

## WESTERN AUSTRALIA

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### PARLIAMENTARY DEBATES (HANSARD)

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#### Third Session of the Thirty-fourth Parliament

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*Parliament was prorogued on 10 March 1995, to 23 March 1995, when it met for the despatch of business.*

*Parliament was opened by His Excellency the Governor (Major General Philip Michael Jeffery, AO, MC).*

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#### OPENING OF PARLIAMENT

##### LEGISLATIVE COUNCIL

Thursday, 23 March 1995

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##### MEETING OF THE COUNCIL

The Legislative Council met at 2.30 pm.

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair, and read prayers.

##### VISITORS - OPENING OF PARLIAMENT

**THE PRESIDENT** : Honourable members, ladies and gentlemen: I welcome you all to the opening of the third session of the Thirty-fourth Parliament. I hope that the heat is not too oppressive. I would welcome correspondence from anybody who feels inclined to suggest that we should air-condition this place.

##### PROCLAMATION

The Clerk of the Parliaments (Mr L.B. Marquet) read the Proclamation of His Excellency the Governor (Major General Philip Michael Jeffery, AO, MC) summoning the third session of the Thirty-fourth Parliament.

##### GOVERNOR'S SPEECH

His Excellency the Governor entered the Council Chamber at 2.34 pm; and, the members of the Legislative Assembly having also attended in the Chamber obediently to summons, His Excellency was pleased to deliver the following speech -

*Mr President and honourable members of the Legislative Council.*

*Mr Speaker and honourable members of the Legislative Assembly.*

The opening of the third session of the Thirty-fourth Parliament of Western Australia marks its midterm. However, before considering the Government's legislative program for this session, it is appropriate to mention the retirement of Hon Gordon Hill from the Legislative Assembly and Hon Tom Butler from the Legislative Council.

It is also with regret that I note the unfortunate and untimely death of two distinguished members, Sir Crawford Nalder and Hon Tom Evans.

Sir Crawford was a member of the Legislative Assembly for the seats of Wagin and then Katanning for a total of 27 years. He served in many portfolios and was Deputy Premier for nine of those years. A farmer, Sir Crawford was an active member of the rural community all his life.

The late Hon Tom Evans was elected to Parliament in 1956 at the age of 26. He served as the member for the Legislative Assembly seat of Kalgoorlie for 24 years in a distinguished parliamentary career which included terms as Treasurer and Attorney General.

I am sure members of both Houses join with me in offering our sincere condolences to both families.

### The Economy

Western Australia's role in Australia's economic recovery over the past two years has been characterised by robust growth, significant increases in private capital expenditure and a strong export performance. There is no doubt that this State has become the economic powerhouse of the country's economy.

The State's resource sector continues to be a major contributor to the nation's wealth providing over 40 per cent of Australia's mineral production, 30 per cent of petroleum production and over 60 per cent of new mine investment.

Business investment in Western Australia is in its third year of recovery and a number of major investment projects remain in the pipeline. Around 30 projects valued at in excess of \$6 500m are either under construction or committed. Large new projects include the North West Shelf Cossack-Wanarea oil and gas project, the goldfields gas pipeline, Alcoa's refinery expansion, the Wandoo oil project and the Westralian Sands synthetic rutile expansion. These projects afford Western Australia many exciting opportunities and are a confirmation of the policies the Government has in place.

Economic growth in the State in the year to September 1994 was the strongest of all States at 8.7 per cent in real terms, exceeding forecasts due mainly to a very strong export performance. This is well above the growth for Australia of 5.1 per cent. Favourable international conditions both in Asian and OECD countries, in addition to rising commodity prices and a buoyant domestic economy, provide an ideal foundation for continuing investment and economic growth in Western Australia. Western Australia's economic growth is forecast to remain healthy over the medium term with 5 per cent predicted for 1995-96 and 4.5 per cent for 1996-97.

Much of the State's economic wealth is created in remote and regional areas. In recognising this the Government has established a network of regional development commissions and a coordinating regional development council, completing the first stage of its regional development strategy. In the next 12 months the second component will be introduced with each of Western Australia's nine regions preparing regional economic plans. These plans will provide the focus for economic development, and enable regional communities to participate in and promote future initiatives and development.

### Export Position

Western Australia's proximity to Asia and the Pacific Rim position us to develop new markets and enhance existing ones. The State's rural sector has benefited from strong market growth with ASEAN nations increasing their demand for Western Australia's agricultural products to \$350m, much of this to Indonesia and Malaysia.

Western Australia also is poised to reap the medium and long term benefits which will accrue from investment in further processing iron ore in the Pilbara for export to meet the very exciting market opportunities in Asia, particularly in China and Korea.

There is no doubt that by developing these market opportunities Western Australia will continue to grow as the largest export earning State in Australia, confirming the nation's heavy reliance on our industry.

A word of caution though. If industry is to continue to grow, the Government must be

able to provide a climate conducive to business investment, with a stable social, economic and political environment.

#### **Employment and Labour Relations**

In the life of the Government an additional 75 000 jobs have been created with employment growth standing at 10.2 per cent. This is significantly higher than the national growth rate of 7 per cent.

The Government will continue to make progressive reform in the field of labour relations. Changes to the industrial relations laws are aimed at maintaining the integrity of the State's industrial relations system, at increasing democracy and accountability in the activities of organisations and in improving the statutory fiduciary responsibilities of an organisation's officials.

The Government is committed to improving the performance in occupational health and safety and has set a target for reducing work related injury and disease by 10 per cent between 1993 and 1997, with a further goal to reduce by 50 per cent the fatalities resulting from falls from heights, electricity and tractor accidents. Part of the strategy to achieve these reductions hinges on legislative reforms before the Parliament.

#### **Legislation**

I now turn to the Government's legislative program for the third session of the parliamentary sitting. Before doing so, however, I believe it is important to consider the legislative progress made over the past year. Major legislation passed includes -

- The Victims of Crime Act, which provides for the proper treatment of victims of crime, and the Young Offenders Act, which establishes a code for dealing with young offenders;

- Acts to provide for the creation of Western Power and AlintaGas;

- landmark legislation for occupational health and safety in the mining industry; and

- the Public Sector Management Act, which creates a modern management framework for the Public Service.

The program for 1995 involves a number of Bills of major importance reflecting the Government's commitment to continuing to lead Australia in social and economic development.

#### **The Budget**

The Government will again present its 1995-96 Budget before 30 June. This has given agencies the opportunity to develop financial plans well in advance of the commencement of the year, improving management and accountability.

#### **Finance**

Legislation for the privatisation of BankWest will be reinstated to the Parliament this session. The legislation is significant in that it ensures the historic links with Western Australia are maintained through a range of Western Australian domicile requirements, including a local board and head office.

#### **Law and Order**

A number of legislative amendments to come before the Parliament this year will see a further enhancement of community protection by our Police Force. A range of options is being considered for the control on the possession of weapons that will address both community and police concerns.

In this session the Government will introduce a new sentencing Bill, a review of the Coroners Act to provide additional rights for next of kin, and amendments to the Criminal Code to increase the number of offences which can be dealt with in the Magistrates' Courts, thus releasing the higher courts to deal with more pressing cases.

Because of the increased incidence of arson in bushfires, factories and shopping centres,

investigations are under way to empower the juvenile justice system to make the parents of juvenile arsonists either partly or fully accountable financially for any damage caused by their children's actions.

#### Aboriginal Affairs

The Government will introduce legislation to validate title as a result of the High Court decision over the Western Australian Government's challenge to the Commonwealth Government's Native Title Act.

Following the establishment late last year of the new Aboriginal Affairs Department which brings a number of agencies responsible for Aboriginal affairs under one roof, a comprehensive review of the Aboriginal Heritage Act will be undertaken. This will result in new legislation being enacted to ensure the protection of Aboriginal heritage. It will address the current Act's deficiencies, which have frustrated Aboriginal people, government and potential developers.

#### Resources and Energy

The Government will introduce legislation with specific relevance to the resources sector. A number of significant state agreements under negotiation will require ratification by Parliament during the course of the session. These include an agreement with BHP for a direct reduced iron plant to provide feed stock for existing and planned mini-steel mills in the Indian Ocean and Asia-Pacific Rims, and the Beenup Mineral Sands agreement to facilitate the development of a major new mineral sands project at Beenup near Augusta.

In recognition of the importance of occupational health and safety in the petroleum sector there will be a Petroleum Occupational Health and Safety Bill to ensure the whole petroleum industry is covered by common legislation.

#### Primary Industry

In accordance with coalition policy to review statutory marketing legislation every five years the Grain Marketing Act will come under scrutiny to consider all aspects of the Grain Pool of Western Australia and the State's grain marketing arrangements.

Other planned legislation includes the Agricultural and Veterinary Chemicals Bill to provide a uniform registration system for agricultural and veterinary chemicals, and the Skeleton Weed and Resistant Grain Insect (Eradication Funds) Bill which extends the present Act beyond its October 1995 expiry date.

#### Land Administration and Planning

The land administration Act will replace the Land Act. It will include reforms to create a single land register for both the Crown estate and freehold land. Amendments to the Transfer of Land Act, Licensed Surveyors Act and the Strata Titles Act also will be effected.

Legislation to protect the essential rural qualities of the Swan Valley and preserve the land for horticultural and viticultural industries will be reintroduced. In addition a Planning Legislation Amendment Bill will be introduced to make the environmental assessment of town planning schemes and amendments a statutory requirement.

#### Local Government

The draft Bill for a new Local Government Act was released for public comment in December 1994. This is a significant milestone for local government in Western Australia as it is the first comprehensive review of the principles upon which local government's main legislation is based. Public submissions on the Bill close in April to enable legislation to be before Parliament during this sitting.

#### Education

1995 will be an historic year for education in Western Australia. The Government has approved the drafting of a new Bill to replace the outmoded and unwieldy Education Act 1928. The new legislation will significantly upgrade the law under which education is provided and will underline the shared responsibility in education between the State, local communities, parents and students.

## Health

The wellbeing of the Western Australian community is of paramount importance to the Government - not only physical but also mental health. A new Mental Health Bill will be introduced to support a modern approach to psychiatric care, based on integrating mental health with general health care, promoting mental health care in the community and protecting patients' rights.

Other Bills to be introduced include a Public Health (Infectious Diseases) Bill which will address the demands of HIV and AIDS and provide a legislative framework for the more effective control of infectious diseases. 1995 sees a full legislative program which will introduce many initiatives to ensure the expectations and aspirations of the people of Western Australia continue to be met.

## Conclusion

There can be no doubt that Western Australia is in the enviable position of having a strong economic base with sound performance. The Government, having consolidated this position, is now actively pursuing a responsible social reform agenda to ensure that all Western Australians can aspire to achieving the world's highest standard of living by the turn of the century. Mr President, Mr Speaker, and members of both Houses, I now have much pleasure in declaring the third session of the thirty-fourth Parliament open. I trust that providence will guide your deliberations.

[His Excellency and the members of the Legislative Assembly then withdrew from the Chamber, and the President resumed the Chair.]

## PETITION - STATE SCHOOL TEACHERS UNION DISPUTE

The following petition bearing the signatures of 27 persons was presented by Hon John Halden (Leader of the Opposition) -

We, the undersigned, call on the Minister for Education to immediately resolve the industrial dispute with the State School Teachers Union, so that students are not denied learning experiences provided through outside school hours activities, such as outdoor education, musical and theatrical performances, sporting carnivals, camps, excursions, school balls, graduation ceremonies, interschool competitions, the rock eisteddfod and other important developmental opportunities.

[See paper No 23.]

[Questions without notice taken.]

## PRISONS AMENDMENT BILL

### *Leave to Introduce*

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [3.26 pm]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move, without notice -

For leave to introduce a Bill for an Act to amend the Prisons Act 1981.

Question put and passed; leave granted.

### *Introduction and First Reading*

Bill introduced, on motion by Hon George Cash (Leader of the House), and read a first time.

## GOVERNOR'S SPEECH

### *Distribution of Copies*

**THE PRESIDENT** (Hon Clive Griffiths): For the sake of accuracy I have obtained copies of His Excellency's speech, which will now be distributed to members.

## ADDRESS-IN-REPLY - MOTION

**HON P.H. LOCKYER** (Mining and Pastoral) [3.29 pm]: I move -

That the following address be presented to His Excellency -

May it please Your Excellency -

We, the members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

I am delighted that after 15 years I have finally been asked to give the Address-in-Reply in this Parliament. A few members may have had a sleepless night or two, particularly the odd Minister, but they had nothing to be concerned about because of the great respect I hold for this place. Members will be aware that I will not seek re-election; in fact, 21 May 1997 will be my last day in this place and I am delighted to have this opportunity to speak. I congratulate His Excellency on his Speech. He is doing a first class job. A bit of pomp and ceremony does nobody any harm. He does a great job when he comes into my electorate, which I must share with the member for the Pilbara. My speech today is carefully considered, and I graciously declined a number of attempts by Hon Tom Stephens to be included in my speech.

I acknowledge the empty seat in this place today. Since the Parliament rose, Hon Tom Butler - I wish it was Hon Tom Stephens - chose to retire from the Parliament.

He was elected to this Parliament on 22 May 1986 as a representative for North East Province. When the regions were changed he represented North Metropolitan Region. I always regarded Tom Butler as one of the old style, honest Labor members of Parliament. I have included in my notes that he learnt all his tricks from the union movement. I assure you, Mr President, that he knew a few of them!

For many years he was the state secretary of - I had better get this right - the painters and decorators union. I made a mistake in this place one night and called it the painters and dockers union: Tom Butler did not forgive me for a fortnight. He said that the painters and dockers were the people who broke two kneecaps - not just one! Tom Butler was well known around the State and highly respected within the union movement. His contribution to the painting industry is well known, and I acknowledge it. He has been an avid and total supporter of the Australian Labor Party all his life. He rose to the position of State President of the Labor Party, which is no mean feat. He did a good job. I did not always agree with his views when he sat in this House; in fact, I think he picked on me unmercifully at times.

Hon Doug Wenn: When you were here.

Hon P.H. LOCKYER: If I was not here, I was probably outside conferring with him. I always found him to be a decent fellow.

As you are aware, Mr President, last year I had the great pleasure of inviting a number of members to my electorate to look at the drought areas. Tom Butler was one of those members; however, unlike him, I did not display some of the photos that were taken. I have one which I will show him privately later. His other great contribution was that 30 years after the change to decimal currency, he was still trying to use a pound note in the parliamentary bar to buy members a drink! In all sincerity, I will miss him. He is a damn good fellow. His contribution to this place was good. He is the sort of honest person whom this Parliament is poorer for losing. I am sorry he did not see his term through. I do not know why; I have not had a chance to chat with him about that. It certainly was not his intention to leave early. He suffered bad health some time ago. He is in the Public Gallery today, so perhaps later we will get that pound note out and have a talk about it!

This is my first opportunity to acknowledge also a person from my electorate who passed away - Wilfred Dennis Marr. I would not normally mention the death of a person at the opening of Parliament, but this person deserves it. He lived in Carnarvon for many years.

He arrived in Carnarvon from Queensland in 1946 as a tropical adviser. He was appointed to the Gascoyne research station. Members should bear in mind that that was when the growing industry commenced. He started up a virgin block in the north river area and turned it into one of the most successful plantations in the area. He specialised in growing ruby red grapefruit, and was one of the great contributors to the town. He was a shire councillor for a number of years, including a very important period as deputy president to the famous Wilson Tuckey when he was Mayor of Carnarvon. He was always the voice of reason, and had a steadying effect on a young Wilson Tuckey in those days. That was no mean feat either. He started transporting beans to Adelaide and other areas when there was no air service. He started the Gascoyne growers' cooperative and was a founder of the Gascoyne transport cooperative. He started also a special transport franchise to protect the growers, and established the banana compensation fund. He was instrumental in the establishment of the water advisory committee when it could be seen that water was not an endless commodity. He was a dedicated person to the horticultural industry. In Carnarvon, Dennis Marr will always be remembered as the father of the horticultural industry. He was recognised with an OBE from the Queen. He was a justice of the peace for many years. Although his stature was small, he was as tenacious as a bulldog. Many growers in the region are successful today because of people like him. In today's proceedings he should be recognised.

Mr President, like you, I believe this place should be air-conditioned. If you want a seconder, I will be it. Given the conditions in the Chamber today, I will try to make my speech as short as possible.

It is time to make major changes to the Legislative Council. This afternoon I want to stimulate some debate for the next few years. I am as aware as anybody that in any institution, particularly the institution of Parliament, no change is quick. I have been concerned for a number of years that we in the Legislative Council may well be accused of being a rubber stamp for the other place. In a bicameral system of Parliament, as we have, if we do not look to making some changes here, we will end up having a unicameral system like that in Queensland, where there is no upper House. I do not know whether what has happened in Queensland over past years is any recommendation for that.

The role of the Legislative Council should be one of review. Over the years we have said that it is; however, this role has been depleted. It is a great pity. We are becoming like a similar part of the Parliament and almost have two Legislative Assemblies. The time has come to alter the arrangement to make this House more constructive and a House of Review in the true sense. The necessary changes must be widespread and effective. Too often members of the upper House, particularly those from the country, must compete with members of the Legislative Assembly. It is difficult for members of the community to differentiate between the two of us as to how we do things. Today the reasons are far too great for us to dream of being Legislative Assembly members within our electorates. It is impossible, and it is time we recognised that. I cite my own situation as an example, and I will use Hon Doug Wenn's situation to illustrate the opposite.

I am one of only two government members who represent six Assembly electorates - Kimberley, Pilbara, Ashburton, Northern Rivers, Eyre and Kalgoorlie. My parliamentary colleague, Hon Norman Moore, is the Minister for Education. As a Minister of the Crown, he cannot spend the time he would like in his electorate. Consequently, I am left with the task of covering the whole area, bearing in mind that the other seats are held by my goods friends from the opposite political persuasion. I do not shirk the task. I believe the opposite is the situation in South West Region, which has only three Australian Labor Party members, with one lower House seat. Nevertheless, the majority of seats are held by the Government. The task of the Labor members then becomes much more difficult because the boot was on the other foot prior to the coalition winning government.

The proposal to make the upper House of this State Parliament a state Senate should be given at least some consideration and be debated: That is, members are voted in on a proportional representation basis, which is a single transferable vote. Of the 34 members

in this place the term for half of them should be two terms of Parliament; that is, if the Parliament goes for eight years, the term is eight years, but only half go out at any one time. That would mean that when the system was introduced, a proportion of members would have a full term and a proportion would have a half term. There should not be any Minister of the Crown in the upper House of State Parliament. Instead, there should be four standing committees. The chairmen of those four committees should be paid the same as a Minister and should have support staff available similar to the assistance provided to a Minister of the Crown.

The role of the upper House, particularly the committees, is to closely review every piece of legislation that comes from the Legislative Assembly. I envisage that the Legislative Council, or state Senate, would sit in this House only one week in every three. The other time would be taken up by carefully reviewing the legislation that comes from that other House. These standing committees should have the ability to break into a subcommittee to look at any specific legislation. No legislation should originate from this House if it were a state Senate. The introduction of legislation should always be the role of the lower House of Parliament. Also, having a state Senate should bring about the abolition of the ability to stop Supply in this House. That means this House would never have the opportunity to bring down the Government of the day. It might not agree to legislation, if it so wished, or send it back.

The Electoral Commissioners will need to examine the lower House seats to ensure that people, especially in remote areas, have access to members. The argument has always been that we need the loaded vote in the Legislative Council so that people in country areas have representation. However, the massive job to cope with the regions means that members cannot be effective any more. I cite the present position of my seat and the federal seat of Kalgoorlie, where Hon Graham Campbell MHR, who is a good friend of mine, cannot carry out his tasks in trying to cover seven-eighths of Western Australia. Nobody can tell me that with an electorate of that size he can do the job properly; he cannot, and people are disadvantaged because of that. The Commission on Government is already looking at the electoral system and I welcome that. We need to start talking about that now. We are hardened in the ways of our politic parties, but the time has come for us to take a lead and at least look at it. A state senate basis would give the opportunity to major parties to select candidates and to make sure that people within those areas were represented. It would be in their interests for members to travel as widely as they could in this State. The senators of Australia are supposed to do that. It is absolutely essential that the major political parties begin informal discussions before the matter is simply taken out of their hands.

Hon Reg Davies: Parliament must have a say.

Hon P.H. LOCKYER: The member is quite right. However, the major parties in this State need to take the first steps. We must remember that Parliament is for the people, and we must expect change or face our demise. I repeat that these very personal points of view are made after long and careful consideration. They are not perfect but are meant to be constructive in order to start some debate on the matter. I thank members for their indulgence.

HON MURIEL PATTERSON (South West) [3.42 pm]: I formally second the motion.

Debate adjourned, on motion by Hon Tom Helm.

*House adjourned at 3.43 pm*

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## QUESTIONS WITHOUT NOTICE

### LAND (TITLES AND TRADITIONAL USAGE) ACT - HIGH COURT DECISION

#### *Compensation for Land Titles Issued after 1 January 1994*

1. Hon JOHN HALDEN to the Minister for Lands:

I refer to the High Court decision to strike down the Government's Land (Titles and Traditional Usage) Act on the ground that it is racist and contravenes the federal Constitution. Will the Minister repeat his undertaking reported in *The Australian Financial Review* on 20 February to fully compensate those persons who have suffered potential loss as a result of having purchased an interest in land from the Western Australian Government after 1 January 1994 which is later the subject of a successful claim under the Commonwealth Native Title Act 1993?

Hon GEORGE CASH replied:

The question relates clearly to the recent decision by the High Court which confirmed its earlier decision that native title could exist in Australia. The judgment did not indicate where in Australia that native title could exist, and that will now require a rather lengthy process to ascertain the specific locations. The State Government has made it abundantly clear that it accepts the decision of the High Court. While we as a Government may not like the decision, we recognise that the High Court is the highest court in the land, that there is no appeal from its judgment, and that this State, along with other States, will now be bound to comply with the federal Native Title Act.

In regard to compensation, the Premier and I have made it clear on previous occasions that this Government stands behind all of the titles it has issued, be they titles issued prior to or after 1 January 1994. The quantum of the compensation which might be payable should native title interests be shown to exist in respect of any of the land for which titles have been issued will require discussion between the State and Commonwealth Governments. On 10 March, 13 days ago, in company with the State Minister for Aboriginal Affairs, Kevin Prince, I met with Special Minister of State Gary Johns, who acts on behalf of the Prime Minister on Mabo matters, and also with the federal Minister for Aboriginal Affairs, Robert Tickner. That meeting discussed various matters that could be affected by the High Court judgment, including compensation, and in a spirit of goodwill and cooperation it was agreed that all parties should meet again to progress those various matters. I am pleased to see that the Prime Minister no longer maintains his previous stance that Western Australia will not be eligible for the compensation equivalents that are paid to other States, the reason being that under the Constitution all States are required to be treated equally.

### INDUSTRIAL TRAINING, OFFICE OF - APPRENTICESHIPS AND TRAINEESHIPS, NEW ARRANGEMENTS

2. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) Since 1 July 1994, how much money has the Office of Industrial Training paid to private companies or individuals to contract out, to outsource, the supervision, monitoring and/or evaluation of apprenticeships and traineeships?
- (2) Has the Minister sanctioned the devolution of functions from the Office of Industrial Training and approved expenditure for that purpose?

Hon N.F. MOORE replied:

- (1) Nil.
- (2) Yes. Support services for industrial training will be provided by suitably qualified bodies. This strategy is consistent with a national decision

endorsed by Ministers from all States and Territories and the Commonwealth. Further the decision has the support of peak national groups, the Australian Council of Trade Unions, the Business Council of Australia and the Australian Chamber of Commerce and Industry.

The new arrangements will be implemented in accordance with strict guidelines established by the Department of Training and a framework of quality principles endorsed by the State Training Board and the department. As is the case at present, a centrally based appeal system will be retained to ensure that apprentices and trainees are treated equitably.

### ROOF TILING INDUSTRY - TILES SUPPLY ARRANGEMENTS, RESTRICTIVE TRADE PRACTICES

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

- (1) Has the Minister instructed officers of his department to investigate the refusal of Western Australia's roof tiling manufacturers to supply tiles other than on a supply and fix basis?
- (2) Is it true that the Minister's concerns over these restrictive trade practices have been aroused by difficulties he has experienced in buying tiles for his home?
- (3) Is the Minister aware that Minister Kierath has been reported as advising tiling companies to disguise the practice by artificially pricing supply only arrangements at the same cost as supply and fix arrangements?

Hon PETER FOSS replied:

- (1)-(3) As the member will know, we have no power in Western Australia to deal with that problem; although it is a matter of some considerable concern. I have asked my department to look at the matter. A tiler raised this matter with me while I was having work done at my house, although I was aware of it before. I have not had any problem myself. I have always said in public that I am aware it is a restrictive practice. I am unaware of what Hon Graham Kierath has to do with it. I have raised the matter with the Trade Practices Commission. It is aware of it and is concerned about it, and I sincerely hope it will do something about the matter.

### PERTH ZOO SOCIETY - INDEPENDENT BODY

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

- (1) Is the Perth Zoo Society independent of the Perth Zoological Gardens Board?
- (2) Is the Perth Zoo Society financially independent of the Zoological Gardens Board?
- (3) If yes, does the Perth Zoo Society control its own funds?
- (4) Can the Perth Zoo Society raise money for specific projects, or are all raised funds put into a consolidated fund?
- (5) Who can access the funds raised by the Perth Zoo Society?

Hon PETER FOSS replied:

- (1)-(2) Yes; although sometimes the Zoological Gardens Board has satisfied financial obligations in the first instance and later recouped from the society when it is short of funds.
- (3)-(4) Yes.
- (5) Cheques can be drawn with two signatories who are approved by the council of the Perth Zoo Society.

**TEACHERS - SALARY INCREASES**

*Black, Greg, Comments*

5. Hon JOHN HALDEN to the Minister for Education:

- (1) Does the Minister support the comments by the Director General for Education, Greg Black, about teachers' pay rises, when he says that they cannot be contemplated unless there are management productivity improvements?
- (2) If yes, is he aware that Mr Black has received salary increases of more than \$30 000 per annum since the last pay rise in 1991 and that Mr Black has not had to justify his pay rises on the basis of his own productivity improvements?
- (3) Further is the Minister aware that Mr Black has written his own performance management agreement in accordance with the Public Sector Management Act 1994 and can be responsible to himself for guaranteeing that the essential criteria in the agreement are met?

Hon N.F. MOORE replied:

- (1)-(3) As the Leader of the Opposition will know, the whole question of wage fixing not just in Western Australia but right across Australia, in recent years has been that there must be trade-offs in exchange for pay increases.

Hon John Halden: What did you trade off for yours?

Hon N.F. MOORE: If Hon John Halden believes he did not deserve a pay rise, he could give it back. The situation with Mr Black, me and every other member of this House is that the Salaries and Allowances Tribunal, an independent tribunal, made a decision about those salaries on the basis of its own processes. My understanding - I do not speak on behalf of that tribunal - is that it made its decisions on the basis of what it deemed fair, reasonable and equitable salaries for the people under its jurisdiction.

If teachers wish to take their case to the Industrial Relations Commission, a similar body to the Salaries and Allowances Tribunal, on the basis that they deserve a pay rise, that tribunal could make its decision. That decision would be binding just as are the decisions of the Salaries and Allowances Tribunal for the Government of the day. The situation with the teachers is very simple: If the teachers union wishes to pursue a wage or salary increase outside the guidelines, it can proceed along the path upon which it is now going and hopefully the Government might find the funds that will satisfy its requirements. Otherwise it can do what everybody else does; that is, negotiate with its employer for an enterprise agreement or it can go to the Industrial Relations Commission and lodge a claim on the basis that the rise is payable.

**AGRICULTURE, DEPARTMENT OF - EMPLOYEES' PERSONAL FILES,  
ACCESS POLICY; VIGAR, IAN, ACCESS RESTRICTION**

6. Hon KIM CHANCE to the Minister representing the Minister for Public Sector Management:

- (1) Is it consistent with government policy that the Department of Agriculture has maintained a covert file on one of its employees?
- (2) If it is not consistent, why has the Acting Director of Agriculture refused to release one of two personal files relating to its employee, Ian Vigar?
- (3) Why has the Acting Director of Agriculture and the Executive Director, Standards Development Evaluation of the Public Sector Standards Commission informed Mr Vigar that he will have to make formal application under the freedom of information legislation to access the file?
- (4) If this practice is consistent with government policy, can the Premier advise which departments maintain covert files on their employees or files

which are not released following a request made in the normal manner by a public sector employee and why such files are maintained?

- (5) Do the covert files contain information which relates to the employee's political, union or personal activities?
- (6) What is the nature of the information contained in the covert files that is different from that contained in the employee's normal personal file?
- (7) Will the Premier order departments to desist from this practice?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Premier has provided the following reply -

- (1)-(4) Government policy supports unrestricted access to personal files for employees. From time to time it may be necessary for a department to create a file concerning an investigation into the conduct of an employee. Granting unrestricted access to such files would compromise the investigation process and would therefore be adverse to the public interest. It may also constitute breaches of privilege which would adversely affect the conduct of related investigations by the police, the Australian Securities Commission and other law enforcement bodies. As stated above, employees should be granted unrestricted access to their personal files.
- (5) Hon Kim Chance acknowledged that he had provided notice of this question. The form in which this part of the question was read out is different from that which was provided to me in that words have been added. As the original question was unable to be understood - certain words were missing - I invite the member to put the new question on notice and it can be answered at another time. The inclusion of those additional words now means that this part of the question makes sense.
- (6)-(7) I invite the member to refer to the answer to part (1) of the question.

#### SMITH, KARRY - SALARY

7. Hon JOHN HALDEN to the Minister for the Environment:

- (1) Can the Minister inform the House whether the former spokesman for the Western Women's venture, Independent candidate for the last state election and member of the Morley branch of the Liberal Party, Karry Smith, was recently promoted to the position of principal private secretary?
- (2) Will the Minister confirm that Mrs Smith is being paid a salary equivalent to that paid to a level 8 public servant of \$59 824 to \$65 050 per annum?
- (3) Can he also confirm that last year Mrs Smith was paid a salary equivalent to that paid to a level 4 public servant?

Hon PETER FOSS replied:

- (1)-(3) I do not believe she is being paid a level 8 salary. That is a source of some aggravation at the moment. She is still being paid at a level 4. Obviously Hon John Halden has a better source than I. I do not know whether she will be paid at a level 8 or level 7, but it will be less than the level 9 salary paid to her predecessor. It will mean a saving to the Government. I know Mr Halden has a specific dislike of Karry Smith because of the discomfort caused to former Premier Dr Lawrence over the performance of the former Government in regard to Western Women. I know that during the course of the investigation Mrs Smith showed remarkable ability.

Hon Mark Nevill: So it is a payola?

Hon PETER FOSS: No, it is quite the reverse. I was pleased to assist the many women who lost their money as a result of the assistance given by the former Government to Western Women.

The PRESIDENT: Order! I am finding it difficult to relate what the Minister is saying to the question. Unless the Minister heard a different question, I suggest that he take the opportunity to make that statement at a more appropriate time.

Hon PETER FOSS: I was responding to an interjection. It is correct that she is my principal private secretary, but at this stage I do not know what her salary arrangement is. I hope the matter will be resolved as soon as possible. I am fully confident that she will more than deserve whatever amount she is paid.

The PRESIDENT: Order! I remind the House that I had an arrangement with the Leader of the House and the Leader of the Opposition that questions without notice would run for 15 minutes. We have exceeded that by several minutes, but Hon John Cowdell obviously has a very important question to ask.

**FORESTS AND FORESTRY - OLD GROWTH FORESTS**  
*Assessment of Conservation Value Requirement*

8. Hon J.A. COWDELL to the Minister for the Environment:

Will the Minister insist on an assessment of conservation value before allowing any activity that might affect those areas of old growth forest which are likely to have high conservation value? If not, is he aware that this requirement for assessment is clearly spelt out in the National Forest Policy Statement 1992 to which Western Australia is a signatory?

Hon PETER FOSS replied:

An assessment took place pursuant to an agreement with the Australian Heritage Commission. One of the concerns of the State is the way in which the Federal Government has completely ignored the agreement entered into with this State without any concern about the effect on the forest industry. I am happy for any assessment to take place. Having agreed on a basis for that assessment, and having carried out the assessment that is hailed as being the most appropriate way for things to be done, I would like the Federal Government to stick by it. Whatever the rules, we will play by them. We expect the Federal Government to do the same thing. It is impossible for an industry to operate in Western Australia, for jobs to be guaranteed, and for people to carry out their business in a proper way if the Federal Government keeps resiling from its agreements.

**PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF -  
BREACHES OF AWARDS OR WORKPLACE AGREEMENTS, WAGES  
RECOVERED; COMPLAINTS LODGED BY EMPLOYEES**

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

- (1) In the period 1 July 1994 to 15 March 1995, how much has been recovered in wages by the Department of Productivity and Labour Relations for breaches of awards or workplace agreements?
- (2) How many complaints have been lodged by employees for such underpayment in that period?

Hon PETER FOSS replied:

- (1) From 1 July 1994 to 28 February 1995, \$295 912 was recovered by DOPLAR for alleged breaches of awards. Information on the current month is unavailable at this time. DOPLAR has not recovered any wages for breaches of workplace agreements.
  - (2) A total of 620 complaints have been lodged by employees for various award breaches in that same period.
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