

Legislative Council

Tuesday, 4 April 1995

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

MEMBER OF PARLIAMENT - SWEARING-IN

Ferguson, Hon Valma Eileen

The Clerk of the Council produced and read the declaration of the Electoral Commissioner relating to the filling of a vacancy in the East Metropolitan Region consequent on the resignation of Hon T.G. Butler.

Hon Valma Eileen Ferguson took and subscribed the Oath of Allegiance, and signed the Roll.

MOTION - URGENCY

Member for Mandurah, Racist Comments

THE PRESIDENT (Hon Clive Griffiths): Honourable members, I advise that I have received the following correspondence dated 4 April 1995 and addressed to me -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1995 for the purpose of discussing the inflammatory comments made by the Member for Mandurah in the Mandurah Mail on March 31, 1995 which are divisive and racist and not supported by his Cabinet colleagues who are in the process of amending state laws to reflect the recent High Court decision.

Yours sincerely

Tom Helm MLC

Before this matter can be discussed I require at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON TOM HELM (Mining and Pastoral) [3.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1995.

I do not apologise for taking up the time of the House on this article in the *Mandurah Mail* of 31 March headed "All Cultures Deserve Respect" and written by Roger Nicholls MLA, who described himself as being only a MLA and not a Minister of the Crown in this State Government. I bring this to the attention of the House because I feel we must debate this matter. I ask why the Liberal Party does not ask this member to resign from the Parliament or at least from the Cabinet, with which he appears to be at odds. In the article he tells us that he was a supporter of the Mabo ruling brought down by the High Court in the first instance. If he agreed with the ruling, why was he part of the Cabinet that brought an appeal to the High Court against that ruling and why allow taxpayers to spend in excess of \$8m to challenge that ruling?

Hon Peter Foss: You are wrong. He challenged the Native Title Act.

The PRESIDENT: Order!

Hon TOM HELM: I wonder if the Minister for Fair Trading is defending the article written by Hon Roger Nicholls.

The PRESIDENT: Order! Members should understand the rules in this place before we proceed too much further: The rules are that nobody is to interject. The member on his feet will direct his comments to me. I may interject, but the member shall talk about his motion.

Hon TOM HELM: Mr President, my comments are always directed to you. I was suggesting that the Liberal Party should consider the future of the Minister for Community Development and the Family, who does not know that he should be supporting the direction the community is taking to recognise the rights of indigenous people in this State. Perhaps the Minister represents the interests of only the non-Aboriginal people in this State and not, as his oath of office demands, all the people in this State. He feels that people from a certain culture should not have rights in the community - he has a racist view. He appears to believe that all the things that are wrong in this State can be attributed to the indigenous people. To put those things right takes more than a recognition of these people's rights and the defence of their culture.

The reason the Minister should resign is obvious after even a perfunctory glance at the article. He states in the article that he supports the Mabo ruling. He really cannot say any more than that. The article says -

The original Mabo ruling has my support, however I fear the wider more politically motivated thrust of the Federal Government will lead to greater conflict rather than true reconciliation.

The Minister is talking about achieving reconciliation by putting the blame for society's wrongs on one group. Is that the way to reconciliation? Did the Minister not know that the statements he made in his article were racist? Did he not consider that if they were published they could be attributed to people from the National Front; that is, those who accept that the white Aryan race are those who have been vilified in this State? Does he not realise that the League of Rights would happily jump on his article and that the wrong people in our society are being denigrated and set aside as being different. Does he not know that those who choose to wear the white hood are the Ku Klux Klan; that those who display the message "Asians out" are racists; that those who think that if somebody does not have blond hair or blue eyes he does not deserve to live; and that those people who think that Hitler had a point are the sort attracted by this type of article? If the Minister does not know that, he should be asked to resign not only because he is stupid, but also because he does not understand what he says. The Minister represents Cabinet and he has taken an oath to represent the interests of the people of this State; therefore, he should be asked to resign because of the comments in his article. I know that this House does not have the authority to move that a Minister should resign, but I appeal to the coalition to ask the Minister to resign. If he did not realise that he was criticising people in a way that his criticism could be attributed to only the lowest common denominator of this society, he should resign. I understand he said that he was speaking as a member of Parliament and that he must gain the support of people within his constituency. When a person becomes a Minister of this State he speaks on behalf of the Executive.

The Minister suggested in his article that the areas which are considered important or sacred to him should be given the same respect that is demanded by Aboriginal culture for its special areas. He included in these areas his home and business and public facilities such as monuments, parks and gardens. In other words he is suggesting that Aboriginal people should not go to church and should not be remembered for being among those people who fought for this country and who are remembered by the various monuments which have been erected in their honour. The records show that Aboriginal people should be recognised for their role in the conflicts in which Australia has been involved. The parks, gardens, monuments and churches in this State do not belong to this Minister.

This Minister is not one of the downtrodden of this society, but he is suggesting in his article that his culture is under threat. In other words, he is trying to tell the community that he has exploration teams going to churches and other sacred sites, regardless of whether they are clubs, pubs or churches. That is an absolutely stupid statement to make and it has come from a really stupid person. If he thinks that those things are under threat because Aboriginal people are perceived to be causing most of the problems in this State, he should resign. He said in his article -

My wife and children should be able to freely walk in our city without being

assaulted or subjected to a barrage of foul language by anyone, irrespective of their background.

Why did he make that comment in the context of Aboriginal land rights and at whom was he aiming it? Would he have people believe that the only people who commit crimes and who display antisocial behaviour are Aboriginal people?

Hon E.J. Charlton: He is not going to people's homes to take photos.

Hon TOM HELM: The Minister should speak up and say whether he is defending the Minister for Community Development. He should say something else that is stupid.

The PRESIDENT: Order! I said earlier that I did not want any interjections and that meant I did not want anyone to interject: That is very simple and easy to understand. The member should be very careful with the language he uses when he refers to members of this Chamber.

Hon TOM HELM: I should have said inane instead of stupid. We usually get inane comments from the Minister for Transport.

The PRESIDENT: Order!

Hon TOM HELM: The Minister goes on in his article as follows -

Well I think it is about time we stopped pretending that land rights or appeasement will fix the problem.

What problem is the Minister trying to address? Is he trying to say that people should get their just deserts. The recent Fremantle federal by-election campaign did not contain any pro-Mabo propaganda from the Court Government. No claim was made that the recognition of the rights of indigenous people of this nation represents appeasement; that 200 years after the invasion of this nation Aboriginal people do not deserve any recognition; that the 7:0 result delivered by the High Court was a politically motivated result; and that the High Court judges, appointed in the most part by a non-Labor Government, are politically motivated. It really begs a question. This Minister is on the Executive and purports to speak on behalf of the people of this State. I do not know what the people in the Eastern States will think. Frankly, I am surprised at the article even though I have not had much to do with Roger Nicholls - I know his brother, who worked in Port Hedland, very well.

If the Minister did not mean what he said in his article he might want to apologise. The article suggests to me that he did not know what he was saying. If that is how Ministers of the National and Liberal Parties perform, some thought should be given to the ability of this Minister to be a member of the coalition Government. Someone in the Minister's position should not be allowed to purposely aim his attack at the lowest common denominator. I understand that the seat of Mandurah is a marginal seat because the Minister does not do the work that a member of Parliament should do. Perhaps, as a Minister, he does not have the time to do the work expected by his constituents in that marginal seat; therefore, he has to aim his remarks at the lowest common denominator. He has to aim his remarks at the racists and at those people in this State who believe there is a supreme race. Not only is that very sad, but also this article may be cause to take this Minister to the State's Racial Vilification Board. The Minister may also have offended against the Racial Discrimination Act 1975. I do not know enough about the law to know whether that is the case. I find this article particularly offensive.

The other side of the coin is that the Court coalition Government has agreed to support the national thrust towards reconciliation between the indigenous and non-indigenous people. A letter from the Council for Aboriginal Reconciliation states, in part -

As the Council says in its first recommendation, however, the matters raised in its submission are so fundamental that they need to be considered without the political acrimony about indigenous affairs which we have experienced over recent years in Australia.

That sentence has been shot down by that article in the *Mandurah Mail*.

I turn now to the first sentence of a letter written to the Editor of the *Mandurah Mail* from Captain J.A. Duffield, RAE, retired, of Beechboro, who states -

I have to wonder at the unfortunate childhood that people must have suffered when they produce clearly racist missives such as that of Roger Nicholls in the your *Mandurah Mail* on the 31 March. Where does this person come from? He says that he is *Australian by birth*, well so is the fox, rabbit and feral cat.

That is about the level of this missive and this person.

We need to look at whom Roger Nicholls was trying to attract. The Minister might be interested to know that an advertisement in *The West Australian* from the Deaths in Custody Watch Committee attracted positive responses from in excess of 240 people who said it is time to put behind us the acrimony between the indigenous and non-indigenous people and have some form of reconciliation. People need to know about the achievements of the indigenous people, such as those examined by the Select Committee into Achievements of Indigenous Peoples of Australia, chaired by Hon Muriel Patterson. We see nothing in the Press about that, but as soon as people see something negative, they act as though all that we have done in the past and intend to do does not mean very much.

[The member's time expired.]

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [3.53 pm]: I support the motion moved by Hon Tom Helm. There is no doubt that the Minister for Community Development, Roger Nicholls, must resign for one reason: He has breached Cabinet solidarity. Where was the Minister when the then President of the Liberal Party, Mr Hassell, said that the Mabo decision was illegitimate, illogical and racist and would cause social division? The Minister for Community Development was mute. Where was the Minister when the Premier was referred to in the editorial of *The Weekend Australian* of 13-14 November as saying that the logic of the Mabo decision was fatally flawed? The Minister for Community Development was mute. Where was the Minister when the Government pushed through in the Legislative Assembly its Land (Titles and Traditional Usage) Act? The Minister for Community Development supported that decision. Where was the Minister's speech to say that he supported the Mabo ruling when his respective political leaders said it was illegitimate, illogical and fatally flawed? The Minister for Community Development was mute.

However, the Minister for Community Development now states that he fundamentally supports the Mabo decision, in spite of what his Cabinet and his political leaders have said and done. After the High Court handed down its 7:0 decision, the Minister for Community Development took the opportunity of placing in a local newspaper an advertisement which was intended to be racist and socially divisive to the maximum degree. Let us recall what the High Court said about the Act of which the Minister voted in favour. The ruling states -

The whole of the 1993 WA Act is inconsistent with the Native Title Act 1993 and is invalid by reason of section 109 of the Constitution otherwise it is unnecessary to answer whether the present invalidity of the provisions of the WA Act result solely from inconsistency with the Native Title Act or also from its inconsistencies with the provisions of section 10 of the Racial Discrimination Act.

Basically, it was racist legislation, designed and supported by this Minister, who now tells us that he supported the original Mabo decision, despite what his Cabinet colleagues said and did in this and the other place. That is clearly a breach of Cabinet solidarity. Under those circumstances, the only action that can be taken by this Minister is to resign. Let us see this Minister's credentials. Let us see this Minister resign from Cabinet. Let us see this Minister do what he said in his article; namely, support the original Mabo ruling. When this Minister resigns, I will withdraw my comment that his article was designed for no reason other than to be socially divisive to the maximum extent. It was cast at the lowest common denominator - the League of Rights, the National Front, and the people who believe in those causes. It is an outrage that a Minister of the Crown

should come out with such claptrap in order to appease the most radical elements in his electorate.

More importantly, this Minister is responsible for the Department for Community Development. Let us reflect upon the history of that department and its predecessors in regard to the Aboriginal people of this State. We, the white people of this State, killed Aboriginal people for their land. We incarcerated and placed in chains Aboriginal people. We imprisoned Aboriginal people and still imprison them at a rate four times greater than the incarceration rate for white people; and we imprison Aboriginal juveniles at a far higher rate. The Minister is responsible for those decisions as a member of Cabinet. The former Department of Native Welfare had a shameful policy of separating Aboriginal children from their parents in order to annihilate their culture. It had legislation which demanded that Aboriginal people be refused freedom of movement and be curfewed to reserves. That is the record with which we have to live; yet the Minister for Community Development has the temerity to say that "the law should apply equally to all without fear or favour". There is no doubt that we need Aboriginal reconciliation, but the Minister for Community Development cannot express this kind of double standard. The law should apply equally to all without fear or favour. Was that the principle behind the Land (Titles and Traditional Usage) Act that we passed? Did it treat all people fairly? Did it treat Aboriginals fairly? What did the High Court say 7:0? It said that it was racist - and it meant it. As I said in my speech in the Address-in-Reply debate earlier, members should remember the fiasco in this place when that Bill was introduced: On that night every convention that ever stood was broken by this Government, of which this Minister is a member, whose desire was to ram the Bill through without proper and due consideration. In this State the law has never been fair or favoured Aboriginals. The latest example of that is the attempt by this Government, of which this Minister is a part, to deprive Aboriginals of land rights.

In my view the Minister by words out of his own mouth is destroyed: He supported the original Mabo decision. He may have sat by while the Government of which he was a member ran roughshod over that decision and over Aboriginal people, but he now supports it. He now has only one course of action: If he is a man of principle and not one whose primary desire is to be divisive to the extreme, to be manipulative to the extreme, to play to the lowest common denominator, he should let us see his principles enacted; that is, this Minister should resign. However, I will not hold my breath and wait for that to happen.

Mr Nicholls goes on to say -

Well I think it is about time that we stopped pretending that land rights or appeasement will fix the problem.

I agree. However, I suggest to the Minister that this inflammatory garbage, to which he has the temerity to put his name as a public figure, will not fix the problem either; it will only inflame it. It is a disgrace that anyone should write it in the first place. I want to see who from the other side will try to defend the words and deeds of this Minister. It will be ever to the shame of the party should someone attempt to do that. If the Minister does not resign, the Government should throw him out. I have never seen such outrageous political tactics in this State. For a man to try to vilify the Aboriginal people for a political point as cheap as this one is an outrage on the institution of Parliament, and by someone who purports to be responsible for community development; that is, community development unless people are Aboriginal, or part of the ethnic minority, or women. The man is a disgrace. He should either resign on principle or the Government should kick him out.

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [4.03 pm]: Today we have another example of the Labor Party going way over the top on an interpretation of an article, an interpretation about which 99 per cent of the population would not agree with Mr Halden, and certainly not Mr Helm. I will refer to another newspaper article to see whether this will have the same enthusiastic response from the Labor Party. It appeared in *The West Australian* on 28 March, talked about Mr Helm and stated -

He was found guilty by the disputes committee for arranging for a picture to be taken of an Aboriginal family's home during a preselection battle with Kalgoorlie MHR Graeme Campbell . . .

The disputes hearing was called earlier this month after an occupant of the home complained of harassment.

Another article in *The West Australian* on 23 March states -

The owner of the house, who did not want to be named, said yesterday she had been a long-term supporter of the Labor Party but the matter had caused her family distress.

Her family was considering its future in the party and would make a final decision after assessing the outcome of Monday's meeting.

She wanted the photographs taken of her house to be destroyed in her presence.

From that, we could draw the conclusion that Mr Helm is a racist, taking photographs of houses in Kalgoorlie in which he knows Aboriginal people are living.

Point of Order

Hon KIM CHANCE: The Minister is speaking on an issue which is not related to the motion.

The PRESIDENT: Order! I am not sure that is the situation; however -

Several members interjected.

The PRESIDENT: Order! I do not know why members have me here. I am here to adjudicate on the rules of this place but all members try to do that themselves. There is not much point in all of us being here. I suggest to the Minister for Education that somehow or other he associate his comments with the words of the motion moved by Hon Tom Helm. I was getting a bit fidgety about it; however, I thought the Minister would somehow relate them quickly to the motion. I suggest that he does that very quickly.

Debate Resumed

Hon N.F. MOORE: I am simply making the point that of two newspaper reports, neither of which I consider to be racist, Mr Helm has decided the one in the *Mandurah Mail* is racist. I am suggesting that we could draw the same conclusion from the one in *The West Australian* newspaper. Mr Helm has chosen to denigrate Hon Roger Nicholls in a most outrageous way, as has the Leader of the Opposition in this place, based on their interpretation of the advertisement. My suggestion is that they have interpreted it totally incorrectly.

I will just clarify a matter for Mr Helm. The State Government did not appeal against the decision of the High Court of Australia in Mabo; it appealed against the Federal Government legislation. A High Court decision cannot be appealed. If the advertisement in the *Mandurah Mail* is read with an open mind, people will come to the conclusion that Hon Roger Nicholls is trying to say what the headline says; that is, "All cultures deserve respect."

For a long time not only in Western Australia but also Australia we have talked about land rights. Hon Roger Nicholls is putting the view that when we are talking about cultures and the culture of the Aboriginal people, we should recognise that others in the Australian community also have issues which are of cultural significance to them. He is really saying that anybody who suggests that we will solve the problems of the Aboriginal people in Australia, for example, through the Federal Government's interpretation of what should happen in respect of the Mabo decision, is deluding himself.

Land rights and appeasement, as Roger Nicholls says, will not solve the very significant, underlying problems of the Aboriginal people. The problems of the Aboriginal people relate just as much to health, education, housing and all those sorts of issues, which we

all know about and we have all seen in our travels around Australia. The suggestion has been put to Australians by some who support the line of the Federal Government and the State Opposition that somehow or other by talking about land rights and appeasement we will solve all of the problems which exist for Aboriginal people. Hon Roger Nicholls is saying that that is not correct and we need to look beyond that to see how we will solve many of the obvious problems that have been clearly identified as being suffered by Aboriginal people.

Hon Kim Chance: It was written with a closed mind.

Hon N.F. MOORE: People should read that article with an open mind, unlike Hon Tom Helm who has a closed mind, who talks about the Klu Klux Klan and Hitler and who tries to relate those figures to the content of this article. This is typical of the way Mr Helm thinks.

Hon Kim Chance: This was in place in Alabama 30 years ago, and you know it. You are doing a top job!

Hon N.F. MOORE: Regrettably that attitude is being adopted by people like Hon Kim Chance. Anybody who writes anything or says anything about any race of people and seeks to make suggestions about how their problems might be resolved is automatically considered to be a racist. Members opposite have decided - this goes back to when Brian Burke was the Premier - that land rights are the solution to the problems of Aboriginal people. We all remember that Brian Burke withdrew land rights and signed on the dotted line saying that he would resign the moment land rights were brought in in Western Australia. That says something about the attitude of the Labor Party: It is all politics. I can still see the propaganda during the 1986 election campaign when Brian Burke signed on the dotted line saying, "Land rights will be brought in over my dead body." After he had gone to the election promising land rights, he changed his mind for the grossest political reasons: He figured he would not win the election in 1986 if land rights were on his agenda. However, this Labor Party has worked on the basis that land rights are what will solve the problems of the Aboriginal people. They might solve some of them, but they will not solve all of them, not by a long shot. Hon Roger Nicholls is quite rightly saying that we must look at the other problems; we must stop having the blinkered view that land rights and appeasement will solve the problems. At the end of his article he says that instead of making excuses for those who are doing the wrong thing, we should support Aboriginal and non-Aboriginal people who are having a real go at fixing the problems. It is a sensible suggestion to the community that we should support those Aboriginal and non-Aboriginal people who are making an effort and are doing what is required to solve the fundamental problems.

We should not sit around and pontificate about Mabo and about the real meaning of Aboriginal land rights, and we should stop pontificating about the broader issues. We should start thinking about the micro problems around Western Australia - the problems which happen on the ground, in people's houses, in schools, in hospitals, and in community welfare offices - where the real problems must be solved. Hon Roger Nicholls says we should not assume that as a result of the Federal Government's land rights legislation all the problems will go away.

Hon Kim Chance: Would you have signed that?

Hon N.F. MOORE: I do not have a problem at all with what Hon Roger Nicholls has said. I am trying to explain to members opposite that they should read the article in the context in which it was written, not in the way in which they have determined for themselves. The Minister for Community Development talks about matters such as important and sacred sites, and how the community has got into an argument over that issue. Over the years I have been in this place the issue of Aboriginal sacred sites has been discussed to the point where the word "sacred" has taken on a connotation of religion or a person's spiritual belief; in fact, Aboriginal sacred sites are not in every case about spiritual or religious issues. They are about other matters such as historical issues and Aboriginal geographical locations on a map. People who want to argue about that should talk to Aboriginal people. They will tell them that some things that are described

by the adjective "sacred" have no sacred nature at all. Sacred is in the eye of the beholder; it is what people believe to be sacred to themselves.

Hon Roger Nicholls talks about his home and monuments, such as war memorials and gardens which are cemeteries, in the context of their being important and sacred to him - and so they are. He demonstrates clearly that people are entitled to decide what is sacred to them. He points out that some things are sacred to Aboriginal people and some are sacred to others in the community, and that we must respect both. His article is about respecting everybody's culture. People have different views about different things from different cultural perspectives. We are all entitled to that.

This motion is a monumental beat up on behalf of the Labor Party. As usual, members opposite have gone way over the top. When Hon Tom Helm starts talking about the Ku Klux Klan, I know he has gone way over the top again.

[The member's time expired.]

HON N.D. GRIFFITHS (East Metropolitan) [4.13 pm]: I have listened to Hon Norman Moore. I had previously read the advertisement Hon Roger Nicholls placed in the newspaper referred to in the motion. I thought I must have misread it, so I turned to Hon Sam Piantadosi and said that I needed some glasses. As always, he was obliging and lent me his. I am using his glasses to reread the advertisement, but I still cannot make the sense out of it that Hon Norman Moore has. One of the reasons is that when I read this article, I read it with a little commonsense: I read it with a view to seeing why it was written. The comments in the article are clearly inflammatory, divisive and racist. That can be demonstrated by reference to the article, which is headed "All cultures deserve respect". It refers to all cultures - not just the culture of western society. The article explicitly but, more to the point, by snide implication, denigrates Aboriginal culture. It commences: "People hold strong views on the merits of 'land rights' for aboriginal groups".

Hon Derrick Tomlinson: It is an accurate statement.

Hon N.D. GRIFFITHS: Hon Derrick Tomlinson is in the same mainstream of the Liberal Party as Senator Crichton-Browne and Hon Roger Nicholls. We know that and we will see it after his preselection processes are complete. I wish him well.

The statement that people hold strong views on the merits of land rights for Aboriginal groups is not conducive to giving respect to the Aboriginal community in the context of the debate that has taken place in Western Australia in the past decade.

Hon Derrick Tomlinson interjected.

Hon N.D. GRIFFITHS: I do not think Hon Derrick Tomlinson has read this advertisement. Perhaps I will read it to him, and he can then think about it.

Hon Derrick Tomlinson: Read it correctly.

Hon N.D. GRIFFITHS: Hon Roger Nicholls then goes on to say with reference to Mabo and the Federal Government that he fears "the wider, more politically motivated thrust of the Federal Government will lead to greater conflict rather than true reconciliation". What has that to do with the issue of cultures deserving respect? The advertisement then states: "The other fact which seems to have been totally forgotten is that the aboriginal culture is not the only culture in Australia." Gee whiz! What a revelation! Why would he say that? He says that because he wants to be divisive and racist.

Hon Tom Helm has the wording of his motion wrong. It states that he wishes to discuss the inflammatory comments which are divisive and racist and not supported by Hon Roger Nicholls' Cabinet colleagues. However, Hon Norman Moore just said, "I don't have a problem with this at all." Hon Norman Moore does not have a problem with his Cabinet colleague saying under the heading "All cultures deserve respect" the following: "As an Australian by birth, I believe my culture deserves to be recognised with the same enthusiasm as the aboriginal culture." Why would a Minister say something like that? He is trying to be divisive and racist; he is trying to stir up the Aboriginal people to beat up the standing of the Liberal Party in the opinion polls.

From the way the Liberal Party has been carrying on it is clear that it cannot govern itself, and it cannot govern this State. That has been demonstrated clearly over the past few days. One of the things about Hon Norman Moore is that he seeks to excuse by accusing. He made an accusation about Hon Tom Helm. One thing about Hon Tom Helm is that there is no-one in this House - with the possible exception of Hon Tom Stephens - who is more caring of the Aboriginal people. Both members have many dealings with the Aboriginal people almost daily. Each of those gentlemen has a well deserved reputation for respecting Aboriginal culture.

Hon N.F. Moore: Why should he take photographs of their houses?

The PRESIDENT: Order! I have already said that I will not tolerate interjections during the afternoon. There is only one person in this Chamber who I will not call to order when she interjects, and that is the little girl in pink in the Public Gallery. Everyone else must be quiet.

Hon N.D. GRIFFITHS: I cannot wait to sit down so I can see the lady in question.

I will invite Hon Derrick Tomlinson to read the document, and perhaps he may wish to get up and disown it. Should he do so perhaps he may disown his future in this House. The article goes on to state -

... I believe my culture deserves to be recognised with the same enthusiasm as the aboriginal culture. This means that the areas which are considered important or sacred to me should be given the same respect that is demanded by those within the aboriginal culture.

Hon Roger Nicholls then describes the areas as including his home. I have a lot of respect for the proposition that a person's home is his castle. I certainly respect Hon Roger Nicholls' home - although I have not been there and probably will never go there. He refers also to his business and public facilities, such as monuments, parks and gardens. This is an example of Hon Norman Moore's blindness. I do not know whether I am allowed to offer him the use of Hon Sam Piantadosi's glasses.

Hon Sam Piantadosi interjected.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: Hon Sam Piantadosi is a most obliging person.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: Despite what the Minister for Education said, the advertisement has no reference to war monuments. Hon Roger Nicholls went on to talk about his wife and children in this public way as if they as individuals were under some threat. He says, "Dream on you might say" in the context of the Dreamtime having a very sacred meaning to many Aboriginal people. He then uses the word "appeasement", a word associated with events that thankfully ended 50 years ago this year. Hon Tom Helm mentioned Hitler, and that reference is appropriate when given the word "appeasement".

What I find really distasteful is that here we have a Minister who is particularly responsible for people in our community who are less well off than others. This is a Minister who should be caring of those who find themselves in unfortunate circumstances. It is extremely unfortunate and distasteful statistically that the Aboriginal people statistically in Western Australia find themselves very disadvantaged indeed.

The PRESIDENT: Order! I remind honourable members that the reading of newspapers in this place is not allowed.

Hon N.D. GRIFFITHS: One of the great facilities in our Parliament, undoubtedly due in no small measure to the members of the Library Committee, are the publications regularly provided by the Parliamentary Library. The *Current Affairs Bulletin* No 2 of 2 April 1995 mentions an article in the *Alternative Law Journal* by Tony Buti of the Aboriginal Legal Service entitled "They took the children away". I will not read the article, but people such as Hon Norman Moore, Hon Derrick Tomlinson and Hon Roger Nicholls should read it and see what happened to Aboriginal people of just a generation

ago. They might then learn something of their responsibility to Aboriginal people in our community.

HON J.A. COWDELL (South West) [4.22 pm]: I support the motion. Parliament has a right to expect more than the lowest common denominator that is revealed in this paid article by Hon Roger Nicholls. Parliament has a right to expect more from a Minister of the Crown and certainly more from the Minister for Community Development. Who paid for this advertisement? It is an advertisement. Did the Government pay?

Hon N.F. Moore: The member for Mandurah.

Hon J.A. COWDELL: Did the Government pay it as part of departmental expense?

Hon N.F. Moore: No. That is typical of the way you throw in slurs.

The PRESIDENT: Order! Let the honourable member proceed.

Hon J.A. COWDELL: Did the member for Mandurah and Minister for Community Development pay for this out of his electorate allowance, which is a taxpayer funded allowance; or did he pay for it privately? It is important that this be established. This is a question the Minister for Community Development should answer, not Hon Norman Moore. Hon Roger Nicholls is reported in today's *The West Australian* as follows -

"The comments quite clearly refer to anyone," he said. "The key issue is that it's not an attack on Aboriginal people.

"I would be surprised if Aboriginal people who are reading those comments from a general perspective found them offensive.

The Minister is wrong. There can be no doubt that his comments are negative references to Aboriginal people. The Minister for Education tried to put a particular gloss on this article. He referred to the start of it and then to the end of it; he did not refer to the body of the article. The body of the article reveals the key comments, and I quote -

The other fact which seems to have been totally forgotten is that the aboriginal culture is not the only culture in Australia. As an Australian by birth, I believe my culture deserves to be recognised with the same enthusiasm as the aboriginal culture.

As though white Anglo-Saxon culture is not adequately represented in our society or has not been. To continue -

My wife and children should be able to freely walk in our city without being assaulted or subjected to a barrage of foul language by anyone, irrespective of their background.

That follows on closely his reference to the Aboriginal community and the fact that their culture is given extraordinary prominence. Mr Nicholls then goes on to say -

The law should apply equally to all without fear or favour.

As though the present law in some way favours the Aboriginal community. He also says -

Dream on you might say. Well I think it is about time that we stopped pretending that land rights or appeasement will fix the problem.

Heaven knows what he means by "appeasement" - perhaps the land rights legislation that this Government will introduce shortly to conform to the High Court's decision. He refers to appeasement, dreaming, a barrage of foul language, and not being able to walk through parks with his wife and children. This is clearly a slur on the local Mandurah Aboriginal community and on the Aboriginal community generally in Western Australia. It is a disgrace that a Minister of the Crown, especially a Minister for Community Development, should place a paid advertisement in the local paper to convey these views; probably an advertisement paid for by taxpayers' funds out of an electorate allowance.

HON TOM HELM (Mining and Pastoral) [4.28 pm]: I thought I would wait to see whether any of the Minister's colleagues might want to defend him, but I see that none of

them does. Only the Minister for Education - the minister for red herrings - spoke, and he spoke about a photograph I had taken of an Aborigine's house. Let me demonstrate the difference between the Liberal-National coalition Government and the Australian Labor Party. I did have a photograph taken of an Aborigine's house. Members of the Labor Party were concerned about that and brought me before a disputes committee to get to the bottom of the matter. Will the Liberal Party ask Hon Roger Nicholls to come before it and explain his advertisement? That is the difference.

Hon Roger Nicholls says he does not want his wife and children to be exposed to obscene language. Does the Minister for Education not know that obscene language is part of the English language but that Aboriginal language does not contain obscene language? Let us ignore the red herrings about the Labor Party's reaction to something the Liberals might consider racist and consider an action by a member of the Liberal Party that is clearly racist. The Minister for Education spoke about efforts to save Aboriginal culture and overcome Aboriginal concerns in this State. However, why has the Minister presided over a department that has withdrawn funds and classes from Aboriginal communities?

Hon N.F. Moore: Rubbish.

Hon TOM HELM: Why is he making it harder for teachers to teach in Aboriginal communities? If he says education is the answer, why does he not provide the education? He is the Minister for Education. We get all sorts of answers except the answer that it is because of the racists he has in his party.

[Motion lapsed, pursuant to Standing Order No 72.]

COMMITTEES FOR THE SESSION - HOUSE COMMITTEE

Member for Bunbury, Discharged; Member for Mitchell, Appointed

Message from the Assembly received and read notifying that it had agreed to the following motion -

That the member for Bunbury be discharged from the House Committee and the member for Mitchell be appointed in his place.

ADDRESS-IN-REPLY

Motion

Resumed from 30 March.

THE PRESIDENT: I remind members that this is the honourable member's maiden speech and therefore the usual courtesies should be extended to her. I would also like to repair an omission of mine earlier. When I saw the member in, I should have congratulated her and welcomed her to the Legislative Council. I do that now on behalf of all members and hope that she has a fruitful and satisfying term in this Chamber.

HON VAL FERGUSON (East Metropolitan) [4.31 pm]: I support the motion. In so doing, I thank all members of this House who have congratulated me on my election. In rising to make my inaugural speech, I am aware of the responsibility entrusted to me by the electors in East Metropolitan Region. I have mixed feelings about becoming the member for East Metropolitan Region. Firstly, I have a feeling of sadness about the resignation from Parliament of my dear friend of over 30 years, Hon Tom Butler. I also have a feeling of pride in representing all of the people of the region on behalf of the Australian Labor Party.

After 35 years involvement in the Labor movement, I see the turn in my career as a challenge that I intend to meet with enthusiasm and to reflect the dedication shown by my predecessor. I am proud to follow Lyla Elliott and my friend of long standing, Hon Cheryl Davenport who, like me, entered the Legislative Council after working in the administration office of the Labor Party early in our political careers. I also follow in the footsteps of other Labor women who entered Parliament including Wendy Fatin, Carolyn Jakobsen and the late Pam Buchanan who, like Cheryl and I, entered the parliamentary

arena after working for members of Parliament. Such experience leaves us with no illusions.

I would not be here today without the hard work and support of many people. With your indulgence, Mr President, I will take some time to thank these people. I thank my husband Ken, and my children Merryll, Darren and Nerine who have shown me unstinting love and support over my years of involvement in the political process. I thank my parents who have stood by me through everything. I thank the bag clan - they know to whom I refer. I thank Rosa Townsend who is affectionately known to me and others close to her as the conscience of the Labor Party. I thank all my friends and current and former staff members in the Labor Party's administration office. I thank the electorate officers and branch members who have worked with me and supported me, particularly those in East Metropolitan Region. I am eternally grateful to all my former colleagues who encouraged and supported me and who extended friendship to me during my service to the industrial and political wings of the Labor movement. They include Percy Norris, a former union secretary and member of the Workers' Compensation Board who was responsible for my first job in Trades Hall; the late Jim Coleman, former Secretary of the Trades and Labor Council; and the late Joe Chamberlain, Bob McMullan, Stephen Smith and Chris Evans, former secretaries of the Australian Labor Party. Senator Chris Evans, as my former employer, challenged me to accept my ability and my subsequent contribution to the political process. I thank Kim Beazley, a Minister in the Keating Government, who was instrumental in the change in my career path by offering me a position as a member of his electorate staff in 1980; and Hon John Cowdell, a member of this House, whom I again join as a colleague and who, when the chips were really down, talked me through and helped me to solve my personal dilemmas.

As previously mentioned, I have been involved in the Labor movement for more than 35 years. During that time, I came to understand our system often excluded those people who are unable to articulate their needs against the might of the bureaucracy. I have a strong belief in the importance of educating people about their rights. I was reminded recently, at the Highgate Primary School reunion, of my history of advocating for people. It began in grade 1 when I challenged a teacher for her unfair treatment of a classmate. It was fostered while working for the Australasian Society of Engineers and the Trades and Labor Council where, in the absence of officials, I assisted members of unions with queries regarding their industrial entitlements. While employed at the Trades and Labor Council, I instigated an industrial agreement for administrative workers, all women, in union offices who, until 1969, had no formal union coverage. I am proud that my efforts resulted in the enactment of the Trades Hall clerical staff agreement.

While working for politicians during the last 14 years, I have had a range of experiences working with and for people. I have shared the joy of reuniting family members; the fear and frustration of talking a person through a suicide attempt; shared my children's wardrobe with another who needed clothes and shoes for her children to attend school; worked with young people at the Belmont and the Swan community youth support schemes; assisted senior citizens with their issues and joined in their social gatherings; and been invited to a Baha'i wedding by a grateful constituent. The majority of this work took place in East Metropolitan Region.

I acknowledge the work being performed in the region by my colleagues, Hon Alannah MacTiernan and Hon Nick Griffiths. I look forward to working with them in my new role. As members of the Labor Party, we bring to this Chamber certain principles of social justice. These encompass issues which include the protection of the environment; fostering of communities through participation in decision making; the provision of affordable housing for all; caring for seniors; and defending the rights of Aboriginal people.

East Metropolitan Region is, geographically, a very large and diverse area. Industries in the region include the manufacturing industrial areas of Bayswater; grape growing and wine producing in the unique Swan Valley; the orchards of the Darling Range; horse racing in the Belmont and Forrestfield areas; and the great historical tourist areas in Guildford, Midland, Bassendean, Maylands and right through to Mundaring and

Armadale. The Swan and Canning Rivers flow through East Metropolitan Region. The pollution and environmental problems currently being experienced in these two major waterways are of great concern to me. The state of those rivers has been well documented in recent times. I believe that all members of Parliament have a responsibility to protect our unique waterways. It is not sufficient to simply legislate and then close our eyes, block our ears and hope everything will be all right. I acknowledge and thank most sincerely the volunteers who contribute so generously of their time and effort to halt the devastation of our river system. One such group is the Bayswater Integrated Catchment Management Group, which was chaired from its inception until 1994 by the member for Maylands, Judy Edwards. The Bassendean Preservation Group, of which I am a member, has worked tirelessly for 10 years to prevent the erosion of river banks in our suburb. The Swan River Trust is an excellent organisation, doing a wonderful job with limited resources. My memories of our rivers are beautiful memories. I learnt to swim at Crawley baths and my children learnt to swim in the river at the Point Reserve in Bassendean. Today our rivers are filled with nutrients that feed the red tide and blue-green algae that kills the normal flora and fauna. We must find the way to protect these rivers before it is too late. The Court Government must allocate sufficient funding to the Swan River Trust to guarantee the protection of our waterways for future generations.

I will take this opportunity to acknowledge the many other volunteers in the community, such as the people who deliver meals on wheels and provide transport to senior citizens for appointments and shopping visits, and the parents who dedicate many hours to school committees, sporting clubs etc. These volunteers add value to communities throughout the region. Without the untiring efforts of this dedicated band of hard workers, the community would not be able to enjoy the many and varied services now available.

I take this opportunity to make reference to the Lockridge community. My association with the people of Lockridge began nearly 20 years ago, when my son, Darren, played football for the Swan Districts Junior Football Council. From that time I became aware of the sense of pride that the majority of Lockridge residents have in their local community. Lockridge was one of the first local housing areas developed under the auspices of the old state housing commission. The suburb was developed by a Liberal Government to provide low income families with low rental accommodation or homes they could purchase at affordable prices. There was no comprehensive planning of housing, industry, commerce and services, other than schools and recreation facilities. Fortunately, a Labor Government had the good sense to reject this type of public housing policy. In 1983 the newly elected Labor Government introduced a public housing mix of one rental home to every six private owner-occupier homes in new suburbs. In 1992 the Lawrence Labor Government moved to address the negative images of the Lockridge area. The present Leader of the Opposition, Jim McGinty, as Minister for Housing, announced the reconstruction of residential units in the area. Since that time, Lockridge has been undergoing a major redevelopment program. To all those responsible I offer my heartiest congratulations. I also commit myself to ensuring that the social needs of all groups in the Lockridge area continue to be met, and that action is taken to develop a positive image for the suburb. Labor, in government, also began to address the lack of services for young people in the area. One of the early achievements of Hon Tom Butler was to assist in establishing the Lockridge Youth Service in 1986. He was the inaugural chairperson and continues in that position today.

Other organisations I wish to mention are the Lockridge Senior Citizens Association and the West Swan Pensioners League. These groups originally operated from a flat in Lockridge, and now share the Alice Davoren Senior Citizens Centre. This centre was built as a result of strong community support by dedicated people. Over the years user groups have raised a considerable amount of money towards the building and for extensions and equipment. I appreciate the friendship shown to me by Val, Margaret, Lawley, Norma and Brian. I look forward to working together with the member for Morley, Clive Brown, and the people of Lockridge to change the perceptions non-residents have of the suburb of Lockridge.

Recognition is also due to the Culunga Aboriginal Community School, another vibrant organisation located in the East Metropolitan Region. This school caters for children from preprimary through to high school. It offers education to young Aboriginal people who have difficulty fitting into the mainstream education system. It also provides programs for young Aboriginal people on parole from juvenile detention centres. This causes some problems for staff who are trained school teachers, not social workers or psychologists. A comprehensive plan is needed which embodies programs to address the social inadequacies of the environment of these young people. However, the old story of "where is the money coming from?" prevents effective change occurring in this area. I congratulate the principal of the Culunga school, Tracey Gosling, and the staff, parents and volunteers who have worked so hard to make the school the success it is today.

A number of schools in the East Metropolitan Region are feeling the effect of the cutbacks of the Court Government. Some areas of concern to these schools include the urgent need to replace asbestos roofs, cuts in school budgets and the need to upgrade existing facilities. There are also many concerned parents within the region with special needs children who are being treated badly by the education system. I intend to assist all I can to obtain a satisfactory solution for all concerned.

At this time I pay tribute to the unsung heroes of the parliamentary process. I refer to electorate officers, particularly those in the state arena who in most cases work on their own in the absence of their members. They must be prepared to run the electorate office single-handedly, be multiskilled, work with community groups and deal with constituents. This quite often involves families in financial and emotional crisis. These tasks are just a few confronted daily by electorate staff. For some time now more resources for state electorate offices have been an issue. I firmly believe we should endeavour to provide extra staff where necessary to ease the ever increasing workload of this group of diligent people. We should also be conscious of the fact that some are at risk of physical threat, and consideration should be given to their safety. It is interesting to note that former electorate officers have moved into diverse and significant occupations. However, only a few have gone on to further their careers by becoming members of Parliament.

It is widely recognised that there is a need to increase the number of women in Parliament. I believe that one of the reasons more women do not become members of Parliament is the demands made on politicians' time. The subsequent challenges created for members and their families makes it more difficult for a woman to balance the work role with the role of wife and mother. Women have proved their relevance in both Houses of State and Federal Parliaments. However, because women have been socialised to nurture, social conventions now impede their progress. Traditionally most successful male members have an extremely supportive spouse. I have often heard the lament of my female colleagues when they say, "What I really need is a wife." I acknowledge that I am one of the lucky ones because I am fortunate in having a very supportive partner in Ken. I was also able to continue to work in the 1960s while raising a family because of the vision of the late Jim Coleman, the first Secretary of the Trades and Labor Council. Jim gave me the opportunity to develop a career path in the Labor movement by introducing the concept of flexitime, long before it became the norm in public sector awards. However, Mr President and honourable members of this Chamber, I contend that women in the 1990s should not have to seek the support of any one individual to represent people in this place.

Structural barriers impeding participation of larger numbers of women should be removed or addressed. I refer particularly to hours of sittings, the lack of child care facilities, and the party preselection process. I could go on. The untenable hours of parliamentary sittings have been discussed on numerous occasions in the past. As long ago as 1975, the women's movement addressed the inappropriateness of meetings scheduled during the evening meal period. They recognised the negative impact it could have on families and the subsequent reluctance of women to participate in any number of public forums. The Australian electors have indicated they want more women representing them in Parliament. They must be listened to, and changes must be made to

accommodate such wishes. If more women are to take their place in Parliament, the way Parliament operates needs to be reformed. For instance, the hours of sittings must be changed. Parliament needs to sit more during the day rather than working late nights and early mornings. All members of Parliament with young families are affected. They should not be forced to work this way, if we really believe in and are committed to family life. It is ludicrous that this tradition of the 1890s still exists when the twenty-first century arrives in five short years!

Young children need both parents. If the sitting hours were changed the families of all members would benefit. Sitting hours impact not only on members of Parliament. The staff of Parliament House should receive due consideration with regard to this issue. This is only one of a number on the list of detrimental working conditions for employees in this place. For instance, Hansard reporters work in cramped spaces which have been likened to dog boxes. I am told that in the summer it is like working in a sauna. People are surprised and astounded when told there is no air-conditioning in Parliament House other than in the dining room and in the strangers' bar. People cannot believe that in this day and age these workers have such antiquated conditions.

A legacy of my history in the Labor movement is my interest in workers. The push to privatise at all costs concerns me because many people are hurting badly. Privatisation has been promoted as a panacea to our changing economy but there is a social consequence to this requirement for economic change. In Westrail, a large number of jobs have been lost and now there is a threat to another 1 000 jobs. Jobs have gone from the Western Australian Water Authority. Employees and their families are distressed because they fear further dismissals. Men employed by the Water Authority have visited some of my colleagues. The employees have been reduced to tears when talking about their future. The contribution they made to the Western Australian community throughout their working life is of enormous importance to them and their families.

The effect of privatisation is often detrimental to the family unit. Redeployment as an option gives limited opportunities. Consider the impact on families when the worker is transferred to a country area because it is the only job available. Consider the impact of his leaving the family home and the upheaval to children's schooling, which can have devastating results. Further burdens are placed on families by the current lack of opportunities for young people in rural areas. Rhetoric about the creation of jobs in the private sector is deceptive. Take the case of the Department of State Services in Welshpool, which was privatised late last year. Workers who were already on short term contracts with the Government were assured of ongoing employment. However, early last month 15 people were told they were no longer needed. Many of those people are blue collar workers in their fifties, and they are fearful of their future prospects. We should consider the repercussions on the families if a parent is not working. We are not able to build role models for young people in our society.

Who is reaping the benefit of the productivity savings? It seems to me to be only the privileged. I believe that taxes should be levied in proportion to a person's capacity to pay. Charges and levies introduced by this high taxing Government continue to hurt families. Take the \$50 levy, for instance, which was supposedly introduced to help get the State Government Insurance Commission out of trouble. This has been achieved, so why are we still paying the levy? Some people are selling their second car owing to the extra costs incurred by the levy and the 4¢ a litre rise in petrol costs. This is often the car used to take children to school, sporting events, and so on. Many such vehicles are used by volunteers to help senior citizens with their shopping, outings, and doctors' visits. The recipients of the service will suffer and so will the community.

We are told that these taxes are to pay for the unfortunate excesses of the 1980s, but is it really the case? Labor in government did not levy Western Australians for the Liberal-incurred waste on the gas pipeline. One might be forgiven for wondering how this Court Government intends to pay for the Premier's personal indulgence on his ill-conceived challenge to the Federal Government's native title legislation. If the Legislative Council had performed its duty as a House of Review the debt incurred by the High Court challenge may never have occurred. The Legislative Council was established to be a

watchdog over the other place, not a rubber stamp. The tragedy is that whenever the conservatives hold government this Chamber is a rubber stamp. However, when Labor holds the Treasury benches this Chamber is obstructionist. One need only look at the statistics. If the Legislative Council is not positively reformed through the Commission on Government process, I believe - like others before me - that it should be abolished.

I have outlined my interest in people. People, particularly young people of this wonderful State, are our wealth. As a member representing the East Metropolitan Region I intend to work with individuals and the community to ensure that the region continues to grow and prosper. I take this opportunity to thank you, Mr President, and Parliament House staff for the courtesies extended to me, and to wish my predecessor, Hon Tom Butler, a long, happy and healthy retirement. I support the motion.

Amendment to Motion

Hon VAL FERGUSON: I move -

To add the following words -

I regret to inform His Excellency that the Court Government has not honoured its commitment to provide open and accountable government and has demonstrated an ability to mouth platitudes about accountability while doing the complete opposite.

[Questions without notice taken.]

The PRESIDENT: Order! Hon Val Ferguson moved an amendment and I am bending over backwards to assist her. The member made a maiden speech one hour after she had been sworn in, and that must be a world record. I congratulate her on the way she delivered her speech. She was gracious enough to include me in the very long list of people she thanked for assisting her. I feel very humble about being included on that list, but I do not know that I really helped that much. However, I will now give her the help which generated that thanks. One of the pieces of assistance I will give her is to suggest that in future, when she is preparing a speech and wants to move an amendment, she seeks advice on how to do it. There are several areas of advice she can seek. She can go to her more learned members -

Hon E.J. Charlton: She could not find any.

The PRESIDENT: - who no doubt would be capable of helping her. More particularly, she can go to the Clerks whose task is to assist members in wording motions and amendments. Obviously, she did not go to anybody in her organisation because they would have known what to do. I am sure she did not go to the Clerks because I am sure they would have known what to do. Whoever the member went to obviously did not know what to do. The member wants to add some words to the motion. In consultation with one of her colleagues I have added the following words to the motion, which is that a message be sent to his Excellency the Governor -

To add after the word "Parliament" in the last line the following words -

However, we regret to inform Your Excellency that the Court Government has not honoured its commitment to provide open and accountable government and has demonstrated an ability to mouth platitudes about accountability whilst doing the complete opposite.

I ask the honourable member whether that is the amendment she wishes to move.

Hon VAL FERGUSON: Yes.

HON J.A. SCOTT (South Metropolitan) [5.38 pm]: I second the amendment and welcome Hon Val Ferguson to this Chamber. I am pleased there has been a small shift in gender balance and I noticed a Greens glow coming from her speech which I was pleased about.

Hon Kim Chance: When will the Greens shift its gender balance, which is 100 per cent male?

Hon J.A. SCOTT: That is the fault of the electorate.

The Court Government swept into power on the basis of a loudly shouted cliché which was reasonable under the circumstances; that is, "Fair, open and accountable Government and better management". Therefore, the community's expectation was that if it were to get anything from the Court Government those principles would be upheld. The Premier expounded those principles in his second reading speech on the Public Sector Management Bill on Thursday, 30 September 1993. He said that while the Bill retains the best current practices -

It seeks to address longstanding deficiencies in the Public Service Act and other problems identified by the Royal Commission into Commercial Activities of Government and Other Matters. This Bill is about good management, accountability, official conduct and integrity in government. It is also about laying the groundwork for standards of equity, merit and property which will apply right across the public sector.

He said also -

The legislation is based on the principle that Ministers are accountable to Parliament, and are responsible for the effectiveness of the public sector. The desirability of maintaining a public sector staffed by apolitical career officers is affirmed and special arrangements are proposed for the appointment of staff to Ministers' offices.

I ask members to remember that quote. He said also -

The unacceptable behaviour of some people in Government in the 1980s and early 1990s underscores the need for these measures. Although I do not believe for one moment that we can legislate for "honesty" in Government we can take measures to protect Public Service integrity, specify the roles and responsibilities of key players in the process, promote ethical conduct, develop standards and monitor compliance. However, I firmly believe that individuals, including members of Parliament, must take primary responsibility for their behaviour and display good conduct.

I find it remarkable that despite all of that rhetoric, which was uttered such a short time ago, senior Ministers, with the knowledge and blessing of the Premier, have blatantly breached the word and spirit of that Act. I refer members to questions which I asked in this House on 28 March. I asked the Leader of the House representing the Premier-

Did the Premier send a memorandum to the Minister for Health, Hon Graham Kierath, in which he acceded to the Minister's request to remove Mr Paul Solomon from his position as Managing Director of the Government Health Bureau? If yes -

- (a) Will the Minister table this memorandum and, if not, why not?
- (b) Why did the Premier condone an action of political interference in the Public Service which is in breach of section 8(2) of the Public Sector Management Act? . . .

Hon George Cash replied as follows -

The Premier sent a memorandum to the Minister for Health in connection with the relocation of Mr Solomon. However, that relocation was not at the request of the Minister; the relocation was at the request of the Commissioner of Health who, as the chief executive officer of the department, is the only person who can remove personnel from positions within that department.

That indicates clearly that the Premier and the Leader of the House knew what was the law in this regard. It continues -

The Minister's involvement was to facilitate the relocation of Mr Solomon. The actions were therefore not in breach of the Public Sector Management Act.

The Minister then happily tabled the relevant documents, which contain a short letter from the Premier to the Minister for Health - not, I ask members to note, the Commissioner of Health. That letter dated 16 February was in response to a letter from the Minister for Health and states -

I understand that you are seeking to transfer Mr Paul Solomon from the Health Department. I am agreeable to providing a redeployment option for Mr Solomon within Treasury. Please advise what timeframe would be suitable in order that the Acting Under Treasurer can make suitable arrangement.

Please note that under the Public Sector Management Act the employing authority of this officer must consult with him prior to transfer.

That letter from the Minister for Health to the Premier, which is dated 15 February, the day before the Premier sent that letter to Mr Kierath, is interesting. It states -

I have discussed with the Minister Assisting the Minister for Public Sector Management the operations of the Health Department and the problems of the health system which need to be addressed in the immediate future to ensure a more effective delivery of health care services.

A restructure of senior executive personnel requires that Paul Solomon currently General Manager, Government Health Bureau, be transferred from the Department immediately.

There is no beating around the bush. It continues -

It is apparent that Mr Solomon is of such seniority that there are few places he can be redeployed to, but he needs to be placed in a suitable position having regard to his classification.

Mr Solomon has a finance background and in his role is responsible for the Health Department's financial services.

In my discussion with the Minister Assisting the Minister for Public Sector Management -

Once again, not Dr Peter Brennan, the Commissioner of Health, who is supposed to be the person responsible for the movement of people -

- it was suggested that he could be given responsibility for addressing the outstanding debts to Government, which are valued at tens of millions of dollars across all agencies. This would require that he be attached to Treasury and could be appointed as a Director reporting to Mr John Langoulant. It is not proposed that Mr Solomon be incorporated into the existing Treasury mainstream organisation, instead he should be assigned an Office of State Debts.

So here we have two Ministers, not the Commissioner of Health -

Hon Tom Helm: Ministers who, under the Act, are not responsible.

Hon J.A. SCOTT: Under section 8(2), they are not supposed to have anything to do with it. I will quote from the Act later. The letter continues -

It is appreciated that this would cause some minor disruption to Treasury, however it is vital that he be relocated from the Health Department to enable significant management problems to be solved.

There is no mention of what these management problems were; and, of course, it is a bit difficult to tell from that letter what they would be. The letter indicates clearly that two Ministers sat down together and decided not only where to move a senior member of the Public Service but when; that is, immediately. That left open a few questions so far as I was concerned because, while I was reassured by the Leader of the House representing the Premier that the Minister for Health's involvement was to facilitate the relocation of Mr Solomon - and that was very kind of Mr Kierath, who had only just got into the job and here was this fellow who was to be moved and all the Minister was concerned about was where he could put this person; and the Minister is known for his kindness, of course -

Hon Tom Helm: Considering that he has no responsibility in the matter, it is very kind.

Hon J.A. SCOTT: In fact, he is probably brushing against the law a little in getting involved in things with which he is not supposed to have anything to do.

I found that it did raise some more questions. I wondered why I had not seen tabled any written request from the Commissioner of Health, Peter Brennan. I thought if he were to remove a senior public servant, he would write letters to back up his request. I thought that was the normal arrangement in most good practice government departments.

Hon Tom Helm: It is better management.

Hon J.A. SCOTT: I also wondered, considering that subsequently to that letter going out, Dr Peter Brennan was pushed out of his job as the Commissioner of Health, why on earth the Minister would take advice from someone whom he was about to get rid of. That seemed to be a strange set of circumstances, so I asked some further questions on the following day, 29 March. The questions included whether there was any written evidence that Dr Brennan had been involved in the redeployment of Mr Solomon. No written evidence came forward as a result of that question. I asked on what date the request was made by the commissioner to move Mr Solomon and the reasons given by the Commissioner of Health for requesting the transfer of Mr Solomon, the notice given by Mr Solomon to the Commissioner of Health and the significant management problems to be solved within the Health Department, referred to by the Minister for Health in his letter to the Premier seeking the transfer of Mr Solomon.

It would seem a bit strange for the Minister to write to the Premier if Dr Brennan had decided to transfer Mr Solomon. The answer said that the decision to relocate Mr Solomon was made by Dr Brennan after discussions with the Minister for Health on 14 February 1995, the very day that letter went to the Premier. That was very quick action. The next part of the answer said that the reason was to restructure the senior executive of the Health Department. It did that. A number of people went missing that week. In fact, from talking to Liz Constable, from the other place, I learnt that she had arranged for a constituent to meet with Dr Brennan. When the constituent attended for the meeting, Dr Brennan had arranged for Dr Jan White to deal with the matter. Dr Constable was very surprised when her constituent who sought the meeting telephoned her and said that Dr White was no longer with the department. Obviously Dr Brennan very suddenly changed his mind about Jan White as well. There were many sudden decisions made at that time. Obviously the new broom was sweeping clean and Dr Brennan had to keep in close touch with the Minister; however, it was unfortunate that he was swept out the door with the same broom.

Hon E.J. Charlton: Are you asking the questions or giving the answers?

Hon J.A. SCOTT: I will give the answers in due course.

Hon E.J. Charlton: It is a very good policy; you should never ask a question unless you know the answer.

Hon J.A. SCOTT: A further answer to the question said that Mr Solomon was notified by Dr Brennan of his relocation on 17 February. The Minister came into his office on Friday. On the following Tuesday instructions went out and by Thursday Mr Solomon had gone. There was no written notification from Dr Brennan to the Minister that he would do that. I do not know whether that is the usual practice within government.

Hon Reg Davies: It seems to be contrary to the Act.

Hon J.A. SCOTT: Yes. Another answer to my question was that Mr Solomon was relocated outside the department because his continuation in his job would cause morale problems. That answer puzzled me. At the time the letter went to the Premier, the commissioner had not told Mr Solomon about the transfer. After the decision had been made for the transfer, the Minister said that Mr Solomon had caused morale problems.

Hon E.J. Charlton: It sounds very confusing.

Hon Tom Helm: But it is more jobs and better management.

Hon E.J. Charlton: Eighty thousand more jobs.

Hon Reg Davies: Name them.

Hon J.A. SCOTT: In effect, Mr Solomon has been moved because he was causing a morale problem. That does not figure with my logical way of thinking.

Hon E.J. Charlton: I would rephrase that, Mr Scott.

Hon J.A. SCOTT: The final part of the answer says that the Public Sector Management Act makes it clear that the decision to relocate rests with the chief executive officer and there is nothing in the Act to prevent the CEO seeking the assistance of the Minister in the pursuit of his duties. What a shame that it was not done in writing! The answers given on the radio by the Minister for Health the next day confirm that Mr Kierath was merely helping Mr Solomon to get another job.

Hon E.J. Charlton: He is a caring Minister.

Hon J.A. SCOTT: It touched my heart a little. On 30 March I asked further questions which were not directly related to this one and which were about another character. These questions were about Rob Anderson, who was transferred from the Health Department. I asked -

- (1) When was Rob Anderson, the manager of customer services of Healthcare Linen - formerly known as Hospital Laundry and Linen Services - transferred from that department to the Health Department's East Perth offices?
 - (a) Was this transfer made to avoid a possible conflict of interest due to Mr Anderson's being connected with a tender for the Healthcare Linen services?
 - (b) Was the transfer at the request of the Acting Commissioner of Health, Mr Paul Solomon?
 - (c) Why did the Minister for Health write to the Commissioner of Health, Peter Brennan, directing him to reinstate Mr Anderson at Healthcare Linen soon after he became Minister for Health?
 - (i) On what date did the Minister for Health make that direction?
 - (ii) Will the Minister table that letter; if not, why not?
 - (d) Does the Minister have any concerns regarding a possible conflict of interest in Mr Anderson's replacement in Healthcare Linen during the tendering process for its services?

The answer from the Minister representing the Minister for Health said -

- (1) Mr Anderson never commenced at the Health Department's East Perth offices.

He never got there. Events moved far too quickly. The answer continues -

- (a) Yes, it was the acting commissioner's view that there was a potential conflict of interest in Mr Anderson's continuation at Healthcare Linen.
- (b) Yes.
- (c) Having regard for propriety of the process, public sector ethics, and fairness in respect of the manner in which Mr Anderson was being treated by the Health Department, on 20 February 1995 the Minister sought to review the decision made by the Health Department.

Once again, this shows the kindness of the Minister's heart. It continues -

This action was taken after the matter was drawn to his attention by the Minister assisting the Minister for Public Sector Management.

These answers came from Hon George Cash again. At the same time as the answers were given, relevant correspondence was tabled. The answers to my questions further stated -

- (d) The integrity of the tender process for the sale of Healthcare Linen is of paramount concern to the Minister. However, he does not consider that Mr Anderson's continuation in his current position would in any way compromise that integrity provided all relevant information is made available to the tenderers and Mr Anderson plays no part in the evaluation process. Further, to overcome any perception of impropriety, the Minister instructed the Commissioner of Health to ensure that all tenderers were advised that there was an in-house bid.

Once again, this is very nice stuff. When I picked up the attached letters which explain things rather differently, I was shocked.

Sitting suspended from 6.00 to 7.30 pm

Hon J.A. SCOTT: Prior to the dinner suspension I was speaking of the answers given to questions in Parliament concerning the movement of public servants around the Health Department. They largely indicated that the Minister for Health had had something to do with moving Mr Paul Solomon around purely out of the goodness of his heart in a bid to provide him with a new position. However, on reading the correspondence between the Health Minister and the Premier, it cannot be seen that the Commissioner of Health had anything to do with it. We have been told that Mr Solomon was moved on the decision of the Commissioner of Health. In fact, letters tabled following responses to a third group of questions which I was about to read before the suspension reveal the following: I will start with the letter from Peter J. Brennan, Commissioner of Health on 27 February to the Minister for Health. It was in reply to a request by Mr Kierath and reads -

In response to your memo regarding Mr Rob Anderson, which I received on the 20th February 1995, the following rationale was used in moving Mr Anderson:

Mr Anderson, in his role as Customer Services Manager was seen as having access to information that other tenderers didn't.

That seems fairly reasonable. To continue -

That in accordance with the rules of procedural fairness, to protect the Minister and Government from any criticisms from other tenderers, Mr Anderson was moved.

That as Mr Anderson hadn't advised the CEO of Health Care Linen of his bid, he could have been asked to assist in the evaluation process, thus putting him directly into a conflict of interest situation.

Should he remain at Health Care Linen, it would place the CEO of Health Care Linen in a difficult position of acting as the gate keeper of information.

That also seems quite reasonable. To continue -

The treatment of such staff is recommended practice in NSW, where the Independent Commission Against Corruption have specifically stated that the integrity of the process is of paramount importance. They specifically recommend providing adequate separation of in-house bidders from inside information about the tender process.

The final paragraph is most important and members should listen carefully. It reads -

While the action of moving Mr Anderson for the reasons outlined was supported by Minister Foss -

He understood the importance of it obviously, being a lawyer. The letter continues -

- I shall, acting as your agent, direct the CEO of Health Care Linen to reinstate Mr Anderson to his position, as requested in your correspondence.

There seems to have been a breach of the Public Sector Management Act. Acting as the agent of Mr Kierath, Dr Brennan decided to move Mr Anderson back to his old position. Not only was there a breach of section 8(2) of the Public Sector Management Act under which a Minister should not have anything to do with the movement of staff within the Health Department or any other department, but also the commissioner put a person directly back into a conflict of interest position, because that person had put forward a tender for a sector of government business. That letter was in response to a letter from Mr Kierath which I will also quote -

I have been advised that Mr Rob Anderson (Manager, Customer Services) at Health Care Linen has indicated that he intends to proceed with an expression of interest to tender for the purchase of Health Care Linen.

I also understand that when this became known to Mr Paul Solomon of the Health Department Mr Anderson was advised:

that he had a conflict of interests

was in contravention of the Public Sector Management Act

that following leave he was to report for other duties in the Health Department and that he was suspended from his existing duties at the Laundry.

Mr Anderson has expressed concern about his career prospects, feels intimidated and fears that the action and attitude of the Health Department has undermined confidence with his backers.

There have been numerous proposals for management buy-outs in the public sector over the past 18 months, usually involving staff in senior positions. In no other case has an officer being removed from normal duties. On the contrary, management buy-outs and other such staff initiatives are recognised as being beneficial to the Government under many circumstances.

Clearly there is an instruction from Mr Kierath that he was not happy with the movement of Mr Anderson. Members will recall that Dr Brennan laid out the reasons Mr Anderson was moved. He also indicated that Mr Foss was in agreement with what he was doing. He also clearly pointed out that, acting as the agent, he was not very much in favour of making the change required by Mr Kierath but he would do it as Mr Kierath's agent. Obviously he had qualms about doing this. He probably had it pointed out to him that it was in breach of section 8(2) of the Act and possibly other sections of other Acts. The final proof of this comes when we see the real reason Mr Solomon was moved from the Health Department. It was not the reason given by Mr Kierath and reinforced by the Premier. The real reason is in a letter from Hon George Cash to the Minister for Health, which was sent to him prior to his becoming the Minister for Health on 9 February. However, it was received in the Minister's office on 14 February. The letter reads -

I have been advised that Mr Rob Anderson -

It does not say "by" Mr Rob Anderson. The letter continues -

- Manager of Customer Services at Health Care Linen has indicated that he intends to proceed with an expression of interest to tender for the purchase of Health Care Linen. I also understand that when this became known to Mr Paul Solomon of the Health Department, Mr Anderson was advised, firstly, that he had a conflict of interest, that he was in contravention of the Public Sector Management Act, that following leave he was to report for other duties in the Health Department, that he was suspended from his existing duties at the laundry.

Mr Anderson has expressed his concern about his career prospects. He feels intimidated and fearful that the action and attitude of the Health Department has undermined confidence with his backers, whoever they may be. There has been numerous proposals for management buy-outs in the public sector over the past 18 months involving staff in senior positions. In no other case has an officer been removed from normal duties. On the contrary, management buy-out and other

such staff initiatives are recognised as being beneficial to the Government under many circumstances.

The Premier also has recently expressed a disappointment that to date there had not been a satisfactory staff bid for the Laundry.

Under these circumstances I believe that it would be prudent to ascertain if there has been an abuse of administrative authority and whether Mr Anderson has been intimidated by Mr Solomon following Mr Anderson's confirmation that he intended to proceed to lodge an expression of interest to tender for the purchase of Healthcare Linen.

That is the real reason. Mr Solomon has been moved purely and simply because he has held up the political agenda of the Government, not because he has not been capable of doing his job. At whose request was he moved? Who are the people who advised Hon George Cash that Mr Anderson indicated that he intended to proceed with an expression of interest and that he had been intimidated by Paul Solomon? They are interesting questions to ponder. Also interesting to ponder is what choice did Paul Solomon have in this instance? The code of conduct and particularly the conflict of interest provisions indicate a number of things. Firstly, Mr Anderson, when he is in a position of tendering for a government department such as Healthcare Linen, has certain responsibilities. I will read out some of the provisions that deal with those responsibilities. The circular to chief executive officers No 9 of 1991 states -

In some cases, decisions about what is ethical are clear cut. There also times when making decisions about ethical behaviour are harder and more complex. The attached Conflict of Interest Provisions are supplementary to the existing Code of Conduct, and are designed to give guidance to those who must make decisions on some of these questions, and to make the decision making process open and equitable.

It goes on to say -

I therefore wish to emphasise that for these guidelines to be effective, all public employees must continue to work to the highest standards of ethical and professional behaviour and to carry out their duties in a manner which maintains and enhances the reputation of the public sector.

That is very reasonable in this day and age following the WA Inc period. It goes on to say in the introduction -

Since this is an extremely sensitive issue, it is essential that conflict of interest situations are either avoided or resolved in favour of the public interest and that this is seen to be done.

The policy overview states -

All public officers who have a pecuniary or other interest in any matter which conflicts - or can be reasonably shown to have the potential to conflict - with the conduct of their official duties, shall provide a written statement disclosing the fact and nature of that interest to the responsible authority, as soon as practicable after the relevant facts have come to the officer's attention.

Mr Anderson has not done that, which is the reason Mr Solomon is obliged to take a bit more interest in the case. Section 3, "Interests defined - pecuniary and non-pecuniary interests", states -

The scope of a private interest of a public officer includes any individual or group over whose judgement the officer could reasonably be expected to have influence, and includes:

This is the part that is important -

- All persons associated with companies or other commercial concerns in which the public officer has any interest.

Section 4, "Public officers", states -

There are a number of statutory provisions relating to conflicts of interest for public officers.

In general terms, conflicts of interest for public officers are covered by Sections 83, 88, and 90 of the Criminal Code, which state that any public servants or holders of any public office, using their position in government employment to affect any action from which they or any other person associated with them stand to receive any benefit, are deemed to be guilty of a crime and may be liable for imprisonment for three years.

These are fairly serious Criminal Code provisions. Section 5, "Public servants", states -

Public servants are prohibited from accepting any employment for reward not associated with their duties, without the written consent of the responsible authority.

Who is the responsible authority? At that time, Paul Solomon, the acting commissioner, was responsible. It continues -

Such employment includes: holding any office in a municipality or other public body corporate; the undertaking of any commercial business (either as principal or agent); or the private practice of any profession.

Obviously, quite serious problems arise here with Mr Anderson's position.

Hon Reg Davies: Why has this occurred?

Hon J.A. SCOTT: I am not sure. Maybe Mr Anderson was unaware of these provisions. However, as I go on, I will explain that it was pointed out to him. Section 5 continues -

Where officers are permitted to maintain outside business interests which have been disclosed to, and approved by the responsible authority, those officers must ensure that they do not engage in any private business while carrying out their official duties, and must notify the responsible authority as soon as they are aware of any changes to their business interests.

I do not know whether that really affects this issue. Section 6, "Resolving conflicts of interest - self regulation", states -

In many cases, the only individual who will be aware of possible conflicts of interest will be the public officer to whom the conflict applies. It is therefore essential that officers, as part of their official duty, recognise and declare any private interest they have which conflicts, or which presents the real possibility for conflict, with the work they are undertaking or the office they occupy.

Public officers who fail to take adequate steps to avoid conflicts of interest may be guilty of misconduct and may be liable for prosecution and discipline under the Criminal Code, the Public Service Act or individual agency legislation.

Mr Anderson did not take account of a few provisions, whether from ignorance or not I do not know. "Conflict resolution" on page 6 states -

All public officers should, as far as possible, avoid situations in which their personal interests (whether pecuniary or otherwise) will conflict, or might reasonably be thought to have the potential to conflict with the exercise of their public duties. Briefly, a conflict exists where the personal interests of an individual may impinge or in any way affect the decisions they make in respect of their professional duties.

Where conflicts of interest arise or exist:

- (i) Public officers must declare these interests in writing to the responsible authority, -

In this case, Paul Solomon, and it was not done -

- as soon as practicable after the relevant facts have come to the officer's attention. Failure to do so may result in disciplinary action.

- (ii) The responsible authority shall make a determination in regard to the reported conflict of interest, together with appropriate action to address any conflict determined.

Paragraph (v) states -

A conflict of interest shall be deemed to exist where, following reasonable consideration of the available information, the responsible authority considers that there is a real possibility of conflict between a public officers' private interests and his/her official duties.

It continues -

- (vi) Where the responsible authority determines that no conflict of interest exists, then the public officer may continue to carry out the duties of their present office. This is to be entirely at the discretion of the responsible authority.

Not Hon George Cash or Mr Kierath, but the responsible officer. It continues -

- (vii) Where a conflict of interest is deemed by the responsible authority to exist, the public officer concerned should be given the choice of -

It gives three choices. The first is to transfer to duties where such a conflict will not arise or continue to exist. That is precisely what Mr Solomon did. He followed the code of conduct. The other choices are -

divestment of those interests causing the conflict; or
resignation from their public office.

Mr Solomon chose the path that had the least ramifications for Mr Anderson. He took the softest of those options. What was his reward for complying with that code? He held up the Government's political program and it was decided he must go, along with his Minister.

Hon N.D. Griffiths: He has already gone.

Hon J.A. SCOTT: He has been downgraded to the Environment portfolio, because that is not regarded as important by this Government. The code provides only three options for the resolution of conflicts of interest. Paul Solomon had no choice but to take one of those options. It continues -

In cases where the public officer is unwilling to accept transfer to other duties, he/she should be requested to divest themselves of those interests causing the conflict as soon as practicable. In such cases, sufficient time should be allowed for the public officer to divest themselves of the interests concerned without that officer suffering undue hardship. Divestment does not include transfer of those interests to another within the scope of the public officers' influence, as described in Section 3.

It also states -

A public officer has the right of appeal against any decision made by the responsible authority, concerning a conflict of interest. The appeal must be lodged with the responsible authority. Should either party be dissatisfied with the result of this appeal, they may approach a higher authority for secondary appeal. In the case of Public Service Act employees, this authority is the Public Service Commissioner.

It is not Hon George Cash, the Minister for Lands. It does not mention him. The proper way to deal with this matter is through the process outlined in this code of conduct, which was put in place for a specific reason, namely, to prevent corruption. What has happened in this case? Has that objective been achieved by the Government? No. A Minister of the Crown has been quite happy to bypass that process.

Hon Reg Davies: Is this how WA Inc started?

Hon J.A. SCOTT: This is precisely the way it started, in that people who stood in the way and followed the proper processes were overruled by Ministers. They were pushed out of the way because they would not fit in with the Government's wishes. The code of conduct also indicates that Criminal Code matters have been breached. For instance, section 177 of the Criminal Code states -

Any person who, without lawful excuse, the proof of which lies on him, does any act which he is, by the provisions of any public statute in force in Western Australia, forbidden to do or omits to do any act which he is, by the provisions of any such statute, required to do, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by statute, and is intended to be exclusive of all other punishment.

The offender is liable to imprisonment for one year.

Paul Solomon was obliged under the Criminal Code to act as he did. Two Ministers got together and overruled him. They told Dr Brennan to forget about the Criminal Code, to reverse his action and to put Anderson back into Healthcare Linen. They did not care about the code of conduct or the statute law in the Criminal Code. That code of conduct is written into the Public Sector Management Act and is a requirement under law. The Government has totally disregarded that process. The Ministers have gone to a different chief executive officer. With the return of Dr Brennan, Mr Solomon returned to normal duties and they have asked him to carry out a criminal act.

Hon Doug Wenn: Did they ask or order?

Hon J.A. SCOTT: He was ordered. What sort of government is that? Paul Solomon did the right thing, as agreed by Minister Foss.

Hon Kim Chance: That allegation does not rest along with section 8(2) of the Public Sector Management Act.

Hon J.A. SCOTT: I am talking about conflicts of interest because the commissioner decides whether there is a real or perceived conflict of interest. The commissioner has made his decision, but it has been overruled by two Ministers because it goes against the political agenda of the Government. The Criminal Code has been breached.

Hon Reg Davies: It is WA Inc 1995.

Hon J.A. SCOTT: Dr Brennan knew that Anderson had a conflict of interest and pointed it out in his letter to Mr Kierath. Mr Kierath knew about that conflict of interest and he failed to ensure that Mr Anderson was removed from the position. Mr Solomon, who acted correctly, has gone.

Hon Kim Chance: Has Mr Kierath formed any defence to this?

Hon J.A. SCOTT: Mr Kierath said he was merely helping to facilitate his removal to another department, even though the Act says that that is not permitted. Section 8(2) of the Public Sector Management Act states that -

In matters relating to -

- (a) the selection, appointment, transfer, secondment, classification, remuneration, redeployment, redundancy or termination of employment of an individual employee; or
 - (b) the classification of a particular office, post or position,
- in its department or organization, an employing authority is not subject to any direction given, whether under any written law or otherwise, by the Minister of the Crown responsible for the department or organization, but shall, subject to this Act, act independently.

That means to act on one's own, without being told what to do. This conflict of interest situation is very serious. The Ministers have told the officer to forget about the issue because it has been done in other departments. They have said it has been done lots of

times and will continue to be done. In his earlier claims Mr Kierath said everything was all right and he was doing nothing wrong because under the Public Sector Management Act he is not allowed to instruct the Commissioner of Health. That is like saying he has killed someone but it is not murder because it is against the law. It is total nonsense. This is definitely a move back along the path of corruption.

Without doubt, more than one Minister is involved. Mr Court indicated in his letter to Mr Kierath that the Commissioner of Health should have consulted with Mr Solomon prior to moving him. However, we see no proof of that happening. We are aware of a number of other corrupt acts addressed by the Criminal Code which we should consider seriously. We should include the Leader of the House here, because as the leader he indicated to Mr Kierath that he was not satisfied about the removal of Mr Anderson. Mr Anderson had certain avenues down which he could go if he was not happy with the decision. He went to Mr Cash, the Minister assisting the Minister for Public Sector Management. The Minister should be aware of the proper way for grievances to be addressed. Perhaps Mr Anderson's backers approached Mr Cash. In his letter, Mr Anderson is very concerned that his backers have been frightened off. Perhaps they are frightened because they do not have an inside man to tell them what is happening with other tenders, but I am not sure about that. The most I can glean from the situation is that the Premier was not happy about the sale of Healthcare Linen. Hon George Cash felt obliged to put pressure on the Minister for Health - at that stage, Hon Peter Foss.

Hon P.R. Lightfoot: This is supposition. What you are saying is totally speculative. You would not repeat it outside.

Hon J.A. SCOTT: It is not speculative to say that a breach of the code has occurred.

Hon John Halden: Read the letter!

Hon P.R. Lightfoot: It is scurrilous because it is untrue.

Several members interjected.

Hon J.A. SCOTT: Unfortunately, it is true. I will recap what happened: The first answer we received was that Mr Solomon was moved because it was necessary to jig around the upper management. It was stated that Mr Kierath had nothing to do with it; he just spoke to Dr Brennan, the Commissioner of Health. Dr Brennan wanted to move him even though Dr Brennan did not indicate in writing prior to that that he wanted the move. There was a great deal of indication from Hon George Cash that he wanted Mr Solomon moved because he was upsetting the privatisation aims of this Government.

Hon P.R. Lightfoot: Where is the indication of that?

Hon J.A. SCOTT: I will read it again, for the benefit of Hon Ross Lightfoot. The letter from Hon George Cash to the Minister for Health states -

I have been advised that Mr Rob Anderson (Manager, Customer Services) at Health Care Linen has indicated that he intends to proceed with an expression of interest to tender for the purchase of Health Care Linen.

I also understand that when this became known to Mr Paul Solomon of the Health Department Mr Anderson was advised:

that he had a conflict of interests

And he does; it was in contravention of the Public Sector Management Act. It continues -

... that following leave he was to report for other duties in the Health Department and that he was suspended from his existing duties at the Laundry.

If Mr Solomon had not done so he would have been in breach of the Criminal Code.

Hon P.R. Lightfoot: I assume you will table the document.

Hon J.A. SCOTT: The Minister has already tabled it.

Several members interjected.

Hon J.A. SCOTT: This is a clear case of manipulation by Ministers of senior people in the Public Service for a political end. The political end is privatisation, and that has been upset by Ministers such as Hon Peter Foss. I am glad that the Minister has returned to the Chamber because he was the person whom Dr Brennan said started the action to move Mr Anderson. The perception was that it was an adequate reason to move the person.

Hon Peter Foss: It was only perceived.

Hon J.A. SCOTT: It is wrong when the proper authority carried out the act, and another Minister said that person should be moved back. That is where the process was wrong.

Hon John Halden: I would not answer that one, Minister.

Hon J.A. SCOTT: Probably Hon Peter Foss is on shaky ground because he should have reported the breach.

Hon Peter Foss: What breach? There had been no breach.

Hon J.A. SCOTT: It was a breach of the Act. A Minister ordered an employee to be moved back to an area where he had a conflict of interest.

Hon Peter Foss: What am I supposed to have reported?

Hon J.A. SCOTT: It is disobedience to a Statute. That is -

Any person who, without lawful excuse, the proof of which lies on him, does any act which he is, by the provisions of any public statute in force in Western Australia, forbidden to do or omits to do any act which he is, by the provisions of any such statute, required to do, is guilty of a misdemeanour . . .

Hon Peter Foss: So what?

Several members interjected.

Hon J.A. SCOTT: This was going on, and Mr Foss knew that.

Hon Peter Foss: What did I know?

Hon J.A. SCOTT: The Minister knew that Paul Solomon had been moved because Hon George Cash had a gripe about his holding up the privatisation program put forward by the Premier.

Hon Peter Foss: That is an extraordinary statement.

Hon J.A. SCOTT: There is nothing extraordinary about it.

Hon Peter Foss: That was a ludicrous statement, Mr Scott. I thought you put a weird argument before but that shows just how weird is your argument.

Several members interjected.

Hon J.A. SCOTT: It is a good thing for the Government to say that corruption is weird when the Government is acting corruptly. It is a good excuse because it is weird. The Government came in promising fair, open and accountable Government. It is weird that two years later the Government is distorting and bending the rules, the codes of conduct of the Public Service, to gain its political ends. Doubt exists about the interests behind Mr Anderson. I would like to know who they are, and whether they have any connections. If they have connections, the Government is seriously in breach of the corruption laws.

Hon Peter Foss: Come on, Mr Scott! You are adding supposition to supposition.

Hon J.A. SCOTT: Why does the Minister not come clean and tell us about it?

Hon Peter Foss: You have all the documents there.

Hon J.A. SCOTT: I do, and they show deliberate interference by Ministers in the movement of staff around the Public Service. That is forbidden under section 8(2). The Minister should know that.

Hon P.R. Lightfoot: How does that make it corrupt?

Hon J.A. SCOTT: It is corrupt because one person had been moved because he had a conflict of interest in a tender for government business - Healthcare Linen - and he was moved back, against the wishes of the proper authorities. He was moved back on the order of a Minister - and that movement was corrupt.

Hon Peter Foss: That is nonsense.

Hon P.R. Lightfoot: How can you move someone corruptly? I do not follow what you say.

Hon J.A. SCOTT: The member should read *Hansard*. Under the Public Sector Management Act, codes of conduct are covered by the Criminal Code. They cover conflicts of interest. This Government is acting corruptly and it must subject itself to a proper examination by the Commissioner of Police.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [8.10 pm]: It is with much pleasure that I follow Hon Jim Scott in this debate. I am pleased that a new member of the House was able to move today an amendment which allows debate on matters of considerable concern within the community relating to not only the Minister for Health, Hon Graham Kierath, but also some of the other exercises of Ministers of the Crown where I will endeavour to expand on how they lightly put aside Statute law to suit their political agenda, which in many cases has to do with the drive for outsourcing and privatisation. I will start by quoting from the second report of the Royal Commission into Commercial Activities of Government and Other Matters. Part 6.3.2 states -

Perhaps it is inevitable that there be some distrust shown by ministers of a body of officials which are constitutionally obliged not to be politically partisan, but who nevertheless are required to serve those holding government for the time being. But it is impermissible for a government to encourage allegiance by making the Public Service partisan at points of strategic significance.

I will quote section 8(2) of the Public Sector Management Act introduced by Hon Graham Kierath.

Hon Peter Foss: It was not his Act, it was the Premier's Act.

Hon JOHN HALDEN: The Minister for the Environment is correct. As part of the Cabinet deliberations on public sector reform, Mr Kierath would have known what was in the Bill.

Hon Peter Foss: We do have collective responsibility in Cabinet. It is something your former colleagues could not understand and denied, but we believe in it.

Hon JOHN HALDEN: I understand that point, Minister. The Minister for the Environment raises a very interesting point. He says, "We believe in it", but when tested with the situation that we are debating the belief is pushed aside, as is Statute law in this State more and more by Ministers of the Crown.

Hon Peter Foss: We are collectively responsible. We have never denied it.

Hon JOHN HALDEN: I am glad the Minister for the Environment is placing that on the public record.

Several members interjected.

The PRESIDENT: Order! I want to stop this cross-Chamber conversation. Would the Leader of the Opposition direct his attention to me.

Hon JOHN HALDEN: I am glad that we understand that Government Ministers believe in the concept of collective responsibility and that ultimately their actions will be judged under that concept. Minister, that is a very dangerous step where Hon Graham Kierath is concerned. He will lead the Government down a path to its ultimate political demise. He has done it before. He is a maverick who does not think of the consequences of his actions. He does not think through the political and other consequences of what he is saying. I have no greater proof of that than remembering Hon Peter Foss being particularly embarrassed when the good Minister for Labour Relations in the other place

made his comments about workplace agreements for members of Parliament. I remember how the then Minister for Health, now the Minister for the Environment, made it clear in this Chamber that that may be the Minister's point of view, but it was not Cabinet's; that the Minister for Labour Relations stood alone with that point of view. I suggest that the Minister for Labour Relations will stand alone on many of the actions and points of view of this Government. The Minister for the Environment has rightly said he will be responsible, as well as the Minister for Labour Relations, for those deeds.

Section 8(2) of the Public Sector Management Act states -

In matters relating to -

(a) the selection, appointment, transfer, secondment, classification, remuneration, redeployment, redundancy or termination of employment of an individual employee; or

(b) the classification of a particular office, post or position,

in its department or organization, an employing authority is not subject to any direction given, whether under any written law or otherwise, by the Minister of the Crown responsible for the department or organization, but shall, subject to this Act, act independently.

Section 54 concerns the transfer of senior executives and states -

(1) The employing authority of an agency may at any time transfer a senior executive officer of the agency from his or her office of senior executive officer, or the performance of any functions in the Senior Executive Service, to

(a) another office of senior executive officer that is vacant; or

(b) the performance of other functions in the Senior Executive Service.

(2) An employing authority shall, before transferring a senior executive officer under subsection (1) from its agency to another agency -

(a) obtain the consent of the employing authority of the agency to which the senior executive officer is proposed to be transferred; and

(b) consult the senior executive officer proposed to be transferred.

This matter started on 1 or 2 March this year. Mr Kierath was asked whether he gave Dr Brennan any direction in regard to moving Paul Solomon and Jan White. Mr Kierath said -

I am not denying that. I am simply saying my discussions with the commissioner are normally confidential and about internal operations.

He said that he was not denying that. Bearing in mind section 8(2) of the Public Sector Management Act, if the Minister had not been involved in that exercise - I will not be flamboyant in my word usage - he would have denied it immediately because his credibility as a Minister in terms of not breaching the statutory law would make him say, "I must put this issue out of doubt."

Hon Peter Foss: Is that your interpretation of section 8(2)?

Hon JOHN HALDEN: It is obviously a breach, Minister.

Hon Peter Foss: No, I do not agree with you.

Hon JOHN HALDEN: We have had the Minister's advice before and it has cost the State \$10m. I do not know that we necessarily have a great deal of faith in the Minister.

Several members interjected.

The PRESIDENT: Order! Will the two members stop their private conversation and let Hon John Halden finish his comments.

Hon JOHN HALDEN: The next event was that the Deputy Leader of the Opposition in

the other place then wrote to the Commissioner of Public Sector Standards on 3 March 1995 requesting an investigation into the transfer of Paul Solomon and Jan White from the Health Department. That investigation is currently under way. The Commissioner for Public Sector Standards, Mr Digby Blight, replied to Dr Gallop indicating that he would review the circumstances leading to the transfer. In the Parliament the Premier said that the relocation was not at the request of the Minister, that it was at the request of the Minister for Health, who said that he had discussions with Dr Brennan on a range of issues in the Health area including a lack of reform in certain areas and about people in the Health Department. I wonder who they could have been?

Hon Peter Foss: Are you saying that he should not do that, Mr Halden?

Hon JOHN HALDEN: The Minister for the Environment should be quiet and listen to the President's directions.

Hon P.R. Lightfoot: You should talk to the President and not back to us.

Hon JOHN HALDEN: Hon P.R. Lightfoot should sit there and be quiet.

Hon P.R. Lightfoot: I do not listen to dummies like you.

Hon JOHN HALDEN: Neanderthals like Hon Ross Lightfoot should leave. Mr Kierath said they discussed the lack of reform in certain areas and about people in the Health Department. The Minister for Health said that he would not release details of the conversation as they were confidential. We know that the discussion to relocate Paul Solomon was made on 14 February after discussions with Graham Kierath and Peter Brennan. Steps were taken by Graham Kierath, and not Peter Brennan, to have Mr Solomon relocated in Treasury on 15 February. It was not the Commissioner of Health, the person who is responsible under the Public Sector Management Act, but the Minister for Health interfering in the affairs of the department.

Hon Peter Foss: He is the Minister. How can he be responsible for the department if he does not have something to do with it? He was shifted from the Health Department on 17 February.

Several members interjected.

The PRESIDENT: Order! Again I tell members to stop interjecting. Rather than read the Act they should read standing orders, because one says that if they keep interjecting I can throw them out.

Hon JOHN HALDEN: In relation to Jan White, the Minister had assumed she was on secondment and could be returned to Royal Perth Hospital. In fact she had a substantive position in the Health Department as a strategic operations consultant. I do not want to go over the top with this, but it is interesting that at the time of arrival of the two officers the suggestion in the department, as told to a number of senior staff members by the Commissioner of Health, was that the transfers were made at the wish of the Minister.

Then very conveniently came the release of Mr Anderson from Healthcare Linen. The Minister has said he had discussions with Dr Brennan on a range of health issues, including the lack of reform in certain areas. What road does this Government go down at the fastest pace it can possibly manage? The road to outsourcing and privatisation. Mr Anderson was a public servant in Healthcare Linen, as it is now called. It became known that he was involved in a tender to purchase that service from the Government. Quite appropriately, as any fair minded person would agree, the then Minister for Health realised the potentiality for a conflict of interest in that situation. I do not criticise the then Minister for Health for that; he acted most appropriately. It is a shame that that appropriateness and propriety does not exist within the present Minister for Health. It became known to Mr Solomon in the Health Department that Mr Anderson was possibly facing a conflict of interest and in contravention of the Public Sector Management Act, so he was relocated. That is most appropriate. Presumably Mr Anderson then wrote to the Leader of the House in this place and said he was concerned that he had been moved and might therefore lose the support of his backers. Hon George Cash then wrote a letter as follows -

Mr Anderson has expressed concern about his career prospects, feels intimidated and fears that the action and attitude of the Health Department has undermined confidence with his backers.

There have been numerous proposals for management buy-outs in the public sector over the past 18 months, usually involving staff in senior positions. In no other case has an officer been removed from normal duties.

That is interesting. To continue -

On the contrary, management buy-outs and other such staff initiatives are recognised as being beneficial to the Government under many circumstances.

The Premier also has recently expressed disappointment that to date there had been not been a satisfactory staff bid for the Laundry.

It is interesting that the staff of Healthcare Linen, at a ballot conducted by the Australian Electoral Commission, voted not to be involved in a buy-out. No wonder the Premier is disappointed; there was not going to be one. To continue -

Under these circumstances I believe that it would be prudent to ascertain if there has been an abuse of administrative authority and whether Mr Anderson has been intimidated by Mr Solomon following Mr Anderson's confirmation that he intended to proceed to lodge an expression of interest to tender for the purchase of Healthcare Linen.

That letter went off to the Minister for Health, who then wrote to the Commissioner of Health, and I will quote only the appropriate part of his letter -

I would want Mr Anderson to be immediately reinstated to his position at Health Care Linen.

Is that a direction? It comes awfully close to a breach of section 8(2) of the Public Sector Management Act. The previous Minister for Health acted properly in this matter following the request of the Commissioner of Health to remove Mr Anderson from his position.

Hon Peter Foss: Obviously under section 8(2) he didn't have to ask me.

Hon JOHN HALDEN: But Hon Peter Foss did act, perhaps because of the potentiality for conflict of interest. Blind Freddy can see that.

Hon Peter Foss: It illustrates that the CEO does consult his Minister and that it is usual for them to exchange views.

Hon JOHN HALDEN: Absolutely. The important point is that they had discussions about the lack of reform in certain health areas and about people in the Health Department. One of those lack of reforms was the privatisation of Healthcare Linen. Obviously one of the things the Health people decided to do, at the direction of the Minister, as stated in his letter, was to reinstate Mr Anderson - at the Minister's direction. The Minister had written -

I would want Mr Anderson to be immediately reinstated to his position at Health Care Linen.

Clearly those matters were discussed. The direction was given. It is in the Minister's letter. I do not care what fancy distortion of the English language members opposite try to use, the Minister's direction is on the public record; he is guilty on the public record.

Hon Peter Foss: You have the wrong interpretation.

Hon JOHN HALDEN: I am sure! The Minister for Health is reported in *The West Australian* of 3 April as follows -

Mr Kierath denies directing Dr Brennan to reinstate Mr Anderson -

I thought his letter was fairly clear. He denies saying in writing, "I would want Mr Anderson to be immediately reinstated to his position at Health Care Linen." He claims he simply made his wishes known and that Dr Brennan made his own decision.

We then have a very interesting quote from Mr Kierath, and he is full of them. The article reads -

He said the Act said that the chief executive officer had the exclusive power.

"I can actually give him a direction in writing, but it doesn't allow me to do it," Mr Kierath said.

Hon Peter Foss: He is absolutely right.

Hon JOHN HALDEN: Here we have a Minister who is known for his head kicking and table thumping. He goes into a department, immediately wields the knife and says, "I can do it, but doing it and demanding it doesn't break the law because I don't have the power to do it." What gobbledygook garbage.

Hon Kim Chance: How long do you think Dr Brennan would have lasted if he refused to comply with the Minister's wishes?

Hon JOHN HALDEN: I suggest he would have lasted about as long as Paul Solomon did.

Hon Peter Foss: And so he should.

Hon Kim Chance: If he refuses to comply with the Minister's wishes?

Hon Peter Foss: No. The whole point of the system is that -

Hon Kim Chance: If a Minister gives you an illegal order, you must comply or resign?

The DEPUTY PRESIDENT (Hon W.N. Stretch): Order!

Hon JOHN HALDEN: What we are getting to here is the Nuremberg defence. It was not acceptable then, and it is not acceptable now.

Hon Peter Foss: Quite the reverse.

Hon JOHN HALDEN: Quite the reverse? We will be interested to hear. Let us consider what section 8(2) states -

... in its department or organization, an employing authority is not subject to any direction given, whether under any written law or otherwise, by the Minister of the Crown ...

Hon Peter Foss: You should read that again, Mr Halden. It states "is not subject".

Hon JOHN HALDEN: Exactly, but we have a Minister who is prepared in any way to cajole anybody in the public sector or the private sector to his wishes. Hon Graham Kierath has involved himself in another matter.

Hon Peter Foss: Now that you have read it three times, you have suddenly started to understand it.

Several members interjected.

The DEPUTY PRESIDENT: Order! There are three separate conversations across the Chamber. The Leader of the Opposition has the call. He does not need help from his colleagues. The Minister will have a chance to respond.

Hon JOHN HALDEN: My reading is exactly the same now as it was at the beginning: A direction was given by the Minister for Health.

Hon P.R. Lightfoot: It is still just as wrong.

Hon JOHN HALDEN: That is right: Giving the direction is still just as wrong. Hon Ross Lightfoot has it right. I understand the Leader of the Government wants to see him yet again.

I turn to another matter in which the Minister for Health was involved; namely, the issue of St John of God Hospital in Bunbury.

Hon P.R. Lightfoot: You had better get on to something; you didn't have a case with the last one.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: We always wait for the enlightened comments of Hon Ross Lightfoot. Do members remember his enlightened comments in the debate on Mabo - Aborigines have been treated very well?

Hon Kim Chance: That wasn't a good day.

Hon JOHN HALDEN: No, he was off his tablets on that day.

A newspaper article states -

The State Government is considering compensation for the St John of God Hospital to move to a new site on Bussell Highway with the South West's new public hospital.

Health Minister Graham Kierath said last week the hospital asked for assistance to move from Spencer Street.

It seems that the hospital has asked for considerable assistance in a dollar sense for that move. The Minister, when asked about the assistance - how much, what it was for, and whether it involved compensation - says that it is confidential. In spite of the fact that the compensation may involve many millions of dollars and is quite clearly of public interest, the Minister for Health says that the public is not entitled to that sort of information. The point has been made by way of interjection that these sorts of practices led to some unfortunate circumstances in the 1980s, but they will lead to the same unfortunate circumstances in the 1990s. The Minister for Health is the man who will bring the Government undone. He will do more damage to this Government than anybody else.

On the exercise of contracting out, which the Government is pursuing headlong, I thought it would be worthwhile quoting from circular No 46 of 1994 from the Premier to Ministers -

As a consequence of this strategy I would expect to see agencies moving rapidly to:-

call tenders, without inviting an internal bid, for those non core or support activities for which strongly competitive markets already exist in the private sector . . .

The member for Greenough in replying to a constituent stated that if the private sector tenders are higher than an agency's own construction costs, the tenders will not be accepted. However, the Premier says agencies should call for tenders without inviting internal bids. The question must be asked whether the member for Greenough, as a Minister in this Government, is aware of government policy. I suggest that he either is not, or he is writing a letter for homespun consumption, not wanting to tell local public servants that they cannot make a bid for a particular service because that is not the policy of the Government. Confusion reigns on this headlong charge.

Then there is the matter which the Minister for Education and I have discussed in this place recently - a particularly interesting subject of how one can go about breaking the Statute law and ignoring it and riding over the top of it. It involves the Office of Industrial Training. It is worthwhile to read what the Industrial Training Act states -

Subject to this section, there shall be appointed a Director of Industrial Training and such other officers as are necessary to assist the Director in carrying out his functions under this Act . . . The officers appointed under Subsection (1) of this section to assist the Director shall be appointed under and subject to the Public Service Act, 1904 or by the Minister.

Clearly, people who perform the functions and duties under that section of the Act for apprenticeships must be public servants; no ifs, buts, or maybes. Although they would no longer be responsible to the Public Service Act, they would be responsible to the Public Sector Management Act. Interestingly, in sections 37 and 38 of the same Act as amended in 1985, those supervising traineeships are covered by the same provision. Public servants must be involved in certain functions - the evaluating, monitoring and

supervision of apprenticeships and traineeships. However, in September 1994 the Department of Training released a new proposal for the evaluation, monitoring and supervision of apprenticeships and traineeships. The new proposals were outlined in a document entitled "Administration of training agreements: A framework for the devolution to enterprises". The document proposes the following -

Under the umbrella of devolution, enterprises will be self-determining and able to act with autonomy -

That is in spite of what the Act states -

- for the administration of training functions for apprentices and trainees they employ . . .

Devolution to enterprises is in the context of current legislative requirements -

I would like to know who wrote that. I hope it was not the Minister for the Environment -

- and the broad functions to be performed by employers will be to
 establish training agreements
 monitor and assess performance
 cancel, vary or suspend training agreements
 provide vocational training system management information
 provide counselling of apprentices and trainees
 provide for grievance handling and dispute resolution (first time) . . .

The West Australian Department of Training will retain responsibility for quality assurance and for the

approval and accreditation of courses of training
 approval of the form of training agreement
 periodic performance review
 appeals (from disputes)
 collection of data
 issuing of certificates of competency.

It then continues that there will not be any standard, individual monitoring of apprentices or trainees in training by the Office of Industrial Training.

That is one of the functions covered by the Act. Quite clearly the adopted position contravenes sections 17, 18, 37 and 38 of the Industrial Training Act. As we saw in this place, I was able to table advice from the Crown Solicitor's Office, which was drafted advice as the Minister said and as I said originally. The Assistant Crown Solicitor's advice says, "You cannot do it by virtue of sections 17 and 18 in regard to apprenticeships." The Minister says he now has contrary advice which says that one can do it. I presume that is from the same officer in the Assistant Crown Solicitor's Office. I am perplexed trying to understand how a lawyer can write this advice quite clearly and specifically on 1 March and yet on 20 March provide to the Minister's office contrary advice. Or did he? We do not know. The Minister is hiding behind the confidentiality of Crown Law advice.

Hon N.F. Moore: I am not hiding behind anything.

Hon JOHN HALDEN: There is the challenge. Then the Minister should table it now.

Hon N.F. Moore: I do not intend to table it any more than your former Government would have done so.

Hon Peter Foss: When did your Government table legal advice?

Hon JOHN HALDEN: We have seen Crown Law advice tabled in here by Ministers of the Crown. The member had better look at it right now, because if the Minister for Transport can dig himself out of a hole by tabling Crown Law advice maybe it is about time the Minister for Education should do the same.

Hon N.F. Moore: You must accept my word on these things.

Hon JOHN HALDEN: I do not. I have what I see in front of me. This is dated 1 March, is from the Assistant Crown Solicitor's Office and says that the Minister cannot do it. Further, the department having had that advice on 1 March, he received a request for payment of an account of \$1 423.50 for performing the functions detailed here of the supervision and evaluation of traineeships. The Government paid out money in spite of the fact that the action, as set out by the department on advice given by the Assistant Crown Solicitor, is clearly unlawful. It was not a spectacular amount, but it paid it out when quite clearly it was acting under a proposition which is suggested to be unlawful. One might think that it might be just a smidgin cautious based on that advice. The department put out on 14 March a list of all the employers who had agreed to be involved in this scheme - a scheme which I suggest on the advice of 1 March is unlawful. The following employers were involved in that: Cooperative Bulk Handling, Westrek, O'Donnell Griffin, CSBT and Farmers, International Shipyards, Oceanfast, Austal Ships, Prop Group Limited, Kalgoorlie Consolidated Gold Mines Pty Ltd, the Minister for Works, BMA, Coles Supermarkets, J.R. Engineering Services, McMann Contractors, Monadelphous Engineering, Ausdrill, Midland Brick Pty Ltd, Wavemaster, C.J.D. Equipment, Transfield Shipping, Deering Autronics Centre, Leighton Contractors and City Motors. They went headlong down the path of what has been suggested to them is unlawful.

What is the present status of those apprenticeships that are being supervised, evaluated and monitored by something which quite clearly breaches the Act? As it is unlawful, where is the guarantee that those apprenticeships are valid? How many apprentices are covered by that group of companies? It is a bare minimum of hundreds, if not well over 1 000. I know one of them has 250 apprentices. Would one not think first of all that the department would act cautiously? What the Government was saying in this instruction was, "Go out there and get more." Would not one think that there would be some caution or that one would stop paying out public moneys that might be unlawfully appropriated? No, the ideological pursuit for privatisation and outsourcing drove it on.

Hon N.F. Moore: The motivation is not specific to Western Australia.

Hon JOHN HALDEN: I do not care. I want the Minister to uphold the Statute law of this State.

Hon N.F. Moore: Of course you do not.

Hon JOHN HALDEN: I do not care whether everybody in this country has said it is a great idea. I want this Minister of the Crown to uphold the Statute law of this State, as is his duty.

Hon N.F. Moore: I have advice saying I am. What are you going on about?

Hon JOHN HALDEN: I have advice that says the Minister is not. I trust my advice from the same person a lot more than I trust the Minister's current advice.

Hon Peter Foss: Did you say that yours was a draft? What is his final opinion?

Hon P.R. Lightfoot: Have you got the final opinion?

Hon Peter Foss: You are about to read the draft again. What is the final opinion?

Hon JOHN HALDEN: I do not have that. This sort of opinion is so clear. One cannot turn 180 degrees in 20 days.

Hon Peter Foss: One can, I am afraid.

Hon JOHN HALDEN: Not even the Minister can turn 180 degrees in as little as 20 days.

Hon Peter Foss: Believe it or not, there may be a big difference between the draft and final opinions of lawyers. They can turn 180 degrees.

Hon JOHN HALDEN: Could I suggest that not even a Minister can go from the position of it being categorically unlawful to it suddenly being lawful. That is humbug.

Hon Peter Foss: I have known it to happen many times.

Hon JOHN HALDEN: That may be the Minister's style as a solicitor.

Hon Peter Foss: I have seen lots of lawyers do it. You do not even have the final opinion. What a joke.

Hon N.F. Moore: The final opinion has not been tabled.

Hon JOHN HALDEN: Has the Minister read the Act? It is as clear as the nose on his face. Blind Freddy knows what the Act says.

Hon P.R. Lightfoot: He could not read your draft.

Hon JOHN HALDEN: Did the Neanderthal Lightfoot make some inane remark again?

Hon Peter Foss: That is disgraceful language.

Hon JOHN HALDEN: The Minister is right, and the member deserves every word of it. The situation is that the Act is quite clear and it has been breached.

Hon P.R. Lightfoot: You say that it has been breached on the strength of a draft. What a joke! How ridiculous!

Hon JOHN HALDEN: I just challenge the member to come to a decision having read something. If he cannot read he might get someone to help him and have someone explain. It is transparently clear that the Minister has not upheld the Statute law of this State. However, this problem has a kernel. Members may recall that in this place last year I said to the Minister, "You have a problem with SESDA. You have acted unlawfully on the delegation of power." The Minister said, "No, I have not." We disagree about that one but SESDA is the responsible body under this Act. Therefore, once one unlawfully removes SESDA and its accountability function and one replaces it with one's cronies -

Hon N.F. Moore: Nobody has done that at all.

Hon JOHN HALDEN: The Minister knows he has. He has replaced it with cronies and taken its power and accountability away.

To get over that the Minister again overrode the Statutes to go down the path of privatisation, simply because he would not look at the legislation. The unfortunate circumstance is that the written word is so clear that blind Freddy could read it. Of course, the Assistant Crown Solicitor had it right the first time. However, no consideration was given to breaching the law in regard to SESDA. The Minister has done it yet again. One day somebody will take out a writ of prohibition.

Hon N.F. Moore: Why not do it?

Hon JOHN HALDEN: The Minister knows why. If apprentices could do it, they would do it now because the Minister's actions have placed their future in jeopardy. What the Minister has done is quite clear: He has not given any consideration to the law of this land and the consequences that will ultimately fall upon the individuals involved in these two schemes.

Hon J.A. Scott: It is becoming common.

Hon JOHN HALDEN: It is, and the law of the land is being overridden as a rule rather than an exception.

Hon Peter Foss: The CSA said that and got thrown out of court.

Hon JOHN HALDEN: I am delighted the Minister interjected and made a relevant point. It is probably as good as anything else he can do.

Hon Peter Foss: You can say it all the time, but when it comes to the court you will lose.

Hon JOHN HALDEN: In this case public money has been expended on something that has been described as blatantly unlawful after advice was given to that effect.

Hon Peter Foss: No, it was not.

Hon JOHN HALDEN: The apprentice training system is now in jeopardy.

Hon N.F. Moore: It is not.

Hon JOHN HALDEN: I invite the Minister to table the relevant information. I have had the courage to table what I have.

Hon Peter Foss: Where is the courage in that?

Hon JOHN HALDEN: Did the Minister for the Environment hear the abuse I got from the Minister for Education? Members on this side of the House have to deal with a government which is more secretive than any previous Government. The Minister for Education said that I am peddling stolen documents. Every time I have such a document members opposite will know about it - there will be no secrecy on my part because the document will be dropped in this place at my discretion and at the pain and peril of members opposite.

Hon N.F. Moore: The document which was stolen is the one you peddled to journalists in recent times.

Hon JOHN HALDEN: I peddled it yesterday and people were most impressed.

Hon N.F. Moore: It was stolen from an office in Parliament House.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon Graham Edwards: Before the last election you stole documents from all over the place.

Hon N.F. Moore: I have never stolen any document.

The DEPUTY PRESIDENT: Order! Let us progress the debate without interjections.

Hon JOHN HALDEN: Regardless of what the Minister says, he will be challenged about this more frequently. I will put the Minister in a position where he will have to commit himself.

Hon N.F. Moore: Stop threatening me.

Hon JOHN HALDEN: I was making a comment in this place the other day about the Minister's comments and I tabled the relevant document. There were no tricks attached to it, but I received a tirade of abuse from the Minister about peddling stolen documents. Some of my colleagues received a further tirade of abuse from him about being head kickers. I suggest to the Minister for Education that before he goes down the road of referring to me or my colleagues in that way, he might consider his relationship with a certain senator in this State and the actions that they have both been involved in.

Hon N.F. Moore: Name some.

Hon JOHN HALDEN: Character assassination, peddling dirty rumours - does the Minister want me to go on? He should tell the Opposition and his colleagues what he has been up to.

Hon N.F. Moore: Tell us outside so we can really discuss it.

Hon JOHN HALDEN: The Minister should make those statements about stolen documents outside and see what happens.

Hon N.F. Moore: I am happy to.

The DEPUTY PRESIDENT: Order! I am having a bit of a struggle trying to relate what is being said to the amendment before the House.

Hon JOHN HALDEN: I am advising the Minister that I desire to be open about the information I have and I will table it any time. If the Minister wants to get into a tirade of abuse at any time I will accommodate him and go to the Norman Moore file in my office. It is delightful reading.

Hon N.F. Moore: You really are muckraking.

Hon JOHN HALDEN: The Minister started it. If the Minister keeps it up, we will have a go -

Hon N.F. Moore: You have a document taken from my office. It was photocopied and put back and you have been giving parts of it to the media. You can deny it if you want to.

Hon JOHN HALDEN: I am not denying it and I intend to keep going. I will provide those documents at every opportunity to show the duplicity in which the Minister has been involved in the last 12 months.

Hon N.F. Moore: And it does not bother you?

Several members interjected.

Hon JOHN HALDEN: It does not bother me and I do not care. I am more interested in the Minister's ability to conform with the law of the land and to be reasonable, open and accountable. The Minister might remember those words! The Minister has not been open and accountable, and the documents show that up.

Hon N.F. Moore: That is rubbish! I have legal advice to say that what happened is right.

Several members interjected.

Hon JOHN HALDEN: Table it. The situation is that the Ministers for Health and Education are overriding Statute law. Let us look at the other actions of this Government because these Ministers are not alone.

Hon Peter Foss: What are you suggesting I have done?

Hon JOHN HALDEN: I was referring to the Minister for Health, not the Minister for the Environment.

Hon Peter Foss: You said that these Ministers are not alone and you were pointing in my direction.

Hon JOHN HALDEN: If I had something on the Minister for the Environment I would let him know, but I do not. I am not proposing to offend the Minister for the Environment at this stage, but if I possibly can I will. It is not only the two Ministers to whom I have referred who are involved. Let us look at the bizarre actions of the Minister for Transport. He is a man who made statements that he would improve the efficiency of Stateships and that it would be privatised. He has been to tender on two occasions. The tender results show that the Government could benefit by millions of dollars per annum on either bid. The Minister did not award the tender. The first tender would have saved \$6m per annum and the second \$2.3m per annum. Admittedly, they were two different tenders, and the savings to the State decreased. Now the Minister is suggesting that he appoint a general agent. I do not know whether members opposite realise what that means. Basically, if he is appointed he will charge commission based on the turnover. What will be the saving in that? I suggest that it will be very little, if not nil. Any savings he makes will go in commission to the general agent and it will probably be in the order of 2.5 to 5 per cent. Why did the Minister for Transport not award the contract? Was it, as I have previously suggested in this House, that the second bidder was the Buckeridge group? That group did not win and the rules keep changing so that it will.

Hon Peter Foss: They did win. They actually offered even more.

Hon JOHN HALDEN: They did not, and the Minister knows that. I have all of that information in my office, and I can draw that out if the Minister wants to go into that. That group wanted to say clearly that it would give the Government a percentage of the profit but the Government would have to make it up if there was a loss. There was no guarantee about a return to the State.

Hon Peter Foss: I think you are wrong about the second part.

Hon JOHN HALDEN: I will check the documents.

Hon Peter Foss: I suggest you do.

Hon JOHN HALDEN: I will. It was bizarre. The State had the potential to save millions of dollars and to privatise, but it did not take that opportunity. I concede that we have not been able to establish why it did not take that opportunity; what I have said in regard to Buckeridge is speculation. However, we will wait and see where the Minister for Transport heads in regard to that matter. It is amazing that in this drive to privatise, the opportunity is there but is not taken by the Minister for Transport. Despite the policy

commitments, the rhetoric and the calling of report after report, nothing has happened. It seems to me that Stateships is costing this Government more every year and is not improving but deteriorating, yet the Minister sits on his hands. Other speakers on this side will highlight other matters which are causing concern to the public. At the end of the day, if suitable accountability mechanisms are not in place, privatisation will be corrupt. The situation with State Print was not corrupt but must be considered a strange tendering process. The Minister for Labour Relations does not have in place suitable accountability procedures to ensure that the privatisation process is beyond corruption, because that process can be corrupted easily. The Government does not have in place a mechanism to tell the public how privatisation will improve output or save money.

I turn now to another example of some of the problems in this area. Mr Anderson, an employee of Healthcare Linen at Jandakot, was allowed to be involved in the tendering process for that service. However, the Minister for Education has prohibited contractors and cleaners at the Bunbury College of Technical and Further Education to tender for those services. Why cannot those people have the same right to tender as did Mr Anderson? Why is there a difference? Why does the system seemingly have different rules for different people? Anyone would be suspicious of that. It is incumbent upon this Government to put in place mechanisms to ensure the absolute integrity of this process; if not, it will be open to accusations of corrupt practice. The Government cannot possibly, with its ideology, have in place for much longer such an open ended system because that system will turn around and bite it. The Government cannot expect politically to throw people out of their jobs, remove their security of tenure and not put in place mechanisms which provide for equality in regard to the tendering processes because the smell about it, real or imagined, will be in the public's mind. It is a ludicrous for members opposite to continue to pursue this path without putting in place suitable mechanisms. It is time this Government put in place some new Statute law to cover the circumstances in question. Members opposite should live up to the well known catchcry of the last election: Open, honest and accountable government. The Government's dealings in regard to ministerial propriety fall short of that catchcry, and its dealings in regard to tendering will also fall short of that catchcry if there is not due process and it does not establish clearly what are the rules of this new game.

The comments that have been made in this debate by me and by Hon Jim Scott and others must surely raise concern in the public's mind that all is not well in the world of privatisation and outsourcing in government ranks and there is a need for greater diligence. The Minister for Health has an obligation to explain to the Parliament what has happened in regard to the discussions between Dr Brennan, Mr Solomon, Jan White and Mr Anderson, and not to continually change his story, which in itself is particularly damning. Let us have the facts of this matter once and for all. It is also incumbent upon the Government to put in place new rules and regulations in regard to tendering because without those rules and regulations, this Government will have enormous political problems, which are starting now and will continue. I support the amendment.

HON PETER FOSS (East Metropolitan - Minister for the Environment) [9.07 pm]: I congratulate Hon Jim Scott on his speech because it is the first speech I have heard him make where he has not referred to scraps of paper written on his behalf by other persons, and that has improved the quality of his delivery but unfortunately has added nothing to its content. Hon Jim Scott proceeded on a false assumption about the meaning of section 8(2) of the Public Sector Management Act, which states -

In matters relating to -

(a) the selection, appointment, transfer, secondment, classification, remuneration, redeployment, redundancy or termination of employment of an individual employee; or

(b) the classification of a particular office, post or position,

in its department or organization, an employing authority is not subject to any direction given, whether under any written law or otherwise, by the Minister of the Crown responsible for the department or organization, but shall, subject to this Act, act independently.

Hon Jim Scott tried to read that as stating that the giving of a direction would, therefore, be not just ineffective and unlawful, but criminal. This Act was drafted by a parliamentary draftsman, and I am sure the parliamentary draftsman is quite aware of those ways in which one can talk about things being lawful or unlawful and about a person having an obligation, right or duty. Many of these terms in law are quite clear in regard to whether they align with, or are opposite to, one another. Let us read this as saying, "an employing authority is subject to any direction given"; in other words, take out the word "not". That does not suddenly create an offence if the employing authority does not carry out the direction, and I do not think anyone would suggest that it does.

We do not create an offence by saying it is not subject to a direction. It happens to be a statement of fact that that person's obligation is not to follow that direction. It even contemplates that a direction may be given under a written law. Quite clearly, that is a lawful direction. Even if it is given under a written law, the person is not to be subject to a direction. This being subject to a direction is a very important part of accountability. It does not surprise me that members opposite have so little understanding of what it is all about. They did not understand it in 10 years of government or during the royal commission, and they still do not understand to this day what accountability is all about. Time and again in this place they seem to think that accountability is something to do with whether people do something that they were told not to do.

Hon J.A. Cowdell: If I listen to your speeches correctly, you think about good and bad people, not about structures.

Hon PETER FOSS: That is a very interesting point, and I would be happy to give the member a lecture on this matter at another time; however, I will confine myself to this matter. If the Parliamentary Counsel wanted to say that it was unlawful or criminal, it would be easy to do so. For example, section 105 states -

Subject to this section, a person who is a member of Parliament or ministerial officer shall not interview or communicate with -

- (a) an employing authority or its delegate concerning the selection or appointment of any person to an office ...

It ends up by stipulating a penalty of \$1 000. If we wanted to make it a criminal offence, we could just say that a Minister of the Crown shall not give directions, with a penalty of \$1 000. If it had said that, I would agree that it was an intention by the Parliament to create an offence, and it would have been. I will give another example. Section 106 states -

An action shall not be brought or maintained against any person who is or has been -

- (a) the Commissioner, the Minister ...

in respect of anything done or omitted to be done by or on behalf of that person ...

It says that it shall not be done. Are members opposite suggesting that that creates an offence? All it is saying is that it shall not happen. It does not say that there is a penalty or a criminal offence. I will give another example. Section 31 provides -

- (1) A chief executive officer ... shall cause to be included in the annual report submitted - ...

a report, prepared in accordance with guidelines, if any, issued by the commissioner ...

- (2) The chief executive or chief employee of an organization which is not a statutory authority within the meaning of the *Financial Administration and Audit Act 1985* shall, before 31 August in each year or such earlier date in that year ... cause to be prepared and submitted to the commissioner a report ...

All of these things are in quite clear terms about what should be done. If any members opposite had studied law and jurisprudence, they would understand this business of "shall

not be subject to direction". It means that if a person is given a direction lawfully, that person may ignore it. Hohfeld gave a very good understanding about this. I do not have my extract from Hohfeld with me, but I would be very pleased to send it to members opposite. When they read it, they might just understand what this section is all about.

Hon Kim Chance: Would you agree that section (8)(2) means that the CEO shall be independent?

Hon PETER FOSS: That is a direction to the CEO. He would do that.

Hon Kim Chance: It would follow that it would be improper to in any way compromise the independence.

Hon PETER FOSS: No.

Hon Kim Chance: That is where our difference lies.

Hon PETER FOSS: It is a direction to the CEO quite independently. A judge is obliged to act independently. That does not mean that people may not urge very strongly that, when acting independently, the judge should come to a particular view. Counsel do that every day in very strong terms.

I happen to have some knowledge about Mr Anderson's matter because it came to me first of all when Mr Solomon came to me. He said, "I believe I should transfer this person out because there is a perception of conflict." I said, "I am not certain there is a conflict, because if you look at the situation all he is doing is bidding for this. He will be either in or out but I can understand that he could be perceived to have inside knowledge." We discussed the matter, as Ministers and CEOs often do, and I agreed that he should do it. The CEO was not obliged to ask me because he is directed to act independently. He sought my legal views - many people do, and I think it is greatly to their advantage that they do so.

Hon J.A. Cowdell interjected.

Hon PETER FOSS: I would love to have given them my views. I think they would have benefited greatly. I make no apologies for having views and putting them forward. I see it as one of my duties as a Minister of the Crown to give the best of my knowledge and ability to the State. I will continue to do so. I make no apologies for doing so, and I have no regrets for any advice I have ever given.

I will now return to the item at hand; that is, Mr Anderson. Everybody would find that there was a perfectly proper exchange between a Minister and a CEO. He sought my views, and I gave my views. As a result, he acted in accordance with the way in which he was entitled under law. That is the way Ministers and CEOs operate. One of the principal obligations of a CEO is to carry out the policies of the Government. For all of the independence, civil servants must not be partisan. Their obligation is to give advice to government fearlessly. They are not put there as political animals; however, in the end they are required to carry out the policy of the Government.

This is a most unusual section because it takes away the normal responsibility that a Minister has; that is, the right to direct. Why did the Burt Commission on Accountability insist that we went through our Acts of Parliament and include a provision that all the statutory corporations were subject to the direction of the Minister? It was because it was only if the Minister has the power to direct will he be held to be accountable. Accountability is all about saying, "That is my decision; it is mine because I acted or I chose not to act." When I said, "I do not know what the Water Authority is up to", those opposite said, "You are not being accountable." I am being accountable because I accept responsibility. I was in a legal partnership with nearly 100 partners and over 1 000 employees across Australia. I did not say to every employee or partner, "I agree with what you are doing." I knew that if any one of them made a mistake, I was accountable. I would be sued for every single cent I had. I have never said that I am not responsible. All I have said is that I did not know certain things that were being done at a particular time. That is the truth. Do members opposite want me to pretend I do know everything or that I do see everyone and tell them personally what to do and what not to do? If

people ask whether I am responsible, I will say yes. I may not have done the work myself; I may not have known it was done; but I am responsible, even if I do not know what is happening, even if it is a partnership to which I belong which employs thousands of people all over Australia, all beavering away and never telling me what they are doing. If a mistake is made, I am responsible. That is what responsibility is all about. That is why the power to direct is so important. If I have the right at any stage to direct, what those people do is my responsibility. If I cannot direct them, how can I be held responsible?

The Public Sector Management Act in this respect is a most unusual document. Here a Minister has responsibility to carry out executive government through a department of state. He is held responsible for everything that happens in that department, whether he did it or knew of it, because he has the capacity to direct any person except in one case: The Public Sector Management Act states that he may not direct a chief executive officer in respect of matters that are set out in section 8(2).

The Public Sector Management Act provides that the Minister may not direct a chief executive officer to do matters set out in section 8(2). It does not make it a criminal offence but it takes away his responsibility. We cannot hold a Minister responsible for something he cannot direct. The strange thing about it is that the Opposition is trying to get stuck into whoever was the acting Minister for Public Sector Management and the Minister for Health for things for which they are not responsible. Members opposite are hoist with their own petard because they pointed out that section 8(2) makes it clear that the Minister is not responsible, because he cannot direct.

Hon Kim Chance: It goes a long way further than what the Minister for Health did and you know it.

Hon PETER FOSS: Hon Kim Chance may recall the judgment by the Committee of Privilege on the Easton affair, of which he was a member and to which I reluctantly refer as an example. Although I had serious concerns about the filing of the Easton petition, in the end the person who was responsible for that petition was Mr Easton. Two people did things which resulted in the Leader of the Opposition in this House tabling a petition in Parliament and as a result the ordinary public might have said that he was the person responsible. However, I put forward the view that Mr Easton was the person responsible. The Leader of the Opposition could have gone further and taken the responsibility himself but he chose not to.

We must start with who has the responsibility for a direction. Stripped of all other issues, section 8(2) provides that, whoever is responsible, it is not the Minister. The section makes it clear that the person who does have that responsibility, who is not subject to direction and who has a duty to act independently, is the chief executive officer. The Opposition's whole argument is based on the misapprehension that, as with everything else, the Minister is responsible for that, yet the Act says he is not.

Hon Kim Chance: It does not work.

Hon PETER FOSS: The Burt Commission on Accountability says that if a Minister does not have the power to direct, he cannot be held responsible; yet in the other corner of the ring Hon Kim Chance says it does not work that way.

Hon Kim Chance: I will not interject any more, but I will tell you shortly why what you are saying is wrong.

Hon PETER FOSS: Hon Kim Chance should tell His Honour Sir Francis Burt that he should rewrite the report on the Commission on Accountability because he got it wrong.

Hon Kim Chance interjected.

Hon PETER FOSS: What would have happened if, for instance, Hon John Cowdell directed Dr Brennan to move Mr Anderson back into the department?

Hon Kim Chance: Assuming Mr Cowdell was not the Minister.

Hon PETER FOSS: Dr Brennan would have said, "Come off it; what do you think you

are doing? I am the chief executive officer and I have the right to make this decision. I am the person responsible and I have a duty to act independently. Go away; I have no obligation to listen to you." Would Hon Kim Chance say in Parliament that Mr Cowdell gave directions to the chief executive officer and this person was required to act independently?

Hon Kim Chance: I would not say that, but I would say to Hon John Cowdell that his actions were improper.

Hon PETER FOSS: I am glad we have agreed on one thing.

Hon Kim Chance: They would be.

Hon PETER FOSS: The Opposition would have to argue that, otherwise it would have trouble with inconsistency. A normal member of the public would say he had not given him the direction; he had been what is commonly known as an officious bystander. He would be acting totally ineffectively.

Hon J.A. Cowdell: I would like to see them say that to Minister Kierath.

Hon PETER FOSS: There is no doubt about it, there is a relationship between chief executive officers and Ministers. That is an important point; it was not unintended when this Act was set up.

The essential role of the Minister is to set policy. I heard Hon John Halden say we are driving privatisation. What else does a Minister do? If the Government, particularly the Premier and Cabinet, decides there should be privatisation, that is the policy of the Government. That is what we are expected to do and what the Civil Service is required to do. We have the right to say privatisation will take place. The Civil Service can tell us where it thinks we are going wrong; it does not have to agree with us, but it must do what the Government has decided is policy. I make no apology for the fact that we are offering all sorts of incentives to have the Civil Service implement our policy. We will be criticised if we do not carry out our role as a Government.

In nearly everything, we have the capacity to direct. However, tension has been included in the Public Sector Management Act with the hiring and firing of staff. The Government put that in, and I make no apologies for it, particularly the right of the chief executive officer to say that something cannot be done. One of the things I have thought was sad was the gutlessness of the civil service - I can understand to some extent why - to stand up to Governments from time to time and say, "No." I know it is difficult and it may be particularly difficult with some Ministers. I do not think it is, or has been, difficult for a chief executive officer who deals with me to stand up to me, because I have invited them to do so.

Hon Kim Chance: Our chief executive officers used to tell us "no" all the time.

Hon I.D. MacLean: Then you would replace them.

Hon PETER FOSS: I am afraid that was the case.

Hon Kim Chance: That is not true.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon PETER FOSS: An example of an agency which did not say no was the State Government Insurance Commission in its buying of Bell Group shares.

Hon Kim Chance: Perhaps its officers thought it was a good investment. Clearly they were wrong if they did.

Hon PETER FOSS: No; the evidence shows that they did not think it was a very good investment. They understood that a person called Kevin Edwards would do nasty things if they did not do as they were told. The Government Employees Superannuation Board did not say no regarding its investment. BankWest tried to say no about some suggestions, but that did not last very long.

Hon Kim Chance: Did we direct the board of Westpac? I seem to remember it lost about \$1b. Everything else was our fault.

Hon PETER FOSS: The trouble with BankWest was not that it wanted to make investments but that it did not want to make them. That is the difference. Money can always be lost through making the wrong decisions and people can always make mistakes. The problem is when Governments overrule some of these people.

Hon Kim Chance: It might have stopped them making a bigger mistake!

Hon PETER FOSS: The important thing is that it is necessary for chief executive officers to say no if they believe they have that right and that, acting independently, they would not take that action. I hope also that a CEO would respect the views of a Minister because they have to be a team. I cannot understand how a CEO and a Minister could continue to function very well if they do not function as a team. One of the rewards of being a Minister is the capacity to be able to work off the views of a CEO and to have him put his views forward and match them with mine and talk around the subject. However, in the end, I know who has to make the decision, generally speaking. In every other aspect of government, the Minister makes the decision because the Minister is responsible. However, on matters of staff, the CEO makes the decision because he is responsible. That is way it has been set up and that is the way it is done. However, that does not mean that they cannot express their views forthrightly and forcibly to one another.

Members can criticise Mr Kierath for the way he does things. However, they cannot turn this into an illegality. Mr Scott went so far as to suggest that, because I knew - I only knew when papers were tabled in Parliament - I had somehow committed an illegal act. People who are not familiar with the law see criminal offences everywhere and try to prove those offences are criminal. Mr Chance should try to get away from the allegation that these actions were criminal. He can accuse us of impropriety. However, it is nonsense to suggest that the actions were an offence or were illegal. That suggestion indicates total ignorance in reading ordinary Statutes and a total ignorance of the law. Members opposite can criticise Mr Kierath, by all means.

Hon Kim Chance interjected.

Hon PETER FOSS: I know, but he should at least keep himself within the bounds of acceptability. I sat and listened to two ludicrous speeches by people determined to prove a criminal offence. Why this obsession with trying to prove non-existent criminal offences? They did no service to their argument. I am happy to listen to a reasoned argument. I hoped that, in speaking before Mr Chance, he would modify his speech so that he did not fall into the same error as the two speakers before him of trying to prove an offence that does not exist.

Hon Kim Chance: It was already written.

Hon PETER FOSS: I hope he does not blunder on like his companions and make the same stupid remarks about illegalities. It is not illegal for the CEO to make the decision and the CEO can ignore any direction, even a direction given pursuant to a written law.

In relation to Mr Anderson, I acceded to the suggestion made by Mr Paul Solomon. It seems to me that, out of abundant caution, that was not a bad idea. However, that does not mean that the decision could not just as easily have been made in the other direction. I do not think Mr Solomon would have consulted me if he thought it was that obvious and that simple. He consulted me because he was not absolutely sure of what his decision should be. However, I agreed with his basic understanding and I tend to do that. I like executives to make decisions. I will not allow anybody to come to me without a recommendation. It is important, in a properly functioning department, that executives are encouraged to make decisions even if it is not the decision that I would make. I tell them to do it because they have been through the thought processes - the decision making process - and have come to me with reasons for the recommendation. In 99 cases out of 100 I tell them to go ahead and do it because I do not think it is the Minister's job to make a further decision. Executives will never function in an acceptable manner if, every time the decision is made by the Minister, even if the Minister's first reaction is that he would not have made that decision. I think it is important that, when people make decisions, they are allowed to make mistakes.

If, on the other hand, somebody else has the right to make a decision, that does not prevent me from expressing in the strongest terms my views on whether it is right or wrong. However, it is more incumbent on me to say what I think is right or wrong in cases where I do not have the right to direct because, in cases where I do have the right to direct, it is still my decision. I am accountable and responsible because I have failed to say, "Do it another way." However, when the person has the right to make a decision and I am not accountable or responsible for that decision, there is a greater obligation on me to warn, advise and give strong opinion in the same way as the CEO has the responsibility to give me strong opinions because I am not accountable, and it would be disingenuous of me not to give the advice. To suggest that that process is sinister or wrong or is carrying out government policy is silly. Heaven forbid that Ministers will start carrying out government policy! We might end up with effective and good government, more jobs, and better management.

Hon J.A. Scott interjected.

Hon PETER FOSS: Mr Scott missed it; it is not breaking the law. I am sorry the member missed my argument. He should study law for six years and maybe then will understand what the law is about.

Hon J.A. Scott: I heard it.

Hon PETER FOSS: Well, he still does not understand! However, that does not surprise me. I will write it down on a piece of paper and I will fax it to him. He can then read it out. That is the closest thing he will get to understanding.

Hon B.K. Donaldson: Maybe you could organise a seminar for members on that side of the House.

Hon PETER FOSS: I have been conducting seminars for members on the other side for six years. I will never apply for a job in the Education Department because I found that, although it is extremely -

Hon N.F. Moore: It is not your problem; it is the quality of students!

Hon PETER FOSS: It could be. It has been fairly well understood by members on this side of the House. Members on the other side parrot things back to me from time to time which makes it sound like they were listening. They even read my speeches to me and ask me to listen to the wisdom of the master. However, they never understand it because they do not understand this place and they do not understand the institutions of government and they never will.

Hon J.A. Scott interjected.

Hon PETER FOSS: Hon Jim Scott understands nothing. He reads from bits of paper that are sent to him from Canberra or wherever.

Hon Kim Chance: You would be good in a comedy, Mr Foss.

Hon PETER FOSS: I thank the member. A little bit of humour often helps the teacher. However, it does not seem to have had any effect on the member. I must admit that, even during the interjections, there was a slow dawning of realisation by Mr Chance that perhaps the wonderful arguments that were put by members opposite were not quite as good as they thought they were. However, I urge Hon Kim Chance to get out his red pencil and remove from his speech all of those bits which refer to the actions as being illegal.

Hon Kim Chance: They are not there.

Hon PETER FOSS: Hon Kim Chance has considerably more understanding than other people on that side of the Chamber. He has always been a better student than the rest. Obviously, he has learned because he has ignored already Hon Jim Scott and Hon John Halden. He may even have learnt to take that as a matter of course.

Hon J.A. Scott interjected.

Hon PETER FOSS: Hon Jim Scott follows the Goebbels' school of law. If something is

said often enough, people believe it. The other person who said that is the Bellman in *The Hunting of the Snark*. He said, "What I have said three times is true." Hon Jim Scott is the bell man of this Parliament. If he says it three times, it is true!

Hon J.A. Scott: How many times did you say it was a conflict of interest? Now you are saying it is not.

Hon PETER FOSS: I will not repeat myself. However, I did not say that. I said that I agreed with Mr Solomon that he should transfer this person, because there could be a perception of a conflict of interest. Were the decision up to me, that is the way it would have been done. That does not mean that a decision cannot be made otherwise. I do not claim to be infallible. I am not the Pope.

Hon J.A. Cowdell: Oh!

Hon PETER FOSS: I know Mr Cowdell will protest that I should claim infallibility! I am not of the Catholic faith and I find it difficult to even credit that to the Pope.

I have had no personal involvement in matters relating to Mr Solomon and cannot comment on the people involved. The chief executive officer - I am sure Dr Brennan understands the law - has the right not to be directed and he has the obligation to act independently. As far as the legal situation is concerned, it is not the Minister's responsibility; it is one of those unusual circumstances where it is the CEO's responsibility. The Opposition did not get to first base because it could not show responsibility on the part of the Minister. I cannot comment on the individual case because obviously I was not involved in that. It worries me that after the royal commissions and the report by Sir Francis Burt, the whole question of accountability is still absolutely an impenetrable thicket to members opposite. This Government has been accountable.

Hon J.A. Scott interjected.

Hon PETER FOSS: That is a good argument. It having been demonstrated that the Opposition totally mucked up its understanding of the law and that members opposite are totally ignorant, their only argument is to laugh. It is like a nervous tic. The problem is that members opposite are not used to a Government tabling documents. Under the previous Government Ministers never tabled correspondence in the way Ministers in this House do today. The documents are all available because they were tabled by the Minister. Under the previous Government, had it not been for the upper House making orders for documents to be tabled, they would never have been tabled. I can recall Hon Joe Berinson saying, after an order had been made, that he had never had the documents. He intended to refuse to table them because they were in the hands of another Minister. Members on this side of the House said they were in the hands of the Government of the day. The Court Government works on a collective basis and its members have never shirked their collective responsibility. We know there are 17 members of the Government; members opposite also cannot understand that there are 17 members of the Government and the other members on this side are government members. There is a difference. We as a group accept our collective responsibility and if a document is in the hands of the Government, it is in the hands of the Government and any Minister can be required to deal with it. Hon Joe Berinson had intended to defy this House, until he realised it would throw him out of the Parliament. Suddenly the Constitution worked, and he found that he could get hold of those documents - how extraordinary - because they were in the hands of the Government at all times. On the other hand, the present Government straight away tables the documents. That is the difference between this Government and the previous Government.

Hon John Halden made the fuss about the legal advice. Every Government has maintained the confidentiality of legal advice. I do not know from where Hon John Halden obtained his documents, and he finds it extraordinary that people should reach a different view. He does not have the final view. One of the most frequent events when reaching a final legal opinion, is a swing of 180 degrees - that is the most likely change. One must make a decision of yes or no, and the difference is 180 degrees. Often one

writes an opinion, looks at it and decides it is not right. Any change then made is not a small change but a complete about turn. I can understand that Hon John Halden may find that mental process a little difficult to understand, and those who have never been faced with the difficulty of giving a legal opinion, where the alternatives are 180 degrees apart, may think it is unlikely to happen. Hon John Halden may think that giving legal opinions is an exact science. It is not, and I am sure the Clerk will acknowledge the likelihood of a 180 degree difference. I have listened to judges giving judgments extempore, and all the way through have thought I had won the case, when suddenly on the last line the judge has said "But, on the other hand" and the judgment goes the other way. One of the difficulties of being a lawyer is that it is all too easy to have a different point of view, day after day while working through the opinion.

We have the assurance of a highly credible person, Hon Norman Moore, that his advice is that it is legal. I believe him. I certainly believe a Minister of the Crown who has read advice to this House on the nature of the matter, against a draft opinion, with no explanation about how it was obtained, as a basis for a legal opinion. On the one hand, the Minister said he has received a legal opinion and he told us what it is and, on the other hand, another person has illicitly obtained a draft. He is suggesting that his draft should be preferred to the final opinion given to the Minister. There is no contest. Hon John Halden should get his documents from more reliable sources and they may then be more reliable. His documents are about as reliable as his sources.

It is interesting that two speeches have been based on total misapprehension of basic drafting, let alone basic understanding of this Act. Did I hear a groan from Hon Jim Scott? Was it a body blow and has he at long last realised he is defeated? It was totally based on misapprehension, but I give him marks because at least it was his own speech. It was nice to hear one of his own speeches for a change. The delivery was better than usual and I hope that, having listened to me, he will know that in future he must study Hohfeld before he starts to interpret Statutes. If he does that and gets his basic ideas right, perhaps next time he makes a speech he will make an even more useful contribution.

HON KIM CHANCE (Agricultural) [9.46 pm]: That act is always very hard to follow -

Hon N.F. Moore: Do us a favour and do not follow it!

Hon KIM CHANCE: I always prefer to speak before Hon Peter Foss.

I take the points Hon Peter Foss made, but they do not exist in a vacuum. He has made a reasonable point about section 8(2) of the Public Sector Management Act in a literal reading of that section. However, we need to go to the intent of that section. This debate has raised a number of other issues. I support the amendment moved by Hon Val Ferguson. The concept of open and accountable government is simple enough to explain. It is also a concept that is seductively easy to promise as a platform. People enjoy being told that the incoming Government will be open and accountable. The problem is that it is notoriously difficult to implement. The implementation means the Government must overcome not only a series of rules that may get in the way, but also the egos and ambitions of people. It is on that point that the Opposition hangs its case. The ambitions of this Government, obviously thought laudable by at least part of the electorate, to launch into its headlong rush towards privatisation -

Hon N.F. Moore: It is not a headlong rush.

Hon KIM CHANCE: Indeed, it is. It may not be quite as headlong as that of the Minister's colleagues in Victoria, but it is a headlong rush and he will find out what proportion of the electorate supports that headlong rush to privatisation at the appropriate time. The ambition of Ministers, driven by the requirement for this headlong rush into privatisation, is not a little prompted by their political masters at the Chamber of Commerce and Industry of Western Australia and the Premier himself. In his encyclical No 46/94 to Ministers, the Premier made the most amazing statement I have ever read in public administration; that is, public authorities will not be allowed to compete in a

tender process against private contractors in those specified fields. That means the Government will not allow public authorities to compete against its mates, the private contractors. We will let the Cloughs, the Transfields and the John Hollands have an open go even though the Water Authority, for example, may be able to do the job cheaper - in fact because it may be able to do the job cheaper. Why on earth would the Premier want to apply that exclusion to his Ministers if the public authorities would be dearer? Why would it be necessary? They would be ruled out if dearer. The only reason for the encyclical 46/94 was that it would make things dearer for the taxpayers. The Government must look after its mates - that is how this Government stands on its so-called concept of open and accountable government.

Accountability means two things: First, we must design rules for the behaviour of public servants, Ministers, and Ministers' staff. Frankly, the rules have lagged behind the need for the rules. We have seen reforms in the rules, and I am pleased to see them. I do not think it is from a lack of will by the Government to reform those rules, but the Government has never come to terms with the speed of the reform of rules that the process of privatisation will require. Some of the rules were quoted by Hon Jim Scott, such as the code of conduct. Second, accountability requires that the Government must ensure that the Parliament is not hindered in its role of scrutinising the actions of the Government. This second aspect has a number of facets, some of which have been the subject of recommendations by the Royal Commission into Commercial Activities of Government and Other Matters. Two of those were, for example, the reform of the upper House and the whole general question of electoral reform, which is also a matter before the Commission on Government.

The royal commission may have looked at the issue of question time. Certainly it is one question about which we need to have a talk with the Minister. Generally question time has been conducted remarkably effectively. Given the number of questions that the Opposition is able to raise in this place we have little to complain about regarding the Government's conduct of question time in this place. Today was an unfortunate bleep in the general good conduct -

Hon N.F. Moore: Because someone on this side asked a question.

Hon KIM CHANCE: We had the awkward issue of a question which had not been placed on notice appearing on the Notice Paper.

Hon N.F. Moore: That is not the Government's fault.

Hon KIM CHANCE: I do not know.

Hon N.F. Moore: The Government does not run questions without notice on the Notice Paper.

Hon KIM CHANCE: I do not know how the question got on the Notice Paper but it is an effective way to sideline an embarrassing question -

Hon N.F. Moore: That is an outrageous comment.

Hon KIM CHANCE: It is outrageous that it happened.

Hon N.F. Moore: Maybe it is outrageous it happened, but you are suggesting that we had something to do with it appearing on the Notice Paper.

Hon KIM CHANCE: It was an unfortunate occurrence, and one I hope will never happen again.

If the events of the 1980s reflect badly on the then Government, they also reflect badly on the then Parliament, particularly the Parliament as it operated in this place. I can be unbiased about this because I was not here in the 1980s. I was not a member of the Government or the Opposition; I was Joe, private citizen. Members of the present Government who sat here in this place with the majority - the parliamentary majority in what is supposed to be the House of Review - did not do much of a job of reviewing. It is one thing for Hon Peter Foss to say after the event that the only problem with the 1980s was the corrupt Executive. It is one thing to say that the personal ambitions of

people overcame the proper role of the Parliament. I find that a little hard to believe. I am sure one can get away with it once or twice, or for a certain time, but if we have a competent House of Review - if it can be argued that this is a House of Review at all, and that is probably stretching the point - this House must have been able to stop some of those things some of the time.

Hon N.F. Moore: Which ones?

Hon KIM CHANCE: I refer to the excesses of the 1980s which were identified in the first report of the royal commission.

Hon John Halden: I remember a question time one particular week when Opposition members would not ask a question. They were incompetent.

Hon KIM CHANCE: It was an incompetent Opposition. I hope no-one can ever say the same of us. We want to be an active part of the reform process of this Parliament. We are not turning our backs on what happened in the 1980s. We can say that members of the current Opposition in this place have always been prepared to highlight the issues of the 1980s -

Hon N.F. Moore: Rubbish! You keep telling us it did not happen.

Hon KIM CHANCE: I do not believe that I have ever heard anyone say that. A fair amount of evidence exists in books which would put the lie to that. I do not think we would say that, but we genuinely want to be part of the reform in this place. The public will not cop the fact that this Government was elected on the basis of open and accountable government but is now turning its back on that concept. Members should make no mistake: Members opposite are doing that. They are sacrificing the principles that they held up, those principles that are so easy to hold up as something we can do, should be doing, and will be doing. Members opposite have sacrificed those principles on the most common altar of all - the altar of pragmatism

Hon N.F. Moore: Mr Burke, the lord high executioner.

Hon KIM CHANCE: That is an embarrassed laugh, Minister. Members opposite sacrificed those principles on the altar of pragmatism so that they could proceed with their schedule of privatisation, of paying off their mates in the private sector. Members opposite do not interject when I talk about paying off their mates because they are embarrassed. The proof that they are paying off their mates lies in the embarrassing Premier's encyclical 46/94 in which he said to his Ministers they should not let public authorities bid against private sector contractors - their mates - even if they can do the work cheaper. That was a systematically corrupt instruction, if ever there was one.

I could spend hours talking about the process of accountability. I do not intend to do that - to everyone's relief. I reject totally the concept that has been put forward by some people that the problems of the 1980s were simply a corrupt Executive. Clearly, our whole system failed us. The very purpose of this motion is to show that after being elected on a platform of openness and accountability, this high-minded principle has been sacrificed on altars.

Hon N.F. Moore: This is beginning to be tedious repetition. Say something different.

[Quorum formed.]

Hon KIM CHANCE: To achieve its aims of privatisation at all costs the concept of openness and accountability was dumped to advantage, in the case brought before us by Hon Jim Scott, just one person who is meeting the Government's objectives in its bid to privatise Healthcare Linen Service. One person caused this issue to be raised. This is a blatant demonstration of the degree to which the Government will go to push its agenda regardless of any question of principle. What happened after a conflict of interest covered in the code of conduct had been properly identified and properly acted upon by the departmental officer concerned? A Minister made it clear to the departmental officer that he wanted his proper decision overturned. I do not care how many legal arguments we have about the meaning and intent of section 8(2) of the Public Sector Management Act, that was the outcome. A proper decision was made and a Minister applied pressure -

whether he directed it or not is irrelevant - to have that proper decision overturned. Even if members opposite do not accept that a direction was given in Mr Kierath's letter, even if they do not accept that Mr Kierath's letter breaches section 8(2) - if Hon Peter Foss is listening, I wrote this long before his speech - or that there was a breach of the Public Sector Management Act, the most important issue still remains; that is, the departmental officer, presumably in conjunction with the former Minister, made a proper decision in the first place that a conflict of interest existed and found a proper remedy. The Government has gone wrong in that the incoming Minister for Health suggested that the proper decision should have been overturned. It is not a point of law about what section 8(2) allows the Minister to do. The issue is that the Minister would even suggest to his CEO that this proper decision relating to the conflict of interest should be overturned. Any Minister finding himself in the position of overturning a recent decision made by the CEO and the former Minister - this goes to the very base of ministerial accountability - would contemplate that decision very deeply and seek wide advice. There is no evidence of that having happened. It may have happened. Mr Kierath has never offered that in his defence and perhaps we will hear of that later. The fact that he even suggested that a proper decision should be overturned is the issue; it is not the point of law regarding section 8(2). The advice that Minister Kierath gave to his CEO is the issue.

"Advice" is a soft word when we consider the way that the present Minister for Health operates. Even the Minister for the Environment said here tonight by way of interjection that a CEO who is in conflict with his Minister should resign. Members opposite should consider what that means if a Minister who, legitimately or not, directs a CEO to act in a manner contrary to an action he has already taken - an action which in his view and the view of the former Minister at the time was the correct and proper way to act. Having received that direction, whether by way of suggestion, advice or knuckle-dusters, the CEO is in the position that he or she must do one of two things: Comply with a direction which the CEO thinks is improper, because clearly it is the opposite decision to that which was arrived at through the proper process, or resign. The Minister for the Environment will not argue with me on that one, because he knows it is true. He has said that tonight. The Minister very cleverly used his superior legal powers in drawing the red herring about the legislative power of section 8(2). That is not the issue. The issue is that the Minister would even suggest that this should happen. It is an issue which condemns this Government, and any Government which will defend a Minister's use or abuse of this de facto power to insist on compliance with this sort of direction or insist on the CEO's resignation. That power is explicitly denied in section 8(2).

Hon Tom Helm: They deny responsibility because the Minister can say that he did not direct the CEO.

Hon KIM CHANCE: The Minister is reported in *The West Australian* on 3 April as saying -

I can actually give him a direction in writing, but it doesn't contravene the Act because it doesn't allow me to do it.

I had to read that a few times and I still could not make any sense out of it at all. I will not spend a lot of time on the Act because the Minister for the Environment already has, but it is clear that the intent of section 8(2) of the Public Sector Management Act is that the employing authority, to use the correct words, shall be independent of government decision making. I put it to the Minister that if the Act seeks to guarantee the independence of the employing authority, is it not then improper to seek in any way to compromise that independence? I will not hang my argument on section 8(2), but it is clear that the independence of the employing authority is the key issue in that section. Did Minister Graham Kierath act in accordance with the spirit of that section?

I argue that in going to a CEO with a demand, and knowing that the CEO had to then make a choice - either to comply with the demand or to resign - the Minister was most certainly not complying with the spirit of section 8(2). Anybody who argues so, simply does not understand the realities of life. It is all right for Hon Peter Foss to stay that Hon - Jim Scott and others are silly because they cannot read the law. I know what that

section means: Any Minister can bully any CEO because his choice is limited to either do it or get out. That is what happened to Paul Solomon.

Hon John Halden: Maybe that is what happened to Dr Brennan.

Hon KIM CHANCE: I take Hon Peter Foss' point, but he does not live in the real world. That is what happens in the real world; that is what happens when one deals with people like Graham Kierath, the greatest bully of them all. How will any CEO or any person who is an employing authority respond in those circumstances? Of course any such person will respond with those famous words, "Yes Minister." This Government, which, when in opposition, criticised the Labor Government - and probably quite rightly from time to time - for parachuting people into the Public Service, used the argument that the Government of the day was compromising the integrity of the Public Service. Can anyone tell me that the actions of which we have heard tonight from Hon Jim Scott do not compromise the integrity of the Public Service? Can anyone tell me that what we heard from the Minister for the Environment about the limited powers of a Minister under the Public Sector Management Act does not show that the Minister for Health has been culpable of compromising the integrity of public servants? Anyone who could say that has a lot to learn about people working in the public sector.

Openness is about visibility, especially when we are dealing with public funds. How much visibility have we seen in the way the Government has hidden the \$72.2m of road maintenance funding in this year's financial assistance allocation? It is not an issue that the money was originally allocated for roads but was not spent on roads. We have not made an issue of that and nor have we ever challenged the Government's right to allocate untied road grants to any purpose it chooses. The issue is that the Government has denied that it ever received the money. For two years the Government has been receiving this money and in all that time we have had ongoing debate about commonwealth grants to this State for road funding. At no time in those two years was the \$70m ever mentioned. What would a Government committed to the concept of openness and accountability have done? It would have said, if it wanted to continue being critical of the Commonwealth for its less than adequate funding, "We are receiving \$70m which forms a part of the calculation of the financial assistance grant, but we are not in a position to allocate that money to roads because that would starve funding for houses, schools, hospitals and other essential services. What we must do is get more money from the Commonwealth in the financial assistance grant." We might have argued about that, but at least we would have had an open and accountable Government. We had to wait two years until one day the Western Australian Municipal Association came to the Opposition and asked whether it knew about the \$60m-odd lying around in financial assistance grants. We said that we did not know about it - we had put it to WAMA some time before even though we had got it wrong about additional allocations of funds. In this instance we looked at the matter and discovered that, indeed, some \$70m was provided in financial assistance grants that we had not been told about. Why not? The reason is that the Government had intended all along not to dump its metropolitan fuel levy, which we had heard about 12 months before, but had decided to convert that into an additional statewide fuel tax. Then the figures started to add up. A \$70m revenue from the Commonwealth was left to be distributed from the CRF. The Government would not bother telling anyone about that, but it would raise \$70m through a direct tax on the State's fuel users. A Government can defend almost anything in government administration but it cannot do that and then claim it is operating in a manner that is open and accountable. As I said before, openness means visibility. We were not told about that \$70m, something as important to the State as the financial assistance grant, which yields about \$1.5b out of the State's total revenue of \$5.5b, which is a significant amount, equal to the State's biggest spending portfolios of Health and Education. We were not even told what the components were; no-one in the Government thought it was relevant to do so. It might be argued that no previous Government ever did so, but that is not a reason to continue not to do so. It is certainly not a reason to hide such a sensitive component as road maintenance funding.

Members should read the Minister for Transport's speech on this matter given on

Thursday, 30 March 1995. He had notice of the debate and he had heard the opening statements of the Opposition on the day before and was able to have his department prepare a response for him. He had a lot to say about road funding, and that is fine; the issue was broadly related to road funding. He gave a bit of gratuitous abuse, but not as much as we have come to expect. However, he said almost nothing about the road funding component of the financial assistance grants - the substantive issue of the motion. He again denied that the road funding component existed. That denial was repeated in spite of the fact that a letter was read from the commonwealth Minister for Finance which clearly outlined that those funds did come to Western Australia, a fact totally ignored by the Minister except to the extent that he said virtually by way of interjection in his own speech, "Did you know that the Premier wrote to the Minister for Finance?" I said no and he said something to the effect that I should have. That is the extent to which he addressed what was our key piece of evidence from the one person in the country most able to verify our argument; but he dealt with it by answering a question with a question. That is not openness and accountability.

This issue is not one that lies at the feet of any one Minister; it is not an issue that lies at the feet of the Minister for Transport or even the present Minister for Health, Hon Graham Kierath. It is a structural problem. The evidence that proves it is the Premier's letter to his Ministers which called on them not to allow public authorities to tender against private contractors. It is that issue which makes it impossible for Ministers to comply with the spirit of openness and accountability that they promised to the electorate. Each Minister, if he is to comply with the directions contained in the Premier's letter, must compromise those principles in order to achieve the Government's pragmatic aims. What attempts have we seen to protect the public of Western Australia from the changes which occur in any level of privatisation? Where are the measures and the rules that we should have seen in the privatisation process? Without known and visible rules that can be scrutinised in the Parliament, the opportunity for massive corruption is overwhelming.

I thought that fact was obvious to anyone. We are talking about transferring from public ownership to private ownership an immense asset. I am not sure whether members have an idea about the scale of the public assets which exist in Western Australia. If we were to consider the assets of the Water Authority alone, it would be a mind boggling sum; a sum that would rival the assets of Broken Hill Propriety Co Ltd in Western Australia. We are talking about transferring, if not the ownership of the assets, at least the public benefit of the use of those assets, to a series of private contractors who, in all likelihood, do not even exist in Western Australia at this time. If members think that is unlikely, they should consider the number of contractors working on the infill sewerage scheme who have come from interstate. Not only have the contractors themselves come from interstate - Hon Sam Piantadosi told me earlier there were 76 of those contractors - but also the very people who work for the contractors have come from interstate.

Hon Sam Piantadosi: They are Western Australian jobs. We are importing jobs now. What next?

Hon KIM CHANCE: The Government will transfer this huge asset to a group of people who probably are not even in Western Australia, but it is yet to show the people of this State the rules by which it will do that. The State Supply guidelines have been well thought out. They may have been adequate in the past, but we must ask ourselves whether they meet the needs that are determined by a headlong rush towards privatisation.

Consider the power we entrust to our public service managers who may seek to participate in a management buy out process. Do members remember the issue of Mark Newton and Stateships? Mark Newton was entrusted by the Minister for Transport to research the options available to the State in its handling of Stateships. Newton had access to commercially sensitive submissions from shipping companies which expressed interest in operating Stateships on behalf of the State. So detailed and sensitive were those commercial submissions that at least one of the interested parties had described them as tenders; they had gone that far. The Minister at all times denied they were

tenders; I accept that. However, one of the interested parties had taken the issue so seriously that he told the Opposition that he regarded them as formal tenders. Let us not dispute whether they were tenders or expressions of interest. We can agree that the information contained in those commercial submissions was of an intimate and highly sensitive nature, worth millions of dollars to another potential bidder.

The possession of that information is okay because obviously somebody must hold it. If it had to be Mr Newton, it had to be. Somebody along the line must be trusted with that information. Mr Newton was acting as the Minister's agent, and the Minister had made a judgment that he was the right person to undertake that role. It is a role which would normally be associated with the Public Service, but there is no reason why, acting as a Minister's agent - in other words, a private person - he should not be able to do this. The problem was that the Minister did not see a problem if Mark Newton was a component of a private bid for Stateships. The Minister said that in question time last year. It was all right if this man who had access to all the commercially sensitive information from the other bidders wanted to make a bid himself.

[Quorum formed.]

Hon KIM CHANCE: Hon John Halden and I made our displeasure known at the time. Perhaps at that time we were concentrating more on the issue of Stateships itself. There is no speculation in this. I am simply telling the House what the Minister confirmed at the time; that is, he felt okay for Mark Newton to be part of the bidding deal. On the broader issue of openness and accountability, those admitted facts are about as opposite to the concept of openness and accountability as one can get - that a private firm interested in taking a private interest in Stateships would entrust its confidential information to the Government and then find at a later date that one of its competitors had access to the information. It would be commercially naive if that were to happen in business, but when it happens in government, it is corruption. I will leave that aside as a one-off issue. Let us hope it never happens again. If that is accepted as a way of doing business, and if that is the accepted way that this Government is going to dispose of public assets to its mates, it has it all wrong. When the electorate works out what is going on, it will not wear it.

Hon Jim Scott asked how close Mr Anderson came to being in the same position as Mark Newton. How close did Anderson get to having access to inside information and then being able to bid, as Mark Newton did in the case of Stateships? Did Anderson have sufficient inside information on the Hospital Laundry and Linen Service to be able to compromise the fair commercial process for the privatisation of the service? That is the question we have ultimately to ask. Clearly Paul Solomon thought so and that Anderson's continued occupation of that role would have corrupted the commercial process. Quite clearly Dr Brennan thought so. Even the then Minister for Health, Hon Peter Foss, thought it might have been the case. How could it then be proper for the new Minister to come along and heavy the CEO into reversing a decision made on the basis that those three people made it, thinking that it was right. He ordered the CEO to reverse the decision or resign. That is what it comes down to.

Hon Peter Foss: Come on.

Hon KIM CHANCE: That is what it comes down to.

Hon Tom Helm: That is what you said.

Hon Peter Foss: I did not.

Hon KIM CHANCE: The Minister arrives in the Chamber at the end of my speech and says it is not the case. I do not know whether the Minister has been listening to what I have had to say.

Hon Derrick Tomlinson: Nobody else has.

Hon KIM CHANCE: That is a terrible shame. It means the member did not have an interest in what he was listening to, which is what he was elected to do.

Hon Derrick Tomlinson: I was not elected to listen to codswallop.

Hon KIM CHANCE: Members opposite have missed the point. I must run through it again in case members did not grasp it. I will not submit them to unnecessary pain, so I will run through just the last bit. Did Anderson have sufficient inside information on the Hospital Laundry and Linen Service to compromise the commercial process of the privatisation? I am not saying whether he did. Paul Solomon clearly thought he did.

Hon Peter Foss: That is not what he told me.

Hon KIM CHANCE: Was it not? Paul Solomon thought he might have.

Hon Peter Foss: No; there was a strong feeling that he might have.

Hon KIM CHANCE: Brennan also thought so. The Minister of the day, now Minister for the Environment, also thought it might be the case. How can it be proper for the Minister to come along and say to the CEO who made the decision, "You either do what I want you to do or resign. I have not broken the law."

Hon Peter Foss: Where did he say that?

Hon KIM CHANCE: The Minister said that if there is a dispute between the Minister and the CEO the choices for the CEO are to do it or resign.

Hon Peter Foss: That is when one has a right to direct, not when one does not have a right to direct. If one has a continued process of disagreement one should resign.

The DEPUTY PRESIDENT (Hon Cheryl Davenport): Order!

Hon KIM CHANCE: We have established the point. Perhaps when the Minister comes back with a clearer mind in the morning he will understand.

Hon Peter Foss: You are being simplistic.

Hon KIM CHANCE: He wasted time telling us the legal ramifications of clause 8(2). To my mind it had not been in dispute.

Hon Peter Foss: Tell Mr Halden.

Hon KIM CHANCE: Hon John Halden was talking about the issue of a conflict of interest. The Minister missed the points made by Hon John Halden and Hon Jim Scott. I am sure the Minister was preoccupied. He is prepared to split hairs on an important matter.

Hon Peter Foss: Come on. One must always be prepared to split hairs if it is a very important matter.

The DEPUTY PRESIDENT: Order!

Hon KIM CHANCE: Thank you, Madam Deputy President, I would have been finished some five minutes ago had the Minister not come into the Chamber and decided to declare black to be white.

Hon Peter Foss: Who called a quorum?

Hon KIM CHANCE: It was time the Minister came in anyway.

Several members interjected.

The DEPUTY PRESIDENT (Hon Cheryl Davenport): Order! I have let this go on enough. I ask members to hear in silence the member who is on his feet.

Hon KIM CHANCE: I have been trying to say for the last five minutes that I have completed my points, but I keep being led astray. I know it is contrary to standing orders to allow oneself to be led astray, so I will not do it any more, regardless of what the Minister for the Environment says and even if he is wrong. We have been able to illustrate that the Government does not give a damn about openness and accountability.

Hon Tom Helm: Mr Chance, do you think that Mr Foss was sacked by Mr Kierath?

Hon KIM CHANCE: I will not go into that one.

Hon Graham Edwards: By the National Party.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon KIM CHANCE: If the principles of openness and accountability get in the way of the Government's objectives on privatisation, they do not get in the way for long. That is the whole point of this. It is clear that the Government does not want to hear or heed the warning. If that is the case, it does so at its own peril.

HON SAM PIANTADOSI (North Metropolitan) [10.36 pm]: I also support the amendment. It has been a very interesting exercise to listen to the Minister for the Environment. I recall that when I was sitting in his seat listening to a barrage of attacks about propriety, good government, WA Inc and a number of other matters, the attacks continued over a long period. All of a sudden that seems to have been forgotten. The Minister is now sitting on the other side and believes now that there is no need for any of that. I guess the only true statement the Minister has made in this place -

Hon Peter Foss: That is unparliamentary.

Hon SAM PIANTADOSI: The Minister may object to it if it is. It was when he was interjecting on the Leader of the Opposition about the solicitors' draft submissions and how things change 180 degrees from a draft document to the end result. I guess that is the only true statement he has made. As to his willingness some two years ago to tackle WA Inc and to ensure that the people of Western Australia had proper and accountable government, that certainly has changed. In no other department or area is corruption more evident than in one of the Minister's own portfolios, that of water supply and what is happening with the letting out of contracts. The Water Authority has let out some 76 contracts for which no code of conduct has been given to the contractors on how they should go about their jobs. There has been no accounting for their expertise or background. In response to a question I raised in this House about a code of conduct, the Minister responded by saying that it was a standard builders' contract.

Hon Peter Foss: No; read it.

Hon SAM PIANTADOSI: The Minister had better read it. That was the response. A sewerage contract is nothing in comparison to how a building contract would read. Certain standards do apply but the Minister is not sure about what happens in his department. I sympathise with him because it is only early days - he has not had responsibility for that portfolio for very long.

The 76 contracts are worth \$100m or more and the Minister does not believe that the authority should be accountable for the expenditure of that money. The authority should know what is the return for that expenditure. In answer to a question the Minister advised that a contractor had mucked up a job and the Water Authority of Western Australia had picked up the bill; in other words, the Government picked up the bill.

Hon Peter Foss: When did I say that?

Hon SAM PIANTADOSI: I will jog the Minister's memory at some stage further down the track.

Hon Peter Foss: I hope you do.

Hon SAM PIANTADOSI: In spite of the authority picking up the tab, the contractor has been allowed to continue. The Minister should be accountable for the expenditure of public money by the authority. The documentation pertaining to any tender which involves the expenditure of public funds should be made available for perusal by the public. The Water Authority should obtain from the Auditor General the relevant information about the letting of contracts and the penalties that would apply if the contracts were not adhered to. The Auditor General should be given a description of the standards that the Minister intends to apply to the contract and monitor the cost of the service that will be provided by the contractor. The State Supply Commission Act sets out the guidelines for the letting of tenders but they do not appear to have been followed. Again, it indicates that there has been a breach of conduct by this Government in its expenditure of public funds. The Minister and his colleagues should give consideration to why the process has been allowed to continue. I am not against private contractors doing the job.

Hon P.H. Lockyer interjected.

Hon SAM PIANTADOSI: It is no bullshit.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon SAM PIANTADOSI: That is what the member said.

Withdrawal of Remark

Hon P.H. LOCKYER: I take objection to the member questioning anything I said. I was not speaking to him and I certainly did not say what he said I did. I ask the member to withdraw the assertion.

The DEPUTY PRESIDENT: Order! The member has asked for the assertion to be withdrawn.

Hon SAM PIANTADOSI: That is what I heard him say. If the member claims he did not say it, I withdraw the comment. I certainly heard the remark.

Debate Resumed

Hon SAM PIANTADOSI: The authority's work force has the expertise in infill sewerage and it should be allowed to tender in the same way as any private contractor. It must be in a position to compete. When the Government puts work out to tender it is looking for the best job at the lowest price and I understand that was the aim of this exercise. I can recall many instances where the Water Authority employees tendered for contracts and submitted the lowest tender but were not given the job. Perhaps the Minister will clarify the situation and outline why a tender is not accepted when the contractor who won the tender had little experience.

I can assure the Minister that there were not 76 firms operating in the infill sewerage arena two years ago. The worst part of this scenario is that the Government said it would provide so many jobs to private enterprise in this State. The situation has been that contractors have imported labour from the Eastern States. What are the opportunities for Western Australians? On the one hand Richard Court is saying that he is anti the Eastern States, but on the other hand he is allowing jobs that should go to Western Australians to go to people from the Eastern States. The Minister for Water Resources says he is accountable. If that is the case, he should account for the Government's actions in allowing this to happen. One of the successful contractors has not paid his workers and he has not paid his suppliers. If this contractor were to disappear overnight and head back to the Eastern States who would pay the suppliers? Will the Government foot the bill and pay for what is probably poor workmanship or will the suppliers or the workers miss out? In addition, another contractor will have to be called in to start again. What Hon Kim Chance said earlier is correct: This is nothing but a payola for the Government's mates. The information pertaining to when these companies were registered is being compiled. I can assure the Minister that only five or six companies were doing that work a few years ago and the rest were -

Hon Peter Foss: Winning tenders.

Hon SAM PIANTADOSI: That is an outrageous statement. Why not allow the Water Authority employees who are capable of contracting for the work and would probably do it at a lower price -

Hon Peter Foss: Mr Keating will not allow it.

Hon SAM PIANTADOSI: The Water Authority employees to tender for these jobs?

Hon Peter Foss: From 1 July Mr Keating will make it illegal for that to happen.

Hon SAM PIANTADOSI: Is that right? The Government should do what it has done in other departments; that is, offer employees a redundancy package to resign and then assist them to set up a business.

Hon Peter Foss: There is a good chance we will.

Hon SAM PIANTADOSI: Why was it not done before? We have the expertise in that field.

Hon Peter Foss: I cannot answer for what happened before, but I can tell you what will be done in the future.

Hon SAM PIANTADOSI: What occurred? The Minister set up a committee to unravel the whole mess -

Hon Peter Foss: What committee?

Hon SAM PIANTADOSI: The Minister set up a committee to look at the problems with the contracts -

Hon Peter Foss: I set up a committee to ensure quality. I am not so sure that there are problems.

Hon SAM PIANTADOSI: That is not what Mr Strickland's letter outlined.

Hon Graham Edwards: Mr Strickland has placed on the record his view of Mr Foss. He used a word I could not repeat.

Hon SAM PIANTADOSI: For starters, the Minister maintains that building a manhole in the middle of a swimming pool is not a problem! These are design engineers who have been contracted out. That is not a problem either! I have a copy of Mr Strickland's letter -

Hon Peter Foss: Everyone has.

Hon SAM PIANTADOSI: Also I have a copy of the Minister's response to Mr Strickland.

Hon Peter Foss: Good!

Hon N.D. Griffiths: And he was not impressed.

Hon SAM PIANTADOSI: Mr Strickland made remarks about the Minister dismissing the fact that there were problems.

Hon Peter Foss: At least I am consistent.

Hon SAM PIANTADOSI: The Minister admitted in his letter that there were problems, and now he says there are no problems. Why set up a committee now? It should have been established before the whole process started. Already we are talking about \$100m contracts, and there are problems.

Hon Peter Foss: There is one problem with one contractor.

Hon SAM PIANTADOSI: The Minister always talks about WA Inc, and the way Ministers were irresponsible with public funds. Here, we have a prime example where a Minister, in response to a letter from one of his colleagues, has admitted that there are problems. He has admitted that there is a need to set up a committee to look into fixing the situation. He is the Minister responsible for this department but again he is doing a Mr Moore: "It was not me; I have only just come in, and it does not matter . . ."

Hon Peter Foss: It is a contract for \$100m which has a small problem.

Hon SAM PIANTADOSI: The amount of \$100m is not a small problem.

Hon Peter Foss: There is only one little problem.

Several members interjected.

Hon SAM PIANTADOSI: Hon Phil Lockyer was offended by a remark I made earlier. I do not want to reflect on him, but he has a lot of wind in his system and if he wants to let it out he should get up and have his say. Otherwise, he should keep quiet and learn something. The windbag from the north - the north west blower as he is affectionately known - is out of order.

The DEPUTY PRESIDENT (Hon Barry House): Order! This has absolutely nothing to do with the amendment.

Hon SAM PIANTADOSI: Neither have Hon Phil Lockyer's interjections.

In response to questions asked in this place the Minister admitted the manner in which

the private contractors were conducting themselves, when I drew to his attention that not only had the contractors broken water mains and his department was picking up the tab -

Hon Peter Foss: That is a new subdivision.

Hon SAM PIANTADOSI: It is irrelevant. The Minister is still picking up the tab. In other areas, about which I will ask questions, it was not a new subdivision but an old area of infill sewerage, and the water was running long before the Water Authority was contacted. Water was running from the broken main for nine hours. Who picks up the tab? A leaking main in any household is paid for by the householder -

Hon Peter Foss: You would say that you would block it up with cockroaches.

Hon SAM PIANTADOSI: Mr Foss is the Minister. He can organise it. I will be happy to conduct a tour down a sewer, and the Minister would see a lot of things in the sewer with which Mr Lockyer has a lot in common. He is affectionately known as the big cockroach.

People in the Minister's department have not instituted a code of conduct. I do not know whether Mr Strickland's task is to rectify that or to introduce a code of conduct. In response to my interjection during the Address-in-Reply debate Hon Bruce Donaldson hinted that it could be under way. The Minister also indicated in answer to a question that that would be the case. If the Minister says that Mr Strickland's brief is not to do that, and if one were needed, it would certainly be his obligation to suggest it. Is it not his obligation to say that a code of conduct is needed?

Hon Peter Foss: It is already contained in the terms of the contract.

Hon SAM PIANTADOSI: Will the Minister table the contract?

Hon Peter Foss: If you want one.

Hon SAM PIANTADOSI: Is it possible to have one tabled tomorrow?

Hon Peter Foss: I can ask for it. I do not know if one can be provided.

Hon SAM PIANTADOSI: Mr Foss is the Minister. Many contracts would be available.

Hon John Halden: Graham Kierath could get one. That is why he is the Minister for Health.

Hon SAM PIANTADOSI: I am glad that the Minister has agreed that this House will see a copy of a contract tomorrow.

Hon Peter Foss: I did not say that. I said that I will try to get one by tomorrow. If I have one I will table it. If not, I will table it the following day.

Hon SAM PIANTADOSI: I am willing to go to the Water Authority. Will the Minister ask his chief executive officer to give me permission to pick it up, if the Minister does not have time to ask a delivery boy to bring it here?

Hon Peter Foss: I will deliver it to the whole House.

Hon SAM PIANTADOSI: As long as the Minister gave permission I would be willing to go to the Water Authority to collect the contract. I know the Water Authority building reasonably well. Will the Minister give me the authority?

Hon Peter Foss: No, but I will table one in Parliament for everyone to see.

Hon SAM PIANTADOSI: I appreciate that the Minister has a heavy workload. I am trying to help. Obviously the Minister does not need any assistance.

Hon Peter Foss: I don't need yours.

Hon SAM PIANTADOSI: Will the Minister table a contract on Thursday?

Hon Peter Foss: Yes. I have already said that.

Hon SAM PIANTADOSI: The Minister did not.

Hon Peter Foss: I know what I said. I said you could have it on Thursday.

Hon SAM PIANTADOSI: The Minister is in a state of shock. Many allegations have been levelled at him. During cross-Chamber debate with Hon John Halden, the Minister admitted that solicitors can often do a 180 degree backflip. They were the Minister's words, not mine.

Hon John Halden: It happens regularly, and we pay for that.

Hon SAM PIANTADOSI: It is the same today. The Minister states one thing one minute and another the next; so how can we and the public of Western Australia have confidence about what is occurring and about whether the Government is being accountable? The Minister was one of the main protagonists when the WA Inc matter was discussed a couple of years ago. Allegations were made about the Labor Government's accountability standards. I am sure if one went through *Hansard* of that time -

Hon Peter Foss: You don't understand.

Hon SAM PIANTADOSI: The Minister has no standards and principles. He lacks many qualities.

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

ADJOURNMENT OF THE HOUSE - ORDINARY

HON PETER FOSS (East Metropolitan - Minister for the Environment) [11.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - School Rationalisation

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [11.01 pm]: Before the House adjourns, I would like to raise the matter of school rationalisation. I know the Minister for Education is otherwise occupied on parliamentary business, but I hope he will respond to my comments. My concern surrounds the proposal to have an area review to close one or two schools out of three in City Beach: Kapinara Primary School, City Beach Primary School and City Beach Senior High School. The situation has been discussed on numerous occasions by parents from particularly City Beach Primary School. The parents want to have a vote to make a decision about the future of their school. However, I am advised that seemingly they cannot get to the point of voting, despite their having accepted a proposition put forward by an officer of the Education Department and tentatively costed by the Education Department. If that is true, that is clearly in breach of stage 5 of the school rationalisation process, which states that once a proposal involving a closure has been developed, parents who have a child attending that school must be given the opportunity to vote.

I understand that the options with regard to these schools are quite limited. Kapinara Primary School students cannot go to City Beach Senior High School because it exceeds the maximum distance of 3 kilometres which children can travel. The only option for City Beach Primary School students is to go to City Beach Senior High School because of the same problem with regard to distance in the reverse direction. The only option for Kapinara Primary School students is to go to City Beach Primary School and have an amalgamated primary school there. However, it boils down to the question of who will vote first. It seems to me that question is not difficult, but it seems to have occupied the minds of the bureaucrats in the Education Department for some time, to the great frustration of those in the City Beach community. If City Beach Primary School parents were given the opportunity to vote first and decided to go to City Beach Senior High School, there would then be no option for Kapinara Primary School because City Beach Senior High School is too far away. On that basis, why not give it the first opportunity to decide where to go? The only other option is to allow Kapinara Primary School to vote to move to City Beach Primary School, but City Beach Primary School may then move on, if that is its decision, and the vote will then be useless in terms of its practicality.

A proposition was put to the parents at City Beach Primary School to go to City Beach

Senior High School. That proposition was put forward by the department, with sketch plans which I have in my possession and am happy to table. That proposition was tentatively costed by the Education Department at some \$1.45m, but I understand that the department now refuses to accurately cost that proposal so that it can be put to the vote by parents. If these matters are as have been reported to me by a number of the parents and people involved at City Beach, it is an unacceptable proposition that should be not massively politicised but resolved by someone who has the commonsense to say, "This is the way we will do it: A will vote, and, if necessary, B will vote", or whatever. This situation cannot be allowed to continue. It is incumbent upon the Minister to attempt to resolve this matter.

Before I conclude, I refer to a record of minutes of a meeting at which an officer of the rationalisation unit of the Education Department said to two people on the consultative committee, "If you don't close your primary school, I will see you lose your high school. I will put it in a review with Swanbourne." I have no reason to believe that these two people have lied about this matter. Again, we need clarification. If City Beach Senior High School was not in the review because the other two schools chose not to close or move, I assume there would be a four year moratorium on City Beach Senior High School. I may be wrong, but I do not think it is an appropriate response to this issue for a person from the Education Department to say, "If you don't close your primary school, I will see you lose your high school." This is a sensitive community matter, as the Minister knows. I have congratulated the Minister previously in this place for the sensitivity and speed with which he has dealt with school rationalisation matters. I suggest to the Minister on this occasion that it is time for him to intervene so that this matter can be put to rest so that the Education Department will not continue to put options to people which it is not prepared to pursue, and so that any person who is making threats about this matter will cease forthwith. The Minister and I both agree that if this policy is to have any likelihood of success and is to continue into the future, the last thing we need is to have people in the community threatened in this way.

Adjournment Debate - Trading Hours Deregulation, Special Retail Shops

HON GRAHAM EDWARDS (North Metropolitan) [11.08 pm]: I draw to the attention of the House an article which came to my attention today and explains why I have received a couple of requests to meet with pharmacists towards the end of the week. I guess other members will receive similar requests in the next few days. The article, entitled "Foss Treats Parliament and Industry Bodies with Disdain", is on the front page of "Pharmacy Guild Bulletin" No 767 of 30 March 1995. The article states -

The Minister for Fair Trading has once again stepped into the Trading Hours furore in having his Department consider issues such as the Deregulation of Trading Hours for white goods retailers, book shops, and carpet retailers after commitments were given by the Premier and the Minister to the WA Council of Retail Associations that no further deregulation would be considered for at least two years.

It appears that the Minister, as he has stated on a number of occasions will deregulate trading hours, regardless of Parliament or his joint Party Room, or the wishes of the majority of the electors of this state.

The Minister's strategy in allowing Tourist precincts, a new anomaly, to drive a wedge between retailers to precipitate deregulation is outrageous.

The Guild has called on the Government and has offered assistance to the Minister to control monopolies and the concentration of economic power by moves to strengthen the Trade Practices Act in concert with the states, however, the offer of assistance from organisations such as the Guild, the WA Council of Retail Associations and the like have gone unheeded.

Once again, it appears that the Minister, with his Bureaucrats, will determine what the retail industry will wear. No consultation is taking place with the Associations at the State level, whose members will be directly affected by any changes to the legislation.

The Retail Associations want workable legislation, not a piece of law that will look good and achieve absolutely nothing.

This issue affects retailers. The Minister should firstly, not be deregulating trading hours, and secondly, engage in detailed consultation with retail groups to ensure that the monopolies that have been established in Australia, and in particular, Western Australia, will be broken down and competition brought back to an acceptable level.

The final paragraph reads -

Members are requested to discuss this and the Trading Hours issue with their local State member of Parliament.

I will not be the only member to be approached by pharmacists. I draw that article to the attention of the House and the Minister. It is interesting to note that some of our criticisms of the Minister in this House are shared by members of this guild. I hope the Minister takes notice of this article and perhaps comes into the House in the next couple of days to make a statement that will assist members in dealing with the approaches that will come from pharmacists over this issue. If the Minister decides that he does want to make a statement, perhaps we can look at it through some sort of substantive motion.

Adjournment Debate - School Rationalisation

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [11.13 pm]: I respond to the comment of the Leader of the Opposition. Although on many occasions we do not agree, on this occasion we have some area of agreement. I appreciate the support the Leader of the Opposition has given to this process of school rationalisation. He had a personal involvement in the previous Government's deliberations on this matter. We have now put in place a process which may work in achieving better utilisation of our assets in the school system. Like every new process it is going through teething problems and we are learning as we go along. All sorts of scenarios which were never anticipated are presenting themselves. One of the most fascinating aspects of the process is the ideas coming from school communities which were never contemplated by me or the department. Some schools are not on any rationalisation list and are being considered in the context of other schools - for example, the closure of three schools in one area and the replacement by one brand new one. Many good ideas are coming out of the process. As it gains credibility it will be a useful tool that can be used across the system to ensure our assets are used better and that in some cases we can provide significantly enhanced assets or school buildings in place of fairly old ones that might exist now. City Beach was an area review. They were a bit more difficult to predict than in the simple single school or amalgamations that we had anticipated. It has raised all sorts of problems. I thought many ideas were worth considering there, but for a variety of reasons they have not come off. I did not hear the first part of the member's comments, but I will find out from the review team what is the problem, and see if we can find out what should occur. Hon John Halden mentioned the need for commonsense. Ian Lonnie, who is in charge of the rationalisation project, has more commonsense than anyone I know.

Hon John Halden: The commonsense relates to the order of the balance, so that people can feel it is moving on. There are only two possibilities for the order. The first is to get on with it. Both schools are looking at different propositions. The Minister must decide first which is the appropriate one to go with, and then decide whether the second one is even viable. It is not difficult.

Hon N.F. MOORE: I will send a copy of the member's speech and his interjection, which are about the same length, to the rationalisation team! Obviously there is some wisdom in there. The team is seeking to find the best solution. I do not know the details of the matters raised by Hon John Halden. I will check out the transcript of what someone is alleged to have said. That is not the spirit of the process. The spirit is one of cooperation and getting people to put forward their views. If they cannot find agreement, it is their decision not to proceed. If anybody is making threats to anybody I will find out

why and ensure that does not happen in the future. By way of justification, if in fact this is correct, it is a frustrating experience for some of the people working on these reviews. The process has been going on for a long time. Many new ideas are coming in and people are going down different paths. I understand that from time to time they might find frustration creeping into what they say. I am sure that in the cold light of day they would not want that to happen.

Adjournment Debate - Trading Hours Deregulation, Special Retail Shops

HON PETER FOSS (East Metropolitan - Minister for Fair Trading) [11.16 pm]: I am happy to give the required statement asked for by Hon Graham Edwards immediately. First, I will deal with the comment about the tourism precincts. We introduced the tourism precincts because it was an election promise and being the sort of people that we are, we honoured it.

Hon Graham Edwards: Selectively. You did not carry out other promises.

Hon PETER FOSS: I am sure Hon Graham Edwards endorses this one. The second one we are dealing with is this question of special retail shops. I am getting used to certain people in the retail trade, firstly, refusing to read the statement that we made at the time of the decision; secondly, misrepresenting it; and, thirdly, attributing to me a personal intent when it happens to be the decision that was made.

Hon Graham Edwards: Is that article a misrepresentation?

Hon PETER FOSS: Totally. Hon Graham Edwards may have some difficulty in remembering the statement made in this House, because I was refused leave in this House to make it.

Hon Graham Edwards: Do not blame that on me.

Hon PETER FOSS: One of the things that was decided was that I was directed to explore the possibility of other kinds of special retail shops in consultation with the industry. People are aware that I am proposing these special retail categories because I have written individually to retailers telling them of the party room decision and asking them whether they think it is a good idea and whether they want me to do it. I call that consultation. It may be that I am not writing to some of the pressure groups, but I am writing to the individual retailers in those proposed special retail shops asking them personally.

Hon Graham Edwards: I would not call the guild a pressure group. It provides a service to its members.

Hon PETER FOSS: I am not asking the guild. It happens to be a specialist retail shop. I am writing to other people such as whitegoods retailers asking whether they want to be a special retail shop. That is precisely in accordance with the decision made by the party room, as was communicated among other people, to the Pharmacy Guild, and the Western Australian Council of Retail Associations. It is exactly what at all times they were told would happen. Not only does it take place with consultation, but also it is taking place with the utmost consultation because they would not have known about it if it were not for the fact that my department had written to these retailers individually seeking their opinions. I am a great believer in asking the individuals for their views because there sometimes is a tendency once people come together in trade associations for a noisy group to dominate the decision.

Hon Tom Helm: It is called divide and conquer.

Hon PETER FOSS: If we write to the individual persons to find out their views, there is an aggregation of views, rather than a dominant one. That is what I intend to do. I am consulting with them. I am acting exactly in accordance with what those people were told.

Hon Graham Edwards: I do not expect that you would be doing anything wrong.

Hon PETER FOSS: I am gratified with the member's confidence in me.

Hon Graham Edwards: I will just need to convince the people who have contacted me.

Hon PETER FOSS: Hon Graham Edwards could provide them with a copy of the answer to the question provided to me in the House about the decision. If he does not have that, I will be happy to give it to him. I will also be happy to include a copy of the standard letter we are sending to the retailers to seek their point of view. I know that Hon Graham Edwards will have confidence in my engaging in a detailed and thorough form of consultation, exactly in accordance with the instructions of the party room.

Question put and passed.

House adjourned at 11.20 pm

QUESTIONS ON NOTICE

TRAVEL - GOVERNMENT TRAVEL RESERVATION OPERATIONS

Spot Checks, Departmental Responsibility

16. Hon TOM STEPHENS to the to the Minister for Transport representing the Minister for Community Development:

- (1) Which department or agency within the Minister for Community Development's portfolio has carried out spot checking of its travel reservation operations to ensure that it receives the best price for its intrastate or interstate travel business?
- (2) What has been the result of these spot checks?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family:

- (1) None. All travel bookings for the Department for Community Development are made in accordance with government policy.
- (2) Not applicable.

UNIVERSITIES - YEAR 12 SCHOOL LEAVERS OFFERED PLACES

52. Hon JOHN HALDEN to the Minister for Education:

What percentage of year 12 school leavers obtained a place in universities in 1994 and 1995?

Hon N.F. MOORE replied:

In 1994, 36.9 per cent of year 12 school leavers received an offer of a university place. In 1995 the percentage was 43.3.

TRAINING, DEPARTMENT OF - FTEs, POSITIONS IN FUNCTIONAL UNITS

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

How many full time equivalent positions are allocated to the

- (a) Executive;
- (b) Corporate Management;
- (c) Human Resources Management;
- (d) Financial Management;
- (e) Facilities and Asset Management;
- (f) Information Technology; and
- (g) Administrative Services

subprograms in the Department of Training as at 1 March 1995?

Hon N.F. MOORE replied:

The following FTEs relate to core functions provided by each of the functional units. In the restructuring of the Department of Training, provision has been made for additional positions which are of a transitional nature, pending the transfer of responsibilities to TAFE colleges, and other positions which are externally funded, for instance to undertake commonwealth programs.

- (a) 12.
- (b) There is no corporate management section in the department's structure.
- (c) 8.
- (d) 6.
- (e) 6.
- (f) 11.
- (g) 14.

EMPLOYMENT - JOBLINK PROGRAM, FUNDING

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

- (1) Does the Government intend to increase/continue funding the employment equity program - Joblink?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) Under the new state employment assistance strategy, which I announced in June last year, overall funding for the Joblink program has been maintained.
- (2) Not applicable.

TRAINING, DEPARTMENT OF - FUNCTIONS CONTRACTED OUT OR PRIVATISED

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

What functions of the Department of Training have been contracted out or privatised since August 1994?

Hon N.F. MOORE replied:

A number of training courses, which have been put to open tender. Payroll, on a trial basis. Maintenance of equipment in TAFE colleges.

WATER AUTHORITY - ORD RIVER IRRIGATION SYSTEM

Water Supply Cost

87. Hon TOM STEPHENS to the Minister for Water Resources:

- (1) What is the Western Australian Water Authority's predictions in regard to the cost of water supplied by the Ord River irrigation system over the next 10 years?
- (2) What is the reason for any dramatic cost increase that is predicted by WAWA?
- (3) What is the current annual cost to the Government associated with the supply of water from the Ord?
- (4) What is the current annual recovery on cost to the Government from the supply of water on the Ord?

Hon PETER FOSS replied:

- (1) Irrigation charges for the Ord irrigation district are approved by government each year. It is not possible to predict future charges.
- (2) The Water Authority does not predict cost increases.
- (3) Current annual cost is about \$5m to the Water Authority.
- (4) The annual recovery is about \$0.6m - \$4 to \$5 per megalitre.

WATER AUTHORITY - ORD RIVER IRRIGATION SYSTEM

Consultants Kinhill Engineers and Marsden Jacobs, Cost

88. Hon TOM STEPHENS to the Minister for Water Resources:

- (1) What is the cost to the Western Australian Water Authority of the consultants Kinhill Engineers and Marsden Jacobs engaged to investigate the privatisation of the Ord River irrigation water distribution business?
- (2) Have the consultants completed their work and produced a report?
- (3) If yes, will the Minister table a copy of the report?
- (4) If not, why not?

Hon PETER FOSS replied:

- (1) Anticipated to be \$100 000.
- (2) No.
- (3)-(4) Not applicable.

MINISTERIAL PORTFOLIOS - TELECOMMUNICATIONS, EXPENDITURE

112. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) What was the total telecommunications expenditure for each department or agency within the Minister for Community Development's current portfolio area for each of the following years -
 - (a) 1992-93;
 - (b) 1993-94; and
 - (c) 1994-95 (Budget estimate)?
- (2) What part of this expenditure in each of the years above was for telecommunications expenditure other than Telecom phone accounts?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- | | | | |
|-----|-----|---------------------------|-------------|
| (1) | (a) | 1992-93 | \$1 643 634 |
| | (b) | 1993-94 | \$1 448 963 |
| | (c) | 1994-95 (Budget estimate) | \$1 813 904 |

Note: The above figures exclude costs associated with data communication lines.

- (2) The department's financial reporting system does not separate Telecom phone accounts from other telecommunications expenditure.

MINISTERIAL PORTFOLIOS - CHRISTMAS CARDS, COST

129. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

For each department or agency within the Minister for Community Development's portfolio area -

- (1) What was the cost for printing, preparing and posting Christmas cards in December 1994?
- (2) How many Christmas cards were -
 - (i) printed; and
 - (ii) posted,
 in December 1994 at public expense?
- (3) How many Christmas cards were sent to -
 - (i) other government departments or agencies;
 - (ii) Ministers; and
 - (iii) members of Parliament?
- (4) Is a Christmas card mailing list maintained?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- (1)-(3) The information required is not identifiable separately within each office

of the department. Costs are contained within the overall stationery, postage and miscellaneous budgets.

- (4) A number of informal lists are maintained.

**LIBRARY AND INFORMATION SERVICE - REVIEW; BATTYE LIBRARY,
PRIVATE ARCHIVES RESOURCES**

152. Hon TOM STEPHENS to the Minister for the Arts:

- (1) Was a review of the Library and Information Service of Western Australia's structure and activities undertaken in 1994?
- (2) When was it completed?
- (3) What were the recommendations of this review?
- (4) Who conducted the review?
- (5) What decisions have been taken with regard to implementing the recommendations of the review?
- (6) Has the private archives area of the Battye Library received any more resources and enhanced status as a result of the implementation of any of the recommendations of the review?
- (7) If so, what are these additional resources and how has it impacted upon the area's status?

Hon PETER FOSS replied:

- (1) During 1994 the Library and Information Service of Western Australia produced a document called "LISWA 2000 Change Agenda" which developed new programs, structures, change projects and other issues associated with improving the efficiency and effectiveness of the organisation.
- (2) The change agenda is ongoing.
- (3) Areas for change include new programs, a flatter and leaner management structure and a large number of improvement projects related to the Government's reform agenda and the board/LISWA's requirements to be more efficient and deliver better services.
- (4) The change agenda development was led by the CEO, the executive was closely involved and the CEO conducted workshops extensively with the staff. The board was also consulted and endorsed the resultant management improvement projects.
- (5) Implementation is ongoing. New programs have been endorsed by the board, executive management positions are currently being filled and projects are at various stages.
- (6) The Battye Library is now a program in its own right instead of being part of another. It will have a level 8 director devoted to the program where previously is shared a level 7 director. The director is part of the executive management group where previously the manager of Battye was not. Additional resources will be supplied and a special position created to look after services and collections associated with the paper, sound, film and photographic archives.
- (7) The Battye director is part of the executive management group. The library will have greater control over resources and decision making, and additional resources to deal with rare and precious materials. The program will have its own customer service council and operational plans as well as its own program statements presented to Parliament. The board and the LISWA CEO are well aware of the unique importance of this area and this has been one of the motivations for the change agenda.

LIQUOR LICENSING REPORT - MINISTER'S RESPONSE TABLING

160. Hon TOM STEPHENS to the Minister for Racing and Gaming:
When will the Minister be tabling his response to the report on liquor licensing in Western Australia?
Hon MAX EVANS replied:
As soon as practicable.

TAFE - INAPPROPRIATE NOTION

252. Hon JOHN HALDEN to the Minister for Education:
- (1) Has the Minister or the Education Department established an autonomous technical and further education commission in his term of office?
 - (2) If not, why not?
 - (3) If so -
 - (a) has the Minister ensured that TAFECOM has a responsive central administration structure to conduct overall research and planning, determine policy directions, provide a consultancy service, coordinate finances and plan capital works expenditure; and
 - (b) has the Minister established with TAFECOM a curriculum and research centre?

Hon N.F. MOORE replied:

- (1)-(3) Upon taking office I commissioned a review of the Education and Training portfolio which resulted in the Vickery report. With respect to TAFE, it is now clear that the picture has broadened to include private providers in an open, diverse and competitive training market, where TAFE colleges have to compete to retain their market share of training. In this context, the State Training Board has been established to articulate industry's needs of the training system and to develop annually a state training profile for my consideration. The Department of Training has been established as the State's training agency, to strategically manage the Government's investment and interest in the training system, including TAFE colleges. Because of policy developments here and nationally since 1993, the notion of TAFECOM in today's training environment is no longer appropriate.

TAFE - "SECOND CHANCE" EDUCATION, OPTIONS EXPANSION

256. Hon JOHN HALDEN to the Minister for Education:
- (1) Has the Minister or the Education Department expanded the options for those requiring "second chance" education at technical and further education in his term of office?
 - (2) If not, why not?
 - (3) If so, how has the Minister achieved this?
- Hon N.F. MOORE replied:
- (1) Yes.
 - (2) Not applicable.
 - (3) Provision of bridging and preparatory courses has been increased since 1992. Between 1992 and 1994 subject or module enrolments in these courses increased by over 35 per cent, from 34 199 to 46 459.

TAFE - AND HIGHER EDUCATION INSTITUTIONS, GREATER LIAISON

257. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or the Education Department provided greater liaison between technical and further education and all other higher education institutions to facilitate the transfer of credits and reduce duplication in training in his term of office?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes. The member is referred to "Your Guide to Advanced Standing for TAFE and University Students", a comprehensive profile of tertiary courses available to TAFE graduates with credit transfer arrangements attached. This guide was produced by the Department of Training jointly with the State's universities, and was launched earlier this year.
- (2) Not applicable.

TAFE - COMMUNITY PROGRAMS IN DEMAND, PROVIDED THROUGHOUT STATE

258. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or the Education Department ensured that community programs in areas of interest and demand are provided at technical and further education throughout the State in his term of office?
- (2) If not, why not?
- (3) If so, how has the Minister done this?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) The community adult education program is provided directly in response to community needs. Under the autonomous model of college management, each college will have greater local responsibility for developing and promoting these courses in their communities, particularly in regional areas.

EDUCATION - SCHOLARSHIPS, UNDERGRADUATE AND POSTGRADUATE, PROVIDED BY COMMERCE AND INDUSTRY

259. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister actively encouraged commerce and industry to provide undergraduate and postgraduate scholarships in his term of office?
- (2) If not, why not?
- (3) If so, how has the Minister achieved this?

Hon N.F. MOORE replied:

- (1) No.
- (2) The Minister is supportive of scholarships being provided by commerce and industry. Ways of achieving this are under consideration in the context of a universities foundation.
- (3) Not applicable.

**RESEARCH - WESTERN AUSTRALIAN RESEARCH AND DEVELOPMENT
FUND, GRANTS FOR POSTGRADUATE STUDENTS**

260. Hon JOHN HALDEN to the Minister for Education:

(1) Has the Minister supported the development of a Western Australian research and development fund to provide research grants to postgraduate students in his term of office?

(2) If not, why not?

Hon N.F. MOORE replied:

(1) No.

(2) The Minister is positively disposed towards the provision of research grants for postgraduate students, but decisions on how this would occur are tied in with the establishment of a universities foundation which, with land endowments, is under active consideration.

**UNIVERSITIES - ENDOWMENT LANDS FOR MURDOCH, CURTIN AND
EDITH COWAN**

261. Hon JOHN HALDEN to the Minister for Education:

(1) Has the Government provided endowment lands for Murdoch, Curtin and Edith Cowan Universities to give these institutions the measure of financial independence enjoyed by the University of Western Australia in his term of office?

(2) If not, why not?

Hon N.F. MOORE replied:

(1) No.

(2) The provision of endowment lands - or some other form of endowment - for universities such as Murdoch, Curtin and Edith Cowan, is under active consideration.

**EDUCATION - STUDENTS WITH DIFFICULTIES AND SPECIFIC
LEARNING DIFFICULTIES**

"Kids Foundation" at a University Establishment

263. Hon JOHN HALDEN to the Minister for Education:

(1) Has the Government established the "Kids Foundation" at one of the State's universities to undertake and coordinate research in specific learning disabilities, provide assistance in the early detection programs, train teachers and generally coordinate all initiatives into addressing the needs of children with specific learning disabilities?

(2) If not, why not?

Hon N.F. MOORE replied:

(1) No.

(2) In late 1992-93 a review of the overall needs and priorities for the education of students with disabilities and specific learning difficulties was undertaken by a task force, chaired by Dr Ruth Shean. The task force made a number of recommendations which have been implemented or are in the process of being implemented.

**EDUCATION - TERTIARY INSTITUTIONS, COURSES MARKETING
OVERSEAS**

264. Hon JOHN HALDEN to the Minister for Education:

(1) Has the Minister continued to encourage the tertiary institutions to market their courses in overseas countries?

- (2) If not, why not?
- (3) If so, how has the Minister achieved this?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) The Minister has encouraged the marketing of tertiary courses and other educational services overseas through providing support or encouragement for visits by delegations from overseas countries such as Vietnam, China and Japan, and for visits to overseas countries such as the forthcoming trip by Hon Derrick Tomlinson to Vietnam. At government level, a memorandum of understanding has been signed between Vietnam's Ministry of Education and Training and Western Australia's Education and Training portfolio. A review of international education in the State has been undertaken by a ministerial committee, chaired by George Strickland MLA. The report is expected at the end of March 1995.

WESTERN AUSTRALIAN HIGHER EDUCATION COUNCIL - OPERATIONS

265. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or the Education Department utilised the Western Australian Higher Education Council as the vehicle for overall industry, commercial and community input into tertiary education, the coordination of resources between the universities and the provision of advice to the Minister?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) The Western Australian Higher Education Council is the forum through which issues relevant to the operation and development of the universities can be reviewed in the light of the needs of the State - with input from the other education/training sectors, commerce and trade - and through which advice can be provided to the Minister.
- (2) Not relevant.

WESTERN AUSTRALIAN HIGHER EDUCATION COUNCIL - OFFICE OF HIGHER EDUCATION, SERVICES

266. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Government placed the Office of Higher Education in the Department of Educational Services to service the Western Australian Higher Education Council and provide the Minister with research and policy information?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) The Western Australian Office of Higher Education was redesignated the Education Policy and Coordination Bureau on 23 November 1993. While it continues to service the Western Australian Higher Education Council, the bureau's role is to provide objective and independent advice to the Minister on strategic issues and policy settings in education and training, particularly cross-portfolio initiatives directed towards the development of an enhanced education and training system for Western Australia.
- (2) Not relevant.

**EDUCATION - ABORIGINAL HERITAGE AND CULTURE UNITS IN
TEACHING QUALIFICATION COURSES, TERTIARY INSTITUTIONS
ENCOURAGEMENT**

309. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or the Education Department encouraged all tertiary institutions to include compulsory units on Aboriginal heritage and culture in all teaching qualification courses in his term of office?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes. This has occurred in the context of monitoring the implementation of the Royal Commission into Aboriginal Deaths in Custody.
- (2) Not applicable.

**EDUCATION - ABORIGINES, PARTICIPATION IN FURTHER EDUCATION
AND TRAINING COURSES**

314. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or the Education Department encouraged Aborigines, particularly the mature aged, to participate in further education and training courses?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) The Department of Training is committed to the provision of quality programs which meet the needs of Aboriginal people and communities. To date in 1995, the department provided funding for 2 870 full time student places for Aboriginal students to 29 different training providers across the State, including Aboriginal community based providers, TAFE and independent colleges. Courses range from basic literacy and numeracy to nationally accredited award courses, providing linkages for Aboriginal people to employment and/or further education and training. While students' ages range from 16 to the mid 60s, the majority are within the 23 to 35 year age bracket.

The following interstate cooperative projects have also been successfully negotiated with ANTA -

The Borders Wiya project provides education and training in a culturally appropriate context to 18 full time students from the Pitjantjatjara peoples of the Northern Territory, South Australia and Western Australia.

The Aboriginal tourism and conservation project currently delivers training to 22 full time students at One Arm Point and Karijini.

A total of \$7.8m has been allocated in 1994-95 to a range of capital projects primarily in support of programs to meet Aboriginal needs. The major initiatives include -

New training facilities at Kununurra

New Aboriginal adult education centre at Karrayili

New training facilities at Halls Creek

A new adult education facility on the Western Australian Ngaanyatjarra lands, associated with the Borders project

New facilities at Mulan, Bililuna and Balgo Hills

The upgrading of Pundulmurra College to an independent college

under the Colleges Act and the upgrading of facilities at the college.

- (2) Not applicable.

TAFE - KIMBERLEY BRANCHES FOR ABORIGINAL COMMUNITIES

315. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or the Education Department investigated the possibility of providing technical and further education branches in the Kimberley and other remote areas where significant Aboriginal communities are presently denied the opportunity to upgrade their education and/or work skills?
- (2) If not, why not?
- (3) If yes, would the Minister provide details, including the location?

Hon N.F. MOORE replied:

- (1) Since 1993, there have been substantial developments in the Kimberley region in vocational education and training. I am surprised the member is unaware of these significant developments in a part of the State which was largely ignored by the previous Labor Government.
- (2) Not applicable.
- (3) The establishment of the Kimberley regional college with its administrative centre at Kununurra, and a proposed major campus at Broome. Other centres are progressively being established or upgraded in locations throughout the region, including Derby, Fitzroy Crossing, and Wyndham.

New \$2.4m training facilities at Kununurra

A new \$0.9m facility at Halls Creek

A new \$0.5m adult education facility at Karrayili in 1994

New training facilities established under a joint venture agreement with the Catholic Education Office at Bililuna, Mulan and Balgo Hills.

MINISTERIAL PORTFOLIOS - NAME CHANGES OF DEPARTMENTS, AGENCIES OR BODIES

333. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) Would the Minister for Community Development please list -
- (a) the current name; and
- (b) the previous name,
- of any department, agency or body within your portfolio area which has had a change of name since January 1993?
- (2) On what date was the name change effected for each of these departments, agencies or bodies referred to in part (1) above?
- (3) What was the total cost to the Government of each of these name changes?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- (1)-(3) Not applicable.

MINISTERIAL PORTFOLIOS - ENERGY BILLS FOR DEPARTMENTS AND AGENCIES

350. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) What was the total energy bill for each department or agency operating within the Minister for Community Development's portfolio area for 1993-94?
- (2) What is the estimated total cost for the supply of energy to each department or agency operating within your portfolio area for the current financial year?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- (1) \$922 783.13.
- (2) \$800 000.

MINISTERIAL PORTFOLIOS - OFFICE ACCOMMODATION LEASED FOR DEPARTMENTS AND AGENCIES

367. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) What was the total cost for the office accommodation leased for each department or agency within the Minister for Community Development's portfolio area for 1993-94?
- (2) What are the estimates for costs associated with leased office accommodation for those same departments or agencies for the current financial year?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- (1) \$1 724 350.
- (2) \$1 922 000.

CLONTARF ORPHANAGE - GENERAL CORRESPONDENCE, FOLIOS 279-298 TABLING

391. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Community Development:

- (1) Will the Minister for Community Development table folios 279 to 298 inclusive of SAWA ACC1031 AN 145/1 1405/22, Clontarf Orphanage general correspondence, which holds correspondence written between 24 October 1940 and 19 March 1941?
- (2) If not, why not?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- (1)-(2) Release of the content of the folios referred to is subject to legal opinion because of the inclusion of names of boys resident at Clontarf Orphanage at the time, so the Minister is not currently in a position to table those documents.

LAND - PEEL ESTATE LOT 796, PORT KENNEDY, REZONED URBAN
Sold to LandCorp; Funds for Port Kennedy Scientific Park

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

- (1) Has the northwestern corner of Peel Estate Lot 796, Port Kennedy, been rezoned to urban?

- (2) If yes, was this land purchased originally for parks and recreation with funds obtained from the Metropolitan region improvement fund?
- (3) Has this land been sold to LandCorp?
- (4) If yes, for what sum?
- (5) Will the funds obtained from this sale be used to enhance the Port Kennedy scientific park?

Hon PETER FOSS replied:

- (1) Yes.
- (2) No. Lot 796 was originally purchased for "Special uses - Port Kennedy" in October 1980 on a terms repayment basis with funding provided from the metropolitan improvement fund.
- (3) No.
- (4)-(5) Not applicable.

**CABLE SANDS PTY LTD - D'ENTRECASTEAUX NATIONAL PARK,
MINING APPLICATION**

410. Hon J.A. SCOTT to the Minister for Lands:

- (1) Is the Minister considering an application from Cable Sands for permission to mine in the D'Entrecasteaux national park?
- (2) If yes, how much of the national park will be affected?
- (3) Is the Minister aware that Cable Sands has failed to rehabilitate its former minesite at Minninup beach to a satisfactory standard and that much of the vegetation they planted has died?
- (4) If yes, is the Minister concerned about letting this company into D'Entrecasteaux national park?
- (5) Is Cable Sands a wholly owned subsidiary of the Japanese chemical company Nisho Iwai?

Hon GEORGE CASH replied:

- (1) No.
- (2) Not applicable.
- (3) The rehabilitation of Minninup beach minesite was considered by the Department of Environmental Protection to be satisfactory in summer 1994, based on monitoring reports and regular site visits.
- (4) Not applicable.
- (5) Yes.

PORT KENNEDY SCIENTIFIC PARK - A CLASS RESERVE DECLARATION

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

I refer the Minister to question on notice 1707 of 1 December 1994 -

- (1) When will the Government declare the Port Kennedy scientific park as an A class reserve?
- (2) What role is there for conservation and recreation use in an A class reserve?
- (3) Did the coalition parties, in opposition, promise that a Port Kennedy scientific park would be an A class reserve?
- (4) If no, why is the Government now going to declare Port Kennedy scientific park an A class reserve?

- (5) Did the proponents of the Port Kennedy development make a commitment to set aside 18.8 hectares of Port Kennedy to be a conservation zone?
- (6) If yes, is this the same as an A class reserve?

Hon PETER FOSS replied:

- (1) After ministerial project approval, and following a survey of the area, the A class reserve will be created under section 8(2)(e) of the Port Kennedy Development Agreement Act 1992.
- (2) The role for conservation and recreation will depend on the purpose of an A class reserve.
- (3) No.
- (4) To satisfy the Act.
- (5)-(6) Yes.

LIBRARY AND INFORMATION SERVICE - BOOKS ON CASSETTE TAPES, CDS, CD-ROMS FOR PUBLIC LIBRARIES

435. Hon TOM STEPHENS to the Minister for the Arts:

- (1) Does the Library Board of Western Australia include within the stock provided to public libraries -
 - (a) books on cassette tapes;
 - (b) audio material on CD; and
 - (c) CD-ROM material?
- (2) If yes, what number of articles have been made available to public libraries in Western Australia by the Library Board within each of the categories above?
- (3) What funds were expended by the Library Board in 1993-94 for items in each category above?
- (4) What funds have been allocated by the Library Board for 1994-95 for items in each category above?

Hon PETER FOSS replied:

- (1) (a) Yes
(b)-(c) No.
- (2) Approximately 135 000 books on cassette tapes are available in the statewide stock but this is constantly changing as items are added and deleted.
- (3) In 1993-94 \$462 253 was expended on books on cassette tapes by the Library Board.
- (4) In 1994-95 \$520 000 has been allocated for books on cassette tapes.

LIBRARY AND INFORMATION SERVICE - NEW BOOK STOCK, FUNDING; DEMAND FOR STOCK STATISTICS

436. Hon TOM STEPHENS to the Minister for the Arts:

- (1) What funds were expended by the Library Board in 1993-94 for new book stock?
- (2) What funds have been allocated by the Library Board for 1994-95 for new book stock?
- (3) What statistics does the Library Board of Western Australia have available to it to indicate -
 - (a) current demand for stock from Western Australia's public libraries; and

- (b) current annual growth in demand for stock from Western Australia's public libraries?

Hon PETER FOSS replied:

- (1) In 1993-94 \$7 219 779 was expended by the Library Board on new book stock of which \$6 057 000 was expended on public library stock.
- (2) In 1994-95 \$7 724 000 has been allocated by the Library Board for new book stock, of which \$6 557 000 has been allocated for public libraries.
- (3) (a) The Library Board annually gathers data from the local government authorities and public libraries which is used to produce a statistical bulletin for public libraries in Western Australia. Current demand is also demonstrated through continuous consultation with public librarians and local government.
- (b) The Library Board regularly surveys local government authorities as to their projected needs for new and expanded public libraries. On the information collected in 1993 we have developed projected bookstock figures for 1994-95 and the two out years.

MINISTERIAL PORTFOLIOS - ELECTRICITY AND GAS EXPENDITURE FOR DEPARTMENTS AND AGENCIES

444. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) What was the total expenditure on the supply of -
- (a) electricity; and
- (b) gas,
- for each department or agency within the Minister for Community Development's current portfolio areas for each of the following years -
- (i) 1992-93;
- (ii) 1993-94; and
- (iii) 1994-95 (Budget estimate)?
- (2) What part of this expenditure in each of the years mentioned above was for energy bills other than with SECWA?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- | | | | |
|-----|-------|--|----------------|
| (1) | (i) | Power, water, sewerage and drainage
(Breakdown not available) | \$1 266 597.45 |
| | (ii) | Electricity and gas | \$922 783.13 |
| | (iii) | Electricity and gas | \$800 000.00 |
| (2) | | None. | |

MINISTERIAL PORTFOLIOS - WATER COST FOR DEPARTMENTS AND AGENCIES

478. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

For each department or agency within the Minister for Community Development's portfolio area -

- (1) What was the cost for the supply of water for each of the following years -
- (a) 1992-93;

- (b) 1993-94; and
- (c) 1994-95 (Budget estimate)?
- (2) What part of this expenditure in each of the years above was for water bills other than from the Western Australian Water Authority?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

- | | | | |
|-----|-----|--|----------------|
| (1) | (a) | Power, water, sewerage and drainage
(Breakdown not available) | \$1 266 597.45 |
| | (b) | Water, sewerage and drainage | \$68 493.36 |
| | (c) | Water, sewerage and drainage | \$180 000.00 |

- (2) All expenditure to Western Australian Water Authority.

WATER RESOURCES - METROPLAN, INQUIRIES INTO PROJECTED POPULATION AND ADEQUATE WATER SUPPLY

547. Hon N.D. GRIFFITHS to the Minister for Water Resources:

- (1) What investigations, and by whom and at what cost, have been carried out in the last two years to determine if the proposal and projected population planned in the corridor extended plan (Metroplan) can be economically serviced with an adequate supply of potable water?
- (2) Who carried out the investigations?
- (3) In each case what was the cost to the Government?

Hon PETER FOSS replied:

- (1) The Perth water future study, the report of which is currently being finalised for formal assessment by the Environmental Protection Authority.
- (2) The Water Authority of Western Australia.
- (3) \$400 000.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - "SAAP - CRISIS SERVICES - NEW DIRECTIONS FOR WESTERN AUSTRALIA", COST

573. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Community Development:

- (1) What was the total cost of the production and distribution of the document entitled "SAAP - Crisis Services - New Directions for Western Australia"?
- (2) What was the cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?
- (5) By whom was it distributed?
- (6) Who printed the document?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

- | | | |
|-----|-----------------------|------------|
| (1) | Design and production | \$5 748.00 |
| | Printing | \$1 900.00 |
| | Distribution | \$352.25 |
| | | \$8 000.25 |
| (2) | Design and production | \$5 748.00 |
| | Printing | \$1 900.00 |
| | | \$7 648.00 |

- (3) \$352.25.
- (4) SAAP agencies
Youth social justice strategy (Burdekin funded) agencies
Relevant state government departments
Relevant commonwealth government departments
All metropolitan local government authorities
Relevant country local government authorities
Members of Parliament
Department for Community Development district offices
Relevant non-government organisations
58 other individuals or organisations on request.
- (5) The Department for Community Development distributed the brochures through Australia Post and Mailwest.
- (6) Lamb Print.

**GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY
OR PARTLY PRIVATISED**

581. Hon N.D. GRIFFITHS to the Minister for Sport and Recreation:
With respect to the Minister's department and each of the bodies administered within that department -
- (1) What functions have been wholly or partly privatised since 16 December 1994?
 - (2) As a result of that, how many full time equivalents have left the public sector?
- Hon N.F. MOORE replied:
- (1) None.
 - (2) Not applicable.

**GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY
OR PARTLY PRIVATISED**

582. Hon N.D. GRIFFITHS to the Minister for Finance:
With respect to the Minister's department and each of the bodies administered within that department -
- (1) What functions have been wholly or partly privatised since 16 December 1994?
 - (2) As a result of that, how many full time equivalents have left the public sector?
- Hon MAX EVANS replied:
- State Taxation Department -
- (1) Nil.
 - (2) Not applicable.
- Valuer General's Office -
- (1) Nil.
 - (2) Not applicable.

**GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY
OR PARTLY PRIVATISED**

583. Hon N.D. GRIFFITHS to the Minister for Racing and Gaming:
With respect to the Minister's department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon MAX EVANS replied:

- (1) Office of Racing and Gaming - a one month trial of 'help desk' services for information technology is contracted to a private sector firm to assess the suitability of contracting this function out to the private sector.

Bodies administered within the Office of Racing and Gaming -

Gaming Commission	Nil
Betting Control Board	Nil
Racecourse Development Trust	Nil
Racing Penalties Appeal Tribunal	Nil

- (2) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY OR PARTLY PRIVATISED

586. Hon N.D. GRIFFITHS to the Minister for the Arts:

With respect to the Minister's department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

- (1) The Department for the Arts has devolved responsibility for a number of programs to non-government agencies. Examples include responsibility for the Basle artists exchange program to the Artist's Foundation and performing arts touring in regional WA to country arts.
- (2) As a result of devolving some programs and an organisational restructure the department's FTE establishment has been reduced from 34 to 32.

GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY OR PARTLY PRIVATISED

587. Hon N.D. GRIFFITHS to the Minister for Fair Trading:

With respect to the Minister's department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

- (1) None.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY OR PARTLY PRIVATISED

605. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Community Development:

With respect to the Minister for Community Development's department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

- (1) Fleet management.
- (2) None.

GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY OR PARTLY PRIVATISED

606. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for the Family:

With respect to the Minister for the Family's department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for the Family -

- (1) Fleet management.
- (2) None.

GOVERNMENT DEPARTMENTS AND AGENCIES - FUNCTIONS WHOLLY OR PARTLY PRIVATISED

607. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Seniors:

With respect to the Minister for Seniors' department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Seniors -

- (1) None.
- (2) Not applicable.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - WOMEN'S REFUGES, FUNDING

619. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Community Development:

- (1) Which women's refugees received funding from the Department of Community Development?
- (2) In each case what funds were budgeted to be provided this financial year?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development; the Family -

(1)-(2) Women and children -

		\$
Armadale Gosnells women's refuge	Armadale	193 624
Ave Maria	Highgate	270 939
Eastern region women's refuge group	Midland	167 734
Emmaus	Bayswater	261 794
Esperance crisis accommodation service	Esperance	89 443
Finlayson House/Goldfields women's refuge	Kalgoorlie	198 489
Gawooleng Dawang	Kununurra	179 212
Great Southern shelter	Albany	167 410
Hedland women's refuge	Hedland	168 909
Karratha women's refuge	Karratha	168 689
Lucy Saw women's refuge	Rockingham	217 200
Marninwarntikura Fitzroy women's RC	Fitzroy	156 381
Marnju Jardu	Broome	171 481
Mary Smith night shelter	Bentley	257 607
Nardine women's refuge	Victoria Park	249 192
Narrogin women's refuge	Narrogin	145 642
Ngaringga Ngurra	Halls Creek	20 000
Onslow safe house	Onslow	107 744
Orana women's refuge	Maylands	271 543
Pat Thomas memorial community house	Mandurah	163 984
Patricia Giles Centre	Wanneroo	171 874
Salvation Army Byanda/Nunyarra	North Perth	301 613
South West women's refuge	Bunbury	174 785
Stirling women's refuge	Stirling	197 973
Warrawee	Fremantle	241 150
Waminda House	Northam	140 393
Wonthella House	Geraldton	184 326
Single women -		
Anawin	Perth city	197 204
Wynn Carr House	Fremantle	193 967
YMCA - Lone women's house	Scarborough	21 603
Zonta House	Mt Pleasant	337 767

TAFE - HEALTH CARE CONCESSIONS FOR FEES, CHANGES

621. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) What changes of entitlement to health care card holders to enrolment in vocational courses in TAFE have taken place since 16 February 1993?
- (2) In each case what is the date of such change?
- (3) In each case what is the reason for such change?

Hon N.F. MOORE replied:

- (1) Holders of health care cards are no longer eligible for concessions for the payment of TAFE tuition fees.
- (2) The change took effect from the commencement of the 1994 academic year.
- (3) Health care cards are issued by the commonwealth Department of Social Security to disadvantaged persons. However, students who are supported by their parents, but have no income from employment, are assessed as being eligible for the card. Colleges had observed that, once the exemption for health care card holders became known, it was relatively easy for most students to obtain the card and gain the exemption. Other holders of health care cards have not been disadvantaged by the change as they are covered by one or more of the following categories: Persons and

their dependants holding a health benefit card, pensioner concession card, veterans health benefits card, state concession card, recipients of Austudy, Abstudy, Jobsearch, or Newstart allowances, or additional family payment or special benefit. Persons receiving the youth training allowance, inmates of custodial institutions, and students enrolled in secondary institutions on a full time basis in the current or preceding year are also eligible for concessions. In addition, persons engaged in commonwealth labour market programs such as Jobtrain, and other students in bridging and preparatory courses, are exempt from tuition charges.

**GOVERNMENT DEPARTMENTS AND AGENCIES - HEALTH CARE
BENEFITS**

622. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Community Development:

What departments or agencies under the Minister for Community Development's responsibility provide health care benefits and in each case what are those benefits?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

It is unclear precisely what the member means by health care benefits. Could he please be more specific.

**GOVERNMENT DEPARTMENTS AND AGENCIES - HEALTH CARE
BENEFITS**

623. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for the Family:

What departments or agencies under the Minister for the Family's responsibility provide health care benefits and in each case what are those benefits?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for the Family -

It is unclear precisely what the member means by health care benefits. Could he please be more specific.

**GOVERNMENT DEPARTMENTS AND AGENCIES - HEALTH CARE
BENEFITS**

624. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Seniors:

What departments or agencies under the Minister for Seniors' responsibility provide health care benefits and in each case what are those benefits?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Seniors -

It is unclear precisely what the member means by health care benefits. Could he please be more specific.

**GOVERNMENT DEPARTMENTS AND AGENCIES - HEALTH CARE
BENEFITS**

625. Hon N.D. GRIFFITHS to the Minister for Employment and Training:

What departments or agencies under the Minister's responsibility provide health care benefits and in each case what are those benefits?

Hon N.F. MOORE replied:

The member is referred to the answer to question 621.

GOVERNMENT DEPARTMENTS AND AGENCIES - HEALTH CARE BENEFITS

626. Hon N.D. GRIFFITHS to the Minister for Sport and Recreation:
What departments or agencies under the Minister's responsibility provide health care benefits and in each case what are those benefits?

Hon N.F. MOORE replied:

The Recreation Camps and Reserves Board provides a 15 per cent concession on cottage accommodation charges for the holders of health care cards.

GOVERNMENT DEPARTMENTS AND AGENCIES - HEALTH CARE BENEFITS

628. Hon N.D. GRIFFITHS to the Minister for Water Resources:
What departments or agencies under the Minister's responsibility provide health care benefits and in each case what are those benefits?

Hon PETER FOSS replied:

The Water Authority does not provide any health care benefits.

**MINISTERIAL OFFICES - COMMUNITY DEVELOPMENT
*Maintenance and Operation Expenditure***

678. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) What has been the total expenditure incurred to 28 March 1995 in the maintenance and operation of the Minister for Community Development's ministerial office since February 1993?
- (2) What is the breakdown of that expenditure?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

- (1) Total ministerial office expenditure (excluding salaries) -

February-June 1993	\$232 330
1993-94	\$142 235
June 1994-28 March 1995	\$96 524

- (2) It is unclear what information is sought by this question.

NB: Maintenance - Figures for Minister's office cannot be separated as BMA maintenance for 189 Royal Street includes Minister's office. This expenditure would be minimal as it would only include faults and breakdowns.

MOTOR VEHICLES - COMMUNITY DEVELOPMENT; FAMILY DEPARTMENTS OR AGENCIES

695. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) How many vehicles are currently in use within each department or agency within the Minister for Community Development's portfolio area?
- (2) What details are available about the type of vehicle fleet maintained by each department or agency within the Minister's portfolio area?
- (3) What positions within each department and agency have vehicles provided to the position occupant?
- (4) What is the monthly cost to each department and agency within the Minister's portfolio for operating and maintaining its vehicle fleet?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

- (1) 284 vehicles.
- (2) Details available are: Registration number, make, model, body type, 2 or 4 wheel drive, fuel, transmission, air-conditioning, purchase date, replacement date, location, mileage, maintenance costs, insurance costs, cost of vehicle, FBT reporting, etc.
- (3) Director General
Contributing members of the state government executive vehicle scheme.
- (4) Lease costs - \$64 000 per month approximately
Operational costs - \$77 000 per month approximately.

EDUCATION - OFFICE OF NON-GOVERNMENT EDUCATION ESTABLISHMENT

772. Hon JOHN HALDEN to the Minister for Education:

- (1) Has an office of non-government education been established to take on the functions relating to non-government education that are/were handled by the Office of Education and Training and the Ministry of Education?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.

SCHOOLS - COUNTRY HIGH SCHOOLS HOSTELS AUTHORITY *Responsibility*

773. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Country High Schools Hostels Authority continued as an independent statutory authority responsible for the management of residential colleges?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.

WATER AUTHORITY - HENKELL, JANA, EMPLOYMENT

991. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) When was Ms Jana Henkell engaged by the Western Australian Water Authority?
- (2) Was she engaged as -
 - (a) a full time employee; or
 - (b) a contract employee?
- (3) What are Ms Henkell's qualifications?
- (4) What work experience has Ms Henkell in the water supply industry?
- (5) What are Ms Henkell's conditions of employment with respect to the -
 - (a) term of contract;
 - (b) hours worked per week;
 - (c) rate per hour paid; and

(d) redundancy package available?

Hon PETER FOSS replied:

- (1) 16 July 1993.
- (2) Contract employee.
- (3) Diploma of Civil Engineering.
- (4) Two years and four months as a draftsman putting drawings of water and sewerage mains onto facility mapping system; 11 years and six months sewerage and drainage design experience.
- (5)
 - (a) 28 April 1995
 - (b) 39.4 hours per week on average
 - (c) \$11.99 plus shift allowances as per award
 - (d) No.

WATER AUTHORITY - SAXBY, BEN, RETIREMENT AND EMPLOYMENT

992. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) Can the Minister inform the House, the date of retirement from the Western Australian Water Authority of employee Mr Ben Saxby?
- (2) Did Mr Saxby take voluntary redundancy?
- (3) What was the amount of redundancy paid?
- (4) When was Mr Saxby re-employed by WAWA?
- (5) Was he re-employed as a full time employee?
- (6) Was he re-employed on contract?
- (7) If yes, to part (6) above -
 - (a) what are the hours per week worked by Mr Saxby;
 - (b) what is the hourly rate of pay paid to Mr Saxby; and
 - (c) is any redundancy package payable?

Hon PETER FOSS replied:

- (1) 19 July 1991.
- (2) No.
- (3) Not applicable - see (2) above.
- (4) 1 March 1995.
- (5)-(6) Yes.
- (7)
 - (a) 39.4 hours per week on average
 - (b) \$14.12 plus shift allowances as per award
 - (c) No.

WATER AUTHORITY - CLARKSON, PETER, EMPLOYMENT

993. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) Can the Minister inform the House when Mr Peter Clarkson ceased employment with the Western Australian Water Authority?
- (2) Can the Minister confirm that Mr Clarkson took a voluntary redundancy package from WAWA?
- (3) What was the amount of redundancy paid?
- (4) On what date was Mr Clarkson re-employed by WAWA?
- (5) Was he re-employed -
 - (a) as a full time employee; or

- (b) on contract?
- (6) Would the Minister inform the House of Mr Clarkson's -
 - (a) duties;
 - (b) hours worked per week;
 - (c) hourly rate of pay; and
 - (d) redundancy package?

Hon PETER FOSS replied:

- (1) 1 July 1987.
- (2) Yes.
- (3) As per the general order applicable at the time; that is -
Two weeks' pay for each year of service - maximum 45 weeks
Accumulated annual and long service leave
Pro rata annual and long service leave.
- (4) Mr Clarkson has not been re-employed by the Water Authority.
- (5)-(6) Not applicable - see (4) above.

WATER AUTHORITY - LIM, DANNY, EMPLOYMENT

995. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) Can the Minister confirm to the House, the date of employment by the Western Australian Water Authority of Mr Danny Lim?
- (2) Can the Minister inform the House of Mr Lim's duties?
- (3) What skills are required for the position occupied by Mr Lim?
- (4) What is the term of Mr Lim's contract, if applicable?
- (5) What hours per week are worked by Mr Lim?
- (6) What rate per hour is payable to Mr Lim?
- (7) Is there a redundancy package available to Mr Lim?

Hon PETER FOSS replied:

- (1) 31 October 1992.
- (2) Clerk, Systems Operations.
- (3) Clerical.
- (4) Permanent employee.
- (5) 37.5 hours per week.
- (6) \$12.33.
- (7) Yes - under the conditions applicable to all public servants.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL TRAINING, OFFICE OF - LEGAL ADVICE FROM CROWN SOLICITOR'S OFFICE

71. Hon JOHN HALDEN to the Minister for Education:

I refer to the apparent conflict between the Minister's version of the legal advice received from the Crown Solicitor's Office on the Office of Industrial Training and that which I tabled on the same matter.

The PRESIDENT: Order! We have not adjourned the House. We interrupted that debate for the purpose of taking questions without notice. The Leader of the

Opposition is endeavouring to ask a question without notice. I suggest that everybody else postpone their business.

Hon JOHN HALDEN: Is it the Minister's intention to clarify this situation and make a statement to the House? If so, when does he intend to make that statement?

Hon N.F. MOORE replied:

Since the question was asked last week I have done some research into this matter. I draw the attention of the House to something which I did not notice at the time of the member asking the question and tabling the document; that is, the document Hon John Halden tabled had written on every page in very large print the word "draft". It was a draft document.

Hon John Halden: That is what I called it.

Hon N.F. MOORE: Hon John Halden gave me to believe that it was a final opinion provided by the Crown Solicitor to the Department of Training. Hon John Halden tabled a draft opinion which was provided to staff of the Department of Training who were looking at this issue. They then raised with the Crown Solicitor's Office a number of issues that they believed the draft report did not deal with. As a consequence of further negotiations and considerations of the issues at stake the Crown Solicitor's Office wrote to the chief executive officer on 20 March 1995 with its final opinion, which does not use the word draft, and which I do not intend to table because it is not appropriate that opinions of the Crown Solicitor be tabled. The document tabled by the Leader of the Opposition was a draft; it had "draft" written all over it. The final version of that opinion is as I said it was; that is, it gives the go ahead to carry out the course of action planned by the department.

STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY - STATE TRAINING BOARD, LEGISLATION

72. Hon JOHN HALDEN to the Minister for Education:

In view of the Minister's answer to the previous question, does he believe there is no need to introduce legislation to regulate the position of the State Employment and Skills Development Authority, the State Training Board and the current activities of the Office of Industrial Training?

Hon N.F. MOORE replied:

I ask for that question to be placed on notice.

Hon John Halden: I thought you might. That shoots a hole in that story.

Hon N.F. MOORE: I assumed Hon John Halden would ask me a question about the previous answer, but he asked about legislation on SESDA and the State Training Board. I have said that the Government will introduce legislation this year for a new vocational education and training system. That will include the establishment of the State Training Board, and a clarification of the relationships between the various organisations and training.

Hon John Halden: That is right, because it is illegal.

Hon N.F. MOORE: That is what will happen and the Government advised the member of that last year when he raised a number of issues on SESDA.

NATIVE TITLE - EXTINGUISHED FROM PERPETUAL LEASES

73. Hon B.K. DONALDSON to the Minister for Lands:

Is native title extinguished from perpetual lease lands, as in most cases these were released for returned soldiers to undertake farming pursuits?

Hon GEORGE CASH replied:

My understanding is that native title has been extinguished from perpetual leases,

basically for the reason that Hon Bruce Donaldson has stated; that is, the use to which the land has been put over a long period. A question similar to this was asked of me when I was in the office last week. I checked with the Department of Land Administration and it shares my view.

TEACHERS - PAY OFFER, TABLING

74. Hon JOHN HALDEN to the Minister for Education:

So far the Minister has been short on detail in outlining the Government's offer to school teachers. So that the House and, equally importantly, taxpayers will know what it is all about, will the Minister undertake to table before the House adjourns tonight the initial 5 per cent pay offer to teachers and the conditions on which it is made?

Hon N.F. MOORE replied:

I have already announced that the Government is prepared to make a pay offer to the State School Teachers Union and is prepared to sit down with the union and negotiate an enterprise agreement. That is what normally happens in industrial relations. There is nothing bizarre in that, as the Leader of the Opposition would have us believe. It is normal industrial relations practice for employers and employees to sit down and bargain to reach an agreement which is then registered by the Industrial Commission. To overcome the impasse that has developed in this dispute I have made an offer on the percentage pay increase that will be available in the event that an enterprise agreement can be negotiated. I have no intention of being specific about what may be negotiated; that is for negotiation. The Education Department and I have looked at ways and means in which we can ensure that the necessary trade-offs might be paid for, but I would prefer not to put those up in lights because people will say that that is the Government's final position. That would not be in the best interests of negotiations. I hope that the teachers' union will agree to sit down with the Education Department and begin negotiating an enterprise agreement. The Government is prepared to offer a 5 per cent pay rise to achieve that agreement. I cannot predict what might come out of the process of negotiation, but I expect that if we negotiate sensibly and positively in an environment where there is no confrontation we will achieve a very good outcome.

I have already made public the Government's position, and I have explained that position to anybody who has wanted to know. The conditions that relate to the offer are, firstly, that the bans currently in place need to be lifted. Secondly, that any forum-shopping, such as going to the federal Industrial Relations Commission for an award and also to the State system, is not tolerable. The union cannot go from one to the other and play one system off against the other. The union cannot negotiate in both the state and the commonwealth scenes. If the union wants to negotiate with the Government it must withdraw from its federal award application for the duration of any agreement that might be reached. Thirdly, the negotiations must be conducted in confidence. That is the way negotiations take place all the time. Obviously when a decision is made on a particular issue or on the whole package one would expect the union to go to its membership and ask whether they support the decision of the union to go down a particular path. At the end of the day the union membership will be made well and truly aware of what their union has negotiated.

ANDERSON, ROB - TRANSFER FROM HEALTHCARE LINEN

75. Hon J.A. SCOTT to the Minister assisting the Minister for Public Sector Management:

I refer the Minister to a letter to the Minister for Health dated 9 February 1995 tabled in the House on 30 March 1995 entitled "re Hospital Laundry Linen Service" in which the Minister discussed the case of Mr Rob Anderson of Healthcare Linen Service.

- (1) Who advised the Minister that Mr Rob Anderson was unhappy about the process of transferring him from a conflict of interest situation and felt concerned about his career prospects and intimidated by the actions of Mr Paul Solomon?
- (2) Who are Mr Anderson's backers whose confidence may have been undermined by his transfer? Was their confidence undermined because Mr Anderson had been moved away from a position of conflict of interest where he may have had access to tender information, thus giving them confidence their tender bid would be successful?
- (3) Is the Minister aware that under section 9 of the Public Sector Management Act a code of conduct provision No 9/1991 exists for the proper procedural processes for resolving potential conflicts of interest and appeal mechanisms if the outcomes of those processes are disagreed with? If yes, why did the Minister use his political office to seek to override or interfere with such processes, and has the Minister committed a breach of the Public Sector Management Act?

Hon GEORGE CASH replied:

- (1)-(3) In the time available to me I have not had the opportunity to research my records and, therefore, I am unable to provide an answer at this time. If the member wants an answer to the question, he is more than welcome to put it on notice.

TEACHERS - REMOTE SCHOOLS, MEETING AT FITZROY CROSSING

76. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister or his department organised a meeting at Fitzroy Crossing on 10 April which will be attended by teachers from the Kimberley and northern remote schools who will drive and/or fly to the meeting to discuss workplace agreements?
- (2) Has a similar meeting been organised in Kalgoorlie for 16 and 17 April, when teachers will drive or fly in from remote desert schools to discuss workplace agreements?
- (3) What is the estimated total cost of these extravagant meetings aimed at forcing teachers into workplace agreements?
- (4) How can the Minister justify the enormous cost and wasted teaching time in a department that is cash strapped and in which the Minister is demanding increased productivity?

Hon N.F. MOORE replied:

- (1)-(4) I am aware that the department is seeking to arrange meetings with staff from remote schools. I am not sure that the date 10 April is correct. When I had preliminary discussions with the department about this matter, I suggested that the most appropriate time to talk to the teachers would be during school holidays because most teachers from the remote areas will come to the metropolitan area then. I am not sure whether that is what will take place. I was adamant that having special meetings and flying people backwards and forwards for this purpose was not appropriate. I will check to ensure that what Hon John Halden suggests may happen, will not occur. With the school holidays at the end of next week it would be appropriate for negotiations to be held at that time.

The Government is making a worthwhile and beneficial offer to teachers in remote parts of Western Australia. As members who represent remote parts of Western Australia will know, some teachers in the central desert of Western Australia live in the most remote parts of the world, and they are isolated from the rest of the community. Up until now they have not

received the sorts of benefits to which they are entitled or which they deserve. The remote area teaching service, which will be established under the workplace agreement to be offered by the Government, is an opportunity for the Government to provide some assistance to those teachers in a way they have not received before.

Hon Tom Helm made an incorrect comment today that the Government had closed down schools. I assure members that to my knowledge that has not happened. There has been no reduction in the allocation of funding and staff to Aboriginal schools. The Government will offer to teachers in the remote parts of Western Australia the opportunity to be part of a workplace agreement which will apply to their membership of the remote teaching service. The other conditions of employment which they now enjoy will remain. The Government is endeavouring to provide them with some flexibility in their terms of employment, to provide additional benefits for working in those localities, and to provide real flexibility about when holidays can be taken to fit in with the needs of those communities. It is a sensible and practical package which needs to be discussed with the people involved. I hope those discussions will take place during the school holidays.

ROLLING STONES' CONCERT - PUBLIC TRANSPORT ARRANGEMENTS

77. Hon DERRICK TOMLINSON to the Minister for Transport:

- (1) Is the Minister old enough to remember a rock music group called the Rolling Stones?
- (2) Have any special public transport arrangements been put in place to cater for extra demand before and after the Rolling Stones' concert this Saturday?

Hon E.J. CHARLTON replied:

- (1) Yes. I do not know whether Hon Derrick Tomlinson is implying that because somebody is of a certain age, he would need special assistance other than public transport - perhaps a multipurpose taxi service!
- (2) A meeting was held today between Paul Gadenne, MetroBus and Westrail to deal with the expected number of people attending the concert. Some say that it may be as high as 40 000 people. I do not know how that many will fit into the venue. Ten articulated buses will be available to transport concert goers from Wellington Street station to the concert venue at Perry Lakes Stadium between 4.00 pm and 7.00 pm for a flat fee of \$1 a person. The same service will be available to return people to Wellington Street station after the concert from about 10.30 pm. From the city centre people can catch the train and other buses and taxis from the Wellington Street rank out to the suburbs. At the cessation of normal public transport, the normal Nightrider service is available; for a flat fee of \$5, passengers from the city or Northbridge may catch a bus to the suburbs where the bus links in with the taxi operators to take the passengers home. Since the introduction of the Nightrider service, an average of 100 people - and up to 300 - use the service each night on the weekends.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - LOGGING, COUPES G1-7, G1-8; 51 COUPES, FEDERAL BAN

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

I refer the Minister to his answers on 28 March 1995 in this House in which he supported the Department of Conservation and Land Management's decision to log two pristine coupes, G1-7 and G1-8, in the place of G1-6, an area licensed for woodchipping and with little conservation value.

- (1) Does he support CALM making unilateral decisions to swap coupes such

as these, which were on the register of the National Estate, with other coupes of low conservation value and licensed for woodchipping?

- (2) Does he suggest that it is perfectly appropriate for CALM to log coupes of high conservation value, ignoring others marked for woodchipping, whenever the department wishes?
- (3) Will the Minister assure the House that the 51 Western Australian coupes subject to federal woodchip export bans will not be subject to state logging operations, or is this to be left to CALM's discretion?

Hon PETER FOSS replied:

- (1)-(3) Hon John Cowdell misrepresents what I said. I indicated to the House that Hon John Cowdell's predecessors approved the logging of these coupes, because all logging in Western Australia is carried out pursuant to a forest management plan which, among other things, cannot be changed other than by the approval of this Parliament. Hon John Cowdell should know at least that. He should be aware that CALM operates according to a plan which is approved through public processes and can be changed only through the operations of Parliament. Hon John Cowdell also seems to be suggesting that these coupes are being logged for woodchips. Quite the contrary is the case: These coupes are logged for sawlogs. One of the reasons the coupe to which Hon John Cowdell refers was appropriate is that there was a shortage of sawlog and an excess of chiplog.

As I mentioned to Hon John Cowdell on 28 March, it was a particularly successful coupe because it had 67 per cent sawlog with almost one-half of it being grade one or better; that is, grade one veneer or premium logs. It is clear from that that to use the statement that the coupe is being logged for woodchips is a misrepresentation of the role of CALM. Hon John Cowdell should be aware that when one logs for sawlog, it is appropriate also that the residue and other parts which are not appropriate for sawlog be used for woodchips. That is good silvicultural practice. It is appropriate that CALM operate in accordance with the plan approved pursuant to the Conservation and Land Management Act.

I turn to the question of the 53 coupes which the Government applied for, and the 51 coupes which were not approved by the Federal Government. I will make a ministerial statement later on this matter.

Hon Graham Edwards: You're making it now.

Hon PETER FOSS: I have been asked a question, so I will answer it. These coupes were all subject to an agreement between CALM and the Australian Heritage Commission; an agreement which was put in place under Hon Barry Hodge and Hon Bob Pearce. It was hailed by persons such as Hon Ros Kelly, Senator Faulkner and Mr Paul Keating as an example for Australia of having the proper use of Western Australia's forests on a sustainable basis for timber and forestry. If coupes were of a high conservation value, it would be appropriate for a decision to be made on whether that type of forest was represented adequately in reserves.

Interestingly, all these coupes were determined under the AHC agreement to be sufficiently represented in reserves; in fact, it was the basis of the Western Australian forest plan that led to the national forest plan. The chief scientist indicated those coupes were suitable for release under category B, as they were adequately represented, but for some reason they were not released. We know the reason. We found that equivalent coupes in Victoria, in the federal seat of McMillan, were released. The reason was that the head of the caucus committee dealing with this saw his position as a marginal member being threatened if those coupes were not released. So this was decided not on the basis of whether they were representative on a proper statesmanlike basis but whether it would save

Mr Keating's skin and that of his marginal members. The unfortunate thing is that by refusing us the opportunity of using that for woodchips we have to find alternatives. We either have to find alternative coupes for the forestry workers in Australia, which will create a considerable difficulty with karri -

Hon E.J. Charlton: And the people who use the timber.

Hon PETER FOSS: - yes - or else we have to use those coupes and not woodchip them. We could log them, as that has been approved under the forest plan for Western Australia and under the Australian heritage agreement, which Senator Faulkner has said will be given full force and credit. However, if we had to log there it would not be the optimal silviculture practice, as it requires that we chip the residue. We would be extremely reluctant to do that. It would be somewhat bizarre that if by banning the chipping of this wood the Federal Government forced us into less than good silviculture practice. We may be forced into that. I hope not. We are having severe difficulties with karri in providing sufficient saw log, not chip log. Several of the other ones we provide have a higher chip log residue than the ones we had planned to do, but which it was indicated to us we could not. That would again be a problem, because it would give us more chip log and less saw log. Members will know that we are keen to have saw log. We will make certain that the workers of Western Australia can deal with the good government of Western Australia as opposed to the poor government coming from the Federal Government. We will try to give them availability. We face the problem that alternative coupes require alternative roading. We may not be able to get alternative roading into those other coupes if the weather breaks and we are prevented from doing it. We keep that as an option. It depends upon the Federal Government. If it forces us into logging those areas without chipping, it will be suboptimal. It has made a disgraceful political decision and totally dishonoured the agreement which had bipartisan support and was entered into by Hon Barry Hodge and Hon Bob Pearce.

The PRESIDENT: Order! The Minister should get to the end of his answer.

Hon John Halden: His ministerial statement!

Hon PETER FOSS: There will be one later. We will make certain that the timber workers of Western Australia are not abandoned for political reasons in the way they have been abandoned by Mr Keating.

ROADS - SPEED LIMITS ON DUAL CARRIAGEWAYS, METROPOLITAN AREA, INCREASE INQUIRY

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

Will the Minister undertake to have an investigation by Main Roads Western Australia to study speed limits on dual carriageways in the metropolitan area, to allow them to be raised from 70 kph to 80 kph where it is deemed safe to do so?

Hon E.J. CHARLTON replied:

This issue is very important and I will ensure that Main Roads carries that out. In fact I have a ministerial committee currently looking at traffic calming devices, which is part of road safety. When I receive its report from Hon Barbara Scott and have that information, that will be the appropriate time for Main Roads to look at other aspects of our road network. The increase in the speed limit from 90 kph to 100 kph on freeways was a 100 per cent success. On some roads in the metropolitan area increases could be allowed and on others there need to be decreases.

EASTON, BRIAN MAHON - PREMIER'S OFFICE INQUIRY

80. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:
Some considerable notice has been given of this question.

(1) Will the Leader of the House confirm that during 1993-94 employees of

the Premier's office were conducting a general investigation of Brian Mahon Easton, including allegations -

Hon George Cash: I refer you to question 1158, which is on notice.

Hon John Halden: I did not put it on notice.

Hon George Cash: Then question 1158 does not exist.

The PRESIDENT: Order!

Hon John Halden: There is another one.

The PRESIDENT: Order! If it is a question on notice the member cannot ask it without notice.

Hon A.J.G. MacTIERNAN: I did not put it on notice.

The PRESIDENT: Order! It is. I am failing to understand what is happening. If a member puts a question on notice that member cannot ask it without notice. The member knows if she put the question on notice. It starts to look as though someone else put it on notice for her without telling her. That is not allowed either.

Points of Order

Hon JOHN HALDEN: The member is suggesting that she did not put the question on notice, and nor did any member on this side of the House. Therefore, I believe it is legitimate for her to ask the question.

The PRESIDENT: Is the honourable member not capable of telling me? Why does she need to get the Leader of the Opposition to tell me?

Hon JOHN HALDEN: It is as legitimate for me to tell you as her.

The PRESIDENT: It is not.

Hon JOHN HALDEN: Why not?

The PRESIDENT: She is the one asking the question.

Hon JOHN HALDEN: That is my point of order.

The PRESIDENT: Is is not a point of order.

Hon JOHN HALDEN: It is quite legitimate for me to take the point of order.

The PRESIDENT: I am suggesting it is not.

Hon JOHN HALDEN: I am suggesting you are wrong.

The PRESIDENT: I am saying it is not. I asked the honourable member, quite erroneously obviously, as a response to the suggestion by the Leader of the House that the question was on notice, whether the question had been put on notice, and she said yes.

Hon JOHN HALDEN: She did not say yes.

Hon A.J.G. MacTIERNAN: Perhaps if I may clarify it.

The PRESIDENT: Wait until I finish. The honourable member said yes. In response to her saying yes I said that she could not ask the question without notice if it was on notice. She then sat down. I assume by that she is consenting that her yes meant it was on notice.

Hon A.J.G. MacTIERNAN: May I clarify this? It all depends on what is meant by a question on notice. As has been pointed out to me, the question appears on the Notice Paper, but it was not put on the Notice Paper by me or by any member on this side of the House. Last week when I asked this question of the Leader of the House, although I understand that he had an answer to the question, he asked that I put it on notice. I deliberately refused to do so, so that I could have the opportunity to have this very important matter aired in the House. That is why I

have attempted to ask the question again. The question certainly appears on the Notice Paper, but it was not put on notice by me or, as I understand it, by anyone on this side of the House.

Hon George Cash: It is question 1158.

Hon A.J.G. MacTIERNAN: That is where it appears, seemingly incorrectly, because I have not put a question on notice.

The PRESIDENT: The question on notice is in the member's name.

Hon Graham Edwards: So what?

The PRESIDENT: So what!

Hon A.J.G. MacTIERNAN: I am not denying that it is on the Notice Paper. I am saying that it is not on the paper as a result of any act of mine. Under those circumstances it does not constitute a question on notice.

The PRESIDENT: I think it does. There is no doubt that the question is on the Notice Paper and I took the member's word for it when she said, "Yes, it is." Having now seen it I will have to find out from the Clerks who handed in that question. It could not appear out of nowhere; somebody handed it in.

Hon A.J.G. MacTIERNAN: We had given the Leader of the House some notice of the question; therefore, copies of that question were circulated last week. It appears that one of them was handed in to be put on notice. It could have been done to assist Hansard.

The PRESIDENT: Order! With respect, that is not what happened. The fact of the matter is that the question is on notice. The member has the opportunity between now and 5.00 pm tomorrow to establish how the question got on the Notice Paper and whether she wants it on notice.

Hon A.J.G. MacTIERNAN: Perhaps I could short-circuit that and say that I do not want the question on notice; I want the opportunity to ask it now.

The PRESIDENT: Order! I am afraid I cannot let the member do that. I have to satisfy myself whether somebody has surreptitiously put the question on notice in the member's name, and that is a very serious offence. If I find that somebody else has put the question on notice on behalf of another member without that member's knowledge, I will have to take drastic action.

Hon A.J.G. MacTIERNAN: I am not suggesting that someone deliberately put the question on notice. What has happened is that copies of this question have been around and when the Leader of the House said to put it on notice, it has been put on notice without my authorisation.

The PRESIDENT: Order! We will not have a debate on this. Things are getting out of hand and I will not pursue it.

Hon JOHN HALDEN: I refer to the *Hansard* uncorrected proof for 30 March. Members will notice that on page viii the Leader of the House said that he noticed that part (5) of the question had been changed and if the member put it on notice he would respond when the information was available. I interjected and said, "We will ask you on Tuesday. You are not hiding down that road." My interjection was recorded in *Hansard*. I was looking at Hon Alannah MacTiernan when I interjected to instruct her not to put it on notice. Now the question is on notice.

The PRESIDENT: Order! I will get to the bottom of it.
