WESTERN AUSTRALIA

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LEGISLATIVE COUNCIL

Wednesday, 21 April 1999

THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Inquiry into Management of Western Rock Lobster Fishery - Motion

Resumed from 25 March on the following motion -

> That the Standing Committee on Ecologically Sustainable Development inquire into the management and sustainability of the western rock lobster fishery having regard to-
>
> (1) The accountability of the Department of Fisheries and its rapid rate of expansion.
>
> (2) The potential conflict of interest of the department in being a regulator and having involvement in projects and marketing.
>
> (3) A proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers.
>
> (4) The ability of Western Australian fishers to store, feed and sell their product anywhere within Australia.
>
> (5) The establishment of a seafood exchange in Fremantle.
>
> And that the ESD Committee report its findings and recommendations to the House on or before 2 June 1999.

HON GREG SMITH (Mining and Pastoral) [4.05 pm]: I reiterate some of the points I made when we were last dealing with this motion. Firstly, I do not agree with the motion. I agree with some of the matters contained in it, but I do not agree that the Standing Committee on Ecologically Sustainable Development should conduct this type of inquiry because no-one has questioned the sustainability of the rock lobster industry. It is extremely well managed and is one of the fisheries that is probably better understood and about which more is known than any of the other fisheries.

The first question that Hon Jim Scott raises in the motion is the accountability of Fisheries WA. None of our government departments lacks accountability. We have the Commissioner for Public Sector Standards and many checks and balances are in place to call government departments to account. The Office of the Auditor General also keeps an eye on these departments. Therefore, accountability is not an issue.

The rapid rate of expansion of Fisheries WA is something that probably could be questioned. When we have briefings, many people seem to be involved with the department. I went through some notes and was interested to see that when Hon George Cash was the shadow Minister for Fisheries one of the commitments that we made to the fishing industry was that we would try to keep bureaucracy to a minimum. I am not sure that that has happened. Bureaucrats seem to be everywhere in the fisheries industry now. I do not know what many of them do, although they produce a lot of glossy brochures.

The potential conflict of interest of the department in being a regulator and having involvement in projects and marketing is something that the Standing Committee on Ecologically Sustainable Development has absolutely nothing to do with. The Standing Committee on Public Administration might examine those matters. However, they have no relevance to the economic sustainability of the industry. If questions along those lines are required to be answered, the Standing Committee on Public Administration might look into them. As I said previously, Fisheries WA should not be involved in the marketing of crayfish. By all means it should be involved in exploring potential markets, but it should not be directly involved in marketing. When wool growers lost control of marketing and it was left to a centralised organisation somewhere, it did not work. We ended up with a bureaucracy that was doing well out of wool growers. While things were going smoothly it operated reasonably well. However, when the industry came under pressure and supply and demand got out of kilter, we were soon abandoned by the people who were supposed to be there for us. If any government agency is marketing products, this will happen because people who are dependent on the product for their income are not in charge of marketing it.

The department is not involved in marketing rock lobster. The Geraldton Fishermen's Co-op Ltd, other cooperatives and many private organisations market the product well. NorWest Seafoods and Latitude Fisheries Pty Ltd market their own product. These operations are seeking out markets. I do not know from where paragraph (2) of Hon Jim Scott's motion came regarding the conflict of interest with the department being involved in marketing. Fisheries WA may be involved in the promotions of the product, but no-one would knock back any promotion of a product offered on a world market.

Paragraph (3) of the motion reads -

> A proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers.

I imagine that the Western Australian Rock Lobster Fishers Federation is very similar to all other grower bodies. The Pastoralists and Graziers Association and the Western Australian Farmers Federation are funded by growers, who happily contribute their memberships and finance their administration. The money taken from crayfishermen and paid to the Rock Lobster Industry Advisory Committee is supposed to be directed to research, development and monitoring of the resource. No question has been raised about the understanding of the crayfish life cycle and numbers. Good and bad catch years are predicted fairly accurately.

Paragraph (4) of the motion reads -

> The ability of Western Australian fishers to store, feed and sell their product anywhere in Australia.

Crayfishermen told me recently that they had problems in operating with crayfish in tanks as eggs develop on them. They started with marketable crayfish in the tanks and ended up with unmarketable product. Some practical applications apply to these issues as well as regulations.

One of the main concerns with the rock lobster fishing industry is the way it is regulated at the moment. It is controlled in such a way that it is trying to keep a certain number of people within the industry. It is not the Government's or the department's place to try to socially engineer an industry to keep a certain number of operators within it. If it becomes economically unviable at a certain level, people should be able to increase or reduce the number of pots on a boat. If an operator does not want 63 pots on a boat, perhaps because he is moving towards retirement, and perhaps that should be allowed to happen. To enter the crayfishing industry with that number of pots costs about $1.2m. Each pot licence costs about $19 000 or $20 000, which is a considerable cost. One must then buy a boat.

Hon Ljiljanna Ravlich: There is not much point without a boat!

Hon GREG SMITH: No, and the boat is the cheap part. Pot licence prices fluctuate from season to season. Prices are generally in line with the per-kilo price returned for the crayfish. If they fetch $19 a kilo, as they are at the moment, pot licences are about $19 000 each. When crayfish returned about $30 a kilo, pot licences cost about $30 000 each. When pot licences were at that price, many people questioned the economic viability of the pots and whether they could make a return on them. Some concern was expressed by Fisheries WA, and some regulations were aimed at preventing an overcapitalisation; that is, they tried to stop people spending too much on pots and then losing money. It is not government's place to worry about whether people lose or make money. One of the great things about our capitalist system is that we allow people to go broke. I have seen numerous examples of people who have spent a lot of money developing operations - whether it be aquaculture, a crayboat with pots or a motel - against good advice from bureaucrats and government, but go broke. Someone else picks up the pieces and makes a good business from the remains. There is no place for government departments and regulation to protect people from themselves. If people are bad businessmen, that is their problem, not ours.

It is rather ridiculous that Hon Jim Scott wants to conduct an inquiry into the rock lobster fishing industry at this moment. Under the national competition policy, the Centre for International Economics is carrying out a full examination of the fishing industry. Although I agree with a few of the points made by Hon Jim Scott in his motion, the Standing Committee on Ecologically Sustainable Development is not the appropriate body to examine these matters. The ecological sustainability of the rock lobster industry is not in question.

[Interruption from the gallery.]

The PRESIDENT: Order! I say to the gentleman in the public gallery that we are more than happy for you to attend, listen to debates and make representations to members later.

[Interruption from the gallery.]

The PRESIDENT: However, you cannot speak from the public gallery.

[Interruption from the gallery.]

The PRESIDENT: Order! Will the security officer in the gallery please ask that gentleman to leave the gallery.

Hon GREG SMITH: Under the national competition policy, the Centre for International Economics is carrying out an inquiry into all fishing legislation in Australia, and examining some key legislation in Western Australia. It is considering the Fish Resource Management Act, the Fisheries Adjustment Scheme Act, the Fishing Industry Promotion Training and Management Levy Act and the Pearling Act and its regulations. We may have already dealt with some regulations to the Pearling Act as a result of that inquiry.

The inquiry into the fishing industry is extensive. I took time to consider this examination to see whether this Parliament could look at some other matters. First, the inquiry will consider the scope and structure of the review. It will consider how the reviews should be integrated between the jurisdictions; it will specify the focus of the review and the involvement of the stakeholders and decide on the review team. The second step the inquiry intends to take is to clarify its objectives. It will ask whether the objectives reflect current community thinking, priorities and the national competition policy principle. It will prioritise and identify any conflicts between objectives, and then decide the most appropriate legislation and objectives to be addressed with fisheries and otherwise. The inquiry will then identify objectives in other legislation which fisheries managers should pursue. The inquiry's third step is to identify the nature of the restrictions on competition, including the restrictions on exit from and entry to the industry. It will consider the controls placed on prices and production; restrictions on catch quality, levels or location; restrictions on prices; and the types of inputs involved. The seven and 10-pot rule has gone. Certain issues raised in debate on this motion will no doubt be examined by this inquiry. The scoping paper indicates that they include -

> Cost impositions on business (cost recovery, compliance costs)?
>
> Differential impacts on individuals/business through discrimination according to fishery or type of fisher?
>
> Decide how packages of restrictions should be put together.

Once that has been done it will move to analysis of the effects of restrictions on competition and will -

Identify degree of restriction applied

Specify characteristics of fishery that have led to restriction

Analyse extent to which restriction reduces efficiency

I raise this in connection with the restrictions on the number of pots in a boat, for example. If the inquiry considered the restrictions whereby someone with 150 pots had that number reduced by 18 per cent and was limited to 123 pots, but that others could buy up to that number of pots, it could well be decided that it is an impediment that needs to be removed. The next step is to assess the benefits and costs of restrictions and the inquiry will -

Score contribution of each restriction to the objectives for the fishery (sustainability, economic efficiency, market power, access, etc.)

Assess extent to which each restriction imposes:

- administrative, enforcement and compliance costs
- efficiency losses
- costs on consumers
- risks of policy failure
- costs through other opportunities forgone

Assess balance between benefits and costs in priority fishery management situations

Then finally, it will examine whether the objectives can be met in less restrictive ways and will -

Identify characteristics of fishing that impede use of less restrictive interventions

Identify information uncertainties that increase risks of removing restrictions

Identify costs in moving to a less restrictive regime

Decide best means of facilitating adjustment

Decide whether compensation to losers is appropriate

I suggest that is a fairly comprehensive inquiry into fishing legislation, and it would be farcical to suggest that the Standing Committee on Ecologically Sustainable Development will carry out an inquiry that is anywhere near as thorough or comprehensive. It does not fall under the terms of reference of this House and, therefore, I do not believe the Standing Committee on Ecologically Sustainable Development should examine the legislation.

The fisheries industry has had a great many changes in the rules and restrictions placed on it throughout the years. It has had its ups and downs. At times crayfishermen were all going broke and at other times they were all millionaires. Those involved in primary production will be aware of the ups and downs of their industry; sometimes producers are doing fairly well and sometimes it is not as flash as people think it is. Because of the taxation regime in this country, when primary producers have a couple of good years they must spend their additional income or pay provisional tax, and then when the bad times come they are not in a position to ride them out.

In 1940 there were no seasonal restrictions or size limits. It was illegal to take spawners, and several small boats supplied local markets. Around the 1950s the Abrolhos moved to a fixed season, except for one trial when the season opened on 1 March instead of 15 March. That caused a large increase in the number of deaths. The season remains unchanged to this day. In 1961 the coast was closed from 15 August to 15 November, and no coastal fishery was known to exist during the 1950s. The coastal fishery expanded rapidly during the 1960s.

In 1962 a limited entry system was planned to be introduced the following year, together with a limit of three pots for each foot of the overall length of the boat. No provision was made for boat replacement. In 1965 the system for measuring boats changed from an overall measurement to the distance from the inside stem to the rudder post, and this allowed a stretched version to be built. In 1966 the Abrolhos became a separate fishery restricted to boats with recent usage of the area. In 1967, 12 inch by 2 inch escape gaps were introduced. In 1968 the first five years of limited entry were reviewed by the Western Fisheries Research Group. In 1972 the escape gaps were increased, and in early 1973 the pot redistribution was cancelled. Tagging programs were carried out. More and more regulations have come into play in the crayfishing industry. I hope the inquiry under the national competition policy will go some way towards clarifying the anomalies that exist.

Hon Jim Scott referred to a letter I had circulated and claimed that I agreed with this. I sent a letter seeking some information from a number of crayfishermen at one stage, as follows -

I have sent this letter to you in an effort to clarify in my mind anomalies that seem to exist in the Rock Lobster industry pertaining to the current licensing regulations.

With the recent removal of the 7/10 Pot Rule, and license reactivation to take place in the near future (thus fixing the number of licenses to approximately 600), would you be able to provide me with any logical reason as to why

> the 150 Pot maximum holding rule should not be amended to allow all operators regardless of boat length to use 150 pots, as was agreed to by industry at the time the maximum number of useable pots was reduced from 180 to 150.
>
> The current regulations prevent all but a few from using more than 123 pots and nowhere can I find an industry agreed policy to limiting boats to 123 pots.

I received some varied answers from fishermen, and I quickly learnt that they are like wool growers: If five wool growers are put in a room and asked for an opinion, six different opinions will be forthcoming. There was a genuine feeling from those who wanted to increase their number of pots or get back to 150 pots, that they were being penalised. People with 90 pots could buy up to 123 pots, but people who had previously had 150 pots and had had a reduction imposed went back to 123. They were not able to go back to the 150 pots which they had calculated would put them in an economically viable position when they originally had that number of usable pots. I see no logic in the argument put forward that it was an attempt to keep a certain number of boats in the water.

I come from a farming background, and if someone farms 2 000 acres but wants to work a bit harder he is able to buy any adjoining land that is available and farm, say, a further 1 000 acres. My point is that if someone had a boat capable of operating with 150 pots and that person was prepared to spend the required money, if the total number of pots in the water did not increase there would be no more pressure on the fishery. That governs how many crayfish come from the water. It is the responsibility of Fisheries WA to control the industry and its sustainability. I do not know how many pots are in the water but if the number of pots is controlled, that is a method of controlling the number of crayfish taken. Over the years crayfishermen have become more efficient with the use of global positioning system equipment, and most crayfishermen would agree that their ability to catch crayfish is better now than it was 20 years ago. It could be described as an effort creep brought about by their increased efficiency with modern technology, such as depth sounders and GPSs.

Another question raised today was the current policy of setose crayfish being returned to the water. What will be the effect of having a high proportion of females and a reduced proportion of males? I expect Fisheries WA is examining that issue now and I look forward to hearing its findings. It has been suggested that once the females reach a certain size, they can come out of the water. Those of us who run sheep know that if one has a certain number of ewes, one needs a certain number of rams. Crayfishermen have told me that they do not know what effect a high female to male ratio will have.

This is more a philosophical debate about how the industry should be managed than a debate about whether there should be an inquiry into the fishing industry. No-one has ever questioned the sustainability of the crayfish industry. I have not received any letters from people saying there will not be any crayfish left in five years if we keep going the way we are. Fisheries WA is doing a good job of managing the resource. The questions asked about Fisheries WA and the crayfishing industry concern the way the industry itself has been managed and the restrictions placed on it. That is my main objection to this motion. The Standing Committee on Ecologically Sustainable Development is not the appropriate body to conduct an inquiry of this nature. Examination of the management of an industry is not within the committee's terms of reference. It might have been within the terms of reference if the mover of the motion had demonstrated that the industry was being run in an unsustainable way, but he did not. A number of changes were made to the industry as recently as 31 July 1997 including the removal of the requirement to nominate to fish the Cape Inscription area, the removal of the 7 and 10 rule, and the removal of the requirement to display pot numbers on the wheelhouse, and provision was made for the carrying at any time of two unbaited, unrigged pots among other things.

It has been suggested that it would be more democratic for members of the Rock Lobster Industry Advisory Council to be elected by their peers. The method of that election, whether it should be based on the number of pots held by people or whether skippers should have a vote, should be decided by the industry itself. However, when people are appointed to make decisions, those who disagree with the decisions cannot show their displeasure by not re-electing the decision makers down the track. A good argument could be put forward that the people of RLIAC should be elected by their peers to represent those peers. That is done in most other grower organisations. As a member of the Standing Committee on Ecologically Sustainable Development I seriously doubt whether the committee will have an opportunity to look at this motion for about another two years at the rate we are going, but if the motion is passed we could discuss the appointment of a RLIAC.

HON MURRAY MONTGOMERY (South West) [4.34 pm]: This motion relating to the rock lobster industry on the west coast takes me back some 35 years when I wore a different hat and was involved in the trucking industry.

Hon N.D. Griffiths: You are going to take us forward 45 minutes I expect.

Hon MURRAY MONTGOMERY: I hope that I can take members forward some time and I am sure Hon Nick Griffiths will learn a little about the members in this place. In those days I travelled to Perth during the salmon and herring season on the south coast. I brought some fairly smelly product to Perth - salmon heads and herring. They were sent to the cold stores in Fremantle and distributed as cray bait from there. The product would be sent right through to Geraldton by various methods and moved on to the cray boats. Not much has changed in the intervening years although a lot of imported bait product is used in addition to the fish from the south coast. It is interesting that a processor in Albany was told that the fishermen were pleased to get hold of the south coast herring when they could because it was oily and attracted the crays and they were trying to identify sources of that bait.

We are talking about the western rock lobster industry and the possibility of inquiring into it. I am sure my colleagues from the South West Region would know that many crays are caught on the south coast but that they are of a different subspecies to that which is caught on the west coast. They are referred to as some of the delicacies of the south coast and are quite large. I have seen one which had grown to five kilograms. It can be arranged for people to partake in crays of that size but

buyers are still paying $15 to $20 a kilogram for southern rock lobsters. Last week I had the opportunity of attending a breakfast which was addressed by the federal Minister for Agriculture, Fisheries and Forestry. He discussed the controls placed on our industry and the ways we in Western Australia have an advantage over some of the eastern states fisheries. It was pointed out that we have a fair control and understanding of the western rock lobster industry and the fishery itself has been well controlled by Fisheries WA for a long time. Research has been done to ensure that we have a sustainable industry.

That has been recognised by not only fishermen here but also international forums. It is heartening to hear that the environmental group based in Switzerland has acknowledged that we have tried to manage our fishery while many rock lobster fisheries around the world have determined that they have lost the plot and as a result lost direction with their fisheries. Western Australia has been able to maintain its direction and consequently its markets. We can supply our markets while maintaining a price regime and ensuring that our rock lobster fishermen remain profitable. Profitability is important in any industry. The fisheries industry is no different from farming; if profitability is not maintained the farm goes under and the farmer must face the attendant problems. It certainly does not mean that no less effort goes into rock lobster fisheries because somebody else will buy a pot licence.

It is interesting that the terms of this motion require that the committee have regard to the ability of the rock lobster industry to have the wherewithal to sell and to market the product in Australia. That role has been taken on by the cooperatives to which the fishermen can belong; it is a voluntary marketing system within the industry. I acknowledge that other marketing groups within the private sector have challenged the cooperatives and believe they can achieve as good, if not better, results than the cooperatives. That is a matter of opinion and obviously a matter of the rock lobster fishermen to decide for themselves which role they adopt.

The fact that private enterprise is involved makes me wonder why the establishment of a seafood exchange in Fremantle is seen as necessary. Surely in the light of the businesses operating in Fremantle there is no real need to establish a seafood exchange there. If they were involved in marketing their product in a way that was advantageous to both the fishermen and those in the processing industry, there is not a great deal of reason for having an exchange. The issue of seafood is much broader and that term of reference within the narrow confines of this motion does not make sense. The marketing tools that are available to the rock lobster fishery enable it to tap into any market

Hon J.A. Scott: That is not what the fishermen have told me.

Hon MURRAY MONTGOMERY: It is interesting that Hon Jim Scott makes that comment. The fishermen can be involved in cooperatives. Being part of a cooperative should enable members to make their points known. Fishermen in a cooperative who have similar views should be able to put pressure on management to achieve certain ends. If that is not occurring, it is not a true cooperative. In that sense if the fishermen at Fremantle or Geraldton and various other towns along the coast have a role in managing their cooperatives, obviously they should be able to control their own destiny. If that is not occurring they should be looking at the processes of the various cooperatives to which they belong. It also allows them to deal with one or two of the other marketing groups - without mentioning any names - especially in a year like this when indications are that the yield will increase. The Fisheries Department has indicated that research shows that this year there will be an increased yield of about 30 per cent on previous years. That in itself will present a marketing exercise.

A number of inquiries are being carried out at present to which previous speakers have referred. Irrespective of whether this motion is passed, we should not conduct another inquiry until the other inquiries into the rock lobster industry are completed and the season is over. That way this inquiry will not cover ground that has already been covered.

HON DERRICK TOMLINSON (East Metropolitan) [4.48 pm]: I move -

To delete the words "Ecologically Sustainable Development" and replace them with "Public Administration".

The motion will then read "That the Standing Committee on Public Administration inquire into the management and sustainability of the western rock lobster fishery having regard to . . ". Hon Greg Smith has already given -

Point of Order

Hon J.A. SCOTT: Is the member able to move this motion when he has already spoken on the issue?

Ruling by the President

The PRESIDENT: Hon Derrick Tomlinson has spoken on an amendment on 24 March 1999. Under the standing orders he is also deemed to have spoken to the question, so I thank Hon Jim Scott for drawing that to my attention. So many people have now spoken on this matter that my page is nearly full. Hon Derrick Tomlinson is not in a position to move that amendment, having been deemed to have spoken on the main question. I therefore put the question that the motion be agreed to.

Amendment to Motion

HON SIMON O'BRIEN (South Metropolitan) [4.53 pm]: I move the amendment that my colleague has just tried to move -

To delete the words "Ecologically Sustainable Development" and replace them with "Public Administration".

I do not intend to make a detailed statement on this amendment.

Hon Ljiljanna Ravlich: Go on, we want to know what you know.

Hon Tom Helm interjected.

The PRESIDENT: Order! A legitimate amendment has been moved and I want to hear now the comments from Hon Simon O'Brien or I will put the amendment.

Hon SIMON O'BRIEN: Despite their pleas, Mr President, I will not spoil members opposite, the simple reason being that I was not intending to speak on the issue and my only reason for rising is to support the view that if there is to be an inquiry, it should be conducted by the Standing Committee on Public Administration, not by the Standing Committee on Ecologically Sustainable Development.

Hon Tom Helm interjected.

Hon SIMON O'BRIEN: I have just indicated that my sole reason for moving the amendment is my intention to have this amendment put on the record.

Hon Ljiljanna Ravlich: But you have to speak to it.

Hon Tom Helm: Just move it and sit down then.

The PRESIDENT: Order! Let us get a few of the rules straight. Hon Simon O'Brien has moved an amendment. He can either speak to the amendment and give reasons why he is moving it or not. When he sits down I intend to put the amendment because it has been properly moved. Whether Hon Simon O'Brien wants to spend the next hour explaining to the House why it should be the Public Administration Committee rather than the ESD committee is a matter for Hon Simon O'Brien, and members are obliged to listen to his comments.

Hon SIMON O'BRIEN: Thank you for that, Mr President. I assure the House I will not be spending the next hour, or indeed any time at all, on speaking to this amendment. I am simply pointing out that it is more appropriate for such an inquiry as is proposed by Hon Jim Scott to be dealt with by the Standing Committee on Public Administration. This is laid out in the terms of reference of our standing committees.

This motion calls for an inquiry into the management and sustainability of the western rock lobster fishery. We have heard from quite a number of speakers about matters concerning that fishery and I will not add to that. However, the motion asks that the committee have regard to -

(1) The accountability of the Department of Fisheries and its rapid rate of expansion.

I can assure the House that it falls squarely within the reference to the Standing Committee on Public Administration and has nothing to do with the Standing Committee on Ecologically Sustainable Development. I say partly tongue in cheek that if members opposite want to create yet another standing committee - this time perhaps a standing committee on the sustainability of Fisheries WA - perhaps it would be appropriate to refer this issue to such a committee; but it is not appropriate. The motion refers to the accountability of the Department of Fisheries and its rapid rate of expansion and about the potential conflict -

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: Hon Jim Scott will get his say in a moment when he gets his chance to wrap up.

The PRESIDENT: Order!

Hon SIMON O'BRIEN: It refers to the potential conflict of interest of the department in being a regulator and having involvement in projects and marketing. Clearly that falls within the realm of the Public Administration Committee. I remind members of the terms of reference of the Public Administration Committee and refer to schedule 1 of our standing orders, section 3 of which reads -

The functions of the committee are:

(a) to inquire into and report to the House on the means of establishing agencies, the roles, functions, efficiency, effectiveness, and accountability of agencies and, generally, the conduct of public administration by or through agencies, including the relevance and effectiveness of applicable law and administrative practises; and

(b) to consider and report on any bill referred to it by the House providing for the creation, alteration or abolition of an agency, including abolition or alteration by reason of privatization.

I believe that the Hon Jim Scott's motion does contemplate such matters being canvassed by the proposed inquiry. It is also ironic to note the next paragraph, which reads -

(c) Except as provided in SO 339(c), the committee shall not proceed to an inquiry whose sole or principal object would involve consideration of matters that fall within the purview, or are a function, of another committee.

Ironically, that is what is proposed, because clearly this motion is within the role, function and purview of the Public Administration Committee and not of the Ecologically Sustainable Development Committee. With all of that in mind, I am happy to move the motion in my name that Hon Derrick Tomlinson was trying to move in his. This is the way forward if this inquiry is to proceed.

HON DERRICK TOMLINSON (East Metropolitan) [4.59 pm]: Mr President, I seek your guidance. You ruled that I was not eligible to move a motion because I had spoken to an amendment. My recollection is that it was an amendment moved by Hon Dexter Davies. Since I was not permitted as a result of that presentation on the amendment to move an amendment, now that the amendment has been moved am I allowed to speak on it?

The PRESIDENT: Yes. There is no need for me to say much more because you have explained it.

Hon DERRICK TOMLINSON: Thank you, Mr President. Hon Simon O'Brien at very short notice has given a succinct explanation of why the Standing Committee on Public Administration is more appropriate according to the standing orders of this House than the Standing Committee on Ecologically Sustainable Development to consider the matters proposed by Hon Jim Scott's motion.

In looking at schedule 1 of our standing orders, it might be argued that the function of the Standing Committee on Ecologically Sustainable Development is, according to section 3, to inquire into and report to the House on "any matter in Western Australia concerning or relating to the planning for or management, use or development of natural resources . . .". I anticipate Hon Jim Scott rising to present an argument that in those terms it is appropriate that the ESD committee be the committee to consider the matters raised in his motion.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

CORPORATE LAW ECONOMIC REFORM PROGRAM BILL

Statement by Attorney General

HON PETER FOSS (East Metropolitan - Attorney General) [5.36 pm]: I have tabled today the Financial Sector Reform (Amendments and Transitional Provisions) Bill (No 1) 1999 of the Commonwealth, the Financial Sector (Transfers of Business) Bill 1999 of the Commonwealth, and the explanatory memoranda for both Bills. The first Bill is tabled as it will, when enacted, make substantial changes to the Corporations Law. The second Bill is tabled as it is a relevant part of the package. A third Bill in the package dealing with the rates of income tax payable and amending the Income Tax Rates Act 1986 of the Commonwealth is not tabled as it is not relevant. The Bills were introduced and read a first time in the House of Representatives on 11 March 1999.

The Bills implement the second stage of the reforms recommended by the Financial System (Wallis) Inquiry. The first stage of the reforms introduced a new framework for the regulation of the financial system from 1 July 1998. The second stage does two things in that it transfers regulatory responsibility for building societies, credit unions and friendly societies from the States to the Commonwealth; and brings permanent building societies and credit unions into line with other authorised deposit-taking institutions, including banks, and establishes a single regulatory framework for life insurance companies and friendly societies.

The first Bill is of interest as schedule 3 inserts provisions into the Corporations Law providing for the transfer of financial institutions - permanent building societies and credit unions - and friendly societies into the Corporations Law. A number of other relevant clauses are in the Bill, particularly schedule 8. As members will be aware, the Corporations Law is uniform legislation enacted by the Commonwealth which, because of section 7 of the Corporations (Western Australia) Act 1990 of Western Australia, is applied as a law of Western Australia. The Corporations Law is the law which now regulates all corporate matters in Australia under one unified law. The Corporations Law has now been in place since 1 January 1990.

The Transfers of Business Bill introduces powers to allow the Australian Prudential Regulation Authority to approve voluntary transfers of prudentially regulated businesses or require their compulsory transfers in appropriate circumstances.

[Consideration of the statement made an Order of the Day for the next sitting.]

WORKPLACE AGREEMENTS (PROVISION OF CHOICE) AMENDMENT BILL

Second Reading

Resumed from 12 August 1998.

HON PETER FOSS (East Metropolitan - Attorney General) [5.39 pm]: The Government will oppose this Bill.

Hon John Halden: That comes as a surprise!

Hon PETER FOSS: The effect of the Bill will be to place two new sections into the Workplace Agreements Act. Proposed section 24A gives an employee the right to cancel an existing workplace agreement by giving the employer and the Commissioner of Workplace Agreements 28 days' written notice. Proposed section 25A requires the employer to give prospective employees a notice saying that employment is available irrespective of whether the person chooses to enter a workplace agreement and enables the employee to expressly elect to be employed under a workplace agreement.

The idea of this Bill is extraordinary. Although its title includes the words "Provision of Choice" it is misleading. It will allow a person to enter into an agreement and unilaterally resile from it merely by giving 28 days' notice. The employment relationship will remain on foot and the employer will have no legal redress for the breach of contract. There will be no right to terminate and no right to sue for damages. The employment relationship would continue, but it is not clear from the drafting of the Bill under what arrangements it would continue. It certainly interferes with the fundamental idea that people who enter into a contract are legally bound by it and should stick by it. It ignores the fact that an employer's business may have been structured on the basis that flexibility is achievable with workplace agreements and the business would not exist

but for that flexibility. For instance, if all employees decided to give notice terminating a workplace agreement it could cause a business that must operate seven days a week to be successful to operate only from Monday to Friday. How can a business even plan if it has no idea what the labour costs will be over a business cycle? How could anyone go into business if at any time the labour costs and feasible working hours could suddenly change?

What would happen if some employees resiled from their agreements and ended up working alongside staff who had honoured their commitments to workplace agreements? If a person who was training an apprentice gave notice of intention to resile from a workplace agreement and he and the apprentice worked different hours, how could they ensure the apprentice had the appropriate instruction? It seems to be assumed that the employee's circumstances will improve by employees' resiling from agreements. That seems to assume that all businesses have unlimited funds and are able to continue to operate irrespective of whether they lack viability due to changes that can occur. Those changes may well lead to the end of a business.

What will happen if the employee working ordinary hours on a weekend suddenly said he required overtime rates of pay and they suddenly became payable? How can any business possibly operate under those circumstances? What makes the Bill even worse is that the unfair dismissal conditions continue to apply on the basis that the employer will not be able to terminate the employment of someone who suddenly changes the arrangements under which he was employed. An employer will not be able to say to an employee that he can no longer be employed because he is not working under a workplace agreement. He will be obliged to continue to employ that person notwithstanding the employee has totally changed the whole basis under which he is employed. It may be that his business started and can continue only on that basis but the employer cannot bring that to an end because of that provision.

The Bill departs from the concept of some form of joint benefit to people in the workplace in which there is not the capacity for one person to destroy the other. This Bill will make it possible for employees to destroy the business of an employer. That is not in the interests of the employee. It is rather like the old story we have all heard one time or another of the scorpion riding on the back of a fox across a stream. It cannot change its nature and manages to sting the fox and drown with it.

Proposed section 25A is also defective. It is convoluted and bureaucratic and a paper and time wasting exercise. It attempts to prohibit making a workplace agreement an essential condition of becoming employed. I do not believe that it will achieve that. It will achieve only total confusion. Assuming it was able to do that, it proposes that employees and employers must sign an election notice. Without deciding under what terms a person will be employed the employer must say that he has offered him employment. He then must sign an instrument that says the employee has been offered a choice of employment instrument and has chosen the workplace agreement. It overlooks the obligation on the Commissioner of Workplace Agreements to satisfy himself that the parties genuinely want the workplace agreement registered, and by doing so it renders them entirely superfluous.

The proposal is also entirely impractical. What if a business is structured to operate only on the basis of workplace agreements? For example its employees may be required to work 10-hour days on continuous shifts. Under this proposal the employer must also offer the prospective employee the option of award arrangements which, for example, could be 7.6 hours a day Monday to Friday. How could he conduct a business that must operate for 10 hours a day on continuous shifts if a number of people wish to be employed on a basis not compatible with the operation of the business. It is not reasonable, logical or practical. It will not provide a more productive or competitive workplace, quite apart from being poorly conceived and improperly drafted.

This Bill has the potential to not only adversely interfere with effective management but also be wasteful of time and resources of employers and employees and could lead to a marked decrease in employment. It will recreate the old system in which workers fail to understand that their employment depends on the business prospering; it will enable those people who are intent on destruction to use this clause. People who see that their fate is inextricably woven in the extent of the business will not use it. This legislation will assist those people who have the wrong attitude to the workplace. Therefore, the Government will not support the Bill.

HON LJILJANNA RAVLICH (East Metropolitan) [5.47 pm]: I find some of the comments made by the Attorney General to be extraordinary. My comments will pretty much focus on the Commissioner of Workplace Agreements and the extent to which that role is effectively fulfilled. This Government has been desperate to get all workers onto workplace agreements. The one thing of which we can be assured is that if it was in the interest of Western Australian workers the Government would not be making a commitment.

This Government has been abysmal in its treatment of Western Australian workers. It is outrageous for the Attorney General to say that the Bill is extraordinary purely and simply because it wants to reintroduce the notion of choice, which is what the Government promised in the 1993 Workplace Agreements Act but did not deliver in real terms. That has been left up to a Labor member of this place to redress by introducing a Bill which will include real choice in the Workplace Agreements Act. For the minister to say that he finds it extraordinary that we want to do that which should have been done by his legislation in the first place is extraordinary. What a nonsense argument it is. The Government does not believe that workers have the right to pull out of a workplace agreement. However, on the other hand it condones people being forced to sign workplace agreements. Many of them are not given any choice. They are told to sign a workplace agreement or they will not get work. I do not think that is the right way to approach things. Nor is taking away workers' rights the way to go. I am amazed that the Government is of the view that workers should have no rights or choice.

Clearly from his comments the minister's preoccupation was with what is best and more flexible for industry and for business. All good business people know that production is reliant on the application of good labour to the task. Admittedly

there must be a degree of flexibility. However, the Government has taken some extreme steps in forcing workers to undertake tasks that they do not necessarily want to do.

This Bill seeks to reintroduce the concept of choice for Western Australian workers. The changes proposed in the Bill will give effect to the promise of choice made but never delivered by the Court Government. The Government's desperation to get people onto workplace agreements comes as no surprise. Something which struck me when I first became a member of Parliament was the number of complaints I received from people who were forced onto workplace agreements. The first agreement they signed was generally satisfactory although many were compelled to sign it. However, when the first agreement expired, the workers found out very quickly that the second agreement was nowhere near as attractive as the first. Having taken themselves out of the award system the workers were then at the mercy of workplace agreements. These workers found themselves vulnerable and at the end of the day many were forced to remain on their workplace agreements. They did not necessarily like the situation but they did not have any choice.

The Government has been desperate to have workers sign workplace agreements because they are good for industry. Workplace agreements do provide industry with flexibility and look after one part of the equation; that is, they look after capital and business but do nothing for labour. The Government has taken some extreme measures to reach the quota of workplace agreements it wants registered. From 1993 to January 1999 a total of 161 601 agreements were registered under the Workplace Agreements Act. Some of those are individual agreements and some are agreements reached with representative employee groups.

I was interested to read the 1998 annual report of the Commissioner for Workplace Agreements. The workplace agreements tribunal and Commissioner for Workplace Agreements are important roles. Much of the effectiveness of choice and fairness hinges on the extent to which the workplace agreements tribunal and the Commissioner for Workplace Agreements fulfill their functions in a meaningful way. I was disappointed that so many issues were going through to the wicketkeeper. I draw the House's attention to the requirements for the approval of a workplace agreement. Once an agreement has been lodged, the workplace agreements tribunal is first required to satisfy itself that the agreement complies with the Act and that is probably a fairly straightforward process. Secondly, the tribunal must satisfy itself that the employees covered by the agreement are not disadvantaged compared with their entitlements under the relevant award. That is an interesting requirement because if the no disadvantage test is applied so diligently, why do so many people want to get off workplace agreements? If, at the end of the day, the workplace agreements tribunal and the Commissioner for Workplace Agreements are doing their jobs properly and they deem that there is no disadvantage in being on a workplace agreement compared with an enterprise bargaining agreement, why do so many people want to get off workplace agreements? That invites the question of how the workplace agreements tribunal determines whether there is a disadvantage. I am keen to see how the comparison is made in practical terms. I would like to see the process the Commissioner for Workplace Agreements uses to assess the no disadvantage test tabled in this House. I want to know whether this test is applied to all workplace agreements including individual workplace agreements. My information is that workers are very much of the view that they are disadvantaged. That begs the question of how effective the no disadvantage test is.

I also want to know how, prior to approving a workplace agreement, the Commissioner for Workplace Agreements determines that the agreement has been genuinely made. That is the next criterion on which the tribunal must satisfy itself. I do not know how an agreement can be genuinely made when workers are coerced into signing it; are told to sign it or they will not have jobs. How is that criterion satisfied in those circumstances? It cannot be, but we do not hear boo from the Commissioner for Workplace Agreements about these criteria not being satisfied. I am amazed by that. Apparently the no disadvantage test is a global assessment of the overall outcomes for employees when compared with the relevant award and the test considers both monetary and non-monetary aspects of the agreement. However, from my reading the no disadvantage test is an absolute nonsense as are the original workplace agreements themselves. This is a furphy the Government has thrown in purely to make it look as if the system is plausible. There is nothing plausible about the system; it severely disadvantages workers.

Section 30 of the Workplace Agreements Act sets out the requirements which must be met before an agreement is registered and the commissioner or his delegate must satisfy himself that the agreement complies with the Act and that each party to the agreement appears to understand his or her rights and obligations under the agreement. When I first read that provision, I thought it would not be so bad if each of the parties to the agreement had to understand their rights and obligations under it, but when one looks at that provision carefully one sees it talks about "appears to understand". How does one determine that a party appears to understand something? I will never know the answer to that. This provision is written in such loose language that it says nothing and we should be asking the Commissioner for Workplace Agreements to provide the Parliament with an account of how this works in practical terms.

The next requirement is that no party to the agreement was persuaded to enter into the agreement by threats or intimidation. If that provision was upheld, 50 per cent of workplace agreements would not have been registered in the first place. Given what the State Government has done since 13 March 1997 in requiring all public service workers to enter into workplace agreements or not have jobs in the state public service and given that that is now law and one cannot get a job in the government unless one signs a workplace agreement, that requirement falls into the category of a major joke. The final requirement for registration of a workplace agreement is each party to the agreement must genuinely wish to have the agreement registered. In most cases there is nothing genuine about the willingness of a worker to reduce and trade off his working conditions simply to get a job. There is no advantage in this system for a worker. There is no choice and because the 1993 legislation introduced by this Government is so deficient and flawed it has been left to Hon Tom Stephens to introduce an amendment Bill.

Sitting suspended from 6.00 to 7.30 pm

Hon LJILJANNA RAVLICH: Before the dinner break, I had expressed my concern about the possible breach of section 30 of the Workplace Agreements Act, which provides that no party to the agreement shall be persuaded by threats or intimidations to enter into an agreement. The policy introduced by the Government with regard to public sector workers, which became effective on 13 March 1997, persuades, threatens and intimidates workers with regard to workplace agreements, because public sector workers have no choice: They either sign a workplace agreement upon the commencement of their employment, or they do not get the job. The Workplace Agreements Act provides also that each party to the agreement must genuinely wish to have the agreement registered. I do not know how a person who has been coerced into signing an agreement can genuinely wish to be a party to that agreement. I am interested to know whether the Government is breaching its own Act, because I do not believe the Commissioner for Workplace Agreements is carrying out the role that he is required to fulfill under the Act by making a proper assessment of whether the provisions of that section of the Act are being met.

I am concerned also that many workers do not have the capacity, because of their educational qualifications, language skills or a variety of other factors, to understand the content of a workplace agreement. Many workers from non-English speaking backgrounds have poor English language and literacy skills and often work in more menial jobs, and the current provisions of the Act make it almost impossible for those people to be fully informed of what a workplace agreement means and to knowingly enter into such an agreement. I share that concern with many people from non-English speaking backgrounds.

I am concerned also about teachers. When I was conducting my research for tonight's debate, I was surprised to learn that 230 teachers in remote teaching services have signed workplace agreements. I had not realised that had occurred, and it has serious ramifications for the whole of the teaching profession, particularly when we consider the School Education Bill and the flexibility that the Government wants to introduce into the school system. The Government's intention is to put all teachers onto workplace agreements. I have grave concerns about that potential development.

It has become apparent that one of the reasons that the Government is promoting workplace agreements so strongly is that it enables employers to call the shots with regard to the conditions that must be accepted by workers. This is driven by what is known as productivity incentives. One of those productivity incentives is to aim to reduce the level of absenteeism. A number of employers have addressed that issue by implementing programs that reward employees for good attendance. I have some concerns about that, because rewarding employees for good attendance is based on the assumption that people just take days off for nothing. That is not my experience.

Hon Simon O'Brien: You do not think people take sickies?

Hon LJILJANNA RAVLICH: No. I think people take sickies when they are sick, in the vast majority of cases. I believe I am pretty typical of an employee, and I have taken about three days off in 20 years of work. I believe most employees are very responsible people. That is the difference between this side of the House and that side of the House. I like to think that employees do the right thing by their employers. I do not start off with the premise that employees are bad people and will take advantage of the system. Sure, a small percentage of people may do that, but the vast majority of people do the right thing. When we link absenteeism and productivity, it has the potential to create a situation where people who are genuinely sick with the flu, or who have a broken arm, will drive themselves to work in order to get those productivity incentives, irrespective of how productive they may be. That is not necessarily a good thing for an organisation. I have heard of cases of people going to work ill purely because of this sort of provision. That is not a good situation. In addition, employees become too afraid to report industrial accidents and diseases because it might interfere with productivity improvements and their workplace agreement and they may be penalised for reporting such incidents.

Performance-based pay systems are a typical feature of many workplace agreements. Any improvements in pay and conditions are linked to the performance of the business. Many people in the public sector would be disadvantaged by such a provision. Some of the research that I have done to date indicates that, for example, 19 chief executive officers have not done a performance agreement and many organisations do not have performance agreements in place. What happens if a public sector employee is in one of those 19 organisations and there are no performance agreements? How do those employees meet the performance criteria and what chance do they have of getting a pay increase?

This Government has an appalling record in its treatment of its workers. It has destroyed thousands of jobs, and the public sector is an excellent example of that. We have seen major job losses in the state Public Service. In fact, when I ask questions in this place, 50 per cent of the time ministers respond that I will have to put the question on notice because the Government is not prepared to commit the resources to obtain the information. We are a part of the Westminster system and I do not accept that argument. At the end of the day, if this Government had not destroyed the state public sector as it has, it would have the resources to provide the answers put to it in this place. This Government's record is appalling in respect of workers generally, particularly public sector workers. I have a very close connection with public sector workers and I am very aware of what is happening on the ground. We have 740 redeployees at the moment and another 700-odd are due to join them. I came across a case the other day of a Western Power employee who worked for 25 years and who will get a $30 000 severance package. If members opposite think that is looking after Western Australian workers, I have news for them and it is all bad. This Government's policies have caused enormous hardship for Western Australian families, and have reduced the rights and conditions of Western Australian workers. The introduction of the Act in 1993 is testimony to that. It blatantly deceived Western Australian workers about their right to choose. There was no choice and there is no choice. The Opposition has introduced a Bill that provides more choice. I do not see the problem. Members opposite should embrace this Bill. If they believe in choice then it can do no harm. It is a nonsense to say that the Government provided choice in its 1993 Bill when members opposite know that it offers no choice. How can they tell workers that they have a choice when at the end of the day they either sign a workplace agreement or they do not have a job? This Government certainly delivered a choice!

It is about time this Government came clean about its agenda and redressed the problem that it created with the 1993 Act. This Bill is designed to give new employees a choice. It will allow an employee under a workplace agreement to opt out of that agreement. That is real choice. Under this Bill, a workplace agreement cannot be registered until it includes a form indicating that the new employee has been given a choice. I have no confidence and I do not believe any other member should have confidence in the Commissioner of Workplace Agreements or the tribunal. I do not believe that they do a good job or that they investigate and compare figures to work out the no-disadvantage provision. It is a con and Western Australians should not be conned in that way.

The Bill will also allow employees who are already on workplace agreements to opt out of such agreements. They should have that right. Workers who find themselves subject to a workplace agreement about which they have been misled or which cannot be enforced because the procedures available for enforcement are not available to them will be able to opt out of that workplace agreement. The bottom line is that, if the Government is not afraid of choice, it will support this Bill. It provides real choice and, as such, it provides an element of protection for Western Australian workers that is long overdue.

This Government is in for a rude shock. Western Australians have had enough. They want their conditions and rights reinstated. When I came into this place I made the point that I did not intend to be a wallflower. I am here because I want to make a difference. One of my top priorities is the rights and working conditions of Western Australian workers. I assure this place that I will not rest until the 1993 Act is repealed. For the reasons that I have outlined, I commend this Bill to the House.

HON HELEN HODGSON (North Metropolitan) [7.48 pm]: The Australian Democrats do not see anything inherently wrong with workplace agreements; they have a place in the industrial relations system as it has evolved in this country and in this State. They are now a part of our industrial relations system. Having said that, there are some flaws in the way the system is implemented and this is an opportunity to address one of those flaws.

The idea behind workplace agreements is to provide an opportunity to design flexible employment packages which not only aid productivity for the employer but which also give benefits and advantages to employees. Ideally, one should end up with a win-win situation. At times in certain occupations and industries the award system does not allow sufficient flexibility for employers and employees to come to those win-win situations.

Ultimately it is all a question of balance, and I have spoken in this place previously about the need for balance in industrial relations. It is true that some employers abuse the workplace agreement system, just as it is true - in reference to an interjection earlier - that some employees take sickies. It is a fact of life that no-one is perfect and that one cannot build in all the safeguards necessary to ensure no-one falls foul of the system. If we were to try to legislate to that extent I am sure we would not be able to cope with the level of detail required for us to deal with it. Basically, it is a question of balance of the employers' needs and employees' rights and ensuring that conditions of employment are maintained. That is the current question before us. Under workplace agreements as they are implemented, are conditions of employment maintained or are we encouraging a downward spiral of conditions which means that people are working to the lowest common denominator and we in fact end up with a lose-lose situation instead of a win-win situation?

The current requirements for workplace agreements in the state Act are fairly basic. There is a requirement for registration and a requirement for consent. The only safety nets in place are under the Minimum Conditions of Employment Act and it is simple to meet those requirements. There are a couple of basic requirements that must be included on the issue of registration, such as the right to appeal and the need for genuine consent. That is the problem that we are facing with the Western Australian legislation. How does one decide whether somebody has given genuine consent to a particular workplace agreement?

In that context I looked at the reports of the Commissioner of Workplace Agreements during the last two years and some of the interesting statistics disclosed in that report. For example, on page 21 of the 1998 annual report there is reference to refusals of agreements. On page 23 are the reasons for the refusal of some agreements. The number of refusals is not high. For the financial year 1997-98 the total number of agreements refused totalled 1 196. That should be compared with the total number of agreements registered of 46 995. A significant proportion of the reasons for the refusal of agreements, according to the commissioner's report, occurs where the technical amendments required to conform with the Act are better dealt with by an agreement being formally refused and the parties signing and lodging a new agreement. However, most other refusals occur when employees do not appear to understand their rights and obligations or where they inform the office that they genuinely do not wish the agreement to be registered. The commissioner then goes on to indicate some of the factors taken into account and the indicators by which the decision is made as to whether a genuine wish exists.

The process through which the commissioner goes in making a determination basically starts with checking the agreement to ensure that the basic technical requirements of meeting the MCE Act and the other requirements of the legislation are complied with. The commissioner then makes inquiries and sends a letter to the employer and the employees. I am sceptical when I see comments about government departments sending out letters to people who will often look at them and say, "I do not know what this letter is all about. I will just sign it and send it back." I am sure a proportion of people do that; however, I will come back to that later. There is then an assessment of the agreements and actual contact made with parties to agreements. Further contact may be made with the parties by phone, fax, further correspondence or by arranging a workplace visit. A decision is then made as to registration or refusal.

It is easy to say that this is the procedure that we follow; it is harder to assess how effective is that procedure. However, when one looks at the attachments to the report by the Auditor General, one can see that the Auditor General has audited the performance standards. The effectiveness indicator on page 38 is very interesting. There were a couple of indicators relative to contact with the office, and the percentage of parties sampled who could recall having contact with the office in

the year 1997-98 was 97 per cent. That was a fall compared with the previous year when it was 99 per cent. The percentage of parties sampled who could recall having multiple contacts with the office was 9 per cent in 1997-98 and 14 per cent in 1996-97. The percentage of parties sampled who thought there was no requirement to be contacted in order for their agreement to be registered was 42 in 1997-98 and 35 in 1996-97. This is evidence that sampling undertaken by the Auditor General indicates that these performance measures are in fact being checked and the procedures that the commissioner has set up to contact people seem to be reasonably effective.

There are many questions relating to statistics; for example, what was the sample? I must say that I have faith that the Auditor General's sampling methods are probably more effective than my own. In that context I am happy to accept them. I think, from memory, he did say that there is a statistical accuracy of plus or minus 4 per cent. That does not mean that everybody who has a workplace agreement finds that the workplace agreement fulfils their needs, and I acknowledge that. However, the workplace commissioner has implemented a system to deal with the registration and the attempt to discover whether a person has consented to a workplace agreement which seems to be reasonably effective. That does not mean that I necessarily think the tests that are required by the legislation are adequate. I draw a comparison between the provisions in the state and federal legislation. In the state legislation, registration requires only the attempt to ensure that the person has genuinely consented. In the federal legislation, the no disadvantage test has a list of requirements that must be complied with. The commissioner must ensure that there is a benefit on both sides of the equation.

I have been advised that the workplace commissioner who administers the federal no disadvantage test under part IIA of the Workplace Relations Act, which is the federal legislation, in fact applies a similar series of tests under section 30 of the Workplace Agreements Act, the state legislation which is supposedly comparable. There is no question in my mind that the test required under the federal legislation is higher and I am aware that the Commissioner for Workplace Agreements, when determining whether a person is genuinely consenting, compares the award terms and conditions against the agreement. However, a judgment must be made as to whether a person is trading off conditions and whether the person has genuinely agreed to those conditions. It is a subjective test in that once it is established that the person has agreed, there is no longer the necessity to prove that that person is at least equal to the no disadvantage test; whereas under the no disadvantage test my understanding is that they are not permitted to fall below the equivalent level. Therefore a lower standard and a lower test is applied in Western Australia, and that is inappropriate. We should be ensuring by an objective measure, not just a subjective measure, that people cannot be worse off under a workplace agreement than they are under the equivalent award.

The legislation before us, which has been brought forward by the Leader of the Opposition, obviously emanates from a philosophical point of view which I think has been articulated. Hon Ljiljanna Ravlich commented that she was committed to the repeal of the 1993 Act. I acknowledge and accept that, but that is not the position which we are coming from.

This legislation contains two essential components. One is the aspect of choice and the other is the opting out provisions. I have no problem with the aspect of choice whatsoever. If a person is deciding whether he will get an advantage from a workplace agreement, he must have something to compare it with. If a person is making a genuine agreement to enter into a workplace agreement, he must be comparing it with something in order to say that he is genuinely consenting. The issue of choice to me is a given; people should not be simply forced to take the only offer on option, which is the workplace agreement. That is why we support workplace agreements in the first place, and equally I would say that people should not be forced into accepting that the only option is the award system. It is about choice, about flexibility, about a win-win situation and finding something that suits both parties to the agreement.

I am concerned about the practice that has developed in the public sector to offer employment only under workplace agreements. Governments have an obligation not only to pass laws, but also to set directions, to set policies and to ensure that those policy directions are valid and are acceptable to community standards. I think that in this instance the aspect of choice which was so big in the rhetoric when this principle was introduced has been watered down progressively since 1993.

When I was researching this Bill I recalled a question being asked in this House about whether a certain department was offering employment only on workplace agreements. I did a search of questions in *Hansard*. All the questions that I have found since the time of this Government indicate that whenever a minister has been asked whether a choice has been offered, the answer has been, "No, it is no longer our policy to offer choice." That applied to the Health Department in June 1998; a general question asked of the Minister for Labour Relations in September 1998; and the young doctors issue in January 1998, although I think that one ended up being resolved by ensuring that an EBA was available. It has been progressive.

Again, when we consider a more objective measure, we look at the commissioner's own reports. He has given statistics of the number of public sector agencies in 1997 and 1998 which have workplace agreements in place. In 1997 he has listed them. There were 1 944 agreements in the public sector for 8 353 employee parties and 121 employers. The statistics for the financial year 1997-98 show that 168 public sector employers lodged agreements under the Workplace Agreements Act involving 13 894 employee parties. That is a large jump, given that there were 8 353 employees in 1997, which is the total lodged as I read it. That number increased by 5 500 in one year. That seems to be a direct consequence of the policy that has been adopted in the public sector to ensure that employees are employed under workplace agreements. The public sector should be taking the lead in providing choice; it should not be taking the lead with a policy which limits people's choice opportunities. That more important provision, which is actually the second clause, clause 5, is the second substantive matter that the Democrats will be supporting.

The other provision about which I have some concern is the opt out provision. The reason I have some concern is a basic issue of contract. The Attorney General made some reference to this in his previous comments. Essentially, when an agreement exists between two parties, contrary to the suggestions made in the second reading speech by the Leader of the Opposition wherein he said there were often ways of opting out, it is very unusual to have one party able to unilaterally opt

out of a contract. One tends to have clauses which deal with legal issues, such as the issue of mistake and the issue of misrepresentation, and avenues are available in which common law will allow one party to cancel a contract, but in the vast majority of commercial contracts, it requires the consent of both parties, otherwise damages will be applied. That is the core issue. A contract must have two parties agreeing to cancel it before a cancellation arrangement can be in place.

My concern with this opt out clause that has been brought before us is that it allows one party to unilaterally cancel a contract, being the contract of employment, and it creates a large uncertainty for the employers concerned. It simply requires the employee to lodge a notice, not directly with the employer, but with the commissioner, who then notifies the employer. It means that the employer will never be sure whether the arrangements will remain on foot. I have serious reservations about that, particularly when genuine consent has not been given.

I refer to the report of the Commissioner for Workplace Agreements, which indicates that the commission endeavours to ensure that genuine consent has been given. That is not to say we do not get people who are sufficiently coerced to sign off on something to say that that they have agreed when they have not, because that is a fact of life. However, if a person makes a statement at the time of entering into a contract that he has not been subject to coercion, threats or intimidation, it seems to me a little unfair to be able to turn around in six or seven months' time and say, "I would like to cancel this even though I agreed to it at the time and I said I was happy with it." There is a problem with a unilateral opt out clause. I am proposing instead a transitional provision. If a person is to have choice, we must ensure that the people who had no choice under the existing arrangements are offered that choice and are then locked in. We do not want to lock people in who have never been offered the choice, but we do not want to open it up to everybody who has agreed and then changed their mind. I am proposing a transitional provision that will require that if an employee is currently employed under a workplace agreement and was not offered a choice, he will have the opportunity to revert back to an award. It will provide a defined period in which to deal with the problem. I understand that the Supplementary Notice Paper has not yet been circulated because of some technical issues. However, at the appropriate time I will move in that direction and will debate that issue more thoroughly at that stage.

In spite of all the rhetoric concerning choice, plenty of evidence exists that ultimately the availability of employment and the conditions of employment will be a function of the labour market. When there is a surplus of labour, obviously the employers are able to dictate to some extent the conditions of employment because they are able to use the surplus to their advantage. Similarly, when there is a shortage of labour, the employees have the upper hand. Unfortunately, I cannot see any way of ironing that out. However, we should try to level it out and balance it to the greatest extent possible.

Hon J.A. Scott interjected.

Hon HELEN HODGSON: That is true. When was there last a surplus of jobs? It was probably when I left school. However, there is plenty of literature. I have here an article called "The Myth of Choice" by Carol Andrades, published in the *Alternative Law Journal* of April last year. I accept that it refers to the Workplace Relations Act, which is the federal Act, but some of the issues addressed are constant at the state and federal level. She said -

> But a formal invitation to choose between an award and an inferior 'agreement' is worthless to a migrant outworker who knows tomorrow's order will be cancelled unless she accepts a cut in conditions today. The quality of her choice and the genuineness of her agreement depend on the protective devices offered by the Act.

Ultimately that is the problem. We must ensure that there are sufficient protective devices to make sure that a person can exercise a genuine choice. The clause in this Bill relating to ensuring that the award is made available is one protective device. However, it is not enough. We should consider other underlying legislation, such as the Minimum Conditions of Employment Act, and we should ensure that the range of basic conditions for the labour market is addressed. It is unfortunate that the people who are most at risk here are, as always, the most vulnerable in society. They are young people who have not yet experienced the labour market and do not know when they are being taken for a ride. I acknowledge that in my first job I had similar problems. When I was 17 and straight out of school I had an employer who basically was not prepared to give me my full entitlements when I left. I did not know where to go and to whom to turn. That is usual for young people in their first job. Unless they have a means of access to advice on these issues they are stuck. If that is at the commencement of their employment, they are doubly stuck because if they complain they will lose their job.

There have been cases in the media recently of women in certain industries who are employed technically on a casual basis, but who consider themselves to have full-time work, who suddenly find their hours cut in favour of younger, cheaper employees. Therefore, women are another group of workers at risk, as well as people from a non-English-speaking background. We must take steps to protect these vulnerable employees. At the same time, ultimately we must allow choice to operate in respect of the employee. However, if safety nets are in place, we must ensure that the system contains enough flexibility to assist productivity and to ensure that employers can operate to keep the economy moving.

Finally, I hope the Supplementary Notice Paper will soon be circulated. However, I am aware that the Leader of the Opposition has seen it. At the appropriate time I will move the amendments to deal with some of the issues I have addressed.

HON J.A. SCOTT (South Metropolitan) [8.14 pm]: I also will be supporting this Bill. When the principal Act was passed in this House, I remember well the great dramas that unfolded and the sense of outrage by many people at what happened with that legislation as the attempt was made to rush it through. That was before the new balance took effect in the upper House of this Parliament. During that period, much of the anger arose because the Bills contained a number of unfair clauses which did not allow a fair relationship in the workplace between employer and employee. The Government very much downplayed the power relationship that employers had over employees, particularly in situations involving perhaps individual contracts and young people first entering the workplace, as Hon Helen Hodgson described, because those people

had no knowledge of their rights and conditions; they had no practical experience of that. Of course, there is no training in that area in schools. There never used to be and I do not suppose there is today. We do not seem to be teaching people what their rights are any more.

Hon Tom Helm: Or their obligations.

Hon J.A. SCOTT: Or their obligations; that is correct. I was also concerned at that time about the secrecy provisions and young people being fined for breaches because they wanted to show their agreements to their parents before they signed them. I remember the Attorney General being scornful of the need for young people to do so, he being a person of high social conscience, as described in *The Sunday Times*.

Many problems under the principal Act are not being tackled here; for instance, dealing with the registration of agreements. I recently looked at the Act and found nothing that forces anybody to register an agreement. There are no fines and no checks. Many agreements do not come before the commissioner, and therefore one does not know what agreements have been struck in the community. It is amazing that, on the one hand, there can be fines for people who want to show their agreement to somebody to get advice on it and, on the other hand, there are no fines if a person does not bother to register an agreement and rips off young people. That shows where the Government was coming from in that piece of legislation. Not only were many aspects of that principal Act unfair, but many of the breaches have been ignored by the Government's own departments. The freedom of choice system has now become the take it or leave it system.

Lots of claims are being made about how people are now opting for workplace agreements as opposed to awards. If their choice is to have a job, the only real choice is a job or no job. The Attorney General seems to have forgotten the freedom of choice of employees. I certainly remember him being very loud and vociferous about that during the debates in this place. He said that the legislation was all about freedom of choice. We heard that many times. There was a whole campaign on freedom of choice. However, when push came to shove it seemed that freedom of choice was shoved under water and disappeared from sight. The minister asked why would we want to put these restrictions on an employer and what if he wanted to do unusual sorts of hours and shifts in a particular job because this would upset his ability to make a profit. Those are not precisely his words but they are basically the meaning of them. How far do we let that sort of thing go? Do we put any limits on those sorts of powers of an employer over the conditions in which an employee works? We must decide whether we want workers in this State to have third world conditions. Of course I am not saying that every employer is like that. Most employers want a good relationship with their employees and will not do that, but there are employers, as there are employees, who are not perfect and who look out for their own interest.

Hon Helen Hodgson has proposed an amendment because of her concern about how the Bill might conflict with contracts law and not give any certainty in an agreement. Although I support her sentiment, I am concerned at some of the effects of the amendment. I am particularly concerned about contracts which last for a long period, such as a five-year contract, where if a person new to the work force with no understanding of the rights of the normal sorts of wages and conditions under which people work signs away his rights for the following five years in a totally untenable and unhealthy job with very poor pay, he will not only have a very bad first year but, by the time the five years are up, with inflation and other matters, he will also be very badly off for a long time. If the contract contains no provisions for increases during the five-year period, he will not be paid for any increased improvement in his skills or anything else. Locking into such agreements is very dangerous.

I have indicated to the Opposition and to Hon Helen Hodgson that I am concerned about this matter and have investigated whether it would be appropriate to propose an amendment to this Bill. However, I have been advised by very learned counsel in this place that it would not be appropriate for this Bill and that such an amendment would be better suited being put into the Minimum Conditions of Employment Act, where it would cover all sorts of agreements if a new section ensured that after one or two years, persons in a long contract could get some variation because such a contract may be totally unfair. The problem with those sorts of unfair arrangements means that people must then leave the job. If it is totally unfair and untenable for them to live in such situations, they must either stay in such untenable situations or leave. If they leave, they may find it difficult under today's political climate to get social security payments.

Hon Tom Helm interjected.

Hon J.A. SCOTT: As Hon Tom Helm points out, they could be sued. That applies if such agreements have been registered. Employers may be able to sue ex-employees whether such agreements are registered or not. The legislation is very unfairly stacked in many ways and needs looking at. The very fact that workers in Western Australia have worse workplace legislation than those other States, in that they do not have the no-disadvantage protection of federal law which means they would be no worse off under a workplace agreement, which really puts Western Australia workers at a disadvantage. I do not know why this Government wants to keep Western Australian workers worse off than those in other States. It says something about the Government's mind-set.

I understand that the Opposition is prepared to accept Hon Helen Hodgson's amendment. I will also be accepting it, even though I am concerned about its effect on long-term contracts. I will be investigating whether it is worthwhile some time down the track to move an amendment to the Minimum Conditions of Employment Act to try to do something about long-term contracts that are unfair and have no review conditions built into them. I will be supporting the Bill, even as amended by Hon Helen Hodgson. However, I would really like to see the Government get onto the front foot on this and have a fair look at this legislation to get rid of those unfair sections in it and make sure that cowboy employers who have unregistered agreements and who are unfairly treating employees are reined in and pulled off their horses and made to treat people in a humane and fair way, otherwise this State will be known as the wild west for a long time.

HON TOM HELM (Mining and Pastoral) [8.29 pm]: I support this Bill. I ask the House to take note of the lead speaker on behalf of the Government, the Attorney General. I have heard him give a longer answer to a question without notice in this place. One could see that he did not have the heart for this at all and that he was really embarrassed. Like most opposite, he knows that there is no choice. Somebody is gutless if he cannot defend the actions of this Government on this Bill because it goes right to the heart of the matter; that is to say, the promises that were offered in 1993 and which have not borne fruit. The main offenders are the people who promoted the Bill in 1993; that is, the members of this Government.

I took a quick overview of 1993 and checked out page 9596 of *Hansard* of 9 December 1993. Minister Kierath said the following in the Legislative Assembly -

> I will give the member for Peel this undertaking, as I have always done:

It sounds like he was on the Mount. Continuing -

> If employees find ways of getting around the three Acts and workers are being forced into workplace agreements against their will I will shut down any of those provisions.

The minister responsible for the Bill said that the major selling point was choice. On 19 August 1993, as reported on page 3062 of that year's *Hansard*, the minister said in the Legislative Assembly -

> The member for Northern Rivers must get into his mind that if the people he represents do not want workplace agreements they do not have to have them. They are merely offered as a choice and if people do not want them they should ignore them.

On page 3517 of the Assembly *Hansard*, a statement on 9 September 1993 by the then Minister for Labor Relations reads -

> In order to maximise the choice available, the WA Government supports the retention of the award system. Employees who wish to remain under awards should be allowed to do so.

Do not forget that every government employee has been given no choice. Government workers must come to a job under a workplace agreement. On 3 August 1993, as reported on page 1761 of *Hansard*, Minister Kierath said in the Legislative Assembly -

> I say . . . that workers will have the power of veto -

Veto even!

> - over any workplace agreement and they will not be able to be forced into a workplace agreement against their will . . . For the first time, workers will have some genuine choice.

On page 892 of *Hansard* of Tuesday, 25 March 1997, Minister Kierath answered a question by Mrs Monica Holmes regarding the "sign or resign campaign". The minister quoted from a document from the Miscellaneous Workers Union as follows -

> It is illegal for employers to force workers to sign workplace agreements.

None of the speakers tonight has mentioned the number of prosecutions against employers who have forced workers to sign workplace agreements. Not many have occurred. Members will recall that last year or the year before a successful prosecution was mounted when a prospective employee went to an employment interview with a tape recorder and recorded the interview. The words the prospective boss used led to a successful prosecution. The person who attended the interview was the son of a union organiser and was advised that he should take that action. He ensured he would not get the job by his actions. However, the employer was prosecuted, and as part of his defence he said he was not sure of his obligations under the law. Most employers are not aware of those obligations. However, the Government cannot hide behind the veil of ignorance. It knows what it is doing when it says there is no choice.

This Government believes in deregulation. It says deregulate this, and privatise and corporatise that; however, it does not do so in the workplace. The corporate entity of workers faces provisions of law which dictate almost every aspect life. If that were done to the Chamber of Commerce and Industry of Western Australia or the Chamber of Minerals and Energy, they would be up in arms saying, "Get government out of business! Get the dead hand of government away from us!" However, it is believed that the worker needs the dead hand of government to work properly. What a cowardly view. Hon Tom Stephens should be congratulated on bringing the Bill to this House and on presenting his arguments during seven hours of debate. Hon Peter Foss spent 10 minutes on his address. That speaks volumes, even though we did not want a long lecture from the Attorney General.

In addition to the illegal acts that have taken place because workplace agreements have been forced on people, and choices have been diminished, the Government has also removed the loyalty that once existed between workers and their employers. Workers were once able to feel pride in their job, and to take some responsibility for the job and the success of the enterprise for which they worked. That is no longer the case. Workplace agreements mean that workers are forced to act instead of acting voluntarily. Bad or mediocre managers have an additional tool they can use improperly to mismanage. It is well recognised, particularly in Australia, that workers in this country are the victims of a raft of bad management practices and techniques. Almost every survey taken by the people who conduct these tests on an international scale shows that Australia suffers from the fact that its management techniques and skills leave a lot to be desired. Those bad management practices can be hidden because employers can take action in more areas than was previously the case. To a large extent employees

are faced with management by fear. Workers are frightened of breaching their contracts, because the job they have working for a bad employer - as bad as it may be - is better than no job.

I must refrain from advertising for the Metals and Engineering Workers Union. However, I am obliged to promote the efforts of the union and the Broken Hill Proprietary Co Ltd, whose operations in the Pilbara are extensive. I live and work in the Pilbara and there are two separate and distinct work practices. One is the workplace agreement and the other is an enterprise bargaining agreement. Members will be aware that recently BHP went through severe cutbacks - a 15 per cent reduction in tonnages, and an 11 per cent reduction in the price it receives for its ore. Senior management visited Mt Newman to talk to the work force. They were there to answer questions, and time and again huge examples of bad management techniques were presented. Nonetheless, the work force, unions and management got together to manage those reductions - which totalled 240 people from a work force of 900 - as humanely and sensitively as possible. Even today, BHP is facilitating financial management seminars and lifestyle seminars and it is trying to assist the work force in every way it can. In return, the trade union movement is working with BHP to ensure that there are no snags. Do not forget that reducing a work force by a third means that different work techniques must immediately be applied. That cannot be done unless the enthusiasm of the work force is behind it. One will not get the enthusiasm of a work force unless one has trust, and there is a heap of trust at BHP.

Let us look over the road at Hamersley Iron. It has gone a different way. Because it has maintained the award levels through a workplace agreement, it has actually sacked most of its contract work force and taken people from Tom Price, Paraburdoo, Dampier and Karratha, and got them working at Marandoo, which used to be a contract mine. It is about 50 kilometres out of Tom Price, but it is a long way from people's home town. It might take 13 or 14 hours a day to go to and from work and do a 12-hour shift. Those people are doing that for about $10 000 less than employees at BHP receive, and they are doing it because they are forced to do it. Morale in towns such as Paraburdoo and Tom Price, which I visit regularly, is nothing compared with that in Newman.

Let us not dwell on the Pilbara. Let us consider an example that is closer to home. Just recently, we experienced a change in the security firm that looks after Parliament House. It went from Wormald or Chubb to New Breed. There is some controversy about that in itself, but the significant difference between those two companies is that New Breed employees cannot work for New Breed unless they sign a workplace agreement. Wormald and Chubb worked on the award - they worked on an enterprise bargaining agreement. The terms and conditions of employment are significantly different. Of course, once the contract is lost, there is no employment, so people may be forced to work for New Breed, not on reduced salaries but by working longer hours for the same salary.

We talk about choice and flexibility. The Attorney General talked about how an enterprise or a company could be flexible in how it dealt with its business and how one had to have a workplace agreement - one had to force people into contracts - so that one could have flexibility. The Attorney General does not have his head screwed on. If Hon Tom Stephens made one point in his seven-hour address in 1993, it was to emphasise that if something ain't broke, why fix it? In other words, the industrial relations record in this State was second to none. We had reduced industrial disputation through the advent of the federal and state Labor Governments to the level at which it is now. Nothing has changed. That is good - I am not critical of that - but the Government did not need to bring in that legislation, it did not need to reduce choice and it did not need to use the stick to get workers to do what it wanted them to do. The award was able to do that because it was flexible enough for employers and employees to work together cooperatively to make the enterprise better.

What nonsense to say that a contract is essential. The Broken Hill Proprietary Co Ltd gives its employees the concessional ability to buy shares in the company. Every one of the employees at BHP is a shareholder. What greater incentive is there? It is not necessary to threaten people with jail, unemployment or reduced wages if they know that the harder and better they work, the more money the company will make and the more their shares will be worth. Surely that is easy, but the Government does not want that; workers must be regulated but the employers must not be.

At Hamersley Iron Pty Ltd workplace agreements have been in place for more than five years and the award provisions are, I think, seven years old. There has been no need or push to update them. Where is the choice for those people? I raise this for theoretical reasons. When a contract reaches the end of its five year term it is automatically rolled over for another five years because nobody opts out of the contract between the employer and the employee. I suppose therefore it will remain in force forever because if no award is available no-one can refer to it. Basically it means that those workers are trapped. People do not seem to understand that.

Hamersley Iron employees entered into the contract with their eyes wide open. They were offered at least $10 000 on top of what they earned five or six years ago. It was a very tempting offer. Some people did not sign a contract, but the great majority did because of the immediate financial incentives, plus the ability to earn overtime and other premium payments that were offered in the beginning but that are less likely to be available now.

Hon Simon O'Brien: After the five years did a significant number of workers want to renegotiate so that they could go onto the award?

Hon TOM HELM: In Hamersley Iron, as we speak, the policy is for the workshop supervisor to assess every six or twelve months what increases employees are entitled to for the appropriate period. They complete a check list of about five or 10 pages covering loyalty, work cleanliness, diligence, skill improvement, etc. One of the topics refers to how cooperative employees are. If the employer does not ask the employee to renew the contract and he does not want to change it, the contract continues. The registered agreement exists for ever, even though it was initially in place for five years. At the end of the five years that is all there is to work under. If at the end of the five years an employee dares to say that he wants to renegotiate the contract, he can be assessed as uncooperative.

I congratulate Hon Tom Stephens for introducing the Bill. For the most part previous speakers resisted repeating much of the debate held six years ago. It has been pointed out that history has proved the Opposition parties to be right. The events that we said would occur have occurred. I hope that members opposite who have integrity will vote for the Bill.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [8.50 pm]: I thank those members who have indicated their support for this legislation. Members will appreciate that the Labor Opposition is bringing forward this Bill at this time with all earnestness. The Labor Party is steeped in the long history of the labour movement and in the struggles of the working men and women of this country, and it is fully committed to restoring to the work force of this State and nation its rights under industrial law. It is with enormous regret that we find ourselves in 1999 arguing the points of law that were resolved in so many ways in the last part of the 1890s in this country, when the master-servant relationship that was then typified by contractual law was replaced with a system of industrial law, and with an arbitration system that emerged subsequently, that protected the rights of the work force of this country. Those of us who are proud members of the Australian Labor Party find it galling that this State and nation are now reverting to binding people who are unequal in contracts that are diminishing the rights of the work force.

The Attorney General, on behalf of the Government, expressed his opposition to the passage of this legislation. He also expressed concern about the viability of companies and indicated that the current legislation has substantially reduced the remuneration that would otherwise have been available to the work force. This Government is all about driving down the wages and conditions for which the work force of Western Australia has struggled, in partnership with the Labor Party and the union movement, and through the processes that were previously available to it at law. Those processes are now being reversed under this Government. That reversal was confirmed by the principal argument that was advanced by the Attorney General, that if we were to go down the path that I have advocated on behalf of the Australian Labor Party, the risk would be that rather than this substantially lower remuneration, there would be some adverse impact upon the economic viability of industry. We do not accept that argument. We believe that if the work force were appropriately remunerated, it would drive the economy in Western Australia and the nation to the benefit of all. We believe that work forces embark, in partnership with industry, upon strategies aimed at ensuring that they are competitive, intelligent and educated, and participate in the world economy. There was scant reference, if any, on the part of the Attorney General in defence of his Government's position and of its alleged essential ingredient; that is, the principle of choice.

The Labor Party appreciates the support for the Bill expressed by Hon Helen Hodgson on behalf of the Australian Democrats. However, it regrets that it is qualified support. Of course, Labor Party members want to see the passage of this legislation and, therefore, will accept the amendments that the member has indicated will be moved.

Hon N.F. Moore: There is a name for that.

Hon TOM STEPHENS: That is understandable. The Australian Democrats come from a different tradition and are not as steeped in the labour history of this country as is the Labor Party. I think I am correct in saying that Hon Helen Hodgson is a student of contractual law and lectured in that area.

Hon Helen Hodgson: For six months.

Hon TOM STEPHENS: In part, that was the focus of her contribution. The Australian Labor Party has understood for its entire history the limitations of contracts in industrial law and why contracts between unequals have needed to be balanced with other principles and emphases. That is why we unashamedly brought forward those emphases in the Bill drafted by our Labour Relations spokesperson, John Kobelke, the member for Nollamara. He steered this Bill through Caucus and the debate behind the scenes. I pay tribute to the work he has done and delivered to me. That has made it possible for me to advance this legislation.

I have promised the House that I will not speak long in this reply. I assure all members that every member of the Australian Labor Party could have spoken eloquently and at great length in support of the principles contained in this Bill. They are choosing not to do that on this occasion and they are effectively locking into a strategy of allowing me to put on the record the Labor Party's firm and passionate commitment to the principles in this Bill.

We note that this is a historic event in that this is the first Labor Party Bill that will hopefully be passed through the new non-government majority controlled upper House. It provides the Government with an opportunity, once the message is received in the other place, to take a fresh look at the damage it has done to the labour laws of this State. We will need to ensure that every opportunity is made for the Government to respond positively to that invitation and that it repairs the labour relations legislation of this State.

This Bill, even with the Australian Democrats' amendments, will make a significant contribution to achieving that goal. I hope we can quickly move into committee -

Hon N.F. Moore: And more quickly move out of it.

Hon TOM STEPHENS: - and complete the process.

As I resume my seat in a very short time, I am looking forward to the support now of all my colleagues joining with me in the House in ensuring the historic passage of this Bill. Wherever they are, I hope that they will soon join me in their firm commitments. I know that members like my colleague Hon Nick Griffiths would love to have spoken in this debate and would have contributed at length. I know I have the support in this debate of Hon Ljiljanna Ravlich, Hon Tom Helm, Hon Mark Nevill, Hon Bob Thomas, Hon Ed Dermer, Hon Kim Chance, Hon Cheryl Davenport, Hon John Cowdell and Hon John Halden.

Hon Muriel Patterson: Why did you not mention Hon Ken Travers?

Hon TOM STEPHENS: And Hon Ken Travers. All my colleagues are united in support of the passage of this legislation and some of those will appear on the record of this House as being paired for this debate. All of them want to participate in the process of the passage of this legislation. I commend the Bill to the House and look forward to quickly moving into the committee stage.

Question put and a division taken with the following result -

Ayes (13)

Hon J.A. Cowdell	Hon Helen Hodgson	Hon Ljiljanna Ravlich	Hon Tom Stephens
Hon E.R.J. Dermer	Hon Norm Kelly	Hon J.A. Scott	Hon Giz Watson
Hon N.D. Griffiths	Hon Mark Nevill	Hon Christine Sharp	Hon Bob Thomas *(Teller)*
Hon Tom Helm			

Noes (12)

Hon M.J. Criddle	Hon Peter Foss	Hon N.F. Moore	Hon B.M. Scott
Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*

Pairs

Hon Cheryl Davenport	Hon W.N. Stretch
Hon Kim Chance	Hon Greg Smith
Hon Ken Travers	Hon Max Evans
Hon John Halden	Hon Ray Halligan

Question thus passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Tom Stephens (Leader of the Opposition) in charge of the Bill.

Clause 1: Short title

Hon PETER FOSS: I wish to make it clear that nothing that has occurred in the previous debate has altered the Government's intention to oppose the Bill.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: New section 24A -

Hon TOM STEPHENS: I move -

Page 2, line 27 - To insert after the word "relevant" the word "award".

The amendment is moved after discussions with my non-government colleagues on this side of the Chamber and I commend the amendment to the Committee.

Hon PETER FOSS: This amendment is to make sense of what would otherwise be a nonsensical provision. Notwithstanding that that which was nonsensical at least means something, the objection to the provision as a whole and to its complexity and difficulty is maintained.

Amendment put and passed.

Hon Hon TOM STEPHENS: I move -

Page 3, line 5 - To insert after the word "than" the word "the".

Hon PETER FOSS: I am surprised that the person moving the amendment does not at least tell us the intent of the amendment. I suspect it is another amendment designed to make sense of an otherwise nonsensical provision. However, if the Leader of the Opposition would confirm that, it would be useful.

Hon TOM STEPHENS: It will certainly help make sense of the legislation. I will be brief, because I am yet to receive an assurance from the Leader of the House that we will be able to sit beyond 10.00 pm for consideration of this legislation. Therefore, I will move quickly through the debate.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 3, after line 26 - To insert the following new subsection -

(7) This section applies only if -

(a) the employee's employment is governed by a workplace agreement when this section comes into operation;

(b) the employee was not offered that employment other than by way of a workplace agreement; and

(c) notice under subsection (2) is lodged within 60 days after the day on which this section comes into operation.

During the second reading debate I addressed my reasons for not agreeing with clause 4 as presented. The unilateral opt-out was contrary to many provisions of common law and contract law, and as such we were unable to support it. The intention of this amendment is to ensure that opt-out remains, but only as a transitional provision. Therefore, it applies only if three conditions are met: Firstly, that the employee is employed under a workplace agreement at the time the section comes into operation; secondly, that the employee was not offered a choice in the first instance when he signed that workplace agreement; thirdly, that a 60-day time limit is provided for notice to be given and to trigger the mechanism allowing a person to opt out. It is intended that this will bring it in line with the principle of choice and will deal with some of the issues that were raised in respect of whether it is appropriate for a person to be able unilaterally to opt out of such an agreement.

Hon PETER FOSS: Obviously, in general terms of principle, this clause is preferable to the one put forward by the Leader of the Opposition. However, it still has a basic difficulty. I wonder why any group, just because they happen to have a workplace agreement at the time the Act comes into effect, should have a right to opt out but nobody else does. If Hon Helen Hodgson feels so strongly that the opt-out should not be included at all, I wonder why she makes a distinction for just that small group who happen to have workplace agreements at the moment. Proposed section 24A is unacceptable as a whole and it is difficult to make that distinction. Therefore, I would support her in removing section 24A totally, but I wonder why she sees this distinction in this case.

Hon HELEN HODGSON: I am happy to explain that. Instead of focusing on proposed new subsection 7(a), which is that the employment is under a workplace agreement, the Attorney General should focus on proposed new subsection 7(b), which is that the employee was not offered that employment other than by way of a workplace agreement. This is intended purely as a transitional measure. If we are providing choice for people who are employed after the date of commencement of the legislation because of the date on which they commenced their employment, this provides choice to those people who were not given choice because this protection was not in place at the time at which they were offered their employment contracts. It is limiting the original proposal - I accept and acknowledge that - because it is simply trying to remove any inequalities which might exist between people who were offered a job the day before royal assent and people who were offered a job the day after royal assent.

Hon PETER FOSS: Although I hear what the member says, I still do not see the logic behind it. I think the clause is objectionable and perhaps this makes it less objectionable, but I do not know that our role is to try to make it less objectionable. It seems merely to be making a distinction without any particular ground for it. What about all the objections I raised of people starting off a business, where they started off their businesses on the basis that they had people who are employed on workplace agreements? The businesses are able to function because of workplace agreements. This amendment does not deal with that case. Although I agree that it narrows the window, it is still unfair and unreasonable. I have great difficulty in supporting something which merely makes it possible to argue that the provision is not unfair and unreasonable but it is still unfair and unreasonable.

Amendment put and a division taken with the following result -

Ayes (13)

Hon E.R.J. Dermer	Hon Helen Hodgson	Hon Ljiljanna Ravlich	Hon Tom Stephens
Hon N.D. Griffiths	Hon Norm Kelly	Hon J.A. Scott	Hon Giz Watson
Hon John Halden	Hon Mark Nevill	Hon Christine Sharp	Hon Bob Thomas *(Teller)*
Hon Tom Helm			

Noes (12)

Hon M.J. Criddle	Hon Peter Foss	Hon N.F. Moore	Hon B.M. Scott
Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*

Pairs

Hon Cheryl Davenport	Hon Greg Smith
Hon Kim Chance	Hon Max Evans
Hon Ken Travers	Hon Ray Halligan
Hon J.A. Cowdell	Hon W.N. Stretch

Amendment thus passed.

Hon HELEN HODGSON: I previously said that amendment D4 would be deferred. I now move -

Page 2, line 14 - To insert after the word "Act" the words "but subject to subsection (7)".

This is to ensure that the whole of the opt-out provision is subject to the amendment which I have moved which does limit it to a transitional mechanism only.

Amendment put and passed.

Clause, as amended, put and a division taken with the following result -

Ayes (13)

Hon J.A. Cowdell	Hon Helen Hodgson	Hon Ljiljanna Ravlich	Hon Tom Stephens
Hon N.D. Griffiths	Hon Norm Kelly	Hon J.A. Scott	Hon Giz Watson
Hon John Halden	Hon Mark Nevill	Hon Christine Sharp	Hon Bob Thomas *(Teller)*
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Hon M.J. Criddle	Hon Peter Foss	Hon N.F. Moore	Hon B.M. Scott
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Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*

Pairs

Hon Ed Dermer	Hon Bill Stretch
Hon Cheryl Davenport	Hon Max Evans
Hon Ken Travers	Hon Greg Smith
Hon Kim Chance	Hon Ray Halligan

Clause, as amended, thus passed.

Clause 5: New section 25A -

Hon PETER FOSS: The Government continues its opposition to this iniquitous Bill.

Clause put and passed.

New clause -

Hon TOM STEPHENS: I move -

Page 6, after line 4 - To insert the following new clause to stand as clause 6 -

Section 19 amended

6. Section 19 of the principal Act is amended by deleting subsection 4(b) and subsection (5).

Hon N.F. Moore: Is there any prospect of a copy, or is it just for those in the know?

Hon TOM STEPHENS: Copies were circulated. The new clause will ensure that rather than allowing for the rollover of workplace agreements, workplace agreements will be required to be re-registered. Therefore, it is dependent on the provisions which will prevail upon the passage of this legislation. I am pleased that this amendment has the support of the non-government majority in this Chamber.

Hon PETER FOSS: Obviously the majority know more about this clause than the rest of us because we have only just found out about it. One of the most noticeable points during the debate is that the numbers in the Chamber have been maintained by government members and the most extraordinary lack of interest has been shown by the members of the Opposition and their supporters; if it had not been for the Government we would not have had a quorum after dinner. Any interest the Government has shown is misplaced and the Opposition should be grateful that we managed to keep up the numbers in the Chamber even though it is the Opposition's obligation with its Bill to ensure enough members are present.

For the benefit of members who may be interested, section 19(4) of the Workplace Agreements Act states -

> On the expiry of a workplace agreement this Act no longer applies to any contract of employment that it governed and that contract then becomes subject to relevant award provisions (if any) unless it becomes subject to -
>
> (a) another workplace agreement; or
>
> (b) some other arrangement between the parties provided for in the expired workplace agreement.

It is extraordinary that this will be deleted. This Bill is called the Workplace Agreements (Provision of Choice) Amendment Bill, when it actually reduces the capacity for people to agree on what happens at the expiry of a workplace agreement. The Bill seeks to remove section 19(5) which reads -

> So long as a contract of employment is not subject to award provisions because of an arrangement under subsection (4)(b), sections 6 and 8 continue to apply to that contract as if the workplace agreement had not expired.

Sections 6 and 8 affect the workplace agreement and the addition of an employee as a party. Plainly the situation is another opportunity to dictate what will happen to the parties rather than give them the choice to arrange that by contract. The ministry of truth has always been the favourite occupation of the left wing, socialists, and people such as that.

Several members interjected.

Hon PETER FOSS: I am trying to get through my speech as soon as I can but the interruptions mean that I have to start again and respond.

Several members interjected.

The CHAIRMAN: Order! Members, we are keen to progress the Bill.

Hon N.D. Griffiths: He is keen.

Hon PETER FOSS: I am very keen. The only thing stopping me from concluding are the continual interjections, including those by the Deputy Leader of the Opposition. I am not surprised the Labor Party has lost heart with this Bill since the last division gutted one of its major provisions. This is another example of the way in which the Labor Party brings forward Bills and gives them a name which is deceptive about what they purport to do. This amendment has been carefully and cosily agreed to by everybody on the other side of the Chamber. Nonetheless it is out of place simply because it changes the whole nature of what the Bill is supposed to be about.

Hon HELEN HODGSON: It is probably worthwhile to hear a more detailed explanation of why the clause is in the Bill and what I understand the Leader of the Opposition to be moving. In the discussions in which I was involved it became clear that bringing in a transitional provision and limiting the opt-out clause to purely transitional cases means that there is an issue as to what happens when a workplace agreement expires but is not formally renewed. Incorporated in many workplace agreements is a mechanism for the agreement to remain on foot on an informal basis, so to speak, in the same way that a rental agreement remains in place even though the original term has expired; it can remain on a monthly or weekly rental term. Similarly, a workplace agreement can continue for a period even though the actual workplace agreement has expired. That is permitted under section 19(4) and (5). The problem is that if one is providing choice to employees and an employee is on an expired workplace agreement, there must be a time and a method of ensuring that choice is made available in the same way; that when a contract comes up for renewal there normally are options and mechanisms to renegotiate conditions. That is a flaw and a defect that exists whether or not we were dealing with the provision of choice mechanism. It does not allow periodic renegotiation because a workplace agreement can remain on foot by way of another form of agreement. With that knowledge I agreed that it was a way of ensuring that there would be periodic review and that at the expiry of each workplace agreement the re-registration process would ensure that there was the option for choice, which is why it falls within the scope of the Bill, and on that basis I have agreed to support it.

Hon J.A. SCOTT: The Greens (WA) support the new clause simply because they do not want workers to be tied into the continual rotation of a workplace agreement without any chance of meaningful improvements in their conditions. Workers could be locked into positions in which, as time went on and the value of money changed, they could lose considerably.

New clause put and passed.

Title -

Hon PETER FOSS: The title is absolutely outrageous and it totally misrepresents what the Bill is about. To call it a provision of choice amendment Bill is totally to misrepresent it. It should be called the Workplace (One Side Cop-Out) Bill or something of that nature, certainly not the Workplace Agreements (Provision of Choice) Amendment Bill. Government members will not only oppose the motion but will vote against it by dividing.

Question put and a division taken with the following result -

Ayes (14)

Hon J.A. Cowdell	Hon Tom Helm	Hon Ljiljanna Ravlich	Hon Tom Stephens
Hon E.R.J. Dermer	Hon Helen Hodgson	Hon J.A. Scott	Hon Giz Watson
Hon N.D. Griffiths	Hon Norm Kelly	Hon Christine Sharp	Hon Bob Thomas *(Teller)*
Hon John Halden	Hon Mark Nevill		

Noes (12)

Hon M.J. Criddle	Hon Peter Foss	Hon N.F. Moore	Hon B.M. Scott
Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*

Pairs

Hon Ken Travers	Hon W.N. Stretch
Hon Kim Chance	Hon Greg Smith
Hon Cheryl Davenport	Hon Max Evans

Title thus passed.

Bill reported, with amendments.

Leave granted to proceed forthwith through remaining stages.

Report

Report of Committee adopted.

Third Reading

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [9.38 pm]: I move -

That the Bill be now read a third time.

Question put and a division taken with the following result -

Ayes (14)

Hon J.A. Cowdell	Hon Tom Helm	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon E.R.J. Dermer	Hon Helen Hodgson	Hon J.A. Scott	Hon Bob Thomas *(Teller)*
Hon N.D. Griffiths	Hon Norm Kelly	Hon Christine Sharp	
Hon John Halden	Hon Mark Nevill	Hon Tom Stephens	

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon N.F. Moore	Hon B.M. Scott
Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Ken Travers	Hon W.N. Stretch
Hon Kim Chance	Hon Greg Smith
Hon Cheryl Davenport	Hon Max Evans

Question thus passed.

Bill read a third time and transmitted to the Assembly.

HIGH CONSERVATION VALUE FOREST PROTECTION BILL

Introduction and First Reading

Bill introduced, on motion by Hon Christine Sharp, and read a first time.

Second Reading

HON CHRISTINE SHARP (South West) [9.42 pm]: I move -

That the Bill be now read a second time.

The purpose of this short and simple Bill is to ensure that the Regional Forest Agreement comes before this Parliament for approval. The Bill requires that the signed Regional Forest Agreement be tabled in both Houses for 28 sitting days, by which time a notice of motion for the resolution must be moved in each House. Each House will then have a further 14 sitting days in which to pass this resolution to approve the agreement. If either House fails to pass the resolution approving the tabled RFA, that agreement will lapse. However, the agreement may be amended and presented anew for parliamentary approval. In the case that the Regional Forest Agreement has already been signed when the Bill is passed and becomes enacted, it will apply retrospectively to the previously signed agreement. Once the Bill has been assented to, it will place a temporary moratorium on logging of the high conservation value forests that are the focus of community concerns. The Bill identifies those high conservation forests in several inclusive ways.

The first category of high conservation value forest that will be included in the temporary moratorium is that entitled "Old Growth Forest" in the Department of Conservation and Land Management's mapping published as part of the Comprehensive Regional Assessment Report. Most of this category of forest occurs in the southern forest region. CALM's criteria for its definition of old growth are so strict that none of this forest has been logged since the 1940s and most of it has never been logged. That is to say, it is still largely virgin.

The second category of forest covered by the provisions of the Bill is those blocks identified by the Australian Heritage Commission in the southern forest. These blocks have been placed on either the Register of the National Estate or on the interim list of the register. Many of them have become well-known icons of the south west, such as Giblett, Jane, Hawke, Sharpe, Rocky, Peak, Gardner and Wattle.

The third category included in the Bill seeks to protect icon blocks in the central forest region. This region is poorly endowed with reservations and has an extensive logging history. Perhaps because of this, the community has identified certain blocks that it seeks to protect from further logging. In each case these blocks have had the support of their nearby shire councils. These forest blocks are nominated in the schedule to the Bill. I seek leave to table the maps that accompany each schedule.

Leave granted. [See paper No 972.]

Hon CHRISTINE SHARP: These three schedules comprise Kerr, Forest, Hester and the Wellington national park proposal. Kerr forest is a small area of only 132 hectares a few kilometres to the east of Balingup. The majority of Kerr block has already been intensively logged in the past few years. The area designated in the Bill is currently a logging compartment; that is, it is awaiting the chop. It has been the focus of intense community interest because of the trapping of four chuditch or native quoll on the site. The people of Balingup are concerned that this last patch of Kerr with old trees remaining and, in fact, the closest forest to the townsite, should be left intact. They have taken their case as far as the High Court of Australia.

Hester forest in schedule 2 is another area of forest of special local concern. Hester forest is a series of state forest patches surrounded by cleared farmlands. Again, this is a small area of 4 000 ha, which is all that remains of the original 13 000 ha of forest that existed before clearing occurred. The Hester Brook, which rises in this section of the forest, is the second highest contributor of salt to the Blackwood River catchment. The surrounding farms are already salt affected. As with Kerr forest, the local Bridgetown people see these forests as vital to the amenity of their district.

The Wellington national park, which is specified in the third schedule, is an exciting conservation proposal for a 30 000 ha national park located between Bunbury and Collie. The private freehold land acquired by the Government this week, known as the Worsley Timber Company land, is included in this proposal. The national park proposal includes the beautiful Honeymoon Pool area and the spectacular riparian features of the Collie River. It has the support of the Shires of Dardanup and Collie.

Why should members lend their support to the passage of this legislation? Members will recognise the provisions of this Bill as familiar. That is because the Bill provides for a process of parliamentary scrutiny and ratification that is already usual in this place. In fact, the Bill has a great deal in common with the state agreement Act model.

As with the state agreements, the role of Parliament is that of ratification; that is to say, the Parliament does not actually execute the detail of the agreement, which is clearly not appropriate. However, the Parliament has an important role in approving or rejecting the commitment into which the State Government has entered. In this case if approval is not resolved, the Bill has provision for an amended agreement to be tabled. This provides scope for negotiations with stakeholders over controversial aspects of the Regional Forest Agreement.

The Parliament has a similar role also with regard to regulations delegated under legislation and town planning regional schemes. It is proper and appropriate that Parliament should exercise the same power of scrutiny over the Regional Forest Agreement as it does over similar and generally much less significant matters. The Regional Forest Agreement will contain certain legal obligations, therefore it is to be expected that there should be some provision for public scrutiny of the obligations into which the State has entered. This is particularly so in the matter of the Regional Forest Agreement for several reasons. Firstly, under the original scoping agreement an undertaking was made to release a draft RFA for public comment and subsequent assessment by the Environmental Protection Authority. It is a very serious matter that the State Government has broken this commitment. It makes it therefore particularly appropriate that this Parliament should provide some scrutiny.

Furthermore, the Regional Forest Agreement will provide resource security to the timber industry to an extraordinary degree. In comparison with other natural resource-based industries, the native forest based timber industry is receiving favoured treatment. For instance, water is not managed in such a way as to allow exclusive property rights to any commercial interest with compensation to be provided if those rights are withheld for reasons of ecological sustainability. Furthermore, in comparison with mineral rights, two recent High Court decisions, one in regard to the Timor Gap Treaty and the other Kakadu, the High Court in only one case - the latter - allowed for compensation when rights to mineral exploitation were removed.

The Standing Committee on Ecologically Sustainable Development reported to this House last year on the Regional Forest Agreement process. The committee explicitly examined the issue of resource security for the timber industry and it found that in fact the industry already enjoys a high level of resource security without the benefit of the RFA. This of course is in the form of binding long-term contracts set under the Conservation and Land Management Act. The observation of the standing committee was that the only way the native forest based timber industry could enjoy any greater resource security was through sociopolitical methods. That is to say, this timber industry needs to raise its standing within the community in order to be comfortable that future Governments will not seek to vary its exploitation rights in order to protect forest ecosystems or in order to respond to popular demand. However, instead of following the advice of the standing committee and taking a path to consensus to provide the guarantee of resource security, the RFA in Western Australia to date has been imposed on this community; and this is where this Bill can have an important role.

In the face of an RFA which seeks to constrain the discretion and fetter the power of future Governments by compensation provisions lasting over a period of 20 years, the native forest based timber industry is to enjoy resource security of an unprecedented nature. Such obligations should not be entered into by the Executive Government of this State without parliamentary approval.

Members must be fully aware of the extraordinary community concern over this issue. In excess of 30 000 submissions have been submitted and the Deputy Premier recently conceded publicly that this has been the most significant issue in a decade for Western Australia.

In this Bill the Parliament quite properly asserts its democratic role. In legal terms this argument is known as the paramountcy of Parliament. In lay terms everyone understands clearly the significance of the Regional Forest Agreement and the need for it to be derived from community acceptance. Clearly, the Parliament has a critical role that it should play.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

PARLIAMENTARY COMMISSIONER RULES 1998

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the Parliamentary Commissioner Rules 1998 contained in Council message No 53.

PERTH PARKING MANAGEMENT (CONSEQUENTIAL PROVISIONS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [9.57 pm]: I move -

That the Bill be now read a second time.

The Perth Parking Management (Consequential Provisions) Bill provides for the repeal of the City of Perth Parking Facilities Act 1956, together with a number of other minor amendments to the Sentencing Act 1995 and the Transport Coordination Act 1966 to facilitate the introduction of the Perth Parking Management Bill.

Significantly, the Bill provides for the continuation of the City of Perth parking fund until 30 April 1999, after which date the balance of the fund will be paid to the City of Perth's municipal fund; and a continuation of existing parking by-laws as though they were local laws made under the Local Government Act 1995. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

PERTH PARKING MANAGEMENT (TAXING) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [9.58 pm]: I move -

That the Bill be now read a second time.

The Perth Parking Management (Taxing) Bill is necessary to facilitate the introduction of the Perth Parking Management Bill, and provides that the licence fee for parking bays provided for under clause 11 of that Bill is a tax. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

PERTH PARKING MANAGEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [9.59 pm]: I move -

That the Bill be now read a second time.

The Perth Parking Management Bill demonstrates the Government's commitment to the social, commercial and environmental wellbeing of the City of Perth. The Government regards the social vibrancy, environmental sustainability and economic prosperity of central Perth as vital to the wellbeing of the Perth region and the State of Western Australia. The city is the State's major centre of economic and commercial activity and is a major centre for many of the State's political, tourist, educational and socio-cultural activities. As such, good access to the city is vital. Through initiatives such as the Central Area Transit system, construction of the Graham Farmer Freeway, substantial improvements to public transport and the introduction of the Access to the City for People projects, the Government is demonstrating its commitment to a strong, vital and accessible city.

The principal objectives of the Perth Parking Management Bill and Perth parking policy are to promote a balanced transport system for gaining access to central Perth, and to limit the growth of traffic congestion and deterioration of air quality in the central area. The road infrastructure that serves as a principal means of access to the central city is showing signs of congestion. Air quality is also under threat. This has the potential to result in adverse impacts on businesses and social and cultural activities which rely on efficient access to the city centre; on the physical environment of the city as air pollution worsens; and on the quality, character and amenity of the city for the people who work, live and visit it each day. The Bill provides government with the strategic capability to manage critical issues such as road congestion and air quality, to protect

urban amenity and access to the city, in a manner consistent with the objectives of the Perth metropolitan transport strategy and city development policies shared by state and local government.

Parking is a critical component of the transport system. The management of the type, cost, supply and location of parking is a necessary strategic planning capability that complements other transport system strategies and initiatives. Central to the parking management strategy is the requirement for all non-residential parking bays within the boundary of the Perth parking management area - which includes central Perth, West Perth, Northbridge and East Perth - to be licensed. Bays located on premises used solely for residential purposes will not be required to be licensed. Similarly, government will utilise the provisions of clause 7(c) of the Bill to exempt bays used by residents in multipurpose premises which contain a residential component and in private residential premises where home occupation is an allowable use. The Bill provides for revenue raised from the parking licensing scheme to be used to enhance accessibility and the amenity of the Perth parking management area. Agreement has been reached with the City of Perth that this revenue will be used to fund CATS.

This Bill provides the statutory authority for the Perth parking policy which has been developed jointly by Transport and the City of Perth in consultation with a wide range of stakeholders in the city's future. Groups and organisations that have been consulted include the Premier's Capital City Committee; the Department of Environmental Protection; the Ministry for Planning; the Property Council of Australia - formerly the Building Owners and Managers Association; the WA Chamber of Commerce and Industry; the operators of public parking stations; and various community and environmental interest groups.

The policy has attracted support as -

a significant foundation for the implementation of the Premier's Access to the City for People initiative;

a basis for the management of traffic congestion and associated adverse impacts within central Perth; and

a funding source for the improvement of the amenity and accessibility of central Perth - for example, through the provision of funding for the CAT system.

The Chamber of Commerce and Industry and the Property Council of Australia have expressed opposition to the inclusion of tenant parking facilities within the new parking licensing scheme. However, on equity grounds, it is considered appropriate that, with respect to licensing, tenant parking facilities be treated in the same manner as public parking facilities, which currently attract a licence fee. Effective parking system management also supports significant public and private-sector investments in transport infrastructure and services, thus promoting economic efficiency and the social and environmental integrity of the State's capital city area.

There is also a need to ensure that a range of transport alternatives are available and attractive to people wishing to access the city. The car will remain a major form of access to central Perth. However, consistent with the objective of the metropolitan transport strategy, enhanced roles will be played by other modes of transport, especially public transport. The effective strategic management of the city's parking system will be supportive of a balanced and sustainable transport system for the city.

The City of Perth's diverse roles as a major operator of parking facilities and a parking system regulator, licensing authority and policy developer, will be simplified. Under the Bill, the City of Perth will continue to be a provider of parking services. The City of Perth will retain, through local government and planning legislation, its planning and building approval powers in regard to public and private parking facilities. The City of Perth will no longer license private sector operators of public car parking stations. This will become the responsibility of the Director General of Transport. With respect to requirements for the licensing of parking facilities, the City of Perth will be treated identically to any other provider of parking facilities. With implementation of the licensing scheme, the City of Perth will no longer be required to fund one-half of the CAT system costs. Licence fee revenue will cover these costs in future.

Private sector operators of public car parks will also have their car parks licensed by, and pay a licence fee to, the Director General of Transport. All operators of parking facilities within the City of Perth will be required to comply with the provisions of the Perth parking policy. Under the existing parking licensing arrangements, licensing conditions have sometimes been imposed by the City of Perth. The new parking licensing scheme will permit operators of all parking facilities to determine their own hours of operation and their own parking fees.

The proposed licence scheme and licence fee will be applied to all tenant parking bays. There will be provision for exemption from payment of the licence fee or a reduced fee. Tenant parking operators will be required to license their facility with Transport and operate in conformity with the Perth parking policy. Any parking facility may be inspected by an authorised officer to ensure that it is operating in conformity with the Perth parking policy.

A revised range of desirable per hectare tenant parking allowances will be introduced to ensure the efficient and attractive distribution of parking throughout the City of Perth. The City of Perth, as the town planning approval authority, will have a level of discretion within which to negotiate tenant parking allowances. The new tenant parking allowance will apply only to development applications lodged with the City of Perth during the term of this policy. The effective management of parking will help to ensure that the city centre's economic, commercial, political, tourism and socio-cultural roles are protected from unacceptable traffic delays and vehicle emission; enhanced by the provision of a high standard of amenity for the people who live, work, or visit the city; and enhanced by the provision of a range of parking facilities effectively managed to serve a range of commercial and social needs. The Government fully supports the new arrangements proposed in this legislation. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.08 pm]: I move -

That the House do now adjourn.

Goldman Environmental Prize - Adjournment Debate

HON GIZ WATSON (North Metropolitan) [10.09 pm]: I will say a few words this evening on the awarding of the Goldman environmental prize in San Francisco. I thought members might be interested as the award, which has been flagged as the equivalent as the green Nobel prize, has been awarded to a couple of Aboriginal women from the Northern Territory. The Goldman environmental prize was established in 1990 by Richard and Rhoda Goldman. Their hope in starting this annual prize was to demonstrate the international nature of environmental problems. The award is given each year to six environmental activists. The prizes are awarded for sustained and important efforts to preserve or enhance the environment, including, but not limited to, protecting endangered species, combating pollution, restoring damaged ecosystems, raising public awareness of environmental issues, or influencing environmental policies. The winner of the award receives $US100 000 along with a commemorative sculpture. Often the winners of this prize are men and women from isolated villages and distant shores who are willing to take great personal risk for their environment.

The prize provides these people with international recognition that enhances their credibility and also provides worldwide visibility for the issue they champion. The financial support also makes a significant contribution to their continuing to pursue their vision of a renewed and protective environment. This year the recipients of this award were two well-known Aboriginal women from the Northern Territory - Yvonne Margarula, who is the senior Mirrar traditional owner, and Jacqui Katona, the executive officer of the Gundjehmi Aboriginal Corporation.

These women have been outspoken and persistent opponents on behalf of the Mirrar people of the expansion of the Jabiluka uranium mine in the Northern Territory. Both women were recently jailed for the supposed crime of being on their own land. The fact these women have been awarded this prestigious international award is a significant recognition of the important struggle in which they have been engaged. It is also an important international recognition of the fact that the expansion of the uranium mine at Jabiluka is both an insult to the proper environmental management of the World Heritage area at Kakadu, and a transgression of the human rights of the Mirrar people. It is also a further rebuff to the Federal Government, which continues to ignore the international pressure applied to cease its pursuit of the expansion of mining at Jabiluka. The Federal Government is thumbing its nose at the World Heritage Commission, which has stated that expansion of uranium mining is in breach of the World Heritage status of the area.

I record my acknowledgement of the enormous personal sacrifice of the Mirrar people, and particularly the efforts of Yvonne Margarula and Jacqui Katona in their important struggle to ensure that the Jabiluka mine is not allowed to expand.

Motor Sport Complex Proposal - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [10.12 pm]: I raise an issue which is causing a great deal of concern in the south metropolitan area, particularly close to Hope Valley and Wattleup. The Government is investigating the development of a motor sports speedway complex. It is acting in as much secrecy as possible with this proposal. When it started its investigation in the area, the local council was invited to a meeting with the Ministry for Planning. The council was told that any person who was not prepared to swear to secrecy on the matter would have to leave the room. Since then, a task force has been established in the area involving one local councillor and one council officer. They also have been sworn to secrecy and are unable to tell the council or council officers what is being discussed by the task force. Furthermore, other actions have prevented people obtaining information on the proposal, which will have a huge impact on their lives.

The motor sports complex is being played down as having an impact on the area for only a few hours on the weekend. However, the project will ensure that the speedway will operate for 240 days a year. Some drag races, for instance, can last for 10 hours, which adds up to an awful lot of noise. In addition, motocross races, pop concerts, four-wheel drive events and so on will be held at this site.

A number of studies were carried out in this area. A noise report was prepared by Mitchell McCotter and Associates Pty Ltd, and I asked the minister representing the Minister for Planning to table a copy of the report, along with two societal risk reports which were supposed to have been conducted for the purposes of the speedway proposal. The minister refused to table those documents, offering a poor excuse at the time. Clearly great secrecy surrounds this project, in particular on the part of the Ministry for Planning, although the Premier may have a foot in this project as well. I understand he is interested in the relocation of the speedway which was located in the Claremont Showgrounds, and has been trying to find a spot around the city for quite a while. Hon Derrick Tomlinson, who is amused by this, will be aware of attempts to locate it in the Forrestfield area.

Hon Derrick Tomlinson: Goodness gracious, when?

Hon J.A. SCOTT: I am surprised at the member's incredulity.

Further to the already secret nature of this project, applications have been made under the Freedom of Information Act to the Ministry for Planning to obtain information which rightfully should be in the public domain because the speedway will have a significant effect on people in that area.

Hon Simon O'Brien: What information do you require? Have you asked for a briefing?

Hon J.A. SCOTT: I have asked for those things to be tabled in this House and have been refused.

Hon Derrick Tomlinson: Have you spoken to the proponents?

Hon J.A. SCOTT: The Government is acting like it is the proponent.

Hon Derrick Tomlinson: Hon Jim Scott is talking about something he knows nothing about. He should speak to the proponents and find out who they are. They would love to talk to him.

Hon J.A. SCOTT: They have not shown any great desire to talk to anybody at this time. I referred to the studies that have been undertaken. A study showed that the noise levels associated with the project would be unacceptable, so that study was withdrawn and a supposedly new design was drawn up but we have heard nothing about the new report on that. There were to have been two societal risk studies, the first to be produced by AEA Technology and the other by Enviro Risk Solutions. The first firm put in a quote, but the study has not been completed. The Government has also refused to release the Enviro Risk Solutions study either in this place or under FOI. In fact, the first study prepared by Enviro Risk Solutions was sent back because it did not meet the requirements of acceptable societal risks. To make things even worse, while the Department of Environmental Protection recommended to the Environmental Protection Authority that the societal risk should be part of the public environmental review assessment, the EPA has obviously been leaned on and will not be including societal risk in its assessment. That is even though the Minister for the Environment promised societal risk would be included in the assessment of that project.

Hon Derrick Tomlinson: What do you mean by societal risk?

Hon J.A. SCOTT: If many people were together in an industrial area and an accident occurred, they could be in serious trouble. I understand that about 10 000 people are expected to go to that place. The Environmental Protection Authority says that it will not include societal risk. EPA bulletin 627 of May 1992, which is entitled "Criteria for risk from industry - expanded discussion", says that the EPA will take cognisance of societal risk in its assessments. In fact, it is going against its own decisions.

That project will be put beside a community. Clearly, the noise and societal risk studies have shown unacceptable results. There are attempts to adjust either the reports or the speedway. I understand that a request has been made for exemption from noise regulations in order to allow the project to go ahead. It is disgraceful that that has been done in such an underhand way. The Government, which came to office talking about being a fair and open Government, seems to be one of the most unfair, closed Governments that we could ever find. It is time that people in that area were considered. The Minister for Planning tries any trick to move them out of the area, which he wants to turn into an industrial area, and even put right next to the township loud, noisy speedways which will operate for two-thirds of the year, and sometimes for many hours of the day. That is a disgrace. It is about time the Government opened up in regard to what is happening in that area and let the community know about it.

Question put and passed.

House adjourned at 10.21 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

JERVOISE BAY, GROUND WATER PLUMES IN NORTHERN HARBOUR

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

(1) Was the Department of Commerce and Trade required to intercept groundwater plumes to prevent toxic or nutrient rich groundwater entering the northern harbour in Jervoise Bay?

(2) If yes, has it done this?

(3) If not, what steps has the Department of Environmental Protection or the Environmental Protection Authority taken to require the proponent to fulfill these conditions and what has been the response from the proponent?

(4) Did these nutrient rich groundwater plumes contribute to the algal blooms that occurred in the northern harbour following its construction?

Hon MAX EVANS replied:

(1) The Department of Commerce and Trade has committed to prepare a Groundwater Recovery Plan as part of the environmental approval for the proposed Industrial Infrastructure and Harbour Development at Jervoise Bay.

(2)-(3) The Department of Commerce and Trade is required to prepare the plan by 24 June 1999.

(4) Yes.

MINING, WILLIAMSTOWN RESIDENTS COMMITTEE

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

I refer to question on notice 1531 of April 9, 1998 and facsimile to the Minister for the Environment's office dated December 14, 1998 with attached letter dated March 10, 1998 signed by Mr Gerard Anderson, Acting General Manager of KCGM, addressed to the Williamstown Residents Committee -

(1) Has the Minister for the Environment mislead Parliament when the Minister replied "No" to part (9)?

(2) Has Homestake Gold and Normandy Mining mislead the Williamstown Residents Committee in stating "The seismic monitoring system locates and measures the magnitude of all blasts and seismic events within about a two kilometre radius of the operations"?

(3) If yes to (1) above, will the Minister apologise to Parliament?

(4) If no to (1) above, will the Minister ensure the misleading documentation is not provided to the Williamstown Residents by Homestake Gold and Normandy Mining?

Hon MAX EVANS replied:

(1)-(2) No. The answer to the question was correct. I am advised that in March 1998 Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM) operated two separate systems for measuring disturbance in the rock. The Blast Vibration Monitoring System measures peak particle velocity of underground blasts as expressed at the surface. This could only pick up blasts if they were significant, as there was a trigger level set at a fairly low level. Small blasts would not be recorded as a result of this. This is consistent with KCGM's letter of 10 March 1998 as the third paragraph on page 3 refers to "ground vibration monitors".

The Seismic Monitoring System monitors all blasts and seismic events from positions underground. Whilst it is triggered by underground blasting and measures underground vibration associated with this, it is largely designed to measure magnitude and location. The fourth paragraph of page 3 of KCGM's letter refers to this system.

(2) No. I do not believe that KCGM has misled the Williamstown Residents Committee regarding this matter. See also answer to question 1. Confusion may have occurred as a result of lack of understanding of the two separate monitoring systems.

(3) Not applicable.

(4) I am advised that the information provided by KCGM in its letter of 10 March 1998 was correct. However, the contents of letters from private companies is a matter entirely up to these companies.

MANDURAH HOSPITAL, COUNCIL RATES

969. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Works:

(1) Will the new hospital at Mandurah, which is leased to a private company, attract Council rates?

(2) If not, why not?

Hon MAX EVANS replied:

I am advised that:

(1) No.

(2) It is exempt under the Local Government Act.

FIREARMS STATISTICS

970. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to questions on notice 547 of 1997 and 71 of 1998 -

(1) Why do the number of firearms differ in the answers given for the number of firearms handed in and destroyed in the financial year ending June 30, 1996?

(2) What are the comparable figures, as calculated by the method used in question on notice 547 of 1997, for the financial years ending -

(a) June 30, 1996;
(b) June 30, 1997; and
(c) June 30, 1998?

(3) For what periods have amnesties been given for handing in of unlicensed firearms since December 31, 1994?

Hon PETER FOSS replied:

(1) The figure provided in the answer to Question on Notice 547 of 1997 actually related to firearms handed in and destroyed by police. The figure provided in the answer to Question on Notice 71 of 1998 related specifically to the number of firearms handed in to police, but which were not necessarily destroyed. Often, firearms are handed in to police for safekeeping or for evidence in an investigation and these firearms are not destroyed. Furthermore, some unusual and/or rare firearms are held at the Police Service Ballistics library for future forensic comparisons.

(2) Due to the resources and time needed to provide a response to the Member's question, I am unwilling to commit the resources required. However, if the Member has any specific question, I am happy to provide a response.

(3) There was a formal amnesty during the Firearms Buy Back Scheme, which ran from 1 September 1996 to 30 September 1997. An informal amnesty still exists, whereby persons who surrender firearms to police will not be subject to any charges if a firearm which is handed in is unlicensed.

FIREARMS, NUMBER

974. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

How many firearms were registered in Western Australia in each financial year since July 1, 1980?

Hon PETER FOSS replied:

Due to the resources and time needed to provide a response to the Member's question I am unwilling to commit the resources required. However, if the Member has any specific question, I am happy to provide the response.

FIREARMS, NUMBER REGISTERED

979. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

How many people had registered firearms in each financial year since July 1, 1980?

Hon PETER FOSS replied:

Due to the resources and time needed to provide a response to the Member's question I am unwilling to commit the resources required. However, if the Member has any specific question, I am happy to provide the response.

HOMESWEST, ERTECH PTY LTD CONTRACTS

1008. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

(1) Has Homeswest awarded any contracts to Ertech Pty Ltd since July 1, 1996?

(2) If yes, can the Minister for Housing provide the following details of those contracts -

(a) the contract number;
(b) the date it was awarded;
(c) the project the contract was awarded for;
(d) the cost of the contract;
(e) if the contract has been completed, the final cost of the contract; and
(f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

(1) Yes, three contracts.

(2) Contract 1.
(a) 3093/97.
(b) 30 October 1997.
(c) Civil works in South Hedland.
(d) $251,177.00.
(e) $278,420.00.
(f) Progressive Earthmoving Pty Ltd.

Contract 2.
(a) 3001/97.
(b) 3 February 1997.
(c) Civil works in Maylands.
(d) $155,493.00.
(e) $166,148.00.
(f) No other tenderers.

Contract 3
(a) 3210/96.
(b) 22 August 1996.
(c) Civil works in South Hedland.
(d) $299,128.00.
(e) $419,592.00.
(f) DPM Contactors, WA Gravel Paving, Triad Contractors and AR and MA Ballem

GOVERNMENT CONTRACT, EARLY CHILDHOOD PROGRAMS

1070. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to question on notice 1482 dated April 28, 1998, in relation to the Education Department contract awarded to Kinhill Engineers Pty Ltd for Various Early Childhood Programs valued at $1 489 064 -

(1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?

(2) What was the risk rating of this project?

(3) Will the Minister for Works table the Risk Management Plan for the Contract Development Phase of this contract?

(4) Was any risk monitoring carried out?

(5) If so will the Minister table the outcomes?

(6) Was the performance of this contract evaluated?

(7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

I am advised that:

(1) No, as formal risk management as a policy was not in place at the commencement of this project.

(2)-(3) Not applicable.

(4) Yes. Risk monitoring is being applied to the normal contract process.

(5) Not applicable.

(6) Ongoing monitoring of the contract is applied through contract administration and site inspections.

(7) Yes, as requested relating to specific issues.

GOVERNMENT CONTRACT, GAS RECYCLING PLANT

1171. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

Further to the answer given to question without notice 525 of 1996 asked in the Legislative Assembly in relation to the Department of Resources Development's contract with the firm Kinetic Technology Industries - a company based in the Netherlands, worth approximately $110m for design and fabrication of the gas recycling plant, can the Minister for Resources Development advise -

(1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?

(2) What was the risk rating of this project?

(3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?

(4) Was any risk monitoring carried out?

(5) If so will the Minister table the outcomes?

(6) Was the performance of this contract evaluated?

(7) Will the Minister table the evaluation?

Hon N.F. MOORE replied:

(1)-(7) The Department of Resources Development has never had a contract with Kinetic Technologies International (KTI) for supply of the gas generation plant for this project.

GOVERNMENT CONTRACTS, PUBLIC RELATIONS AND MARKETING

1178. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

With regards to Contract and Management Services contract No 110697 for the Provision of Public Relations, Marketing and Marketing Communications Services, what was the value of this contract from the period of commencement to June 30, 1998 to the following companies -

(a) 303 Advertising Pty Ltd;
(b) Marketforce Advertising;
(c) Marketforce Productions;
(d) The Brand Agency;
(e) The Shorter Group;
(f) Vinten Browning;
(g) Kapow! Advertising;
(h) Adlink Advertising;
(i) Bowtell Clarke & Yole;
(j) John Davis Advertising Pty Ltd;
(k) Stratagem Advertising; and
(l) Workhouse Advertising?

Hon MAX EVANS replied:

I am advised that:

(a)-(l) This is a panel contract. Individual government agencies access contractors on the panel according to their specific needs. A Special Condition of this contract requires contractors to provide CAMS with the value of expenditure of work completed under the contract annually (to 30 June) only, to reduce the reporting requirements of individual small business contractors. Contractors were not required to provide a report for the 1997/98 financial year as the contract only became effective on 23 April 1998. The first report will be required for the 1998/99 financial year.

PASTORAL LEASES, WANGKATJUNGKA COMMUNITY'S EXCISION

1189. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

(1) What progress has been made with the excision of the Wangkatjungka Community from the Christmas Creek pastoral station lease?

(2) Will the Minister for Lands arrange a departmental briefing for me on the progress with the excision for the Wangkatjungka Community from the Christmas Creek pastoral station lease?

Hon MAX EVANS replied:

(1) The excision from Christmas Creek Station of an area between the Wangkatjungka Community and the school reserve has been agreed by the pastoral lessee and relevant agencies. The land will be granted subject to the future act provisions of the Native Title Act.

(2) Yes. A departmental briefing can be arranged by contacting my appointments secretary.

RESERVE NO 5506, MOSMAN PARK

1199. Hon MARK NEVILL to the Minister for Finance representing the Minister for Lands:

In respect of Reserve 5506 in Mosman Park -

(1) Who is responsible for the management, condition and maintenance of this reserve?

(2) Is part of this reserve to be used for public work?

(3) If so, what public works are planned?

(4) What plans does the State Government have for this reserve?

(5) What authority or power does the State Government have to ensure the reserve is properly maintained?

Hon MAX EVANS replied:

(1) Town of Mosman Park has responsibility for care, control and maintenance of the reserve for the purpose of Recreation.

(2) No.

(3) Not applicable.

(4) None.

(5) Management of the reserve is vested in the local authority under the statutory provisions of the Land Administration Act 1997.

SALMAT, CONTRACT

1213. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

(1) Is the Minister for Energy aware that the firm Salmat, which Western Power has a contract with, is currently under investigation by the Australian Federal Police?

(2) Was the Minister aware of this investigation when the contract was awarded?

(3) What action does the Minister intend to take with regard to this matter?

Hon N.F. MOORE replied:

(1) Yes.

I am advised:

(2) The company was not under investigation when the Contract was awarded.

(3) It is a commercial matter for Western Power to act on based upon the outcome of the investigation.

SALMAT, CONTRACT

1214. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

In relation to the revelation that the firm Salmat, which Western Power has a contract with, is currently under investigation by the Australian Federal Police -

(1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?

(2) What was the risk rating of this project?

(3) Will the Minister for Energy table the Risk Management Plan for the Contract Development Phase of this contract?

(4) If not, why not?

Hon N.F. MOORE replied:

(1) I am advised that Western Power utilised its own selection criteria when assessing prospective contractors. The current contract was awarded in October 1997, after calling tenders, and it is understood that Salmat came under investigation in late 1998.

(2)-(4) Not applicable.

YALGOO POLICE STATION

1215. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

(1) Will the Minister for Police advise if the analysis of the Yalgoo Police Station and the preliminary findings of the manpower review has been completed?

(2) If yes, will the Minister table the analysis and the preliminary findings of the review?

(3) If not, why not?

(4) Will Yalgoo Police Station be upgraded to a two man police station as a result of the manpower review?

(5) If yes, when?

(6) If not, why not?

Hon PETER FOSS replied:

(1) Yes.

(2) No.

(3) The manpower review is an internal working document which will be used by the Commander of the Central Police to manage and utilise his human resources within his region.

(4)-(6) No decision has been made in relation to the manning levels at Yalgoo Police Station or any other Police Station within the Central Police Region. It is expected the Regional Commander will be making decisions in the near future.

CRIME, CARNARVON

1228. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

For the Town of Carnarvon -

(1) Would the Minister for Police provide the number of offences reported for all main categories of crime for each financial year since July 1, 1990?

(2) Would the Minister also provide the number of convictions of -

(a) juvenile; and
(b) adult,

offenders in the categories in (1) above?

Hon PETER FOSS replied:

(1) The Offence Information System only contains data from 1 July 1991. The number of reported offences for the Town of Carnarvon per financial year since then are:

OFFENCE	91/92	92/93	93/94	94/95	95/96	96/97	97/98
Murder	-	-	-	-	1	1	-
Attempted Murder	-	-	-	1	-	-	-
Driving Causing Death	-	-	-	-	-	1	-
Aggravated Sexual Assault	-	2	1	-	1	7	6
Sexual Penetration	1	1	4	4	4	3	6
Indecent Assault	4	9	9	7	3	15	10
Serious Assault	21	38	36	34	51	64	72
Common Assault	72	96	74	73	110	115	135
Assault Public Officer	1	1	-	2	-	2	4
Assault Police Officer	9	15	15	24	19	20	23
Deprivation of Liberty	2	-	1	6	-	3	3
Robbery	2	-	1	3	-	2	1
Armed Robbery	-	-	1	-	-	2	-
Burglary	213	201	174	159	242	489	316
Stealing	447	359	385	375	394	607	497
Steal Motor Vehicle	63	49	39	32	26	63	31
Motor Vehicle theft (Attempt)	29	37	20	15	12	28	12
Fraud	19	14	12	9	45	15	29
Arson	-	-	-	1	-	2	-
Damage	285	274	305	240	245	449	369
Graffiti	-	-	-	2	4	12	13
Other Summary Offences	52	38	30	34	40	75	80
Other Indictable Offences	1	1	-	-	3	6	13
Breach of Restraint	-	-	-	1	3	3	25
Stalking	-	-	-	-	-	-	1
Drugs	-	-	45	124	101	84	126

(2) The Western Australia Police Service statistical database cannot accurately determine the number of persons convicted as requested by the Honourable Member, however, can provide the number of "persons processed" (ie, charged) as either an adult or a juvenile. these figures are as follows:

A= Adult; J = Juvenile

OFFENCE	91/92		92/93		93/94		94/95		95/96		96/97		97/98	
	A	J	A	J	A	J	A	J	A	J	A	J	A	J
Murder	-	-	-	-	-	-	-	-	1	-	1	-	-	-
Attempted Murder	-	-	-	-	-	-	-	1	-	-	-	-	-	-

Manslaughter	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Driving Causing Death	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aggravated Sexual Assault	-	-	-	1	-	1	2	-	1	-	7	-	4	-
Sexual Penetration	-	-	-	-	1	2	-	-	2	1	2	-	2	-
Indecent Assault	3	-	10	-	7	1	6	-	2	1	7	2	10	-
Serious Assault	17	-	31	4	-	20	24	1	36	9	45	3	54	4
Common Assault	33	17	48	11	41	19	46	11	55	40	52	35	77	15
Assault Public Officer	1	-	1	-	-	-	2	-	-	-	1	1	1	3
Assault Police Officer	8	1	16	-	13	4	20	4	17	2	14	6	23	1
Deprivation of Liberty	2	-	-	-	-	-	5	1	-	-	3	-	2	-
Robbery	1	-	-	-	-	1	3	2	-	-	-	-	-	-
Armed Robbery	-	-	-	-	1	1	-	-	-	-	1	1	-	-
Burglary	39	121	39	79	28	54	39	29	24	99	35	150	16	80
Stealing	58	167	66	56	70	56	64	86	77	140	67	126	47	97
Motor Vehicle Theft	16	71	29	27	19	37	18	11	8	9	7	42	9	9
Motor Vehicle theft (Attempt)	6	62	38	19	2	15	2	-	6	-	1	13	-	-
Fraud	16	-	7	2	6	-	6	1	39	-	3	-	33	-
Arson	-	-	-	-	-	-	1	-	-	-	-	2	-	-
Damage	42	118	44	62	49	75	34	43	33	47	50	51	38	59
Graffiti	-	-	-	-	-	-	-	2	-	7	-	9	2	13
Other Summary Offences	12	32	9	21	5	6	6	13	14	32	11	33	14	38
Other Indictable Offences	1	-	1	-	-	-	-	-	3	-	5	-	9	-
Breach of Restraint	-	-	-	-	-	-	-	-	1	-	2	-	21	1
Drugs	-	-	-	-	42	3	95	22	74	9	68	12	101	9

GAS PIPELINES ACCESS LEGISLATION, ACTING REGULATOR'S DECISIONS

1229. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What decisions have been made by the Acting Regulator under the *Gas Pipelines Access (Western Australia) Act 1998* since his appointment on February 23, 1999?

Hon N.F. MOORE replied:

I understand the question to be concerned with decisions made by the Acting Regulator in relation to functions under the Gas Pipelines Access (Western Australia) Act 1998. You would be aware the Acting Regulator, is independent of direction or control by any Minister in the performance of those functions. Under the National Access Code the Regulator is required as soon as possible to provide to the Code Registrar, for placement on the Public Register, copies of his decisions and the reasons for them. I am advised that as of 22 March 1999 the Public Register does not contain copies of any decisions made by the Western Australian Acting Regulator.

ALINTAGAS, DEBT

1239. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Energy:

What is the current AlintaGas debt?

Hon N.F. MOORE replied:

$235 million.

MASTER BUILDERS ASSOCIATION GROUP TRAINING SCHEME, STAR STREET PREMISES

1240. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

(1) When did the Master Builders Association ("MBA") Group Training Scheme commence its lease of the former Public Works Department/Building Management Authority workshop facility at Star Street in Welshpool as an industry training centre?

(2) How much rent is paid by the MBA Group Training Scheme for its lease of these Star Street premises?

Hon N.F. MOORE replied:

(1) A lease offer has been made to the Master Builders Association Group Training Scheme Trust (BMAGTST) for the part of the Star Street Welshpool site. The BMAGTST was given access to the site on 8 January 1999.

(2) It is proposed that the initial rental will be $70,000 per annum for a three-year period.

KEWDALE PRIMARY SCHOOL, LIBRARY CONSTRUCTION CONTRACT

1267. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build a library at Kewdale Primary School -

(1) Can the Minister for Works state the following -

(a) the contract number;
(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 13 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2697, Kewdale Primary - Alterations and Extensions, also included a Pre-Primary area, Canteen and Covered Assembly, alterations to Administration and external works.

(b) Awarded on 14 June 1996.

(c) Homestyle Pty Ltd.

(d) Accepted tender sum $1,175,000.

(e) Actual final cost of the contract is $1,218,875.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

KEWDALE PRIMARY SCHOOL, PRE-PRIMARY CONSTRUCTION CONTRACT

1268. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build a pre-primary at Kewdale Primary School -

(1) Can the Minister for Works state the following -

(a) the contract number;
(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 35 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2697, Kewdale Primary - Alterations and Extensions, also included a Canteen and Covered Assembly, Library, alterations to Administration and external works.

(b) Awarded on 14 June 1996.

(c) Homestyle Pty Ltd.

(d) Accepted tender sum $1,175,000.

(e) Actual final cost of the contract is $1,218,875.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

COMO HIGH SCHOOL, CANTEEN-COVERED ASSEMBLY CONTRACT

1270. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build a canteen covered assembly at Como High School -

(1) Can the Minister for Works state the following -

(a) the contract number;
(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 42 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2789, Como Senior High School - Alterations and Additions, also included a Gymnasium, Performing Arts alterations and Common Room.

(b) Awarded on 29 July 1996.

(c) Broad Construction Services Pty Ltd.

(d) Accepted tender sum $1,720,000.

(e) Actual final cost of the contract is $1,832,458.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

KUNUNURRA POLICE STATION, CONSTRUCTION CONTRACT

1280. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build a Police Station and Officer-in-Charge (OIC) quarters at Kununurra -

(1) Can the Minister for Works state the following -

(a) the contract number;
(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 11 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2838.

(b) Awarded on 25 September 1996.

(c) Jaxon Construction Pty Ltd.

(d) Accepted tender sum $2,874,428.

(e) Actual final cost of the contract is $3,018,662.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are

not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

BANKSIA HILL JUVENILE DETENTION CENTRE, GATEHOUSE CONSTRUCTION CONTRACT

1281. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build a gatehouse at Banksia Hill Juvenile Detention Centre in Canning Vale -

(1) Can the Minister for Works state the following -

(a) the contract number;

(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 48 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2711, Banksia Hill Juvenile Detention Centre - Package 1 also includes Administration, Visits, Civic Court and the Gymnasium.

(b) Awarded on 27 June 1996.

(c) Universal Constructions Pty Ltd.

(d) Tender Estimate of $5,670,000.

(e) Actual final cost of the contract is $5,889,658.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

BANKSIA HILL JUVENILE DETENTION CENTRE, ACCOMMODATION CONSTRUCTION CONTRACT

1282. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build male accommodation at the Banksia Hill Juvenile Detention Centre in Canning Vale -

(1) Can the Minister for Works state the following -

(a) the contract number;
(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 12 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2383, Banksia Hill Juvenile Detention Centre - Package 3, is for works relating to the male and female accommodation.

(b) Awarded on 9 February 1996.

(c) Fletcher Construction Australia.

(d) Accepted tender sum $3,708,883.

(e) Actual final cost of the contract is $3,576,539.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

BANKSIA HILL JUVENILE DETENTION CENTRE, ACCOMMODATION CONSTRUCTION CONTRACT

1283. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to the contract to build female accommodation at the Banksia Hill Juvenile Detention Centre in Canning Vale -

(1) Can the Minister for Works state the following -

(a) the contract number;
(b) the date the contract was awarded;
(c) the name of the contractor;
(d) the original cost of the contract; and
(e) the actual final cost of the contract?

(2) With regard to Contract and Management Services' (CAMS) "1996/97 Key Performance Indicator - Building Cost Compared with Benchmark", can the Minister state why this contract is 11 per cent over the benchmark?

(3) What is the benchmark used by CAMS to compare this building contract?

Hon MAX EVANS replied:

I am advised that:

(1) (a) Contract number 2383, Banksia Hill Juvenile Detention Centre - Package 3, is for works relating to the male and female accommodation.

(b) Awarded on 9 February 1996.

(c) Fletcher Construction Australia.

(d) Accepted tender sum $3,708,883.

(e) Actual final cost of the contract is $3,576,539.

(2) The amount any given project deviates from the statistical average (benchmark) is affected by many and varied factors. These may include -

. current workload of the relevant section of the building construction industry (competitiveness of tender);

. complexity of the overall project package (greenfields site versus addition to occupied premises);

. access to the site;

. differing architectural styles to match existing premises or client needs;

. availability of sub-contractors employing appropriate numbers of apprentices.

The Key Performance Indicators mentioned contain a diverse range of building projects with more projects under the benchmark than over. The resultant performance of all projects for the 1996/97 financial year is an average 7.5% under the benchmark.

(3) CAMS used information derived from elemental analyses of accepted tenders produced by CAMS during the 1996/97 financial year. Key Performance Indicators (KPIs) are comparisons of the cost benchmark for each type of building. The building cost subtotal only is compared with the benchmark (ie external works and services are not benchmarked). Benchmark figures are calculated using information from recognised industry publications, various public works agencies and private suppliers. All costs used in the KPIs are adjusted to comparable Perth prices at the date of tender.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1298. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

(1) Have all Government departments and agencies under the Minister for Education's control taken steps to evaluate its Language Services Policy?

(2) How was the evaluation conducted?

(3) Who conducted the evaluation?

(4) What changes have been made as a result of the above activities?

(5) Will the Minister table the respective Language Services Policy?

(6) If not, why not?

Hon N.F. MOORE replied:

I am advised that:

(1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.

(2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.

(3) The evaluation was conducted by the then Office of Multicultural Interests.

(4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.

(6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1301. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Lands:

(1) Have all Government departments and agencies under the Minister for Lands' control taken steps to evaluate its Language Services Policy?

(2) How was the evaluation conducted?

(3) Who conducted the evaluation?

(4) What changes have been made as a result of the above activities?

(5) Will the Minister table the respective Language Services Policy?

(6) If not, why not?

Hon MAX EVANS replied:

I am advised that:

(1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.

(2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.

(3) The evaluation was conducted by the then Office of Multicultural Interests.

(4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.

(6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1306. Hon LJILJANNA RAVLICH to the Minister for Racing and Gaming:

(1) Have all Government departments and agencies under the Minister's control taken steps to evaluate its Language Services Policy?

(2) How was the evaluation conducted?

(3) Who conducted the evaluation?

(4) What changes have been made as a result of the above activities?

(5) Will the Minister table the respective Language Services Policy?

(6) If not, why not?

Hon MAX EVANS replied:

The Minister for Racing and Gaming has provided the following response:

I am advised that:

(1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.

(2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.

(3) The evaluation was conducted by the then Office of Multicultural Interests.

(4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.

(6) Not applicable.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1324. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Commerce and Trade:

For all Government departments and agencies under the Minister for Commerce and Trade's control -

(1) How many contracts have reimbursed unsuccessful contractors in -

(a) 1995/96;
(b) 1996/97;
(c) 1997/98; and
(d) since July 1, 1998?

(2) For each contract which reimbursed unsuccessful contractors, can the Minister state -

(a) the contract number;
(b) the date the contract was awarded;
(c) the project the contract was awarded for;
(d) the successful tenderer;
(e) the unsuccessful tenderer/s;
(f) the original cost of the contract;
(g) the actual final cost of the contract;
(h) the amounts paid to unsuccessful tenderer/s; and
(i) the names of the unsuccessful tenderer/s?

Hon N.F. MOORE replied:

(1) Nil.

(2) Not applicable.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1329. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Lands:

For all Government departments and agencies under the Minister for Lands' control -

(1) How many contracts have reimbursed unsuccessful contractors in -

(a) 1995/96;
(b) 1996/97;
(c) 1997/98; and
(d) since July 1, 1998?

(2) For each contract which reimbursed unsuccessful contractors, can the Minister state -

(a) the contract number;
(b) the date the contract was awarded;
(c) the project the contract was awarded for;
(d) the successful tenderer;
(e) the unsuccessful tenderer/s;
(f) the original cost of the contract;
(g) the actual final cost of the contract;
(h) the amounts paid to unsuccessful tenderer/s; and
(i) the names of the unsuccessful tenderer/s?

Hon MAX EVANS replied:

DOLA and LANDCORP

(1) (a)-(d) Nil.

(2) (a)-(i) Not applicable.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1330. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

For all Government departments and agencies under the Minister for Police's control -

(1) How many contracts have reimbursed unsuccessful contractors in -

(a) 1995/96;
(b) 1996/97;
(c) 1997/98; and
(d) since July 1, 1998?

(2) For each contract which reimbursed unsuccessful contractors, can the Minister state -

(a) the contract number;
(b) the date the contract was awarded;
(c) the project the contract was awarded for;
(d) the successful tenderer;
(e) the unsuccessful tenderer/s;
(f) the original cost of the contract;
(g) the actual final cost of the contract;
(h) the amounts paid to unsuccessful tenderer/s; and
(i) the names of the unsuccessful tenderer/s?

Hon PETER FOSS replied:

(1) (a)-(d) Nil.

(2) (a)-(i) Not applicable.

QUESTIONS WITHOUT NOTICE

REGIONAL PORT AUTHORITIES, LOCAL GOVERNMENT RATE EQUIVALENTS

1073. Hon TOM STEPHENS to the Minister for Transport:

(1) Is the minister aware that the regional port authorities of Esperance, Albany, Geraldton and the Kimberley ports are soon to be required to pay local government rate equivalents to Treasury?

(2) Is the minister aware of the concern within each of these regions that Treasury is not yet required to remit the relevant amounts involved in these rate equivalents to the local government authorities and that this is contributing to pressure for an increase in local council rates in each of these areas?

(3) What steps will the minister be taking to ensure that his Government insists that Treasury returns to local government the funds paid by the various port authorities in rate equivalents?

Hon M.J. CRIDDLE replied:

(1)-(3) This is a timely question because I was at the Sea Freight Council of Western Australia yesterday when the issue was mentioned to me in no uncertain terms. As a result of its representations, it will set up a committee to work with me on approaches to Treasury to deal with this issue. I understand the issue is a difficult one. We must work through that process and deal with the issue, and we will be doing that. I understand the question that the Leader of the Opposition has raised and we will certainly work through that process and take it forward.

CAT BUSES, REPAIR COSTS

1074. Hon TOM STEPHENS to the Minister for Transport:

(1) What was the total cost of the repairs to the 13 CAT buses withdrawn from service in September 1988?

(2) Who paid for these repairs?

(3) How many CAT buses have been withdrawn from service since September 1998 for further work?

(4) What has been the cost of these subsequent repairs?

(5) Is the Government still negotiating with Scania over the terms of the warranty for those repairs?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The total cost of the repairs to the 16 CAT buses was $66 667.

(2) The initial payment was made by the Department of Transport, and Scania has agreed to reimburse the department.

(3)-(4) Scania is reviewing the repairs made when the buses were first withdrawn from service and the cost of any subsequent repairs indicated by this review are to be borne by Scania.

(5) No.

IRELAND, D. AND L. AND EASTERDAY, C.

1075. Hon N.D. GRIFFITHS to the Attorney General:

I refer to his answer to question without notice 872 on 9 March 1999 dealing with the petition concerning Clark Easterday, Dean Ireland and Len Ireland.

(1) Has the Attorney General read materials relating to the petition?

(2) Is the Attorney General aware the matter turns on fresh expert evidence?

(3) Is the Attorney General aware the petitioners are living under the constraints of Mareva injunctions arising from the matter the subject of the convictions?

(4) Has the Solicitor General reported to the Attorney General? If not, will he seek a prompt response and report from him?

Hon PETER FOSS replied:

(1)-(4) With matters such as this, I take the advice of the Solicitor General. I have been pressing the Solicitor General for some prompt responses on a number of matters, but the Solicitor General is an independent officer under his own Act and I have no power to compel or require him to do so. However, I understand the points the member has raised. I will draw them to the attention of the Solicitor General and ask that he take those matters into consideration in the priorities that he gives to the work which is before him.

PANGEA RESOURCES, MEETING WITH MINISTER FOR COMMERCE AND TRADE

1076. Hon GIZ WATSON to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the meeting between the Minister for Commerce and Trade and Pangea Resources Pty Ltd on 14 November 1997.

(1) Who was in attendance at that meeting?

(2) Where did that meeting take place?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Hon Hendy Cowan, MLA; Mr Ian Fletcher, Chief of Staff, Office of the Premier; Dr Ross Field, Chief of Staff, Office of the Deputy Premier; Mr Jim Voss, President, Pangea Resources Pty Ltd; and Mr Mark Textor.

(2) In the Deputy Premier's ministerial office.

SEX INDUSTRY POLICY

1077. Hon NORM KELLY to the Attorney General representing the Minister for Police:

(1) What is the current policy guideline for regulating sex industry workers in the Stirling Street area?

(2) When were these guidelines implemented?

(3) What statutory backing do these guidelines have?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) The current policy guideline for regulating sex industry workers in the Stirling Street area, as in other locations, is a containment policy which has been put in place but not legislated at this time.

(2) The containment policy is a police policy which is not legislated in any way. It is a policy formed as a result of comments made by Hon J.G. Norris, ED, QC, Commissioner of the Royal Commission into Prostitution 1975. It was formed in an effort to control prostitution in this State until suitable legislation could be introduced. It allowed those premises that were operating and providing commercial sexual services - brothels and escort agencies - to continue to operate without prosecution provided they adhered to certain guidelines. There are currently seven such premises - brothels - and two escort agencies under containment in the metropolitan area and three premises - brothels - in Kalgoorlie under containment.

Traditionally the role of controlling street prostitution is performed by the vice squad and all police officers tasked with patrol and inquiry duties. If and when evidence of this activity is obtained, prosecutions are made.

Street prostitutes can be charged with either of two offences under the Police Act -

(i) Soliciting for immoral purpose under section 76 G(1)(b) of the Police Act. This section states that they must persistently solicit for an immoral purpose. The very wording of this section and the elements required make it very difficult for police to convict persons.

(ii) Loitering for prostitution under section 59 of the Police Act. This section has been used with considerable success, usually in the form of undercover police techniques.

Charging of male clients under 76G(1)(b) has not been undertaken since October 1996 resulting from the successful defence of this charge and a subsequent legal opinion from the Crown Solicitor's Office. However, the focus still remains on undesirable persons frequenting known active areas.

(2) 1975.

(3) As in (1).

AIRLINE TRAINING SCHOOLS

1078. Hon MURIEL PATTERSON to the Minister for Transport:

With the growing interest being shown by foreign airline training schools in using Western Australian regional airports as training fields, can the minister indicate which airports in the south west region would be suitable to cater for these training schools and has the Government considered the Albany airfield?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Key regional airports have the best chance of success. For the south west, this would be Busselton or Bunbury. However, other small airports would complement the regional airports. Albany has been identified as a key regional airport and is receiving consideration with other similar airports.

INTEGRATED POWER SERVICES

1079. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

I refer to the setting up of the joint venture company Integrated Power Services.

(1) How much seed funding was contributed by Western Power and AOC Australia Pty Ltd respectively?

(2) What is the estimated liability exposure of each partner?

(3) What level of annual post-tax profit is it estimated that IPS will generate within five years?

Hon N.F. MOORE replied:

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

Hon Ljiljanna Ravlich: The answers are here.

Hon N.F. MOORE: Then why ask the question.

The PRESIDENT: Order! Hon Ljiljanna Ravlich has asked her question.

JOHN CURTIN'S HOUSE

1080. Hon J.A. COWDELL to the Leader of the House representing the Premier:

Some notice of this question has been given.

(1) Has the Government made an in-principle decision to purchase John Curtin's house in Cottesloe so as to secure the only prime ministerial residence in Western Australia for the State's heritage?

(2) Has the Government approached the Federal Government to make a contribution from the centenary of federation fund towards the cost of this acquisition?

(3) If yes, what amount was sought; if no, why not?

(4) Has the Government approached Curtin University of Technology and the John Curtin Prime Ministerial Library with a view to the management and presentation of this historic residence?

Hon N.F. MOORE replied:

I must seek a response from the Premier, but a number of delicate issues have yet to be resolved. I ask that the member either place his question on notice or give me a couple of days before he asks the question again.

PANGEA RESOURCES AUSTRALIA, NUCLEAR WASTE PROPOSAL

1081. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

With regard to the proposed international nuclear waste dump proposed for Australia by Pangea Resources Australia Pty Ltd -

(1) Has the minister or any of her staff had any meetings, formal or informal, with Pangea or its representatives?

(2) If yes to (1), can the minister advise what was the purpose of the meeting or meetings?

(3) Was any promotional material left by Pangea or other representatives?

(4) Will the minister table any such promotional material presented?

(5) At whose request was any meeting convened?

(6) Who was in attendance at the meeting or meetings?

(7) Does the minister support the proposal of establishing an international nuclear waste facility in Australia?

Hon MAX EVANS replied:

(1) No.

(2)-(6) Not applicable.

(7) No.

SCREENWEST, "KINGS IN GRASS CASTLES"

1082. Hon TOM HELM to the Minister for the Arts:

No notice has been given of this question. I refer to the Treasurer's Advance of $500 000 to ScreenWest to supplement funding for the Barron film *Kings in Grass Castles* -

(1) Has the $500 000 advance been repaid to Treasury?

(2) If so, when; if not, does this mean that the budget for the Ministry for Culture and the Arts has been cut by $500 000 to cover the loss?

Hon PETER FOSS replied:

(1)-(2) This is moving slightly outside some of the matters directly in my concern. My understanding of the $500 000 is that it was an equity investment for *Kings in Grass Castles*. As such, one would not expect it to be repaid. It certainly does not come out of my budget. It was an extra grant for the purpose of ensuring that a book which has such a major link with Western Australia should be filmed in part in Western Australia and should be supported by people from Western Australia. The Western Australian Symphony Orchestra recorded the soundtrack. We believe that the people of Western Australia would be somewhat miffed if no part of the film were to take place in Western Australia and Western Australia was not involved with it.

GASCOYNE-MURCHISON, PROPOSED RESERVE SYSTEM

1083. Hon GREG SMITH to the minister representing the Minister for the Environment:

(1) How much funding has the Government allocated towards the proposed reserve system in the Gascoyne-Murchison region?

(2) Does the Government intend to compulsorily acquire any pastoral leases as part of this reserve system?

(3) If so, is there a list of stations that are currently being examined?

(4) When will these reserves be established?

Several members interjected.

The PRESIDENT: Order! I am trying to listen to Hon Greg Smith's question. All I can hope is that the Minister for Finance heard it.

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The Government is providing $6.8m over the six-year period from 1997-98 to 2002-03.

(2) The Government intends to acquire leases by negotiated purchase rather than by compulsory acquisition.

(3) Areas of potential interest have been identified by the Department of Conservation and Land Management but are subject to special investigation and survey prior to reaching a decision to negotiate acquisition. Formal announcements on purchases will follow the successful completion of negotiations and settlement of the transaction.

(4) Following acquisition, CALM will commence the process of reservation, which involves liaison with relevant agencies and authorities to address matters including native title, mining and local authority interests.

BUNBURY SENIOR HIGH SCHOOL

1084. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:

Will the minister give the parents of students at the Bunbury Senior High School an assurance that this school will remain a year 8 to year 12 school? If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Bunbury community is presently involved in the local area education planning process.

Hon Ljiljanna Ravlich: That is disgraceful.

Hon N.F. MOORE: If the member knew the answer, why bother to ask the question? A great deal of consultation will be taking place at the local level on the best ways to meet the educational needs of secondary students in the Bunbury area into the next century - unlike Hon Ljiljanna Ravlich, who lives in the last century. The Bunbury Senior High School community is involved in this process. The Minister for Education has publicly stated that he considers any major changes to the structure of the Bunbury Senior High School are unlikely in the near future.

ATTORNEY GENERAL, POSITION OF CHIEF JUSTICE

1085. Hon TOM STEPHENS to the Attorney General:

In reference to the Premier's ringing endorsement of the Attorney General's candidacy for the position of Chief Justice of Western Australia, will the Attorney General take this opportunity of disabusing the Premier of the notion that he either desires or has the ability to do the Chief Justice's job?

The PRESIDENT: Order! The question is out of order.

PRISONERS, VIOLENT OFFENDER TREATMENT PROGRAM

1086. Hon JOHN HALDEN to the Minister for Justice:

(1) How many prisoners currently have offended at a level consistent with the entry requirements to the violent offender treatment program?

(2) Since 1 January 1999, how many prisoners have completed the skills training for the aggression control program?

Hon PETER FOSS replied:

Because of the considerable time required to collate the information, unfortunately I am unable to give an answer at this time.

Several members interjected.

The PRESIDENT: Order! If members do not want to hear an answer, I will suggest to the minister, no matter who the minister is, that he cease giving the answer because we are wasting our time.

SEA CONTAINER PRISON CELLS

Hon PETER FOSS: I seek the leave of the House to give a further explanation with regard to a question I answered from Hon John Halden yesterday on which he raised further matters in the adjournment debate. It is appropriate at this stage that I make the matter clear.

The PRESIDENT: I am happy to seek the leave of the House for the minister, but I want it understood that question time has a limited time. We certainly do not want a lengthy explanation, otherwise the minister should wait until after question time has finished. However, I recognise that this is probably an appropriate time.

Leave granted.

Hon PETER FOSS: During the adjournment debate my understanding was there had not been any increase in the cost of the sea container units. That is correct; there was an overall budget of $25.6m for the Canning Vale amalgamation project, which included the 48-cell relocatable accommodation units. That had a sub-budget of $4.4m. It was originally to be built on the oval but later it was decided to have it outside and for a further perimeter fence to be built to enclose it. That was part of the overall project. Therefore, that was added to the project of that contract. The extra cost is what would have been incurred as part of the overall project that was added to this contract. As for the contract itself, there has not been an increase. Some changes have been made to improve the operating costs but those are within the contingency. Other requests have been made for further alterations but, because it was a design and construct contract, they have not been accepted because it is believed that they are within the responsibility of the contractor. The period of time for it to be completed was extended because of the extra work.

EDUCATION DEPARTMENT, RM plc

1087. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

(1) Does the Minister for Education share any of the concerns raised in reports in *The West Australian* of 13 April, 16 April, and 20 April by WA information technology companies about the process by which RM plc was selected as the preferred provider of administration and other software to WA government schools?

(2) If yes, which of these concerns does the Minister for Education share?

(3) Is the minister completely satisfied there is no foundation to the concerns raised about the role of the former Education Department tender manager Jennifer Grummet?

(4) If the Minister for Education does not have any concerns about the selection process will he confirm his absolute confidence in the probity of the process?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

(3) Yes. Although Mrs Grummet was involved in the short listing of tenderers she played no role in the selection of the preferred supplier. Furthermore, Mrs Grummet had not applied for a position at RM plc prior to its selection as preferred tendered. When she did apply she informed the Education Department of her application so she could avoid possible conflicts of interest.

(4) While the Minister for Education is confident the Education Department followed the necessary policies and procedures in awarding this tender, he understands that the State Supply Commission has received a complaint from an unsuccessful tenderer. As is their right under government policy, an independent investigation of the tender process has been requested and is commencing. The Minister for Education will be guided by the outcomes of this investigation.

DEPARTMENT OF LAND ADMINISTRATION, 33 NICHOLSON ROAD, FORRESTFIELD

1088. Hon J.A. SCOTT to the Attorney General representing the Minister for Lands:

(1) Did the Department of Land Administration purchase a property at 33 Nicholson Road, Forrestfield, Folio No 1856 152, on 20 October 1994?

(2) Which person initiated the sale and when was the sale initiated?

(3) Was the department aware that at the time of the sale the property was subject to a section 79a court case under the Family Law Act - that is, fraud?

(4) Did the property have a caveat on it -

(a) when the sale was initiated; and
(b) when it was purchased?

(5) Did the department investigate the matter of the caveat or the section 79a Family Law Court case prior to the purchase?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) A transfer to the State Planning Commission was registered with the Department of Land Administration on 20 October 1994 for that property.

(2) The sale was initiated by owners R.C. and J.A. Kitto on 27 January 1994.

(3) DOLA is unaware of the time of the sale of the property. However, caveat No F493984, which indicated this property was subject to a Family Law Court case, had lapsed when the transfer for this property was lodged.

(4) No.

(5) No. DOLA did not investigate the matter of the caveat or the 79a Family Law Court case as the caveat protecting that interest had lapsed on 29 June 1994.

CULTURE, LIBRARIES AND THE ARTS BILL

1089. Hon MARK NEVILL to the Minister for the Arts:

(1) Does the minister agree with the President of the Western Australian Municipal Association and Mayor of Kalgoorlie, Mayor Yuryevich that as the Culture, Libraries and the Arts Bill stands there is no comfort whatever to local government that the current funding decline by the State to our public library service will be arrested?

(2) What has the minister done to take into account the views of the 222 local council libraries directly affected by the Culture, Libraries and the Arts Bill?

(3) How many local government libraries openly support this Bill?

(4) Which arts or cultural organisations have openly supported the Bill?

Hon PETER FOSS replied:

(1)-(4) I take issue with the mayor at what he calls a continuing decline, because there has not been a continuing decline. There was a decline prior to 1993. I have been pleased to receive numerous letters from public librarians supporting the fact that we reversed that decline. Firstly, we brought the allowance in the budget up to replacement level. The previous Government had not even been replacing the books. Secondly, we continued to fund an increased number of books to take into account population numbers, so there would be a fixed ratio of books per head of population. The Government received nothing but commendations from almost every public library in Western Australia.

Hon Ljiljanna Ravlich: So why is everyone complaining?

Hon PETER FOSS: Hon Ljiljanna Ravlich always interrupts just as I am about to explain things.

Hon E.R.J. Dermer: She would not if you got to the point quicker.

Hon PETER FOSS: I am dealing with all the points. Prior to drafting the Bill I met with the Western Australian Municipal Association. Because we do not have an equivalent to the Libraries Council of Western Australia there is no forum for those authorities to be involved in these decisions. They wanted to see built into the Bill a guarantee that the State would match their funding dollar for dollar . I have explained, and I think they accept, that would be a standing appropriation. Firstly, we could not include it in this Bill, even if we wanted to do so; secondly, I do not think the Parliament would accept it, because I do not believe that the Parliament would accept a standing appropriation for library books; and, thirdly, the partnership between the State and local government is not based on dollars but on each carrying out a valuable service. We could not carry out their job even if they gave us their money and they could not carry out our job even if we gave them our money. I have spoken to Mayor Yuryevich and Mr Shanahan and we are close to ensuring that, with the exception of the 50 per cent funding which is not realistic, all their requirements will be met and they will have something which they did not have before.

MINISTERIAL STAFF, ENTERTAINMENT AND GIFTS

1090. Hon KEN TRAVERS to the Leader of the House representing the Premier:

What is the Government's policy in relation to the use of taxpayers' money for the payment of Christmas lunches and dinners for ministerial staff and the purchase of gifts for ministerial staff?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The relevant guidelines were issued in 1997. I seek leave to table the attached guidelines.

Leave granted. [See paper No 971.]

PUBLIC SERVANTS, NUMBERS

1091. Hon JOHN HALDEN to the minister representing the Minister for Public Sector Management:

(1) How many salaried public servants were in the senior executive service for the years 1996, 1997 and 1998?

(2) How many salaried public servants, excluding SES members, were classified levels 1 to 9 inclusive for the years 1996, 1997 and 1998?

Hon MAX EVANS replied:

I do not have an answer.

LEGAL AID, FUNDING

1092. Hon N.D. GRIFFITHS to the Attorney General:

(1) Is the Attorney General aware that the 1998 annual review of Western Australian courts by the Chief Justice states, with respect to legal aid funding, that this State is the recipient of the lowest per capita commonwealth funding of any State in Australia?

(2) Does the Attorney General accept responsibility for this state of affairs?

(3) Why is it that Western Australia has the lowest per capita commonwealth funding of any State in Australia?

Hon PETER FOSS: I would have thought all those questions were out of order as they relate to a question that should be asked of the federal Attorney General.

The PRESIDENT: I understand that the Minister for Finance might have an answer, is that right?

Hon Max Evans: No, it is Hon John Halden's question.

Hon N.D. Griffiths: Is the Attorney General taking a point of order? If that is his answer, it is ridiculous.

The PRESIDENT: I ask Hon Nick Griffiths to send me the question. I understood that someone else had an answer. I was unable to hear it completely.

Hon N.D. Griffiths: I asked a question without notice. I do not ask questions with notice.

The PRESIDENT: I ask Hon Nick Griffiths to send me what he has and I will do what I can. In the meantime, I am now told that there is an answer to Hon John Halden's question. Let us take that answer from the Minister for Finance. I will then have a question from the Leader of the Opposition and after that, if there is time, Hon Nick Griffiths' question.

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)

As at 30 June 1996	374
As at 30 June 1997	385
As at 30 June 1998	382

Source: Profile of the WA State Government Workforce.

(2) Information on the number of salaried public service employees within public service classification levels is not centrally coordinated. Information on the total number of public sector employees has been published in the 1998 Profile of the WA State Government Workforce.

ATTORNEY GENERAL, POSITION OF CHIEF JUSTICE

1093. Hon TOM STEPHENS to the Attorney General:

In his capacity as Attorney General, will the Attorney General take this opportunity to assure the House that he is not considering and will not consider any appointment of himself to any future vacancy for the position of Chief Justice?

Hon PETER FOSS replied:

I find it extraordinary. That ludicrous suggestion seems to have come from the Opposition in the first place and I am being asked to respond to a suggestion that its own leader made. As opposition members made the stupid suggestion in the first place, they should explain to the public how on earth they came up with it. They might not have noticed, but there happens to be a Chief Justice of Western Australia at the moment. As far as I know, he has made no indication that he intends to retire. What the Leader of the Opposition asks is entirely hypothetical. It appears that he goes around listening at keyholes and coming up with strange bits of rumour. The matter is entirely hypothetical. It is a load of nonsense. It seems I am meant to go around denying rumours that opposition members start. If they do not start rumours in the first place, they will not have a problem.

The PRESIDENT: I said that I would check Hon Nick Griffiths' question. If that is the question he asked, it is in order. The matters to consider are simple: One asks for a statement of fact, the second is a question of fact, and the third seeks an opinion, but if it is framed with two different words, it does not. Perhaps Hon Nick Griffiths will read the question again so that the Attorney General can grasp the general context.

LEGAL AID FUNDING, ANNUAL REVIEW OF WA COURTS BY CHIEF JUSTICE

1094. Hon N.D. GRIFFITHS to the Attorney General:

(1) Is the Attorney General aware that the 1998 annual review of Western Australian courts by the Chief Justice states with respect to legal aid funding that the State is the recipient of the lowest per capita commonwealth funding of any State in Australia?

(2) Does he accept responsibility for that state of affairs?

(3) Why is it that Western Australia has the lowest per capita commonwealth funding of any State in Australia?

Hon PETER FOSS replied:

(1)-(3) I will be very pleased to answer that question.

Hon N.D. Griffiths: You weren't a few minutes ago.

Hon PETER FOSS: No. At that stage I believed it to be out of order.

The PRESIDENT: I believed it to be out of order, too, because when there are interjections it is difficult to grasp every word that is being stated.

Hon PETER FOSS: The basis upon which the Commonwealth changed its funding to the States was as follows: It examined how the money was being spent by the various Legal Aid Commissions and determined how much was being spent on federal matters and how much was being spent on state matters. It therefore cut the funding by the amount of money that was being spent on state matters. The reason we received the cut is that in its wisdom our Legal Aid Commission decided to spend a larger amount of its funds on state matters than on commonwealth matters. It was a matter of calculation as to

how much would be cut. I do not accept responsibility for that. In fact, I accept responsibility for the fact that its funding is higher than it otherwise would have been because I was able to persuade the federal Attorney General to allow this State and this State only to consider domestic violence a commonwealth matter. By reason of that argument I was able to get a further $250 000 over what would otherwise have been the formula which was applicable to the State.

It has been said that the Commonwealth will carry out a needs analysis. That was based not on need but on historical spending. I have been urging the Commonwealth to look at the particular needs of Western Australia and to increase commonwealth funding for commonwealth matters. I have urged that because, as a good Western Australian, I hope that that is what will happen, but unfortunately the commonwealth needs-analysis research has not come to Western Australia; it has all taken place in the eastern States. I do not believe that it has the correct method to do so. I have made representations to the commonwealth Attorney General, but, as often happens, these things are decided on the basis of a formula that suits New South Wales and Victoria. I hope that there will be some recognition of our need, even under that formula, but, as with many things from the Commonwealth, I will not hold my breath awaiting it.