAM program. The skills gained by young people through this course will place them in a better position to save a mate should the need arise.

FAMILY AND CHILDREN'S SERVICES - WOMEN'S REFUGES

*Funding***731. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:**

Will the Minister advise the base level of funding provided in the 1997-98 financial year to each women's refuge in Western Australia?

Hon MAX EVANS replied:

I thank the member for some notice of this question. It can be seen in the document I will table shortly that overall funding for women's refuges across the State has increased by more than \$660 000 between 1995-96 and 1997-98. More than \$500 000 of that increase has been allocated to women's refuge in country areas.

I seek leave to table the document relevant to this answer.

Leave granted. [See paper No 732.]

FISHERIES - ORD RIVER IRRIGATION SCHEME

Protection of Fish Stocks

732. Hon TOM STEPHENS to the Minister representing the Minister for Fisheries:

What steps is the Minister taking to protect fish stocks on the Ord River following weekend reports of further fish mortality following the de-silting work on the Ord irrigation channels?

Hon N.F. MOORE replied:

I answer the question on behalf of the Minister for Transport. Since the report of the fish deaths in the Dunham River, staff at the Water and Rivers Commission, the Water Corporation and the Fisheries Department have been undertaking investigations to determine the causes of death. Investigations are currently inconclusive.

YANCHEP INN - REDEVELOPMENT

733. Hon KEN TRAVERS to the Minister representing the Minister for the Environment:

- (1) What is the current status of negotiations for private interests to redevelop and manage facilities for Yanchep National Park?
- (2) What is the name of the people or group with whom the Department of Conservation and Land Management is negotiating?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The written question refers to the word "develop", and the member used the word "redevelop". However, in early August negotiations with private interests fell through. Although it is disappointing, the Department of Conservation and Land Management will continue to manage the inn until a new operator is selected. Last month the department completed a \$300 000 improvement program under the conservation plan for the historic inn endorsed by the Heritage Council of Western Australia. The inn provides a full food and bar service and the motel units have also been upgraded to provide accommodation. CALM is also examining the option for further improving the inn, including refurbishing the upper level accommodation area.

BUILDING INDUSTRY - DEMOLITION SITES

Contracts

734. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Works:

Some notice of this question has been given.

- (1) How many demolition contracts have been awarded by the Government in each year from 1992?
- (2) What provisions do these contracts contain to ensure the safety of workers and the public during demolition work?
- (3) What checks are made on tendering contractors regarding their experience and ability to safely carry out demolition work before awarding any contract?
- (4) Are tendering contractors required to disclose any previous convictions or imposition of penalties in relation to breaches of occupational health and safety legislation when they tender for a demolition contract?

Hon MAX EVANS replied:

- (1) To the best of our knowledge, the Department of Contract and Management Services has been involved in two projects in 1995, 7 projects in 1996 and 4 projects in 1997. Information dating back to 1992 is not readily available.
- (2) Contract preliminaries used by CAMS and their consultants require compliance with all WorkSafe and other statutory requirements.
- (3) Tendering contractors are required to verify their previous experience. There is no requirement for licensing

of demolition contractors. CAMS has rejected lowest tenders on the basis of inadequate demonstrated experience in demolition work.

(4) No.

If the member would like more information dating back to 1992, I request that the question be put on notice.

TOURISM - BRAND WA ADVERTISING CAMPAIGN

Effects

735. Hon SIMON O'BRIEN to the Minister for Tourism:

What have been the positive effects of the Brand WA campaign so far?

Hon Ken Travers: The Minister should first tell us when he signed the contract.

Hon N.F. MOORE replied:

The honourable member's interjection demonstrates his total lack of understanding. I did not sign any contract. The contract is between the Western Australian Tourism Commission and Elle Racing Pty Ltd. This will be a long answer because there are a lot of positive things to be said. Regrettably, most of them have not received -

Hon John Halden: You have a press release there, read that.

Hon N.F. MOORE: It is not a press release, it is an answer to a question. If Hon John Halden keeps asking me questions like that, I will keep taking time.

Most of the positive information I am about to provide to the House has regrettably not received any coverage in the local Press. But, interestingly, if members read last Friday's *Sydney Morning Herald* they will find an interesting article about how important it is to use somebody like Elle Macpherson when selling products. In Western Australia the product is the State as a tourism destination. I would have thought that members opposite who bleat from time to time about youth unemployment would be the first to get behind any campaign designed to increase employment in Western Australia.

Hon Ken Travers: If you did it properly we would.

Hon N.F. MOORE: The prime objectives of the Brand WA campaign in Australia and overseas are to, firstly, increase consumer awareness and, secondly, to increase considerations of visiting Western Australia. There have been some significant early successes. In Sydney research since the campaign started shows that 73 per cent of the 305 people surveyed recall seeing the advertisement. Of this group the vast majority, 93 per cent, correctly identified Western Australia as the advertiser. The research company, Donovan Research, has also reported to the Western Australian Tourism Commission that this is a strong result and is clearly in the top level of results from previous tracking surveys.

This research and other facts are reported in a positive newspaper article about Elle Macpherson in last Saturday's *Sydney Morning Herald*. The article tells how sales of a struggling KFC line in Australia jumped 30 per cent when Elle was brought in. KFC marketing director Greg Creed, who is quoted in the article, has told my office that Elle was absolutely fabulous. He said that \$1m was good value for Elle.

In Singapore a special Singapore Airlines promotional package to Western Australia sold out in a day after our campaign started there - 2 000 passengers booked over three days. It was part of the Singapore Airlines fiftieth anniversary celebrations consumer travel fair held in late July, about three weeks after our launch. The exhibition attracted over 70 000 consumers over three days. Australia was the most popular destination and Perth and Brisbane the two most popular cities. The Western Australian stand won the best booth award and attracted more visitors than the New South Wales and Queensland stands combined.

Hon Ken Travers: You have time to discuss all this!

Hon N.F. MOORE: Is Hon Ken Travers not interested in good news? He may as well work for *The West Australian*. Qantas Holidays International has also reported a very positive response in sales. In Jakarta between 6 and 18 August they received over 1 200 requests for the holiday brochure being promoted in the campaign, with about 250 sales to early August. The latest reported figure for their Perth program is nearly 700 passengers in Singapore, plus 370 travel agents who took up special agents' fares. They are some of the positive outcomes of the campaign. It is pity that all we hear from the Opposition and some local media commentators are totally negative comments about a positive campaign.

PARKS AND RESERVES - NATIONAL

D'Entrecasteaux - Cable Sands (WA) Pty Ltd's Proposal

736. Hon HELEN HODGSON to the Minister for Mines:

Some notice of this question has been given.

- (1) Is the Government aware of any proposal being developed by Cable Sands (WA) Pty Ltd to mine mineral sands within the recently excised area of D'Entrecasteaux National Park?
- (2) If so, at what stage is the proposal?
- (3) Does the Government have any involvement with any such proposal, and if so, what is the nature and extent of that involvement?
- (4) If not, does the Government have any intention to become involved in any such proposal, and if so, what would be the nature and extent of that involvement?
- (5) When will the environmental impact assessment of the national park be considered by the Government for excision as a result of the Cable Sands exploration program?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Cable Sands (WA) Pty Ltd is collecting environmental data and preparing documentation to present to the Environmental Protection Authority to trigger an environmental assessment of a proposed mining operation.
- (3) No.
- (4) When Cable Sands presents a proposal to mine at Jangardup South it will be assessed in accordance with the various State laws, procedures and policies applicable for an operation of this scope as proposed in such an area.
- (5) After Cable Sands presents a proposal for consideration.
- (6) No.

TRANSPORT - EXPENDITURE

Purchase of New Buses, Railcars and Ferries

737. Hon JOHN HALDEN to the Leader of the House representing the Minister for Transport:

Since the election of the Court Liberal Government, how much money has been spent on -

- (a) purchasing new buses;
- (b) purchasing new rail cars;
- (c) purchasing new ferries; and
- (d) the expansion of Western Australia's transport system?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (a) \$7 422 000.
- (b) \$97.6m.
- (c) \$680 000.
- (d) This question will take considerable time and resources from several agencies within the Transport portfolio to collate. Therefore, I request that this part of the question be placed on notice.

LOCAL GOVERNMENT - CITY OF MANDURAH AND SHIRES OF WAROONA AND MURRAY

Regional Tip

738. Hon J.A. COWDELL to the Minister representing the Minister for Local Government:

- (1) Is the Minister aware that negotiations between the City of Mandurah and the Shires of Waroona and Murray over the establishment of a regional tip have broken down?
- (2) Does the Minister realise that the breakdown of negotiations means that the City of Mandurah does not have access to adequate tip facilities?
- (3) Will the Minister ensure that the Local Government Advisory Committee is made aware of this situation and that it will be taken into account when the advisory committee commences its deliberations on the local government boundaries in the Peel region?

Hon N.F. MOORE replied:

- (1) The City of Mandurah and the Shire of Waroona are of the view that the tip site in Delpark Road, located in the Shire of Murray, is the best site for a regional tip. However, the Shire of Murray does not support the selection of that site.
- (2) The City of Mandurah has access to the Corio Road tip until 1998, following which it would have access to the Miller Road tip in Rockingham.
- (3) The Minister for Local Government will write to the Local Government Advisory Board to inform it of this situation. It is open to the advisory board to determine how it will use the information.

GOVERNMENT CONTRACTS - CALL-TAKING AND DISPATCH SYSTEM

*Commencement***739. Hon KEN TRAVERS to the Leader of the House representing the Premier:**

On 26 July 1996 an advertisement was placed in *The West Australian* by the Public Service Management Office seeking expressions of interest in developing an integrated call taking and despatch system.

- (1) What companies replied to that advertisement?
- (2) Which company has been chosen to assist in this task?
- (3) When will the new emergency and despatch system be in place?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Fujitech, Terravision, Intergraph, SIMOCO, Ericsson Australia, Telstra, IBM, CEI Technologies, ADI, Motorola, Tandem Computers/SCC Software, Nokia.
- (2) Forming part of the emergency services call taking and despatch and related communication systems review then being undertaken, this advertisement was placed to identify potential suppliers and forthcoming technology options for the new emergency and despatch system. None of these respondents has been chosen to supply services. The consultants to assist with the review, and consultants for subsequent short evaluations of funding options, were chosen through normal State Supply Commission approved processes.
- (3) Subject to availability of the funds and the completion of normal major tendering processes, it is expected that the new call taking and despatch system and the first stage of the related radio system, initially for the police, will commence installation in early 1999.

PARKS AND RESERVES - NATIONAL

*Greater Beedelup and Wellington - Government's Support***740. Hon NORM KELLY to the Minister for Tourism:**

- (1) Is the Minister aware of proposals for the creation of a Greater Beedelup National Park near Pemberton, and the Wellington National Park near Bunbury?
- (2) Is the Minister aware that both these and many other forest conservation reserve proposals have widespread support in the tourism industry?
- (3) What is the Minister doing to support these proposals and to support the tourism industry in its concern that its future is jeopardised by current levels of logging old growth forests?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(2) Yes.

- (3) I have discussed the proposals recently with representatives of the Greater Beedelup National Park Association and corresponded with Tourism South West on the matter. I have also encouraged the establishment of a task force chaired by the South West Development Commission to examine the balance between conflicting uses of the forest resource.

ADOPTION - INFORMATION

Waiting Times

741. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:

- (1) What is the length of time between a request by a non-Aboriginal person for adoption information and the provision of the information?
- (2) Is the department referring people to Adoption Jigsaw where the same information can be searched?
- (3) If not, why not?
- (4) Does the department intend to increase staff numbers to reduce the backlog?

Hon N.F. MOORE replied:

On behalf of the Minister for Transport I indicate that the Minister for Family and Children's Services has provided the following reply -

- (1) The provision of adoption information is not dependent on ethnic background. The waiting time for the provision of identifying and non-identifying adoption information can vary between two and 20 weeks, depending on the circumstances; for example, priority is given for special medical reasons.
- (2) Applicants are advised of the services provided by licensed contact and mediation agencies and various non-government organisations such as Adoption Jigsaw.
- (3) Not applicable.
- (4) Additional resources are being utilised in the provision of post adoption services.
-