



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Wednesday, 11 March 1998

Legislative Council

Wednesday, 11 March 1998

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

URANIUM MINING INDUSTRY - PETITION

Hon Giz Watson presented the following petition bearing the signatures of 168 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned residents of Western Australia are concerned about the proposed establishment of a uranium mining industry in Western Australia and its associated health impacts on members of the community.

Your petitioners therefore humbly pray that the Legislative Council will investigate and evaluate the acceptability of a uranium industry measured against the known health hazards for workers in the uranium and associated industries, and on the residents of Western Australia, arising from the establishment of a large number of uranium mines in this state.

And your petitioners as in duty bound, will ever pray.

[See paper No 1415.]

AUDITOR GENERAL'S PUBLIC SECTOR PERFORMANCE REPORT No 8 OF 1997

Erratum

THE PRESIDENT (Hon George Cash): Due to a clerical error in the Auditor General's Public Sector Performance, Report No 8 of November 1997, I have been requested to have an erratum inserted in the report originally tabled in this House on 13 November 1997. I therefore seek the leave of the House for this to occur.

Leave granted. [See paper No 1416.]

KING EDWARD MEMORIAL AND PRINCESS MARGARET HOSPITAL ANNUAL REPORT 1996-97

Substitution of Pages

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.05 pm]: Due to a clerical error, I seek leave to substitute two pages of the King Edward Memorial and Princess Margaret Hospital Annual Report 1996-97 tabled yesterday. Pages from an earlier edition of the annual report were mistakenly inserted. The page numbers in question are 106 and 107.

Leave granted. [See paper No 1417.]

MINISTRY OF FAIR TRADING ANNUAL REPORT 1996-97

Substitution of Page

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.06 pm]: Due to a clerical error, I seek leave to replace page 27, subprogram 1.2 in the housing and real estate report in the Ministry of Fair Trading Annual Report 1996-97.

Leave granted. [See paper No 1418.]

LEGAL AID COMMISSION WA ANNUAL REPORT 1996-97

Insertion of Pages

HON PETER FOSS (East Metropolitan - Attorney General) [4.07 pm]: Due to a clerical error, I seek leave to insert pages 1 and 2 of the Legal Aid Commission WA Annual Report 1996-97, which were inadvertently omitted from the report tabled yesterday.

Leave granted. [See paper No 1419.]

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Salinity in Western Australia - Motion

Resumed from 27 November 1997 on the following motion -

That the House calls on the Standing Committee on Ecologically Sustainable Development to examine the salinity problems facing Western Australia and to report every three months on the Government's progress on implementing the State's salinity action plan.

HON CHRISTINE SHARP (South West) [4.08 pm]: I will conclude the comments I began on 27 November 1997. The Heisenberg physics principle of indeterminacy discovered by a German scientist states that when one observes atomic particles their behaviour changes. If that is true of atomic particles, it is even more true of politics.

When making my previous contribution I was sharing my concern about the administration and objectives of the salinity action plan and my distress about the lack of consultation with rural communities. I was therefore pleased that on 10 December the Chairman of the State Salinity Action Council, Mr Campbell, announced a complete review of the plan. He stated that the council wished to redraft the plan in the new year to ensure that it was driven by the community. I am greatly relieved to hear of that change in approach by the council.

I also congratulate the chairman for admitting - as he did at a forum we both attended at the CSIRO in Floreat Park a few weeks ago - that there had been problems in the administration of the plan during its first months of operation and that he was very keen to take on board better community ownership and participation. That is good news because, as I have told the House previously, the problems facing those in the south west as a result of salinity are enormous and the measures required to address its impact will demand an across the board community response over many years. It will not work unless we have community enthusiasm and passion and a sense that the problems are being solved at a community level.

The problems have not completely disappeared. Today's *The West Australian* contains a story about the Wooroloo Brook land conservation district committee and how the committee is still waiting for a promised cheque from the State Government for \$120 000 for the planting of 60 000 trees and for fencing and to produce a land care booklet. The delays are continuing, but I will accept the change in approach by Mr Campbell and the council as a good sign.

Mr Campbell spoke to me at the forum to which I referred and said he looked forward to a very cooperative relationship with the Ecologically Sustainable Development Committee in seeking the support of the Parliament in addressing salinity problems.

My speech touched on government accountability, particularly financial accountability, which Hon John Cowdell also touched upon when he moved this motion. I hope that the Standing Committee on Ecologically Sustainable Development will have a working relationship in the government initiative of the salinity action plan. I would like to see proper scrutiny so that the salinity action plan ensures consistency on the part of the Government. Several examples at the moment make one question whether there is an across the board consistency and coherence in the Government's approach to salinity and to the solutions that are necessary. For example, the Department of Conservation and Land Management is an active player in the salinity action plan. At the same time, CALM is logging intensively within the catchments of the Wellington and Harris River dams. Environmental conditions are placed upon forest management activities in the amelioration of possible impacts of salinity through logging. If sensitive catchments are logged there can be an increase in salinity in stream flow for up to 15 years after logging.

The Environmental Protection Authority of WA is at the moment reviewing whether those environmental conditions are being properly adhered to by the Department of Conservation and Land Management. On 1 and 2 April this year the Full Bench of the High Court of Australia will consider those environmental conditions relating to the prevention of salinity and impacts due to forest logging. It will be interesting to see whether those two august bodies determine whether the Department of Conservation and Land Management is consistent in its approach to salinity.

At the moment a plethora of drainage proposals are being considered in the wheatbelt. One of the ways to get rid of elevated water tables is to shift the water onto some other patch of land. Very often within the wheatbelt the site to which the water is directed is a nature reserve. Three-quarters of drainage proposals are not assessed and there is a move towards further deregulation of draining saline waters; for example, a \$1.2m proposal for National Heritage Trust funding to drain into the Coglinine River, which flows into Lake Dumbleyung. The nature conservation values of Lake Dumbleyung are well known. One must ask whether saline drainage is compatible with wetland protection in the wheatbelt.

I will address the issues of greenhouse policy, land clearance and the contribution of land clearing to Western Australia's greenhouse emissions. It is estimated that 22 per cent of WA's total greenhouse gas emissions are caused

by clearing agricultural land. At Kyoto, the Federal Government made its rather embarrassing attempt to argue that the Australian situation required special compensation internationally. In dealing with rehabilitation submissions and claiming an 8 per cent increase in our greenhouse gas emissions the Federal Government said that its main strategy for preventing emissions in other areas was to reduce land clearance and to promote tree planting. It is very important, if these kinds of land care management issues are a way of meeting greenhouse targets, that the Federal Government is prepared to fund them properly. It cannot on one hand call greenhouse emissions matters of national significance, and on the other hand expect everything to come out of the Telstra pot that everyone is fighting over.

With regard to land clearance and its contribution to greenhouse gases, the Environmental Protection Authority is worried that it is still being inundated with requests for land clearance in Western Australia at the moment. Some of those are requests to clear native vegetation in order to establish plantations. It seems ironic that for 10 years now the Environmental Protection Authority has had a policy in place which says that native vegetation should not be cleared to establish exotic plantations, whether overseas or eastern States species, yet there are still proposals for doing that.

Does the Government have a consistent approach to tackle this massive problem that is ahead of us? As Chairman of the Standing Committee on Ecologically Sustainable Development I will welcome the opportunity to look in greater depth at some of these issues and to report back to the Parliament on their progress, particularly because ecologically sustainable development is very much about solving the salinity problem and achieving ecologically sustainable development. Both concepts have to bring together disparate elements like nature conservation, wetlands management, farming practices, integration with agriculture, community involvement, new industries and community commitment. It will be a challenge to the committee, but one that the committee will enjoy and the committee will, I hope, undertake helpful work on behalf of the Parliament. I second this motion.

HON B.K. DONALDSON (Agricultural) [4.17 pm]: The issue of increased salinity in Western Australia is not new. It has been around for a long time - a lot longer than humans have walked on this earth. We have exacerbated the problem. Members opposite have spoken about the arrangements for clearing land in the early days of agricultural settlement. Many members will remember their fathers and probably their neighbours who had been around during the 1920s and 1930s telling them that fence to fence land clearing was mandatory. In fact, the financial assistance to farm and clear land was not payable until that occurred. That started a chain of circumstances. Many experts have said that salinity was around long before the advent of clearing, which has exacerbated that problem. If one flies over our State today one can see the contours of those old river and lake systems which were around a long time ago.

That does not negate the fact that, as a community, we need to look at this issue very seriously. I was interested to hear Hon Christine Sharp talk about the role of government in this matter. I read a report by Bronwen Kelly, I think from the *Albany Advertiser*, containing the comments of Peter Bridgewater, chief science adviser for Environment Australia, who attended a symposium in Albany. It stated -

Increased community responsibility is the key to combating the massive salinity crisis facing WA farmland, according to a leading Australian environmental expert.

He recognised quite clearly, as we all do, that it is not just a matter for farmers and the Government; the whole community has a responsibility in this area. Many members will be aware that some of the townships were built in strange places, perhaps in a valley to be close to the railway line and so on. I understand factors were involved such as the distance between stagecoach stops, so that fresh horses could be used. For whatever reason, many country towns are now facing a huge salinity problem which is threatening their recreational areas and affecting home sites. The salinity level has risen and is affecting mortar and bricks. It is a major concern. From that point of view, there has been a complete mind change during the past few years, and I give credit to some of the younger farmers who are far more switched on about the role of conservation in agricultural land. Of course, it may have been forced upon them by circumstances and the increase in salinity in recent years. The newspaper article to which I referred continued -

His comments came in the wake of CALM executive director Syd Shea's warning this week that the salinisation in Western Australia was at disastrous levels which no amount of Government money would be able to fix.

"I think that is absolutely true," Mr Bridgewater said.

"There is not enough money to solve all our conservation related problems.

He was also reported as saying -

"Because of the way things have happened here people tend to think of conservation as a Government responsibility."

To some extent that is true. The Government can assist with programs and allocate money to solve them but at the end of the day much more is needed. Over the years scientists, environmentalists and members of the community have looked at different ways of dealing with the magnitude of the increase in salinity which is a matter of great concern.

I had one of the war settlers' properties in Mt Barker at Lake Poorrarecup. It included a hill with all the valley floor. There were 400 acres of well wooded forest of white gum. With the advent of the land clearing bans, we were not allowed to clear it and were compensated for that. I was very pleased when I looked at the property because during the early part of production of that property, before we bought it, the then Public Works Department had put down a number of bores. Water was oozing from these bores into a small channel that ran into the top of the Kent River catchment system. That protected our valley floor but I was concerned one day, when standing at the top of the hill in front of the shearing shed, to see a funny colour on the ground. My next door neighbour, who had been a farmer there for many years, said it was a salt water pressure point. I was surprised that that should occur at the top of the hill. Although we were irate and were ready to move in the bulldozers to clear the 400 acres, we were stopped from doing so. I now recognise that if we had cleared that, it would have exacerbated the problem and we could have lost the whole valley floor rather than the small section at the lower end where the pressure was relieved by the bores.

I realised then that problems such as this can occur even in high rainfall areas. I was quite surprised. We went to that area in 1976, the worst year during a period of drought. We had 5 500 starving sheep in the middle of July, so we decided to buy a property that had feed. That area used to have 32 inches of rainfall a year, but after we bought the property the rainfall decreased each year. My brother-in-law and I, who were partners in the business, were seen in a bad light by the local farmers because they thought we had brought the drought from the wheatbelt to a very good wool growing area. Because of the diminishing rainfall the salt did not leach away as consistently as it had previously. There was a great deal of parkland and cleared land. A large area of bush remained, and the clearing bans took care of that. On reflection, it was just as well that happened because otherwise that Poorrarecup area would be very much salt affected.

As Hon Eric Charlton, Hon Kim Chance and Hon Jim Scott will know, the salinity problem has been of concern to farmers in the wheatbelt for many years. A number of different solutions have been suggested for combating the problem, such as the Whittington interceptor banks, clearing to the contour lines, holding the water back, and planting trees at the bottom of the valley to soak up the salt water. In the latter case the trees survived for a while but then the roots reached into the salt water, and the trees died because they had been planted in the wrong spot. Not much credibility was given by different groups striving to achieve the same thing. We had an idea, which was a very similar process to the Whittington banks, of using drag line scoops and digging a narrow channel. The suggestion was also made of putting in some of the drainage patterns that would allow soakage of that water. There were conflicting ideas over many years and the situation was very confusing for farmers. I do not know how Hon Murray Criddle managed with his farm. I do not suppose he has many problems because he grows so much wheat that it soaks up the beautiful water and there are no salinity problems in the Northampton and Binnu areas. I do not know whether he was as confused as I was during that time, or whether he had any salinity problems. We had little of it on our property but I saw the beginning of it.

Hon E.J. Charlton: He has a dollar note problem - too much!

Hon B.K. DONALDSON: The Minister for Transport has lived with this problem on his farming properties in the Tammin area. I know he is also farming at Badgingarra, and farmed outside Koorda at one stage. He knew where the strength was in those days. I think there was a salt problem there.

I do not know what problems he has at Badgingarra, but I am sure he will tell the House his own story about that.

A number of land catchment groups have been formed over the years in the northern and central agricultural areas, south west Blackwood and the south coast. The major concern has been about the amount of money swallowed up in administration rather than reaching the target groups where it should be spent. The constant criticism has been about money not getting onto the ground and, at times, as a result of fragmentation, some of the projects not being sufficiently funded to reach their maximum potential. Small amounts have been scattered around, prohibiting the possibility of a concerted effort. I do not know where that money has disappeared to.

I might be being overcritical but that is what farmers have told me. Some members are nodding in agreement with me. The Chairman of the State Salinity Council has referred to some of those issues. Other Salinity Council members have said the same thing. The Salinity Council is attempting now to ensure that that money hits the ground and does some good. It has been a concern over the years. I wonder whether too many groups exist. Perhaps we should consider dealing with the issue on a broader scale.

As a result of some other ideas a geoscience group carried out airborne geophysics and converted it to maps which it overlaid with farm management plans and other satellite data. It did a project on the number of farms in the Shire of Broomehill area.

Hon M.J. Criddle: In the Chapman Valley too.

Hon B.K. DONALDSON: There are two other areas; it is not the final answer. It is another aspect of putting together a package to try to arrest our salinity problem. The airborne geophysics experiment identified that our trees have probably been planted in the wrong places and should be planted further up the hill away from the valley floor. They identified what they call "dykes", which are rock barriers holding back water where people felt they were running contours or Whittington banks. The process was correct but the benefits were minimised simply because of the rock formation from where the flow came.

Many advantages were identified through the use of that technology. There is a growing awareness and a different mind set and, as I said earlier, too much confusion about what system we should adopt. It is now being forced on everyone who is involved in this issue, whether they are people in country towns, farmers or people across the broader community. Salinity affects the whole of the State's economy, not just one farmer.

The State Salinity Council had its inaugural meeting on 16 June. The chairman is developing a State Salinity Council reference group. I am pleased that one of those council members is the President of the Pastoralists and Graziers Association, Barry Court, who announced at the pastoralists and graziers conference that he was stepping aside from other positions because he appreciated the importance of the work needed with the State Salinity Council. It is a credit to him and I am sure that his fellow councillors share that vision and enthusiasm to ensure they can at least coordinate an effort which will have positive outcomes.

I am probably preaching to the converted because we all understand in this House that it is not a short term problem with a short term answer. We must bring together every aspect of technology to better coordinate the approaches to some of the catchment areas of concern. It might be feasible to pipe some of the salt water from the Wagin-Dumbleyung area to Kalgoorlie for mining purposes. I am not a scientist; I do not know whether that will work. However, I am told there is sufficient water to justify it and to make it a viable option at some stage if it were able to lower the water table.

A mining company in the Gabbin-Mt Marshall-Koorda area was examining a number of quite large kaolin deposits. As usual it was drilling along the roadside to pick up what was available and then with our consent it moved onto our properties. We had great difficulty finding underground water on our property. I do not know how many bores we put down over many years. However, we managed to find one source. I was excited when they reached about 50 feet and found heaps of water. I was almost breaking open the champagne until I was told that it had not been tested but it was probably saltier than the sea. It was more than 35 000 parts to whatever the appropriate measure is. At least I found out where plenty of water existed.

That concerned me because it was about 50 feet under the soil. I think we were getting to about 80 feet or 90 feet 10 to 15 years prior to that when we employed contractors to drill for fresh water with an old percussion drill. I had a feeling we were not reaching water until about 90 feet. That salt water table must have risen considerably.

Hon Christine Sharp: It has not stopped.

Hon B.K. DONALDSON: That is quite correct. It is not a new phenomenon. I remember the Press having a field day about 18 months ago with headlines about the State suddenly becoming a salt water haven for the world with all our agricultural land gone. No doubt it is the right of the Press to hype up issues like that and bring home to the average man in the street that a problem exists to more than a group of farmers or townspeople in the country. It is a shared responsibility. It was reported as though it developed overnight. The newspaper portrayed it in a way that the average person in the street would have thought the salinity problem crept up quickly, almost like an atomic attack overnight. I was disappointed in the reporting of this issue, because it gave the wrong message - that all people, whether they were involved in agricultural or other pursuits, were wanton vandals; and that is not correct. In this day and age those at the coalface have adopted a greater degree of responsibility to ensure the practices they may develop or act upon do not exacerbate the problem further.

The Commonwealth Government has allocated to Western Australia a minimum of \$30m in 1997-98 through the National Heritage Trust. It has been suggested that \$3b is needed to address the problem of salinity. With that amount in mind, it is very easy to talk about throwing buckets of money around, which we do not have. It would worry me if there were no positive outcomes from such a large allocation of funding. Accountability in terms of time comes into play when so much money is involved. Another level of bureaucracy, another industry on the side, will absorb much of the money which should be directed at the target area.

Hon Ljiljanna Ravlich: That is for your Government to determine.

Hon B.K. DONALDSON: A lot of this money has ties attached to it. The Commonwealth Government will want to see some positive outcome. With due respect, I do not believe the advice sometimes coming from Canberra is the best.

Hon Ljiljanna Ravlich: Especially when they don't give you the funding.

Hon B.K. DONALDSON: That is true. We have a problem. This motion brings the Parliament into this equation, and that is very sound and sensible. It is most important that we do not become the program setters, the after-five experts. There are plenty of those around. Sometimes we in this House get a bit carried away with our own importance and suddenly believe we are the font of all wisdom, and no-one else matters.

Hon J.A. Cowdell: Never!

Hon B.K. DONALDSON: I was not looking at any member in particular; in fact, I was not game to look at the President in case he thought I was referring to him in this instance! We have a monitoring role. We are not expected to be the scientists who set up the salinity programs or put them in place.

A coordinated approach has been adopted by Agriculture Western Australia and the Department of Environmental Protection involving the use of some other tools of the trade in trying to address the problem of salinity. They are looking at planting some of the woody perennials, especially on the coastal plain. Some demonstration planning has been carried out in Dandaragan, Gingin, West Dale, Mt Barker, the South Stirlings, Wellstead and Bremer Bay.

The PRESIDENT: Order! There is too much audible conversation. I do not say that for my benefit. The Hansard reporter has a responsibility to try to record what is being said and members are not being fair to the Hansard reporter.

Hon B.K. DONALDSON: This is a riveting subject. Perhaps I am provoking debate on it around the Chamber. This planning is taking place in the 400 to 600 millimetre rainfall areas before operational planting occurs. The maritime pine planting will be complemented by the planting of a range of other species. The oil mallee project will continue at a high level, planting 1.5 million seedlings in 1997. Don Stanley from Dalwallinu was responsible for setting up a group which was very much at the forefront of those oil mallee plantings, especially in the dry rainfall areas.

Agriculture Western Australia has also been instigating a number of research and development projects to develop higher water usage crops and pastures, of which the key grazing systems project in Albany is one. Another national research program into high water use cropping systems funded by the meat research council is in progress under a project manager at Merredin. I hope the result is not large crops that need additional lots of water, because it might limit the life span of the plant.

Some excavating programs are underway under the supervision of Agriculture Western Australia in cooperation with the Department of Environmental Protection. They have been discussing with farmers the complete overhaul of the regulatory process covering draining works. Work has been commenced on a memorandum of understanding between the two decision making authorities to bring current drainage procedures under a single evaluation process. A number of landholders and officers with Agriculture Western Australia have been looking at some of the successful drainage principles in relation to basins in Victoria and South Australia. We realise a lot of work has been done elsewhere. What has happened elsewhere may not be good for Western Australia, but it is worthwhile evaluating those processes.

The Department of Environmental Protection has undertaken a short consultancy on the categories of drainage systems which affect ecosystems in saline valleys. Another consultancy will examine the chemistry of the wetlands to provide some trends, constraints and opportunities for water quality in establishing or maintaining ecosystems. It is also interesting to note that even in the Kakadu area in the Northern Territory, a number of people from the University of Western Australia have worked with the Office of the Supervising Scientist in Jabiru. This is a major research complex which I was fortunate to visit some years ago. A lot of work has been carried out on the salinity problem caused by the tidal flats in that region. The salt is now encroaching into some of the Kakadu National Park and other pastoral properties in the area. Even with a very high rainfall - it could be as high as 80 or 100 inches of rain a year - the tidal movement is exacerbating the salinity problem there. A couple of my friends have returned there recently to do further work on this project for the Northern Territory Government.

I do not want to go into this issue in any great depth, because other members will speak about it in this debate. It is one that is dear to all our hearts. A lot has been happening to address the salinity problem, and at long last the State Salinity Council has a package which will involve the coordination of the action by government agencies in addressing it. I hope there will be a great deal more success in the fight against salinity than we have had.

Amendments to Motion

Hon B.K. DONALDSON: I propose to move that from line 3 we delete the words "every three months" and substitute the words the word "annually"; we delete the word "Government's"; and we delete the words "on implementing" and substitute the words "of implementation of". I do not wish to negate what appears to be a genuine attempt to use the committee as a monitoring agent and to ensure that the committee reports regularly. Members must realise that I do not want valuable time to be wasted by members of the committee and the people subsequently responsible for putting together a report. Sometimes people wish to produce glossy documents, but three months is a very short time in which to put together a report. Many programs are set up but one could not say, even within six months, whether a program was successful.

Hon Derrick Tomlinson: Seasonal factors are involved.

Hon B.K. DONALDSON: Many issues are involved, and can affect a committee's reporting annually. If my amendments are successful they should not in any way inhibit the committee, because the chairman of the committee, Hon Christine Sharp, has the right to provide a report at any time if the committee wishes to do so. However, I feel that it would be a waste of time to report every three months.

I have just received a request across the Chamber relating to the final amendment; that is, to delete the words "on implementing" and substitute the words "of implementation of".

Hon Norm Kelly: The idea is that a report be made fairly quickly, and that subsequent reports be made annually.

Hon B.K. DONALDSON: I am happy to incorporate that further amendment. The suggestion by the Democrats is that the committee's first report be made prior to 31 December 1998. I am happy to agree with that amendment to my proposed amendments.

The PRESIDENT: I suggest that after the word "annually" the words "the first report to be tabled not later than 31 December 1998" be included - if that is the intention.

Hon B.K. DONALDSON: That would be fair and reasonable. I do not want to engage in a bunfight over such an important issue. General agreement has been reached by the Labor Party, the Democrats and the Greens on this issue. I am happy to include that suggested amendment. I move -

Line 3 - To delete the words "every three months" and substitute "annually, the first report to be tabled not later than 31 December 1998"; to delete the word "Government's"; to delete the words "on implementing" and substitute the words "of implementation of"

HON LJILJANNA RAVLICH (East Metropolitan) [4.56 pm]: I do not support these amendments, because this smacks of the Government's distancing itself from its responsibility for this plan. It does so by attempting to change the reporting requirements from three months to 12 months, which would indicate that progress was not necessarily occurring, or not occurring at the expected rate. Therefore, the Government does not want to create any embarrassment about needing to report that no action is proceeding on the salinity action plan.

Hon N.D. Griffiths: The Government does not want to report before the federal election!

Hon LJILJANNA RAVLICH: That may be the case.

The second amendment, to delete the word "Government's", does not sit well with me, because frequently the Government jumps up and down and produces numerous glossy publications which outline the Government's initiatives in addressing this major problem facing Western Australia; and it is not backward in coming forward to receive any accolades. This Government is running scared because it knows it will not be able to deliver on the salinity action plan and wants to absolve itself from any responsibility. Otherwise why would the Government wish to delete the word "Government's"? Is it because it relates to the Government's progress?

Hon E.J. Charlton: Salinity is an all-party issue.

Hon LJILJANNA RAVLICH: The amendment is not worthy of support. It seeks to enable the Government to step back from the responsibility it gave to the Western Australian public to address this very important issue.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]**SUPREME COURT AMENDMENT BILL***Introduction and First Reading*

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.35 pm]: I move -

That the Bill be now read a second time.

I am pleased to present the Bill to the House. The Bill seeks to amend section 167 of the Supreme Court Act by providing a specific head of power for the judges of the Supreme Court to make rules for prescribing scales of, or regulating any matter relating to, the costs and expenses of proceedings where those costs and expenses are not the subject of a determination under section 58W of the Legal Practitioners Act.

Determinations made by the Legal Costs Committee under section 58W of the Legal Practitioners Act relate specifically to the remuneration of practitioners in respect of -

- (a) non-contentious business carried out by practitioners; and
- (b) contentious business carried out by practitioners in or for the purposes of proceedings before courts.

For the purposes of the section, "remuneration" includes the reimbursement of expenses properly incurred in the course of, or in connection with, business carried out by a practitioner for a client.

The provisions of the Legal Practitioners Act are not sufficiently wide to enable determinations to be made in respect of other costs and expenses incurred in the conduct of proceedings, such as witness costs and expenses, costs for service of documents, and other miscellaneous costs incurred in the conduct of proceedings.

The current rule making powers contained within section 167 of the Supreme Court Act are not considered sufficiently wide to enable the judges to make rules prescribing scales of, or regulating matters relating to, the costs and expenses of proceedings where those costs or expenses are not, or are unable to be made, within the determinations made by the Legal Costs Committee. As a result, there are no prescribed scales of allowable costs or expenses for a range of "disbursements" incurred in the conduct of proceedings.

Consequently, when a matter is settled or determined before the court, it becomes necessary for valuable judicial and court time to be taken up listening to argument about the appropriate costs and expenses to be allowed. This time could be substantially reduced if there were scales of costs and expenses prescribed by the judges as being equitable and reasonable to be allowed as costs of the proceedings. Such scales and rules would also reflect savings to litigants, as practitioner time charges could be reduced by the amount of time otherwise taken to argue costs and expenses before the court. To provide for judges to have the rule making power to regulate matters relating to costs and expenses is a commonsense solution to the problem of determining the appropriate quantum of costs and expenses. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos 6 and 7, and had disagreed to amendments Nos 1 to 5 and 8, now considered.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Amendments Nos 1 to 5 and 8 made by the Council, to which amendments the Assembly had disagreed, were as follows -

No 1

Clause 2, page 2, after line 8 - To insert the following new subsection -

- (2) If this Act is not proclaimed within 6 months after the day on which it received Royal Assent, it commences on the first day after the end of that period.

No 2

Clause 6, page 4, line 13 - To insert after the word "amended" the following words -

- (a) by inserting after the words "The Board shall" the following words -
" , in or after consultation with the Building and Construction Industry Training Council; and
- (b) ".

No 3

Clause 7, page 6, after line 23 - To insert the following new paragraphs -

- (b) at least 2 of the members shall be drawn from persons acceptable to one or more of the bodies named in subsection (1)(a), (1)(b), (1)(c), (1)(d), (1)(e) or (1)(f); and
- (c) at least 2 of the members shall be drawn from persons acceptable to one or more of the bodies named in subsection (1)(g), (1)(h) or (1)(i).

No 4

Clause 7, page 6, after line 26 - To insert the following new subsection -

- (4) The Ministerial appointments to the Board must be made in accordance with section 10A.

No 5

Clause 7, page 7, after line 5 - To insert the following new section -

Minister to invite applications

10A. The Minister shall -

- (a) establish and make available to applicants selection criteria for positions on the Board; and
- (b) advertise in two major newspapers circulating throughout the State that a position is available and applicants are invited to apply.

No 8

Clause 15, page 13, lines 1 to 8 - To delete the lines and substitute the following -

Duration of Act

35. (1) Subject to this section, this Act expires 5 years from the day on which it comes into operation.

(2) Not earlier than 12 months before the expiry provided for in subsection (1), the Governor, by notice published in the Gazette, may extend the operation of this Act for a further period of not more than 5 years commencing on the day on which this Act would otherwise have expired and may, in like manner, continue the operation of this Act for 1 or more periods being not more than 5 years in each case.

(3) Any order made under subsection (2) is to be laid before each House of Parliament not later than 7 sitting days of each House from the day on which it is made and has no effect unless affirmed by resolution of each House passed in the same session.

The Assembly's reasons for disagreeing to the Council's amendments were as follows -

Amendment No. 1

Bringing an Act into operation by way of a day fixed by Proclamation provides certainty to the actual commencement date and is the standard drafting procedure. For instance, the amendment does not cater for the long drawn out appointment procedures which have no default clause. The amendment does not provide the same flexibility and is considered unnecessary.

Amendment No. 2

In the formulation of the Annual Operational Plan, the Board consults with various bodies including the Building and Construction Industry Training Council (BCITC). It is not necessary to single out only one of these bodies - the BCITC in the legislation - with which the Board consults. The amendment is considered unnecessary.

Amendment No. 3

The Hitchen Report recommended "The membership of the Board be restricted to seven members (including the Chair) to be appointed by the Minister, but not as representatives of various sectors or organisations". The new independent Board is the key to the future improved performance of the Fund. The amendment has removed flexibility in making appointments by requiring that 2 of the members must be drawn from persons acceptable to one or more of the employer bodies named and 2 of the members must be drawn from persons acceptable to the union bodies named. This is contrary to the Hitchen Report and restricts the power of the Minister. Parliamentary Counsel considers the new paragraphs (b) and (c) are confusing and poorly drafted. No explanation is given of how "acceptability" would be determined. No provision is made should there be an insufficient number of persons "acceptable" from whom the Minister may make appointments. It does not indicate how "acceptability" will be evidenced. The amendments maintain the possibility of membership from employer/union bodies similar to the membership of the current Board where conflict of interest has arisen because these bodies have their own group training scheme and/or skill/training centre which are major recipients of BCITF Funds.

Amendment No. 4

The proposed new sub clause (4) refers to "Ministerial appointments". This is misleading, if the intention is to restrict the reference to the "independent members", as all the appointments are made by the Minister. This subsection is poorly drafted.

Amendment No. 5

It is considered this amendment is unnecessary as it appears from the amendment to Section 10(4) it may only be intended to apply to appointments of the independent members thus creating two classes of eligibility for appointment to the Board. Paragraph (a) also makes reference to establishing and making available to applicants selection criteria. Who are the "applicants"? There are no applicants, presumably until after advertising in the newspapers referred to in paragraph (b). The new Section 10A when read in connection with Section 10 is poorly drafted and unclear in its application.

Amendment No. 8

- (1) Parliamentary Counsel has advised that this amendment is a nonsense because in effect it means the Act expired on 1 July 1996 unless difficult principles of interpretation are applied. In the Opinion of Parliamentary Counsel the section is poorly drafted and inappropriate. Counsel further advises that the interaction of subsections (2) and (3) creates uncertainty as to whether the Act has been validly extended or not. The references in sub-section 2 to "the Governor by Notice" and in sub-section (3) to "Order" adds to the confusion. It is considered "not earlier" should read "not later".
- (2) This amendment also creates difficulties with Clause 14 of the Bill which provides for a Review of the Act "within a period of 12 months before the date referred to in Section 35 (1)(a)". There is no longer a "date" referred to and there is no 35(1) (a) in Section 35 thus creating further confusion. Clause 15 is an important provision and requires certainty in relation to expiry or extension of the operation of the Act. The Clause is poorly drafted, is unclear and creates confusion.

Hon N.F. MOORE: I move -

- (1) That the Council not insist on its amendments Nos 1 to 5.
- (2) That pursuant to Standing Order No 259(a)(iii), the following amendment be agreed to in substitution for amendment No 8 that has been disagreed to by the Assembly -

Clause 15

Page 13, lines 3, 7 and 8 - To delete the figure "2000" in each place where it occurs and substitute in each place the figure "2002".

This Bill is similar to the Hairdressers Registration Board legislation - it is now taking on *Blue Hills* proportions.

Several members interjected.

Hon N.F. MOORE: Blue rinse proportions, I agree.

This Bill has been backwards and forwards between the Chambers a number of times. One of the great regrets I have as Minister is that this Bill was not passed in its original form by the Legislative Assembly after it passed this House the first time. That is history and we are now having another go.

I understand that after the Legislative Council sent its amendments to the other place, the Minister sat down with a number of members who had concerns and discussed what could or could not be agreed as a compromise.

Interestingly, the Legislative Council passed an amendment that I suggested would not achieve its desired aim. Having been told that I always say that, I left any further explanation to be considered at a later date. The bottom line was that the amendment passed in this House in relation to the sunset clause had the effect of terminating the building and construction industry training fund in the middle of 1996.

Hon Mark Nevill interjected.

Hon N.F. MOORE: I knew it would happen. I told the Committee that the amendment would not achieve what members wanted it to achieve, but I let it go ahead. Had the Legislative Assembly agreed to that amendment we would not be here today because the fund would have been abolished. That was an option available to the Government when it considered the future of the BCITF after it had been assessed by an independent reviewer. I decided that we should try to make it work. I felt it had the potential to do a good job of providing training opportunities in the industry but that its fundamental processes were flawed and should be improved.

The original Bill sought to do that and we have now come back with a second version. That has now been amended by this House and sent back to the Legislative Assembly, which does not agree with what we have done. However, we now have a possible compromise. I am asking the Committee to not insist on its amendments. We should change the terms of the sunset clause to take it from 2000 to 2002. That is a reasonable compromise. There was never any intention to abolish the fund, as was suggested. It was simply intended to make it work better.

Even though the Bill referred to the BCITF's having a finite life, it contained the correct form of sunset clause. Sunset clauses have been designed to require a positive decision to be made to maintain an agency. Unfortunately, many review clauses provide that we must make a decision to terminate something. That is one of the reasons we still have so many quangos - no-one has ever got around to making a serious assessment about whether they are needed.

The Standing Committee on Government Agencies made various attempts to do something about that situation, but it is a very onerous task. A proper sunset clause, which requires a Government or a Parliament to make a deliberate decision to maintain something beyond the date on which it was anticipated its work would be completed, has a chance of avoiding the creation of thousands of organisations whose purpose is often lost in antiquity. This Bill originally had a sunset clause which required the Government to make a deliberate decision to maintain it, and that is the way it should be. The Parliament should be required to consider whether such a body is doing a good job.

Be that as it may, the Democrats have discussed the issue with the Minister and have requested the change. They have also requested that I read into *Hansard* a letter from the Minister to Hon Helen Hodgson and a document detailing the recommended consultative process the Minister believes is appropriate to discuss with the general public and industry who should or should not be members of the BCITF. The letter states -

Reference is made to your discussions today (9 March 1998) with the Chief of Staff at my office, Brian Bradley, relative to progressing the BCITF Amendment Bill in Parliament this week.

In that meeting you sought my clarification and commitment to four issues:

- a) consultative process
- b) proclamation of the amendments
- c) continued dialogue between the Board and BCITC
- d) the incorporation of my positions in (a) to (c) inclusive in the *Hansard*.

At your meeting with Brian Bradley, I understand the attached recommended consultative process was tabled by him and you concurred with this approach.

It is my intention to proclaim this legislation as soon as technically possible. It is also my commitment and firm direction to the Board and BCITC that there is a continued dialogue between both to ensure continuity of approach, improved decision making and advice to Government.

I understand Minister Charlton will be handling the legislation in the Legislative Council in the absence of Leader of the Government Norman Moore. Minister Charlton has been advised of the requirement to incorporate the above into the Hansard.

I trust the above clarifies the concerns to your satisfaction. If you require further clarification please contact Brian Bradley on 9421 7703.

Yours sincerely

CHERYL EDWARDES (Mrs) MLA
MINISTER FOR EMPLOYMENT AND TRAINING

The attachment dealing with the recommended consultative process reads as follows -

RECOMMENDED CONSULTATIVE PROCESS

1. The Minister invites:
 - by publication in two major newspapers circulating in the State, expressions of interest for membership of the BCITF Board. The advertisement would detail the selection criteria; and
 - by writing to all the bodies detailed in Clause 10 of the Bill (MBA, HIA, Unions etc) seeking nominations for membership and detailing the selection criteria for appointment.
2. The Minister receives the nominations from the industry bodies and the names as a result of newspaper advertisements and selects a list of preferred members.
3. The Minister would then consult with industry bodies as per Clause 10 as to the selections of the Board members in a genuine attempt to achieve agreement on membership.
4. The Minister retains the power to appoint the members and at the end of the consultative process makes the appointments under the Act.

The Minister for Employment and Training has given those undertakings to Hon Helen Hodgson and, as a result, the Democrats, and hopefully all other members, will see the merits of the proposition and will support the motion.

Hon BOB THOMAS: The Australian Labor Party will oppose the first amendment because it believes that two of the amendments moved in this place should stand. However, members on this side will support the second part of the motion because we believe that it gets the sunset clause right. It is important that the Parliament not consider the abolition of this organisation at least until the year 2002.

The Minister said during the second reading speech and during the Committee debate that he wants to turn around this organisation and to make it do what it was set up to do. The Opposition does not believe that can be done if the Government intends abolishing the organisation by 2000. A year and a half is not sufficient time to turn things around before that review. A number of different building and construction industry conditions will be experienced between now and 2002. At the moment residential and commercial construction is flat. However, on present indications residential construction should pick up by the end of this year. It has already picked up in New South Wales and Victoria. We expect the same to occur in Western Australia towards the end of this year, and commercial construction to pick up towards 2000. We will start to see the cranes back on the roofs in the year 2000. Those sorts of trading conditions should be taken into account when this organisation is reviewed, and a review in 1999 is too soon.

The Opposition will accept paragraph (2) of this motion. However, a number of the amendments that were moved are important for the proper functioning of the building and construction industry training fund. One of those amendments would ensure a nexus between the BCITF and the annual plans that are drawn up.

The Opposition also wants sectoral representation on the board because it brings experience and expertise that are important to ensure that the BCITF does what it is set up to do. We have not specified representation from particular organisations; however, members of the board must be acceptable to various sectors of the industry - that is, the employers, employees and organisations such as local government. Those organisations should give their imprimatur to people on the BCITF who are representative of those sorts of organisations. They do not have to represent or be nominated by those organisations but they must be acceptable to them.

The Labor Party will oppose paragraph (1) of this motion. If that is successful the Opposition will consider amendments to the Bill. I need the Chairman's guidance on that. Our course of action is to oppose paragraph (1) of

this motion, and if it is successfully defeated, would we reconsider the Council's amendments Nos 1 to 5 or would they stand?

The CHAIRMAN: They will stand because the Council has reaffirmed its previous resolution.

Hon BOB THOMAS: I recognise that the Democrats have negotiated with the Minister and agreed to paragraph (1) of this motion, and I assume the numbers will fall in favour of the Government. In that case it will be an exercise of differentiating ourselves from the Government. However, the Opposition believes strongly in the two points that I raised and opposes paragraph (1).

Hon LJILJANNA RAVLICH: I am very concerned about this motion. It is a fairly underhanded move by the Government to remove employee representation from the BCITF board. The Minister has spoken at some length about his generosity in the ongoing nature of this legislation. He said that the Bill was in this place because irrespective of the Hitchen report he decided this was the best approach for the industry. This Bill is before us not because the Minister is such a generous person but because of pressure from the Housing Industry Association, the Master Builders Association and employer organisations in the building industry generally who happen to be substantial beneficiaries of this fund money.

Hon N.F. Moore: That is a very long bow you are seeking to draw and you are not even vaguely close.

Hon LJILJANNA RAVLICH: Without union representation or people acceptable to the unions on the BCITF a real problem will exist that training funds will go to white collar management type training at the expense of training across the industry in some of the blue collar areas. I am concerned that the Government will use these funds, for example, to subsidise apprenticeship training and the traineeship scheme to make up a shortfall in this area. The fund was not designed to prop up the Government's financial management problems where it cannot come up with the money that is required to be allocated to training. The Government will use this industry fund to top up its coffers. That is not good enough.

The Opposition is concerned about two areas. Amendment No 2 relates to the interface between the BCITF and the Building and Construction Industry Training Council. The Opposition has tried to ensure that interface. We believe they are the appropriate bodies to provide advice on the building and construction industry's training needs.

The Minister spoke at some length in the second reading speech about consultation. In the same breath he spoke about the fund being like a bank. I do not see the building and construction industry training fund as a bank. It is a special entity with a special purpose and it cannot allocate funding unless it knows where the training demands are. That is why the Opposition supports consultation and a strong interface between the BCITC and the BCITF.

Amendment No 3 relates to representation on the board. The Minister went to great lengths to assure members that he would consult with employer and employee organisations; in fact, he said he would have done this anyway. He said he would ensure that the people represented on the BCITF were supported by those organisations.

Sitting suspended from 6.00 to 7.30 pm

Hon LJILJANNA RAVLICH: It concerns me somewhat that the proposed amendments will ensure that unions have no say in the administration of the building and construction industry training fund. This Government has gone to great lengths to ensure the power of unions is reduced. That is not acceptable because at the end of the day the unions represent the many hard working men and women in this State. This Government has been instrumental in removing union representatives from boards and committees whenever the opportunity has arisen. Tonight is yet another example. This is another way by which the Government seeks to reduce the power of unions because the motion before the Committee means that it will not be a requirement for members to be drawn from organisations that are acceptable to the union movement. One must ask why this Government is so fearful of union involvement in the building and construction industry training fund. I am confident that many working men and women will express their displeasure with this Government at the next election.

I am very disappointed to note that in this instance the Democrats have turned their backs on the union movement and its members, particularly the Construction, Mining and Energy Workers Union, the Builders Labourers Federation and the Australian Workers Union. Because of my commitment to the objectives of unions to protect the working conditions of men and women in this State, I cannot support part (1) of the motion. Council's amendments Nos 4 and 5 were originally moved by Hon Helen Hodgson, and they relate to increasing accountability and ensuring that the Minister establishes and makes available to applicants selection criteria for positions on the board. I support that move because these should not be government appointees who the Government believes will work in the best interests of employer representatives. There is always a risk that that will occur. On the basis of the accountability requirement, I support amendments Nos 4 and 5. I do not support amendments Nos 2 and 3 in this instance. Therefore, I cannot support part (1) of the motion.

Hon GIZ WATSON: The Greens also do not support this motion to not insist on amendments Nos 1 to 5. As far as the Greens are concerned, nothing has changed and we stand by the lengthy debate about the pros and cons of involvement on the various committees and the proposed amendments to the building and construction industry training fund and levy. The amendments that the Democrats, the ALP and the Greens worked on and which were passed in this place were good and appropriate amendments, and nothing has changed. Therefore, the Greens are disappointed that the Democrats have made this arrangement. I place on the record that the Greens were not consulted by anybody about the changes proposed tonight. I was not been informed by either the Government or the Democrats that these amendments were to be presented.

I am not reassured by the letter read out by Hon Norman Moore from the Minister for Employment and Training in another place stating that consultation will take place. I understand that the amendments made in this place were to ensure the representation of the sectorial interest. It is an important principle and I stand by it. My Greens colleagues feel as strongly on this matter and, therefore, we have no choice but to vote against the motion.

Hon HELEN HODGSON: The motion has been broken into two parts; the first relates to the Council's amendments Nos 1 to 5, and the second represents a change to proposed amendment No 8. I recognise the feelings of my colleagues on this side of the Chamber with regard to the arrangement that has been made. I point out that the representations I received from all people affected by this legislation were such that it seemed the matter should be resolved fairly quickly. The issue seemed to be one of maintaining the operation of the fund under new rules, and at the moment the fund is in a state of limbo. If this situation had been allowed to continue, there was a danger that a conference of managers would be called for, an impasse would be reached and the Bill would be withdrawn completely. That would not have achieved anybody's aims. That is why a compromise was reached.

With regard to the Council's amendments Nos 1 to 5, the motion recognises those concerns and I believe they are addressed in the procedure the Minister has agreed to follow in consulting the unions and other interested parties, and in the appointment process. It should be noted that some of the Democrats' amendments were compromised in this case, but it does not mean the Democrats do not believe in them and that they will not push to have them recognised and incorporated in future legislation. However, the urgency of finalising this matter, to allow the BCITF to carry on its business and maintain its training programs for union and employer operated programs, seemed to be such that the matter had to be resolved quickly.

With regard to the BCITC, the Minister has confirmed there will be continuing dialogue between the BCITC and the BCITF to ensure a consistent framework for the training needs of the building industry. The second part of the motion is a compromise. It is not my preferred position. The original amendment to have a five year rolling review period appears to have been flawed. That was based totally on the proposition in the thirty-sixth report. I believe the matter would have been better handled by a committee of the House, but because of the circumstances of the debate on 11 November last year that could not be achieved. It meant that some of these issues were acted upon on the floor of this place probably without observation by all parties of some technical flaws. We were all committed to the principle but we did not pick up the technical flaw at the time. Given the need to have this matter resolved and that the alternative of the year 2002, which will be adopted, was also on the Notice Paper but not moved at the time, it seems that was an appropriate compromise reached with the Minister. That gives the fund managers four years to ensure that the scheme will roll along while under the new system. It gives them time to restructure and prove to this place that they can operate the fund efficiently and that it can work.

If it turns out at that time that some of the consultative mechanisms have not been effective we will review it in the light of the commitments made by the Minister today to ensure everything has been followed through in the spirit in which they were intended.

The arrangement has been reached purely because of the need to have the fund working effectively and efficiently in the short term to ensure the matter is resolved rather than have it go under through inertia and uncertainty. On that basis the Democrats will support the Minister's position.

Hon N.F. MOORE: The Government supports the proposition before the House. It is a reasonable compromise in the circumstances. Hon Helen Hodgson has explained the Democrats' position in reaching this compromise.

Hon Giz Watson should be aware that although this Chamber, with its numbers, has a view about something the Government has a significant majority in the other House. It is entitled to have a point of view about what is done and put itself in the position from time to time of seeking a compromise to enable it to achieve what it seeks to achieve. It was elected as the Government.

Originally a number of amendments totally unacceptable to the Government came out of the debate. The other House referred them back to this Chamber and said that it would not go along with them, as is its right. It is appropriate that

this Chamber operate in a way that compromises can be reached as they will be from time to time in the future. On this occasion the Minister has agreed to the compromise proposed.

Any member of Parliament is entitled to approach any Minister on any Bill and propose a variation on what has happened.

Hon Ljiljanna Ravlich: Not when they don't know what is happening.

Hon N.F. MOORE: A member can telephone the Minister for Employment and Training any time and suggest a way around a certain problem. Like every other member, Hon Ljiljanna Ravlich knew that the Assembly had rejected this Chamber's amendments. It was therefore a parliamentary necessity for a compromise to be reached to which the Chamber could agree. If that did not happen we would have a committee of managers and as a result, at the end of the day, nobody would know what would come out of it. I encourage any member who recognises that a dispute between the two Houses is in place to try to resolve it, because that is why we are all here.

I spent much time trying to convince Hon Ljiljanna Ravlich of a number of things last time we debated this issue. I did not succeed then and I suggest that I will not succeed today. My only response to the matters she raised is that I do not agree with her. She misjudges the Government's attitude on this matter and has some views which I suspect could not be changed by any of my arguments. I will therefore not try to do that tonight.

I hope that the Committee will agree to the two motions which will give us a chance to put this Bill behind us and the building and construction industry training fund on the road to do the job it is established to do. Regrettably, in the past it has not done that job as well as it could have. I hope these amendments, together with the Bill originally passed, will give the fund a chance to fulfil its destiny of providing significant support to training within the building and construction industry.

Amendment No 1 put and a division held, with the Chairman casting his vote with the noes -

Ayes (15)

Hon E.J. Charlton	Hon Helen Hodgson	Hon N.F. Moore	Hon Derrick Tomlinson
Hon M.J. Criddle	Hon Barry House	Hon Simon O'Brien	Hon Muriel Patterson
Hon B.K. Donaldson	Hon Norm Kelly	Hon B.M. Scott	(Teller)
Hon Max Evans	Hon Murray Montgomery	Hon Greg Smith	
Hon Ray Halligan			

Noes (12)

Hon Kim Chance	Hon N.D. Griffiths	Hon Mark Nevill	Hon Christine Sharp
Hon J.A. Cowdell	Hon John Halden	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon E.R.J. Dermer	Hon Tom Helm	Hon J.A. Scott	Hon Bob Thomas (Teller)

Pairs

Hon W.N. Stretch	Hon Cheryl Davenport
Hon M.D. Nixon	Hon Ken Travers
Hon Peter Foss	Hon Tom Stephens

Amendment thus passed.

Amendment No 2 put and passed.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had disagreed to the amendments made by the Council now considered.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair, Hon N.F. Moore (Leader of the House) in charge of the Bill.

The amendments made by the Council, to which amendments the Assembly had disagreed, were as follows -

No 1

Clause 6, page 4, lines 20 to 28 - To delete the section and substitute the following section -

11B. (1) The Minister may issue a directive to the Corporation and the Corporation is to give effect to the directive. A directive is to be in writing signed by the Minister.

(2) A directive must relate to Corporation policy or the discharge of its functions and is incapable of -

- (a) authorizing anything unlawful;
- (b) suspending the application to the Corporation of any written law;
- (c) enabling the Corporation to do that which it may resolve to do of its own motion without the directive;
- (d) conferring additional functions on, or rescinding existing functions possessed by the Corporation.

(3) The Corporation shall consider the directive within 14 days of its receipt and if it forms the opinion that the directive is outside power or otherwise unlawful, it shall notify the Minister of that opinion and the reasons supporting it and, unless the Corporation is required by the Minister's written notice that the directive is to be given effect, the directive lapses.

(4) Adherence to the Minister's notice given under subsection (3) does not cure any illegality or defect inherent in the directive or acts done by the Corporation in giving effect to the directive, but no action lies against the Corporation for anything done in conforming with the directive.

(5) A directive, the Corporation's notification to the Minister under subsection (3), and the Minister's notice insisting on adherence to the directive, shall be laid before each House of Parliament within 7 days of the making of the last such instrument.

(6) The instruments described in subsection (5) are to be published in the annual report of the Corporation.

No 2

Clause 8, page 6, after line 14 - To insert the following new subparagraph -

- (c) where the disclosure of information is in the public interest and details corrupt, illegal or improper conduct;

The Assembly's reasons for disagreeing to the Council's amendments were as follows -

- (1) The current drafted 11B is a standard provision appearing in legislation since 1990. It was drafted in consultation with Treasury in response to the Burt Commission on Accountability. The proposed changes to what are essentially standard drafting provisions are a very piecemeal and inappropriate way of effecting legislative change and will only serve to make the SBDC Act different to most other legislation containing such a provision.
- (2) The Statutory Corporations (Liability of Directors) Act 1996, section 6, already states that the Minister cannot give unlawful directive.
- (3) The existing clause 8 is a standard provision which frequently occurs in legislation.
- (4) Sections of the Anti-Corruption Commission Act 1988 allow for persons to disclose information to the Anti-Corruption Commission "despite any duty of secrecy or other restrictions on disclosure imposed under a written law". For this reason this addition to the current clause is unnecessary.

Hon N.F. MOORE: I move -

- (1) That the Council not insist on its amendments.

(2) In substitution for its amendment to section 11B the following is proposed -

11B. (1) The Minister may give directions in writing to the Corporation with respect to the performance of its functions, either generally or in relation to a particular matter, and the Corporation is to give effect to any such direction.

(2) The text of a direction given under subsection (1) is to be -

- (a) laid before each House of Parliament within 14 sitting days of that House after the direction is given; and
- (b) included in the annual report submitted by the accountable authority of the Corporation under section 66 of the *Financial Administration and Audit Act 1985*.

Members will recall that in 1997 when this Bill was before us a number of amendments were agreed to by this Chamber, which were not acceptable to the Government and which, subsequently, were rejected by the Legislative Assembly. I will refresh members' memories about this Bill. It is a very simple Bill designed, as I recall it, to increase the membership of the Small Business Development Corporation. During the drafting process to allow that to occur parliamentary counsel took the opportunity to introduce a number of other amendments in respect of accountability provisions, which were in line with standard parliamentary drafting at that time.

Although it was not part of the main purpose of the Bill, it was accepted by the Government that it was appropriate on that occasion to update the Bill to meet the recommendations of the Burt committee and generally to use the same sort of drafting parliamentary counsel had been using for some time in respect of accountability measures of statutory corporations and authorities. A Bill which had a very simple purpose - its main intent was to increase the size of a board - was subjected to considerable debate about matters relating to statutory authorities and their relationship to government and to Ministers. I think this Chamber should spend time discussing that issue and, indeed, it has spent a considerable amount of time doing that.

The situation is that the amendments made by the Legislative Council were not agreed to by the Legislative Assembly and we are now contemplating the message from the Legislative Assembly that it does not agree to the amendments moved by this Chamber. As a result of negotiations being undertaken by members who saw the need to resolve this impasse, I intend to amend the proposal put forward by this Chamber with respect to proposed new section 11B to enable a more concise set of wording to be used and to remove some of the unnecessary language that was being contemplated in the original amendments by this place.

Members will be aware that the proposed new section 11B put in by this Chamber contains six parts and is quite lengthy. The view of the Government and parliamentary counsel is that a considerable amount of that text is unnecessary because it is covered in other provisions within other laws. I intend to put forward to the Legislative Assembly that proposed new section 11B should be retained, but amended. In other words, we should rewrite proposed new section 11B in a more appropriate way to conform better to the drafting strategies of parliamentary counsel.

Under the proposed new section 11B any Minister giving a direction to a corporation must do so in writing; the corporation shall give effect to that direction; and the text of any such direction shall be laid before each House of Parliament within 14 days. The previous proposed section 11B that this Chamber sent to the Legislative Assembly talked about that time being seven days, a rather onerous provision which is unnecessary anyway. Other than being laid before each House of Parliament, the directive must be included in the annual report submitted by the authority under section 66 of the *Financial Administration and Audit Act*.

It seems to me that, in view of the difficulties, the original amendment passed by this Chamber, which caused the Government some concern, is better described in the rewritten proposed new section 11B. I strongly suggest to the Chamber that we do not insist on the amendment, but that we substitute another proposed new section 11B for that which was sent to the Legislative Assembly by this Chamber last year. I commend the motion to the Chamber.

HON MARK NEVILL: This amendment is an improvement on the original new section, in that it provides that a direction must be laid before each House of Parliament within 14 sitting days of that House after the direction is given. The original amendment which I moved, later amended by the Leader of the House and agreed to by both sides, had some specific benefits. Today I was reading the Public Accounts and Expenditure Review Committee report on the Global Dance Foundation, which illustrates a point I wish to make. The report describes a meeting attended by Mr Crockett of the WA Tourism Commission, the acting Under Treasurer, the Premier and Mr Peter Reynolds, at which a proposal to apply \$430 000 of government funds was committed to the Global Dance project. The meeting overcame a stalemate which involved the Tourism Commission not being very enthusiastic about the

arrangement entered into. Some reservations had been expressed before that. The then Department for the Arts was not very supportive of the project.

Hon N.F. Moore: I do not want to be pedantic but this has nothing to do with this Bill.

Hon MARK NEVILL: The Minister should listen. Also, Treasury was not very satisfied with the proposal. The project progressed. However, recommendation No 4 of the PAC report reads -

Where an Agency believes that its required and preferred course of action is contrary to the wishes of the Minister, then it should advise the Minister accordingly. The Minister should provide a written Ministerial direction to the Agency if the Minister requires an Agency to follow a different course of action that it favours.

Hon N.F. Moore: That is exactly what happened - and it happened in this case.

Hon MARK NEVILL: Subsection (2) of my original proposed section 11B reads -

A directive must relate to agency policy or the discharge of its functions and is incapable of . . .

(c) enabling the agency to do that which it may resolve to do of its own motion without the directive;

In this case, the Tourism Commission would not be subject to a directive until it had refused to fund the Global Dance project; then the Minister could direct it, quite properly, to do something it may not have had a lot of interest in doing.

Hon N.F. Moore: That matter did not require a directive. The commission made a decision to proceed with the project. That point has been lost by you and the report. A decision was made by the commission; it did not require a ministerial directive.

Hon MARK NEVILL: Did Mr Trenorden, Mr Graham, Mrs Holmes, Ms Alannah MacTiernan and Mr Osborne get it wrong?

Hon N.F. Moore: Your point is wrong, because the tourism commissioners made a decision to proceed with the funding of Global Dance. There was no need for a directive by any Minister because the commission made the decision to proceed.

Hon MARK NEVILL: I think that the Minister will find that the decision was made in May 1995.

Hon N.F. Moore: That is right.

Hon MARK NEVILL: This decision was made in December 1994.

Hon N.F. Moore: The commission could well have decided not to proceed at that meeting, and if the Minister said he wanted it to proceed he would have to say that in writing. You fail to understand that the Tourism Commission Act was amended by this Government to require ministerial directives. Under your legislation, there was no requirement for this to be in writing.

Hon MARK NEVILL: No matter what the Minister says, the Director of the Tourism Commission was in the same room as the Premier and the Under Treasurer, and if there was nothing to the contrary one would expect them to fall into line. The decision was ratified some five or six months later -

Hon N.F. Moore: It was not ratified. The decision was made by the commission. That is its role. You know how statutory authorities operate as well as I do. I suspect some people who wrote the report do not.

The CHAIRMAN: Order! The member should direct his remarks to the Chair.

Hon N.F. Moore: This has nothing to do with the Bill.

Hon MARK NEVILL: The amendment previously agreed to by this Chamber would have helped to resolve that situation because the Minister's action would have been needed only after the proposal was refused by the Tourism Commission, and until that meeting in December 1994 it had opposed the project on fairly solid ground, which later proved to be correct.

Hon N.F. Moore: With respect, that is not correct.

Hon MARK NEVILL: I have made my point -

Hon N.F. Moore: You have not.

Hon MARK NEVILL: I do not agree with the comment that the earlier amendment was a piecemeal and inappropriate way to effect legislative change. If we waited for Governments to standardise every clause, and needed

to obtain the Government's agreement to make the change, we would never make much progress. From time to time changes are required. As I said in the original debate, I doubt that this provision will ever be used by the Small Business Development Corporation. However, it has been included for purposes of standardisation.

The Australian Labor Party recognises that the Minister's amendment is a compromise. Can the Minister assure the Chamber that the amendment will be accepted by the other place?

Hon N.F. Moore: I understand that it will be.

Hon MARK NEVILL: In that case, we support the amendment.

Hon NORM KELLY: I refer members to *Hansard* of 15 October 1997, the date on which the original debate and the amendments took place. Members will understand the conditions under which we operated in order to draft the amendments and then to introduce them in this Chamber. It was not an ideal situation, and thankfully the conditions which prevailed at that time have been rectified. Those amendments were presented and considered under those conditions, and that is why five months later we are still considering this Bill.

Last October the Democrats' aim was to strengthen the idea and support Hon Mark Nevill's amendment to ensure that ministerial directives are made in such a way that there is some currency in decisions rather than waiting for the presentation of an annual report. That could happen 15 to 18 months after a directive was made.

Hon Mark Nevill has referred to the Public Accounts and Expenditure Review Committee report on the Global Dance project. I intend to refer to that report also, although Hon Mark Nevill has done that quite well. Finding No 3 of that report reads -

The proposal for the *World Dance Congress* was referred to the Western Australian Tourism Commission by the Premier.

This was not a Ministerial direction within the meaning of the *Western Australian Tourism Act 1983* . . .

The Western Australian Tourism Commission should not have taken these actions unless it was prepared to report them as a Ministerial direction in its annual report.

Finding 22 of the report reads -

Poor record keeping and inadequate documentation of decisions made at the 22 December meeting and previous meetings diminished accountability for those decisions.

Finding 24 reads -

The absence of adequate documentation and the poor record keeping led to disputes regarding the nature and extent of the commitment of the Government to the proposal and the obligations of the proponent.

I will not further explore the detail of the report; I will save that for another time.

Hon Mark Nevill: You should.

Hon N.F. Moore: I hope we have a chance to debate it. If you had your name on a report like that, you would be embarrassed!

Hon NORM KELLY: The report refers to Ministers having the power to issue directives to their respective departments. It is important that Parliament be aware of the directives given and receive notification of the directives within a reasonable time. When I proposed to the departmental officer the idea of a time line of seven sitting days for notification, I pointed out that even with seven sitting days one is talking in normal circumstances of three weeks between the direction and the required tabling. On the other extreme, one could wait four or five months for 14 sitting days to expire. The proposal will allow any Government suitable leeway in tabling directives.

I feel Hon Mark Nevill's original amendments go to the heart of the matter. It is important that we expedite the passage of this Bill, especially considering the clauses which are important for the workings of the Small Business Development Corporation. The Minister outlined in debate on 15 October 1997 that the Bill sought only to increase the number of members on the Board of the Small Business Development Corporation, and that those two members must come from the country. Also, the Minister said that the opportunity was taken to tidy up the Act in a standard legislative form. The suggestion I gave to departmental officers which presented the Government's preferred position also reflects standard legislative forms as passed by Parliament on a number of recent occasions.

For those reasons, the Australian Democrats are happy to support the amendments which the Government has proposed. Points (3) and (4) of the Assembly's message relate to my amendment passed by the Legislative Council in October. These amendments entrench in legislation the fact that officers of the corporation can report actions

which are regarded as improper or corrupt conduct. As was pointed out to me in debate at the time, and since, provisions of the Anti-Corruption Commission Act adequately cover those instances. I had no argument with that view then, nor do I now. However, the Australian Democrats seek to entrench that fact in the Act to strongly enforce what is already law. For officers dealing with the Act in their role within a department, their duties and responsibilities should be outlined in black and white. Also, matters on which they can release information will be spelled out, rather than their needing to refer to other Acts to determine their duties and powers. The Democrats feel strongly about this issue, which will be pursued more strongly in future legislation.

As I said before, we are dealing with a relatively small government corporation. As I said in my contribution to the second reading debate, the Small Business Development Corporation is doing a good job in its area. The Democrats support the main changes in the Bill - namely, the changes in membership of the board allowing for country members - as well as the changes contained in the message.

Hon N.F. MOORE: I thank members who have spoken for their support for the motion. I congratulate Democrats members for seeking a compromise on this occasion and for working with the appropriate Minister to overcome the difficulties that some of the Government's amendments might cause, either deliberately or inadvertently. We have found a compromise which both sides of the Chamber support.

It is a shame that Hon Mark Nevill tried to score a point or two about Global Dance. He has demonstrated to me, and to all who understand this matter, that he does not know what happened. I suspect that I will discover when I read that report, that the Public Accounts and Expenditure Review Committee did not know much either.

I am very concerned about some of the conclusions in the report. In the minds of some members of that committee, if a Minister thinks about something which relates to a statutory authority, it must be put in writing. The bottom line with Global Dance was that the ultimate decision to support that proposition was made by the Western Australian Tourism Commission. The commissioners, sitting as a board, made a deliberate decision -

Hon Mark Nevill: It was six months after they were railroaded.

Hon N.F. MOORE: Not at all. What Hon Mark Nevill suggests is highly offensive to the members of the commission, the people who sat and made a deliberate decision to proceed with the proposal. Everybody at that time thought it was a good idea. I still do. It is a pity it did not work and the proponent could not put the event together.

However, no question of direction is attached to this matter, because no direction was required. The commission itself, and its officers, worked with the proponent to put together a proposition. They discussed with the Minister for Tourism, who happened to be the Treasurer and Premier at the time - it would have been the same kind of deal if I had been Minister - how best to proceed with the proposal. The ultimate decision on whether it would proceed was made by the commission.

If the commissioners had said at its meeting in May that it would not proceed and they would not support the idea, it would then have been up to the Premier to direct them or accept their decision. That is the point at which a direction is given, not at the beginning of the exercise. People come to the commission with ideas and work through the proposition, which then goes to the board. If the board agrees to it, it goes to Cabinet. If the board agrees and the Minister believes it should not happen, the direction will apply. I cannot understand some of the ideas of the Public Accounts and Expenditure Review Committee. It believes that if a Minister contemplates that a statutory authority will do something, he must put it in writing.

The committee suggests that statutory authorities are not part of government; that is, they are strange creatures way out on the side doing what they like with taxpayers' money with no government involvement. This is absurd. We have statutory authorities, as Hon Mark Nevill knows, which give sections of the community an opportunity to be involved in the decision making process. Therefore, one does not exclude the Government from that process because the Government provides the funds to allow the authority to operate. It is feasible, legitimate and proper for Ministers to have a dialogue with the CEO and board members of a statutory authority on a regular basis. They should; it happens. The authority implements the Government's policy. It should do so without direction - that is what it is there for.

Directives, as I understand it, should be used only when a board or authority cannot go along with something that the Government requires it to do; it wants to do something contrary to government policy or a Minister wants it to do something different from its determination. Responsibility lies with the Minister. However, when the Minister makes a decision contrary to the board's view, a directive in writing is necessary. That would have happened, I suspect, if the Tourism Commission had said no to the Global Dance proposition. I suspect that the Minister may well have said that he will override it and do so in writing but the situation never arose. The whole question of directives is an absolute furphy in this issue. It is a pity that simple message has been lost in all the hype and rubbish that has gone on about this issue.

Hon Mark Nevill: Your loyalty is admirable even if your argument is not.

Hon N.F. MOORE: I will sit down and talk with the member at some time. He understands how statutory authorities work because he has spent some time thinking about them. The bottom line is simply that while one is going through a proposal for an event, in the normal course of work any authority will keep doing its business until such time as the Minister may say that he does not want it to do it or the authority might say to the Minister that it does not want to do what the Minister wants it to do, in which case a directive becomes necessary. The sorts of things the member has spoken about suggest that the Minister must direct an agency to do everything that it does, such as sending a directive to it to open up the office at nine o'clock in the morning. That is absolutely ludicrous.

I am sorry that I have been distracted by that matter but the point needs to be made very clearly that the question of directives in this case was never an issue. It is a pity that the committee which looked at this in the other place did not understand that simple, basic fact.

Hon Mark Nevill: You are trying very hard to provoke a response from me.

Hon N.F. MOORE: I am happy to debate this at any time with anybody because I feel very strongly about it. It is not a question of loyalty; it is a question of what is right and what is wrong and what is proper and what is improper.

The Western Australian Tourism Commission Act was amended by this Government in 1994 to require the directives be made in writing. Until then under the Act which was brought in by the then Labor Government the Minister was not required in any way to record a directive.

Hon Mark Nevill: The Standing Committee on Government Agencies raised the matter of ministerial directives in writing in 1989.

Hon N.F. MOORE: I know, but I did not see any amendments to any legislation to require that to be done when the member was in office; in fact, the Western Australian Tourism Commission Act was amended by us to require directives to be made in writing.

Hon Mark Nevill: It was re-invented by the Burt commission.

Hon N.F. MOORE: The member may argue that if he wishes but he did not do it. Anyway, the House should agree to this motion because it is a good one. We trust that the Assembly will also support it, as I believe it will.

Question put and passed.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY AMENDMENT BILL

Second Reading

Resumed from 15 October 1997.

HON LJILJANNA RAVLICH (East Metropolitan) [8.25 pm]: I support the Bill. I do not want to shock the Minister because one of his earliest remarks after my arrival at this place was, "Hon Ljiljanna Ravlich is so negative. She has nothing positive to say. She should really stick to education."

Hon N.F. Moore: I never said the last bit.

Hon LJILJANNA RAVLICH: On this occasion I have to tell the Minister that he has done a good thing. I will not be negative. The Labor Party supports initiatives which increase equity in educational opportunity. We see this as a very positive government initiative, which will assist to provide students in Western Australia with equity in educational opportunity and will increase the opportunity for a wide range of students who currently do not have hostel accommodation and therefore cannot complete their education.

The amendments to this Bill refer to clauses 3 and 7. The amendments to those clauses are very positive. They will assist in meeting the requirements of the authority to provide accommodation services for isolated students statewide. The amendments will also allow the authority to provide accommodation to a broader category of students and will establish an order of priority for the allocation of accommodation.

I have some personal experience of the operations of these hostels, having worked at Northam in about 1983. The Northam Senior High School had a hostel attached to it. It was an excellent facility providing excellent service to country students. Having looked at the budget papers for this authority, I was pleased to see that there was only a

slight projected reduction in the expenditure for 1997-98. It may be proposed based on the fact that efficiencies will result from this legislation being passed.

It is good to see that Aboriginal students will be taken care of under this proposal. I note with interest that the authority will work with the Aboriginal Education and Training Council in assessing the need for residential facilities for Aboriginal students. That is long overdue. I understand that approximately 30 Aboriginal students are spread across eight hostels. It is important that in delivering that service some adjustment is made at the level of management of the hostel or that we make sure that accommodation is culturally appropriate for these students. The fact that Aboriginal students will be a target group must be seen as very positive, given the retention rates of Aboriginal students, particularly in years 11 and 12, which are considerably lower than those for non-European students. The fact that this Bill will assist in addressing that problem is very good indeed. All the indications are that currently there is enormous excess capacity in the hostels. For example, only the Albany Country High School Hostel is operating at the full occupancy rate. The remainder are operating at far below their capacity, with some, such as the Great Southern Country High School Hostel, having an occupancy rate of only 51 per cent, which is very low indeed. It represents lost opportunities or an opportunity cost, as it were, because the infrastructure is there. One must ask the question, why not use the infrastructure in the best way possible? This Bill will certainly enable that to occur. It is interesting to note that the occupancy rate at Northam is down to 52 per cent. Given that there is an excellent educational facility in Northam offering a very wide range of subjects, it is a shame to see the occupancy rate is so low.

I understand that parents are very happy with the Country High School Hostels Authority. A number of surveys have been conducted which indicate that parents are very satisfied with the accommodation and with the other services provided, such as the preparation of food.

The Country High School Hostels Authority Annual Report 1996-97 included a survey of 173 parents who were asked to rate the overall quality of services and care provided by the hostels. A total of 90.7 per cent of the respondents rated the college services and care as good or better than good and 97.1 per cent rated college services and care as adequate or better than adequate. I bet that the Government wished it could get that sort of approval rating right across its government agencies. However, I am sure it will not, even though the Leader of the House is sitting over there smiling and thinking it would be nice.

Fees are also reasonable. Parents are required to pay only \$51 a week over 40 weeks, totalling about \$2 000 a year.

The Opposition supports the Bill. It is very positive and I commend the Bill to the House.

HON HELEN HODGSON (North Metropolitan) [8.32 pm]: I suspect there is a lot of interest in this Bill by members representing country electorates because it is an issue that is very important to people living in country areas who are children going to school. The Act provides that the Country High School Hostels Authority has the responsibility for running hostels, and particularly deciding on applications for accommodation and on who will be given places in the various hostels. That is probably the only function that is affected by this Bill.

This Bill is about the reality of those needing places in hostels. The Australian Democrats support the Bill on that basis. It is all about equity of access and isolated children are the people most in need of places in these hostels. Previously, positions were available only to students who were attending a high school or a primary school. However, in that regard, there is an intriguing comment on page 10 of the authority's last annual report, which states that authority colleges accommodate primary school and TAFE college students. Although it goes on to say that, at the moment, they are not providing accommodation for secondary school students, it is my understanding of the Act that that could have been beyond the terms of reference, so to speak. I am glad that we have this opportunity to rectify that and ensure that places are made available to other students including TAFE and private school students.

I would have some concerns with the equity issue in regard to the number of places, if it was not so clear from the annual report that the facilities are underutilised at the moment. As Hon Ljiljanna Ravlich has pointed out, Albany is operating at full capacity and Narrogin is fairly close to full capacity. That means there is a capacity to extend the operations to students who are not covered currently by the existing arrangements. I also suspect it is very gratifying to the officers of the department who spend so many hours preparing these reports to find that members notice when they are tabled and use them when we are making our speeches during second reading debates.

The order of priority which will exist when this Bill is passed will ensure that any student who has had previous accommodation in a hostel will get first priority; that is fair and reasonable. We want to ensure that people who have existing arrangements are not prejudiced by the new arrangements. The second priority will go to an isolated student who is receiving the appropriate allowance who did not live in a hostel in the previous year. That will also improve the goal of providing access to education. The third priority will go to any other class of student who will be allocated the remaining places. It is very important to rank the three priorities that way. In that way we will ensure

that the students who need the accommodation will have access to it, with the remaining places being filled by students who may have other alternatives available to them. That will provide for full use of the resources available to the authority and a service to students.

On the basis that this accords with the Democrats' objective of providing equity in education, we support the Bill and commend it to the House.

HON KIM CHANCE (Agricultural) [8.36 pm]: I also support the Bill with some enthusiasm, not entirely confined to the reason identified by Hon Helen Hodgson. I hope you, Mr President, will allow me some scope to stray off the subject a little because there is an issue that I want to discuss that is very closely related to the Bill. I am sure the Leader of the House will not object because I think it also a matter that is close to his heart.

I am enthusiastic about the Bill, in particular because I favour the concept in the Bill of broadening the range of students who may attend a country hostel. I will not enumerate the list of the types of students who will be permitted to attend a hostel as a result of the Bill because they have been mentioned already by the Leader of the House in his second reading speech and by other speakers. However, it seems to be something of a surprise that we have not done this before, particularly once we realised - that realisation came some years ago - that we had an over-capacity in most of the country high school hostels which was being underutilised.

I acknowledge also at this stage the contribution that the country high school hostels have made, without going through them one after the other. It is fair to say that regardless of whether the hostels have been an economic success, and some have been and spectacularly so - I have already heard Narrogin mentioned in that context; that is one in my electorate that has been a spectacular economic success -

Hon N.F. Moore interjected.

Hon KIM CHANCE: There is a debate about what happens to the surplus funds, which takes the lustre off the spectacular nature of their economic success. However, I will not get into that debate at this stage. The Leader of the House would acknowledge that they have certainly been successful commercially, although a number have been less successful commercially, not because of their own shortcomings; it has been the nature of the depopulation of certain parts particularly of the wheatbelt that has caused some setbacks for those hostels. However, I believe the answers provided in this Bill are so sensible and so logical that we will see the commercial viability of some of those threatened hostels - it is fair to say that they are threatened economically - turn around quite dramatically as people begin to realise that the hostels are available to them.

At this stage, I will refer to the Minister's second reading speech, which is very brief, so that we will understand an important factor. The speech states -

In the past, many country based non-TEE secondary school students left school after year 10. This is evidenced in the lower retention rates at year 11 and year 12 for country students in comparison with metropolitan students. However, country secondary schools are becoming more successful in linking with neighbouring TAFE colleges to provide for students with careers in mind. While some students are satisfied with school based vocational programs, other students find that TAFE best meets their needs and leave secondary school altogether to attend TAFE. The amendments to the Act will enable the authority to provide accommodation for these students.

That refers to students who, as a result of this Bill, have left high school and have opted to go into TAFE but will still be able to reside at the residential hostel. One example that is mentioned in the second reading speech is Esperance Community College.

I want members to cast their minds from that class of student to another class of student; that is, a student who has attended a three year high school and must then complete years 11 and 12 at a more distant school. Such a student is not isolated up to and including year 10, but becomes isolated from years 11 to 12.

The second reading speech states also -

A number of non-isolated students seek admission to the authority's residential colleges. These are predominantly rural students who would prefer to pay the extra cost to attend a regional senior high school rather than a local district high school which may be closer to their home.

That class of student has access to a high school up to and including year 10, but decides in year 8 to stay at the same school for the duration of his or her high school education.

We also have a class of student who has attended a particular high school up to and including year 10 but must go somewhere else to attend years 11 and 12. The difficulty that arises - this is where I will stray a little from the Bill -

is that those students are denied isolated children's allowance to attend a more distant high school which will require them to reside in a hostel.

Hon Derrick Tomlinson: That is because they bypass.

Hon KIM CHANCE: Bypass is another important issue, and I will get to that. The member is right technically, but it is only a small spectrum of the problem. A good example is Wyalkatchem High School. The difficulty is that because that school provides by distance education and by its vocational program some form of year 11 and 12 education, the Commonwealth has deemed that students at that school are no longer entitled to isolated children's allowance to attend Northam or Merredin Senior High Schools, the two closest senior high schools, because that year 11 and 12 education is available at Wyalkatchem.

I illustrate that problem by outlining the effect that had on St Michael's Hostel in Merredin. At the beginning of this year, seven students who had intended to enrol at that hostel advised that they could not continue with their enrolment, and four of those seven students advised that was because they could not receive the isolated children's allowance.

Bypass schools is a related but somewhat separate issue. The best example is probably Meekatharra. A person who resides in Meekatharra who is in the TEE stream and for whom the nearest five year high school is in Geraldton cannot obtain isolated children's allowance because the Commonwealth says it has not been advised by the State that Meekatharra High School is a bypass school.

Where the two problems come together is that because the State has not advised the Commonwealth that Meekatharra is a bypass school, and because the State has not advised that the level of year 11 and year 12 education available from Wyalkatchem High School for a TEE student is inadequate, in both cases the Commonwealth is obliged to refuse ICA.

Hon Derrick Tomlinson: What brings it together is the definition of adequate education. A student either bypasses an education program at a school that is deemed inadequate, or attends a school that provides a program that is deemed adequate but that is inadequate for the needs of that student.

Hon KIM CHANCE: Yes, for the needs of a TEE stream student, but it may be perfectly adequate and may be a preferable form of education for a vocational student. I am not denigrating the standard of education that is available at Wyalkatchem, and I have heard some quite exciting things about what is happening there, but I am deeply concerned that a year 11 and 12 TEE stream student whose only choice is Wyalkatchem High School cannot obtain isolated children's allowance to attend either Northam or Merredin Senior High Schools.

This is only a related issue, but it nonetheless impacts upon country high schools in a real way, because it is a hard blow indeed for St Michael's Hostel to lose four students. I have spoken to the Parliamentary Secretary to the Minister for Education, Fred Tubby MLA, about this matter, and he said that he believed this issue had been resolved. I have not been able to complete my discussions with the Parliamentary Secretary, and I intend to do that as soon as possible. The State should be much clearer in its communications with the Commonwealth about what constitutes a bypass school or a TEE inadequate school, if I can use that phrase, and it should also be much clearer in its communications with parents who are caught in that situation.

I appreciate the reference in the Minister's second reading speech to the possibility that metropolitan boarding facilities will be established in the future. The Minister has not said that it will happen, but it will certainly be facilitated by this Bill. A number of institutions in metropolitan Western Australia already have boarding facilities that are provided by other organisations, including a facility for gifted children. I believe that in time we will have public involvement in one or more hostel facilities in the metropolitan area under the Country High School Hostels Authority's arrangements.

In general, and without reservation, I support the Bill, but I urge the Government to look in more detail at the issue that I have raised, because it is of considerable importance for country hostels and has caused a fair degree of trauma to parents who have been caught in that situation.

HON DERRICK TOMLINSON (East Metropolitan) [8.50 pm]: I was very interested in the dissertation by Hon Kim Chance. It raises an important question affecting the viability of the proposition in this Bill. The definition of isolation directly impinges on the problem Hon Kim Chance raised. The Bill refers to an isolated student as one who is geographically isolated for the purposes of the assistance for isolated children scheme referred to in the Student and Youth Assistance Act 1973 of the Commonwealth. For the purposes of the AIC scheme an isolated student is one who does not have reasonable daily access to an appropriate school. "Reasonable daily access" is defined as having to travel more than three hours to and from school each day or a single journey which is more than, I think, 57 kilometres.

Hon Kim Chance: You are not far out. It is 56 or 58.

Hon DERRICK TOMLINSON: The next part of the definition refers to the appropriate school. While distance measured in kilometres or duration of journeys to and from school is a fairly simple and objective measure, appropriateness is not as objective. What is appropriate to a student in one set of circumstances is quite inappropriate for a student in another set of circumstances. We have this dilemma: If we are to maintain viable schools in remote areas or in rural areas, the definition of appropriate must be such that it is a minimal educational provision appropriate to the curriculum prevailing in the State.

The Wyalkatchem example is a very important one. As a district high school it can provide an appropriate range of courses - not an optimal range - for students up to year 10. When we get to years 11 and 12, however, where there are 33 courses in the TEE stream alone and an equal number of non-TEE programs, making 66 in all, which would be available in some of the larger metropolitan schools, we then focus upon Wyalkatchem, which is a district high school with a senior top. That senior top is possible only because of access to distance education programs. Clearly, that range of 66 courses, or thereabouts, is economically impossible. Therefore, the range of courses might be appropriate within that very narrow definition of being within the curriculum or meeting the requirements of the Curriculum Council, but not offer a range of courses appropriate to the needs, aspirations and abilities of a particular child. It is still deemed to be an appropriate education. There is the dilemma we face in public policy. Will we allow that child to bypass? That child will bypass, as Hon Kim Chance pointed out, only if there is financial assistance to pay for the boarding -

Hon Kim Chance: Or unless their parents are independently wealthy.

Hon DERRICK TOMLINSON: Unless their parents are able to make the financial sacrifice. As Hon Kim Chance pointed out, at St Michael's four out of seven parents - 60 per cent - were unable to do so. If we translate that 60 per cent from St Michael's as an average for the State, we start to see why Northam Residential College is operating at 53 per cent of capacity. The dilemma is, do we allow them to bypass? Do we say the education is inappropriate for the child, therefore that child shall qualify for an AIC allowance and a living away from home allowance? The child will then be able to go to a hostel or boarding school elsewhere. Or do we deny that child the bypass right, and therefore an appropriate education, and compel the child to attend an appropriate school which is inappropriate for the individual? If we follow the first course, we will eventually destroy the viability of the school in the community.

Wyalkatchem would become a district high school without any top, and an increasing number of students would not have access to years 11 and 12. The argument would then arise that because it was not viable for years 11 and 12 due to the inappropriateness for the individuals, it was not appropriate for years 9 or 10.

Hon Kim Chance: That has been the case in high schools for many years.

Hon DERRICK TOMLINSON: Yes, I know, but there is a very strong argument and perception in rural areas that those district high schools are not good enough. I do not believe it is a fair perception, but it exists.

If we were to follow the argument which says we should have more liberal access to a living away from home allowance or an AIC payment, we would threaten the viability of district high schools, in particular in rural Western Australia.

That becomes important when one looks at the distribution of hostels in this State. It is recognised throughout Australia that the government high school hostels system in Western Australia is without doubt the best the nation has to offer. But the take-up rate in some of them is about 50 per cent, sometimes 60 per cent. In a few such as Narrogin, Esperance, and Geraldton the take-up rate is high. Students from Leinster, for example, bypass Eastern Goldfields Senior High School to attend Esperance.

Hon Kim Chance: There is no hostel in Kalgoorlie.

Hon DERRICK TOMLINSON: Let us follow that through. Why do they bypass Eastern Goldfields to go to Esperance? There are two reasons. The first is there is a hostel at Esperance and the second is Esperance is deemed to offer, or there is a perception that it offers, a high quality education. There was once a hostel at Kalgoorlie. It was never viable; it was established by the Isolated Children's Parents Association. The greatest number of students it ever had was nine. Why could it not be viable? It was because a perception existed about the quality of education provided. Where we see a high take-up of hostel places - Esperance, Geraldton and Narrogin - we see also a strong perception or value associated with the educational provision in the secondary schools.

It is interesting that we are talking about hostels which are established to provide an educational opportunity for isolated children. If we look at the distribution of hostels, we find that the more isolated one becomes, the less their availability. There is no hostel north of Geraldton. There is no hostel in Kalgoorlie. Two-thirds of Western

Australia, which has only 5 per cent of the population, does not have a hostel facility. There were hostels at Carnarvon and Port Hedland, but they were not viable.

I will now refer to the Bill. I am sorry that I have taken so long to get to it, but I wanted to respond to Hon Kim Chance's argument. It highlights a dilemma in public policy in respect of the provision of education in rural and remote Western Australia.

I refer members to the proposition that the Country High School Hostels Authority, which previously provided only for secondary students, should now provide for other students; that is, TAFE students.

The hostels with the lowest occupancy rates are Merredin, Northam and Albany. Those with the highest occupancy rates are Esperance, Geraldton and Narrogin.

Hon Bob Thomas: What do you mean, Albany?

Hon DERRICK TOMLINSON: Albany is an interesting case. It has only one hostel. There were two.

Hon Bob Thomas: There was a hostel for males and one for females.

Hon DERRICK TOMLINSON: Where there is vacant capacity -

Hon Bob Thomas: It is full. There is no vacant capacity. What are you on about?

Hon DERRICK TOMLINSON: Where there is a vacant capacity in the residential colleges at Merredin and Northam, members will find there is also a lack of TAFE facilities. Where there is full capacity - at Geraldton, Esperance and I am not sure about Narrogin - there are TAFE facilities. There is an increasing tendency for students to choose a TAFE program, a school or a combined program for years 11 and 12. While it is desirable that the students have access to the existing residential colleges, where that mix of TAFE and mainstream secondary education is available, the capacity of the residential colleges is consumed by the isolated students attending mainstream schooling.

We then move to the particular case of Albany. Albany has two government high schools and a non-government school - St Joseph's - whose students live in the hostel. There is also the viable campus of the Great Southern College of TAFE. That provides a real opportunity for students to have that mix of education and access to the residential college. Hon Bob Thomas refuted my proposition that the Albany hostel has vacant capacity.

Hon Bob Thomas: It has portables.

Hon DERRICK TOMLINSON: I was approached by the chairman of the board three years ago and he told me that there was vacant capacity. It was argued that the residential college should be open to TAFE students. Now the member is presenting to me the proposition that there is a waiting list.

What we are working towards in this Bill, desirable as it is, presents a problem. That is, where an alternative technical education facility is available, there is no capacity in the residential colleges. Where there is capacity in the residential colleges, there is no TAFE facility. So, while what Hon Kim Chance argued is important, and while the intent of the Bill is admirable, and I support it, one of the dilemmas we face is that there is this changing demand for the hostels. That is affected by two things: First, the financial capacity of the rural sector. As my colleague pointed out, wheat farmers are doing well at the moment, so they can afford to send their children away to school. Wool and beef farmers are not doing very well, so they will not be able to afford to send their children away. When the rural economy collapses, so too does attendance at colleges. When the rural economy is booming, the residential rate in the colleges and boarding schools rises.

Hon Bob Thomas: You forget that during the rural downturn farmers do not send their kids to elite schools in Perth, and we are picking them up in the country.

Hon DERRICK TOMLINSON: That is another factor - the demand for places in non-government boarding schools increases in times of rural prosperity and diminishes in times of rural downturn. All of this simply adds to the complexity of the problem.

I commend the Government for what this Bill will facilitate: The take up of educational opportunity in the TAFE sector because of access to residential facilities where the TAFE facilities exist. Students isolated from TAFE - not simply those isolated from appropriate schools - will have access to TAFE facilities by virtue of access to residential colleges. While I commend the Government for its intention, I believe that the issue Hon Kim Chance raised about the appropriateness of a school and the curriculum to the needs, aspirations and ability of a student impinges directly upon the viability of opening the residential colleges to TAFE students.

Hon Ljiljanna Ravlich: Are you going to move an amendment?

Hon DERRICK TOMLINSON: No. I am exposing this as a problem because it has never been satisfactorily resolved by any Government since the AIC scheme was introduced in 1973. That is the challenge facing this Government. If and when members opposite form a Government after 2050, it is a problem they will have to tackle as well. I commend the Bill to the House.

HON CHRISTINE SHARP (South West) [9.09 pm]: The Greens (WA) support this Bill. I have enjoyed the debate and learning more about remote education and the issue of country high school hostels. I thank my colleagues.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.10 pm]: I thank the members who have spoken for their support of the Bill. I particularly thank Hon Ljiljanna Ravlich for her positive support. For a fleeting moment as she was giving such effusive support I thought we might have made a mistake. I thought I should whiz back to see if it contained something of which I was unaware.

Hon Ljiljanna Ravlich: Goodwill is neverending on my part.

Hon N.F. MOORE: It is good to hear members opposite supporting this Bill, because it seeks to overcome a problem which has existed for some time in country high school hostels in Western Australia. Hon Ljiljanna Ravlich mentioned the Northam Senior High School hostel. I remember that with some affection, having been a student at Northam. I know that in those days the hostel was full. It was known affectionately as "the hut". The problem in Northam is that two hostels were built, only one of which is full. The occupancy rate at the Northam hostels is 53 per cent. The new facility is unoccupied. We need to resolve that situation.

The history of country high school education shows that hostels were full in days when there were few district high schools around regional Western Australia. During my time at Northam there were very few district high schools and students came from across the State - from places as far afield as Sandstone and the northern wheatbelt towns - to Northam. The hostels were in great demand when there were few district high schools. York probably had the only district high school in the wheatbelt at that time. As district high schools proliferated throughout the State the need for hostels diminished. One could argue whether that was a good or a bad thing. Hon Derrick Tomlinson thought it was a good thing and Hon Kim Chance indicated that in some circumstances it was a bad thing. However, that is a matter of opinion and I will not go into that today.

The Bill will extend the capacity of the hostels to increase the number of students who might use the facilities, and overcome the excess capacity problem in a number of hostels.

Hon Helen Hodgson mentioned that the authority's annual report referred to technical and further education students who already lodge in hostels. My understanding is that a number of students attended a hostel as secondary students and when they moved to a TAFE course, rather than shift them from the hostel they were allowed to stay. That was a sensible approach. There has been no intention in the past to avoid the requirements of the legislation. It has been an endeavour to cater for the particular circumstances of individuals. That has been done well, certainly in the majority of hostels.

The issues raised by Hon Kim Chance are complex and I do not propose to talk about them tonight because in a sense they are not fundamental to this Bill but to the whole issue of the provision of accommodation by Governments for remote and country students. It is a difficult issue that I have thought about for many years. I have not been able to find a solution. I have taught in places like Tom Price where parents wanted to send their children away for a variety of reasons, including the sort mentioned by Hon Derrick Tomlinson. On the other hand, as a teacher it was an ongoing difficulty to try to maintain the number of students at a school to maintain the required number of courses and staff to make the school work well. I do not know what the solution is other than it is important to maintain more than adequate schools in remote and regional Western Australia and provide a range of educational opportunities. At the same time we must acknowledge that many parents want their children to attend city schools where they feel they will get a better education. In some cases it is a matter of perception and sometimes reality.

The tendency with tertiary education examination courses is that country schools which do not have the base number of students are unable to provide the range of courses that many students want. An example I came across as Minister for Education was that it would cost more money to educate three students in Merredin on TEE calculus than it would to send the three of them to a private boarding school and pay all their fees. One must ask oneself whether there is a better way of doing things. That is a difficult issue and one we will not sort out tonight. I have thought about this for a long time and I do not have any answers. We will continue to try to ensure that those students who want to attend country schools have access to the best quality education and accommodation, so their parents feel comfortable about their being at those schools and in that accommodation and they have the opportunity for a good education.

Hon Derrick Tomlinson talked about the correlation between fully occupied hostels and TAFE institutions operating nearby. The hostels that are not full do not have a TAFE facility nearby. That is probably the case in general terms although the case in Northam is an obvious exception, where half the facility is empty despite a new TAFE facility

being built. If I had been the Minister who built the TAFE facility in Northam I would not have built it where it is, but as part of the high school campus.

Hon Derrick Tomlinson: The local member would have built it in York.

Hon N.F. MOORE: I was astounded to find that the TAFE facility was far enough away so there could be no interaction. One can only hope that those sorts of mistakes are not made in the future and we work our way through a process of ensuring that TAFE facilities are built on associated high school sites where that is a viable proposition, and Northam is. If we can use the hostel at Northam to cater for the needs of TAFE students, so much the better. That is an example of where this legislation will be useful. The C.Y. O'Connor College is seeking a presence in most of the main towns in the wheatbelt and may be able to provide students for Merredin. Merredin has always been a fairly marginal hostel and any support that the TAFE college can provide may add numbers to that college.

Hon Kim Chance: It is on site or near the site of the TAFE campus. You would know because you opened it.

Hon N.F. MOORE: It is across the road, but not as close as I would like. It is an ongoing battle to get TAFE to build facilities on secondary school sites and to stop the secondary schools from resisting being part of it. I will tell members the story about Kununurra one of these days.

Hon Kim Chance: Is it in your memoirs?

Hon N.F. MOORE: It is. This whole issue of making sure that we cater for the needs of all students may require building some additional capacity in some parts of Western Australia and down the track closing some of the facilities which will never be viable. I made the decision to close down the Kalgoorlie hostel. It was simply unviable. There were more staff than students. As Hon Derrick Tomlinson said, that hostel was not able to attract students, so it had to go. The irony is that the isolated children's parents' association has reopened a hostel. They have gone back to where they started and are enrolling more students than the first hostel. I could not work that one out. I was there when the first hostel was opened; it was a community achievement. The Government then provided a proper hostel, and there were fewer and fewer students. It was closed down and they are back where they started. Things go round in circles.

Hon Kim Chance: It is private enterprise.

Hon N.F. MOORE: Maybe that is what it is. We will keep a close watch on what happens with these hostels and whether this Bill goes some way to making them viable. It is a fact that some cost money and some make money, and the funds are spread around the system from those that make money to those that do not. That is a matter of conjecture by those who make the money. I thank members for their support of this Bill. It is a good Bill that seeks to overcome a problem. I hope it will be successful in doing that.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

COUNTRY HOUSING BILL

Second Reading

Resumed from 23 October 1997.

HON BOB THOMAS (South West) [9.21 pm]: The Labor Party at its Caucus meeting some time last year agreed to support this Bill. It is a simple Bill that seeks to repeal the Rural Housing (Assistance) Act 1976 and the Industrial and Commercial Employees Housing Act 1973 and replace them with the Country Housing Act. The Opposition sees some benefits in some of the provisions of the Bill.

One of its first aims is to broaden the base of those who will be assisted by the legislation. In most cases that is a good thing. It is intended to help local government authorities to provide more infrastructure to improve the health of rural communities by providing assistance for country shires trying to attract certain types of professional or trades people to their towns. It may be that certain businesses would not be viable enough for a person to set up a business and to maintain it in a healthy state, and at the same time pay for accommodation. A provision in the Bill will allow for some form of subsidy so that local government authorities can attract the right sort of people to their towns. That is a good thing.

The Bill will also change the way in which farmers are able to provide accommodation for their employees. Under the Rural Housing (Assistance) Act the only accommodation that met eligibility criteria for assistance was on-farm housing. This Bill will allow assistance to be given for housing in country towns. That is not a bad thing because

quite often farm employees work for more than one employer. In any case, many people prefer to live in the town to be close to schools and other services, and to travel to the farm.

The one area about which I have some misgivings is the assistance to retired farmers who have already transferred their assets to the younger generation. Assistance will be available to enable them to acquire accommodation in the town. In some cases I concede that benefit will be derived from that provision, but I am particularly concerned that some patronage may be extended to farmers by organisations responsible for approving the assistance. Quite often when farmers retire they move from the district. In Woodanilling, for instance, when farmers retire and the next generation takes over the farm, the farmers often move to Busselton, Albany or somewhere similar. Therefore, the community loses the benefit of those seniors who can provide assistance on the farm when required. Also communities such as Woodanilling are continually being depleted of a large section of the population. In many country towns it costs far more to provide the infrastructure, such as water, electricity, roads and the like, to open land than can be recovered from selling the land. Therefore, private developers are not prepared to open land and often local shire councils are not prepared to do so either. Therefore, not many houses come on the market in those areas, and often retired people move from the area and are completely isolated from the farm. The provisions of this Bill will make it easier for people to acquire housing in small towns, such as Woodanilling and Goomalling. However, I am concerned that in some cases people may be tempted to use this provision to extend political patronage to those who have been stalwarts of political organisations. That cannot be discounted.

The Labor Party supports this legislation and I commend the Bill to the House.

HON NORM KELLY (East Metropolitan) [9.28 pm]: The Australian Democrats support this Bill. As Hon Bob Thomas said, it is a reasonably simple Bill that will amalgamate the two existing authorities - the Industrial and Commercial Employees' Housing Authority and the Rural Housing Authority - into one body to be known as the Country Housing Authority.

The assistance provided for housing in rural areas relates to two types of towns. The first are farming communities in smaller towns, and the second are mining towns in the goldfields and the north west. They can be treated separately because of the different demands on housing. Normally in the mining towns there is a boom and bust cycle, whereas in farming towns there is a steady decline or a steady increase in demand for housing as the population fluctuates.

My comments will be primarily addressed to the loans for the farming community. I notice that the Minister in the other place said that people will not be able to get assistance under the Country Housing Authority to purchase housing in the major regional centres such as Busselton, Albany or Mandurah. I am not sure of the criteria describing the size of the town. However, it is clear that the intent is to concentrate on the smaller towns which are under the greatest pressure of winding down.

Hon Kim Chance: The trouble is the Act does not say that.

Hon NORM KELLY: That is right.

Hon Kim Chance: It only specifies metropolitan or non-metropolitan.

Hon NORM KELLY: We could consider moving an amendment that it should be specified. However, I am concerned about too rigid a specification because there should be some degree of flexibility to cope with fluctuating demands. As I said before, a radical shift occurs in population cycles in mining towns. Scenarios can differ within a few years. I worked in Karratha in the 1980s when the natural gas projects were beginning to be constructed which caused a huge population influx. When they were finished a huge effluxion of the population occurred and people who had purchased properties were left with a diminished capital value on their property. That flexibility should be in the Bill as long as accountability measures are contained in it.

I am happy with the intent that the Country Housing Authority will target the smaller towns. In recent years a number of major banks have removed their branches from country areas. Often the simple measure of removing one service from a town creates a domino effect of other services extracting themselves and the town slowly dying. Residents then find it easier to travel to larger towns for all their services if some are not provided in the local town. The aim of the Bill is to retain people in the smaller towns. That is one reason that the Democrats support the legislation.

One of my concerns about the Bill is the ability for the Minister to grant lower interest rates. Hon Bob Thomas mentioned the potential for political patronage in situations like that. I agree with him, but I also believe it is important that people involved in the local communities of small towns should be aware that lower interest rates could be provided for certain reasons. The reasons and the details of the loans being granted should be publicly available. The Minister has indicated his agreement with that. I will be moving amendments in Committee to ensure that those details are made available for all to see.

I refer to the role of local government authorities in the management and granting of such loans. Although the second reading speech mentions that local authorities may wish to provide housing to businesses or persons providing services within their district, including government or local government employees, that ability extends to non-profit organisations that could be operating in the town. In other words, the local government authority could take out a loan and pass it on to the workers in the non-profit organisations. A significant role can be played by local government authorities in managing these loans and accommodation in their towns. For this reason I will be moving amendments to ensure that a representative nominated by the Western Australian Municipal Association is on the board to oversee this authority. That was more or less the original intention of the Minister originally and I am glad I have agreement from him on my proposed amendment. Local government bodies can play increased roles in many areas and this is one area.

Regarding the infrastructure of these towns, once again Hon Bob Thomas referred to retiring farmers being likely to move to a larger regional town. It is important that we lessen the social impact of those people moving away by keeping multiple generations of families within towns. By doing so we strengthen the community within them. We also strengthen other services and this results in a stronger community network. With that we should experience growth in small towns.

Amendments on the Supplementary Notice Paper which appear confusing are being clarified at the moment and will be much clearer tomorrow. The Democrats support the Bill.

HON KIM CHANCE (Agricultural) [9.36 pm]: I will support this Bill when it comes to the vote, but with some reluctance. The only reason I will be supporting it is that the Australian Labor Party has decided it will support it. I have been a supporter of both of the authorities this Bill will replace. I have supported the Industrial and Commercial Employees Housing Authority because it has done some superb work in country towns. It has a way to go, but it is a relatively new authority. It has done a good job. I was certainly a supporter of the Rural Housing Authority while I was an executive member of the old Farmers Union. We assisted the Government of the day to put the Act in its current form. I always felt there was a very good social justice reason for that form of assistance. However, I feel very uncomfortable about the less than subtle differences I perceive between the function of those two authorities and what is proposed in this Bill.

I draw members' attention to the following scenario: A retired farmer who has transferred his whole interest in his farming property becomes eligible for assistance under the program. That transfer may be in the vicinity of several millions of dollars. He transfers millions of dollars of property to another member of the family under arrangements which do not even attract stamp duty as a result of legislation the Labor Government introduced 18 months ago or thereabouts, which facilitates the intergenerational transfer of land tax free. After transferring several millions of dollars to a member of the family this retired farmer can buy a house and land at Mandurah outside the metropolitan area or, if he is really into investment in a big way, Kalgoorlie, Albany, Geraldton or Bunbury. Some lovely places are outside the metropolitan area where a retired farmer, a former millionaire, can buy a house. This person will be enabled to do this under this legislation by dipping into the taxpayers' pocket. It amounts to no less than that. Money for this authority can come out of the consolidated fund, the taxpayers' fund. This ex-millionaire can dip into the taxpayers' pocket to an extent we cannot define, but on interest rates which may well be concessional. Clause 40 of the Bill provides that the Minister can decide just what the interest rate can be. There hardly seems to be a reason to have clause 40 if a concessional rate is not to be deemed. If it is just a matter of the commercial rate of interest being charged, clause 40 is unnecessary. This former millionaire will get assistance from the average battler who lives in Belmont, the taxpayer who works his life out as a boilermaker, and will get money from those taxes by way of assisted housing in Mandurah, for example, to further the former millionaire's interests.

I said that there were social justice reasons for supporting the establishment of the Rural Housing Authority, and there were. No doubt some of the people who received assistance under the RHA are now wealthy, but at that time they received it, they lived at the back end of sheds, unsealed on some occasions, trying to bring up children in appalling conditions on new land farms. There was very good reason for the assistance under the Rural Housing Authority. There is also a good reason in terms of the social strength of country towns to encourage retirees to stay in their home town. I admit that for some people Mandurah, Geraldton, Albany, Bunbury and Kalgoorlie are their home towns and there is every reason they should be encouraged to retire there, rather than joining the shift to Perth.

Following that scenario I painted, we find it is a rip off. Hon Bob Thomas said that he is afraid this could be used as political patronage, and he is dead right. It could be. I am not suggesting for a moment that any member here would contemplate doing that. It could be that the pay-off for people who have been branch president of the National Party, the Liberal Party or the Labor Party - things change - for 20 years is to receive funding for a house in Geraldton or Kalgoorlie. The recipient of the funding could live in that house for a couple of years and flog it for a profit of half a million dollars without any problems. That is the pay-off out of the taxpayers' pocket.

As I said, I will vote for this Bill. I will not absent myself from the Chamber when the vote is taken. However, I seek some assurances from the Government that there are some means of observing the functions of this authority. I can guarantee the Minister that once this authority becomes a functioning organisation in the form that is enabled by this Bill, every member will be watching this like a hawk.

HON B.K. DONALDSON (Agricultural) [9.43 pm]: I support this Bill, which covers a package of initiatives that has been put together by the Government over the past two or three years to address some of the difficulties faced by small country towns. I understand what Hon Kim Chance has said, and I hope the authority will look very closely at those people who apply for assistance. I am sure some guidelines will be set. No doubt the Minister will be able to expand on that.

The Rural Housing Authority did a wonderful job in retaining people in small country towns. Hon Bob Thomas alluded to the result of retirees leaving small country towns: The loss of experience, the loss of knowledge, and the loss of community participation by those who move away from their friends. Those of us who live in small country towns know that these people have been the backbone, and continue to be the backbone, of small country towns. If those people move away from that community, it is very much the poorer.

Over the past few years there has been a shift in service delivery by way of extended senior citizen care. Many people have moved to larger regional centres or Perth to access the small residential developments provided for senior citizens, as well as palliative care at a later stage, rather than remaining in the small country towns in which they have lived all their lives. We must take a broader look at this Bill to see whether it contains the inadequacies alluded to by Opposition members.

This Bill provides associated benefits for small country communities. One is the arrangement where private investment is being sought in major regional centres to provide government employee housing, where there is capital growth which makes it very attractive. Another is that local government has been involved with Homeswest in a joint venture for low income and single employees in many small country towns. That has been a popular initiative. It has been very rewarding for me to attend the openings of some of these projects in many country towns. It has had a large flow-on effect and has stabilised the population in some of those towns.

Local government authorities have been encouraged to use up what used to be section 514 self-supporting loans to provide accommodation in their communities. Many are now availing themselves of that opportunity. Using those self-supporting loans for government employee housing, the government agency pays the rent to meet the loan payments and, in turn, makes an arrangement with the employees at a lesser cost. It does not mean a lot of money is tied up within government funding.

In general, there may be some deficiencies in this Bill, but I am delighted to see small businesses are given the opportunity to expand. As Hon Kim Chance will know, coming from a small country town, they have not been in a position to provide that housing. People who are in business in a small country town who want an additional employee often find there is nobody to recruit to the position. When I was a member of the Shire of Koorda many years ago we found that unless we provided housing, we could not recruit people to be part of the council's outside workforce. Over the years we had a system of continually buying houses and upgrading them. If an opportunity arose, we sold them to the employees and purchased the next standard of house to replace the initial stock. When an employee resigned, we were able to advertise immediately and advise that adequate accommodation was available, usually with airconditioning. We received quite a few applications for these positions. When housing was not available, people were not interested in working with the council. They came to the town and asked where they would live.

I am very pleased with this package because the lack of provision of adequate residential accommodation for employees has been a drain on our rural communities for a long time. It is the biggest issue that many communities, especially the smaller ones, have faced over many years. Hon Kim Chance has been a member of Parliament for many years and I will bet that throughout the Agricultural Region people from many country towns have come to him and told him that their businesses have been stifled, and that there is no housing stock in the towns, and have asked when Homeswest will build more houses.

Hon Kim Chance: There have been some innovative solutions found.

Hon B.K. DONALDSON: That is right. This probably should have happened a long time ago. At least now the Government and the Opposition have recognised that times have changed.

Hon Kim Chance: I am not convinced this Bill is any improvement in that respect.

Hon B.K. DONALDSON: We must look at the broader picture. It is all part of the overall package to retain people in small country towns.

I was very interested to hear about the retired farmers. I wonder whether the transfer of their total interest in the farm means the landholding, and machinery and plant, or whether the interest relates to a payment each year for the lifetime of the mother or father.

Hon Kim Chance: I think that is excluded by the Bill.

Hon B.K. DONALDSON: I would like to make sure of that. People could transfer the interest, and avoid stamp duty, but the offspring of the farmer could end up paying \$60 000 or \$70 000 a year for the rest of the parent's life. I will seek some clarification on that point. Overall I support the Bill, because it is part of a wider package. The Government should be congratulated for the way it has tackled the issue over the past two or three years.

HON MAX EVANS (North Metropolitan - Minister for Finance) [9.51 pm]: I thank members for their strong support of the Bill, and I note the reservations expressed by Hon Kim Chance. The two Acts being repealed by this Bill were fairly restrictive. We need legislation with broader parameters because the situation is changing so rapidly in country areas - mostly for the worse. The population in country towns is decreasing, and that creates a problem. This Bill will allow some flexibility in providing housing in country areas. I agree with Hon Norm Kelly that this type of housing should be provided because one day we may want people to go to a particular country town.

Hon Norm Kelly expressed a desire to appoint to the new authority a representative from the Western Australian Municipal Association, but I am not sure whether he means a representative from the Country Shire Councils Association.

Hon Norm Kelly: I think it would come under the umbrella of the Country Shire Councils Association.

Hon MAX EVANS: We will consider that point at a later stage. We have had some drafting problems tonight; therefore, we will deal with the second reading tonight and undertake the Committee stage tomorrow. If necessary, I will comment further tomorrow regarding the composition of the authority. We must have a degree of flexibility. Between the two organisations an amount of \$12m has been made available, and with borrowings an amount of \$20m will be available in the beginning.

Hon Bruce Donaldson referred to activities within the Koorda Shire. I have always thought that country towns should be more innovative and build up a stock of houses for school teachers and other people. For many reasons that has not been done, but I was very interested to hear of a town that had taken that step. That must have paid great dividends over the years, especially from the provision of housing for workers such as mechanics, because if a town does not have a mechanic, people cannot maintain their vehicles.

Hon Kim Chance: Koorda Shire Council is very innovative.

Hon MAX EVANS: Some shire councils have been very good, but others have not.

It can be a good idea to allow people to live off the farm in the towns so that their children are close to school and do not need to travel by bus. In many European countries people travel out from their farms all their working lives. In South Africa it is much the same. We should keep the older people in country towns. It is important that they remain in country towns because they can become caretakers of the family farm when the family wants to have a holiday, or can babysit for their family. People could not expect that sort of situation years ago, but they do today.

Hon Kim Chance: Older people are great assets to the community.

Hon MAX EVANS: There is no doubt about that. Towns in mining areas and farming areas are very different. Mining companies have the resources and they require their employees to fly in and fly out of the workplace. It is different when people work for local government in towns in the north west. I am not sure how these problems are solved in the north west, but I am aware that rent for housing in that area is very expensive.

Years ago, the Bruce Rock Shire offered free land. Many towns do that. Hon Bob Thomas said that sometimes people do not receive a decent return on the improvements they make to the land. That problem will be solved in time.

Hon Bob Thomas spoke about patronage. I do not think we will have any problem with patronage being offered to people such as Holmes a Court, with \$260m for properties, \$285m for BHP shares and \$300m for Bell shares. It would take us a long time to catch up with that patronage. Laurie Connell had \$350m. We will make sure our patronage does not run to that extent. The rules pertaining to this new authority will be very tight.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.54 pm]: I move -

That the House do now adjourn.

Office of Health Review - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [9.55 pm]: I take this opportunity to talk about the health system and the Office of Health Review. I will do that on behalf of a constituent who has visited my office on a number of occasions to complain about the Armadale-Kelmscott Memorial Hospital, and subsequently the handling of a matter by the Office of Health Review.

Before I attend to that matter, I draw attention to the crisis in the health system in this State, which has a direct link to the reduction in funding for the health sector. Currently, 15 000 Western Australians are awaiting elective surgery, and there are a number of other pressing issues in that sector. I will not address that matter in detail now because I propose to make a more comprehensive speech at a later date. The Office of Health Review has received a total of 671 complaints or inquiries in its first nine and a half months of operation, six of which were against the Armadale-Kelmscott hospital. That is a substantial number. Many people have complaints to make but they do not take them directly to the Office of Health Review because they are not aware of the mechanisms by which they can voice their concerns.

I bring to the attention of the House a complaint by Miss Jane Leadbetter regarding a doctor at the Armadale-Kelmscott hospital. Miss Leadbetter attended the hospital at 11.00 am on Saturday, 19 July. She presented with symptoms of dehydration, vomiting, sweating and a lack of appetite. I understand also that her temperature was increasing rapidly. The nursing staff inserted a drip into her hand, took blood tests, and so on. She wished to be admitted. While waiting for admission she heard staff say that the doctor who had authority to admit her was not contactable; therefore, she lay waiting on a stretcher for a number of hours.

Hon Derrick Tomlinson: Who administered the drip?

Hon LJILJANNA RAVLICH: The nurses did that, but she could not be admitted to the hospital.

Hon Kim Chance: That is a proper procedure.

Hon LJILJANNA RAVLICH: She had to wait for five hours for the doctor to attend to her. While waiting in this uncomfortable condition she heard the nurses say that the doctor could not be contacted because he never has his pager on, and that he did that all the time. That is not good enough. At 4.00 pm she was still waiting to be admitted, but she could not be admitted because a doctor was not there to officially admit her. There was a change of nursing staff at 4.00 pm, and the sister in charge then admitted her. The doctor attended to Miss Leadbetter at lunchtime the following day.

Hon Derrick Tomlinson: Was that her doctor or a hospital doctor?

Hon LJILJANNA RAVLICH: It was the hospital doctor. There was no doctor at the Armadale-Kelmscott hospital to undertake admissions. Doctors are on call, and it is an absolute disgrace in this day and age that a doctor is not in attendance at all times at the hospital to admit patients.

Hon Kim Chance: They are on call, with their pagers off.

Hon LJILJANNA RAVLICH: Apparently that doctor has a habit of doing that. The bottom line is that when there is a need a doctor should be present. The situation was not good enough. The Leadbetters took their complaint to the hospital and to the Office of Health Review.

Initially, when the hospital undertook the inquiry, the Leadbetters were advised that the hospital had lost all the medical records, so the review was held up for a while. An inquiry was held and this is what the director of clinical services, Dr Roy Wilkinson, wrote in a letter to Mrs Leadbetter on 26 September 1997 -

Senior staff had investigated the complaint and it appears as though [the doctor] was not aware he was on call that weekend. However, when he arrived home he immediately responded to the message left on his answering machine. It appears as though this was the cause of the delay in transfer of your daughter to the ward. The Emergency Specialist stated that the clinical care administered in the Emergency Department was satisfactory.

The care the patient received in the emergency department may have been satisfactory, but it is totally unsatisfactory in this day and age that a doctor did not realise that he was on call for the weekend. It took five hours for the person to be attended, and the doctor responsible for her admission rolled up to attend to her the next day.

As a result of the complaint by the Leadbetter, the Office of Health Review became involved. In response to the Leadbetter's concerns, Trevor Pope, the acting director, wrote to Mrs Leadbetter in the following terms after investigating the complaint -

. . . the Hospital's Medical Advisory Committee has considered the concerns you raised regarding the availability of on-call doctors. As a result, the Hospital has implemented new procedures to ensure that doctors rostered on call confirm their availability with the Hospital. I have also been advised that the doctor involved in this particular incident has withdrawn from the on call roster.

That is just as well.

Hon Derrick Tomlinson: What was the date of the letter?

Hon LJILJANNA RAVLICH: It was 3 December 1997. Therefore, one would conclude that proper procedures were put in place to ensure that this situation did not arise again. However, an article on 7 January 1997 outlined that a young girl was seeking admission to the Armadale-Kelmscott hospital some time in December and, once again, no doctor was available to admit her. It is totally irresponsible. It reflects a health care crisis and that some strange things that are going on in Armadale-Kelmscott hospital -

Hon E.J. Charlton: It has been going on all around Western Australia for the past 10 years.

Hon LJILJANNA RAVLICH: If so, something must be done about resourcing the hospitals adequately.

Hon E.J. Charlton: We need a change to Medicare and the whole medical system.

Hon LJILJANNA RAVLICH: Something needs to be done to put in place appropriate procedures. Both of these cases could have resulted in fatalities - it depended on the nature of the illness.

Hon Barry House: Country hospitals have faced that for years.

Hon LJILJANNA RAVLICH: It is not good enough. This is not a country hospital. We understand the tyranny of distance; matters are more complicated with large distances to travel.

Hon E.J. Charlton: It is about having a doctor at a hospital.

Hon LJILJANNA RAVLICH: This is metropolitan Perth and the situation is inadequate. I intend to raise this matter in a more wide ranging debate on health matters at a later stage.

Scarborough Senior High School - Adjournment Debate

HON E.R.J. DERMER (North Metropolitan) [10.06 pm]: I rise on a serious matter, to draw attention to a sorry report of betrayal and neglect in my electorate. A week ago tonight I met with a group of angry and determined parents of children at Scarborough Senior High School. It is important to consider why these people are so angry. The Minister for Education has put forward a proposal for local area planning to determine the needs of certain areas. Local area planning is designed to enable full consultation with the community when deciding whether schools will be provided. Scarborough Senior High School is an example of where the process has not involved consultation - quite the reverse.

Nevertheless, the parents, students and staff of the Scarborough school were told in no uncertain terms that the process of local area planning would mean that they would be consulted. The parents I met at Scarborough are very sincere people. They made the assumption that the Minister for Education was sincere about the local area planning process, and they worked hard to develop proposals for the future of their school. They developed in detail three different proposals, each of which would see Scarborough having a continuing and important role in providing education services. These people were very flexible, intelligent and thorough in their work, and their objective was to look at various ways that Scarborough Senior High School could continue to make a contribution to the provision of education services in the area. Unfortunately, the consultative plan was distorted; it was not a true consultative plan.

Hon Kim Chance: Did the Minister say insulting or consulting?

Hon E.R.J. DERMER: The Minister made one very critical comment. He said in September of last year, before the process of consultation had started, that Scarborough probably should close. Sadly, this was a self-fulfilling prophecy. Many parents, whose first concern is naturally for a stable, long term education for their children, did not re-enrol their children in Scarborough in the following year. In 1997 the school enrolment was 408 students, and at the beginning of 1998 it was 326 students. That undermined the position of the school. Previously, its enrolments had stabilised. The Minister's statement that the school would probably close impacted on the consultative process. It gets worse.

The consultative process was not a consultative process as the local school communities in the western suburbs did not have the opportunity to write a submission and present it to the Education Department or the Minister. The district directors of the Education Department write the submissions for the future options for schools in the area. They might listen to the parents. The parents of Scarborough developed full and valuable education proposals for the future of Scarborough. The district directors write the proposals for the Education Department to consider, so the department is talking to itself and ignoring the wishes of the parents.

Hon Simon O'Brien: Would the lesser enrolment to 326 be due to -

Hon E.R.J. DERMER: It was as a direct result of the Minister's intervention by saying that Scarborough should probably close.

Hon Simon O'Brien: Was it caused by different student numbers resulting from changing demographics?

Hon E.R.J. DERMER: The drop in student numbers was too dramatic to be accounted for in that way.

Hon Derrick Tomlinson: Swanbourne and City Beach have exactly the same trend.

Hon E.R.J. DERMER: I will continue to illustrate how the consulting process was a sham.

It was a self-fulfilling prophecy. The Scarborough parents become very sad over the education proposals. The whole system is a farce. The Minister announced that Scarborough Senior High School should probably close. The parents took students out in large numbers to reinforce that self-fulfilling prophecy. After the so-called consultation, the district directors wrote the submission to the department containing four options with one thing in common, which is the closure of Scarborough Senior High School. It is entirely understandable why Scarborough parents are so angry at this betrayal. They went in with a sincere intention and worked hard at their proposals. In retrospect, if they were not so angry they would be almost embarrassed by their understandable naivety, because they can now see how hard they worked and how little it was taken into account by the Minister and the Education Department. They are very sincere and hard working people. I have studied the proposals they put forward and educationally they are excellent. They did not include selling Scarborough Senior High School for real estate money, which is the real reason that before the consultative process started the Minister wanted to close it.

It is important I comment on the dereliction of duty by the member for Innaloo. Scarborough Senior High School is an important community institution in that electorate. The member for Innaloo has done nothing. Following a meeting with parents last Wednesday night I thought that the appropriate thing would be to write immediately to the member for Innaloo to invite him to join me in the call for the Minister at least to give serious consideration to the proposal to save Scarborough Senior High School. More specifically, I asked him to join me in the call to save Scarborough Senior High School. I have yet to hear from the member for Innaloo. His duty is to defend that high school as an important institution in his electorate. Sadly he has chosen not to do so. If he sincerely believes that it is a good thing to close the senior high school, he should be out there explaining that position to his constituents. We get silence, which amounts to a very serious dereliction of duty.

Question put and passed.

House adjourned at 10.14 pm

QUESTIONS ON NOTICE

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

KALGOORLIE TRANSPORT HUB - JOINT SERVICES

197. Hon MARK NEVILL to the Minister for Transport:

I refer to the development of a transport hub at Kalgoorlie -

- (1) What difficulties remain for Westrail and National Rail to provide a joint services for a rail hub in Kalgoorlie?
- (2) What issues need to be resolved before the proposed hub can be developed for rail services?

Hon E.J. CHARLTON replied:

- (1)-(2) It is not intended that Westrail and National Rail will provide joint services for a transport hub at Kalgoorlie.

The proposal to develop a transport hub envisages that a facility is built to expand the capacity for direct road and rail interchange.

Westrail has identified an appropriate area of land suitable for road/rail transfer and will be seeking expressions of interest from the private sector to build, own and operate an intermodal facility at West Kalgoorlie. Westrail's only direct role would be that of landlord.

TRANSPERTH PATRONAGE - DECLINE

274. Hon MARK NEVILL to the Minister for Transport:

I refer to the Department of Transport's 1995/96 Annual Report in which it is noted that patronage on the Transperth system declined by 3.9 percent in 1995/96 compared to patronage in 1994/95.

- (1) What percentage drop in patronage is attributed to "24 hour strike by MetroBus drivers"?
- (2) What percentage drop in patronage of Westrail is attributed to "a strike and a stop work meeting"?
- (3) What percentage drop in patronage is attributable to "the consequent loss of confidence in the system" all of which above are referred to on page 27 of the Department's 1995/96 annual report.
- (4) What percentage drop in patronage is attributable to matters other than those above?
- (5) What are those factors leading to a reduction in patronage other than those referred to above?
- (6) What evidence is there of "loss of confidence in the system"?
- (7) Have Westrail or Transperth conducted any surveys of passenger opinion in relation to either service in the last two years?
- (8) What are the outcome of those surveys in respect of matters of public opinion?
- (9) Will the Minister ensure that there are developed within the metropolitan transport program, performance indicators relating to the safety and personal security of passengers on Transperth and Westrail to the perception of personal safety and security that the passengers have in relation to both of those services?
- (10) If not, why not?

Hon E.J. CHARLTON replied:

- (1) Estimated average daily bus passenger boardings are 120 000. In the event of bus services not operating loss of patronage would accumulate at the rate of 120 000 boardings per day and effect the annual result accordingly.
- (2) Estimated average daily train passenger boardings are 70 000. In the event of train services not operating loss of patronage would accumulate at the rate of 70 000 boardings per day and effect the annual result accordingly.
- (3) The Department has made no estimate of the drop in patronage attributable to the consequent loss of confidence in the system referred to in the 1995/96 annual report.

- (4) The Department has made no estimate of the drop in patronage attributable to any other factors.
- (5) Some factors which may affect patronage include route service designs, route service frequencies, public awareness of services, and the quality of public transport vehicles.
- (6) The apparent 'loss of confidence in the system' has been corrected through the delivery of improvements in public transport in the intervening period. Refer to the answer to question (8).
- (7) Transperth has conducted passenger surveys since 1992, interviewing more than 3 000 public transport users, their perceptions of, and satisfaction with, the Transperth system. This survey is known as the Passenger Satisfaction Monitor, and is currently conducted under contract by Donovan Research Transport, and covers the bus, train and ferry components of the system.
- (8) The 1997 Passenger satisfaction survey levels were reported as follows. Bus-Passenger satisfaction levels increased three percentage points in 1997, while the levels of dissatisfaction decreased by five percentage points. These results were regarded to be statistically significant. Train - Passenger satisfaction levels for the rail system for 1997 remain extremely high with 92 per cent "very satisfied or satisfied". In addition, the proportion of patrons indicating "very satisfied" (ie the top response category) increased from 36 per cent in 1996 to 47 per cent in 1997. Ferry - Overall satisfaction with the ferry system was extremely high, with 93 per cent of patrons indicating "satisfaction" with the service.
- (9) A section of the passenger satisfaction monitor specifically addresses passenger perceptions of personal safety and security. The 1997 Passenger Satisfaction Survey indicated that in excess of 95 per cent of passengers indicated they 'always/usually feel safe' during the day. Perceptions of safety at night on public transport, in common with general community safety perceptions at night, were lower with 80 per cent and 58 per cent indicating they 'always/usually feel safe' on bus and train respectively.
- (10) Refer to the answer to question (9).

POLICE - PRESENCE AT COMMUNITY AND SPORTING EVENTS

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

- (1) What is the policy of the Police Service in regards to providing police at community events, sporting activities and local festivals?
- (2) Is it police policy that the Police Service does not make available police officers to community and sporting events and for local festivals and the like?
- (3) Is it Police Service policy to advise the organisers of community and sporting events and local festivals to make private arrangements with private security firms and agencies to provide privately employed crowd control personnel to police such events and festivals?
- (4) If yes, when did this become policy?

Hon PETER FOSS replied:

- (1) A core function of the Western Australia Police Service (WAPS) is to preserve public order and promote a sense of security in the community.

Police Service response to the provision of officers at such events is determined according to need after discussions with organisers.
- (2) No.
- (3) No. However, arrangements with private security firms are available to the organisers of such events if they believe additional security is needed.
- (4) Not applicable.

ABORIGINAL COMMUNITIES - LOCAL POLICE SERVICES

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

- (1) Is it Police Service policy to offer to provide local police services to Aboriginal communities only if the community can secure capital funding from ATSIC to construct a local police station and accommodation for police officers?

- (2) Has the Police Commissioner made such a conditional offer to any Aboriginal communities in Western Australia?
- (3) If yes, to which Aboriginal communities?
- (4) Is this offer made in accord with State Government policy and with State Government approval?

Hon PETER FOSS replied:

- (1) No. The Western Australia Police Service endeavours to provide equitable service throughout the State, including services to Aboriginal communities.
- (2) No.
- (3)-(4) Not applicable.

ANTI-CORRUPTION COMMISSION - MEMORANDUM OF UNDERSTANDING

865. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

With respect to the answer given to question on notice 562 provided on August 26, 1997 -

- (1) Will the Minister for Police table the Memorandum of Understanding?
- (2) If so, when?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1)-(3) Yes. The answer was tabled. [See paper No 1420.]

GREAT NORTHERN HIGHWAY, KARALUNDI SECTION - WIDENING

866. Hon TOM STEPHENS to the Minister for Transport:

- (1) Will the Minister take steps to ensure that the Main Roads Department brings forward the widening of the 42 kilometre Karalundi section of the Great Northern Highway north of Meekatharra into an urgent and shorter program rather than a protracted three year program that will not commence until February 1998?
- (2) If not, why not?

Hon E.J. CHARLTON replied:

- (1) The reconstruction, widening and primerseal of the Karalundi section of Great Northern Highway will commence in May 1998 and be completed by December 1998. The final seal coat is programmed for December 1999.

The project is funded over three years but work will be substantially completed in 1998.

- (2) Not applicable.

FISHERIES LITIGATION - COST OF DEFENCE

952. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

In respect of litigation in each of the last seven years -

- (1) What costs have been incurred in defending litigation by Fisheries Department Officers?
- (2) What costs have been incurred by defending litigation by professional fishermen?
- (3) What costs have been incurred by defending litigation by fish processors?

Hon E.J. CHARLTON replied:

- (1)-(3) Costs incurred by the Fisheries WA in defending specific 'litigation' cases are not recorded in the Agency's financial records as a separate cost item. Litigation costs incurred on Fisheries related matters assessed as 'Core Business' are met by the Crown Solicitor's Office which represents the Agency in all but exceptional litigation cases.

The only 'exceptional' case in the last 7 years related to a coronial enquiry held in 1997. In this particular case because the Crown Solicitor, due to a conflict of interest situation, could not represent the Agency, a barrister from the Private Bar was briefed to represent the Agency in the coronial hearing. Costs amounted to \$10808.

KENDRICK-DIXON CASE - POLICE INVESTIGATION

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

Further to question without notice 752 of September 5, 1996 in respect of the Kendrick-Dixon case -

- (1) When in 1993 was the matter referred by the Fisheries Department to the Police Department?
- (2) Will the Minister for Police table correspondence related to this referral and the Police response?
- (3) If not, why not?
- (4) What action was taken by Police in respect of this matter following (1) above?
- (5) What was the outcome of the investigation into the matter?
- (6) Which police officer -
 - (a) dealt with this matter;
 - (b) undertook the investigation; or
 - (c) liaised with the Fisheries Department?

Hon PETER FOSS replied:

- (1) The complaint of Wendy and Thomas Dixon was not referred by the Fisheries Department to the Western Australia Police Service in 1993. Instead, the Police Service became aware of the matter following a number of articles in the media. The matter was the subject of discussions between the Fisheries Department and former Deputy Commissioner L D Ayton in 1993.
- (2)-(3) Not applicable.
- (4) As the Police Service was aware that the Dixon complaints were the subject of an Internal Investigation by the Fisheries Department no further action was taken in 1993.
- (5) In 1997 the Fisheries Department formally wrote to the Police Service seeking an investigation of the issues relating to the Kenrick/Dixon matter. The request was facilitated and is currently the subject of a police investigation.
- (6) While no formal investigation was undertaken at the time, liaison with the Fisheries Department was undertaken in 1993 by former Deputy Commissioner LD Ayton.

GOVERNMENT CONTRACTS IN EXCESS OF \$30M - SAFETY PROVISIONS

1156. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) How many contracts over \$30m have been awarded by the Government in each year from 1992 to date?
- (2) What provisions do these contracts contain to ensure the safety of workers and the public during the course of the contract?
- (3) What checks are made on tendering contractors regarding their experience and ability to carry out work before awarding any contract?
- (4) Are tendering contractors required to disclose any previous convictions or impositions of penalties in relation to breaches of occupational health and safety legislation when they tender for a contract?

Hon MAX EVANS replied:

The information sought is not currently stored centrally. However, I have been able to obtain the necessary information to answer the question as it relates to my portfolios of Works; Services; Multicultural and Ethnic Affairs and Youth.

- (1) Works; Services
 - 1992 - Nil
 - 1993 - Nil
 - 1994 - Two
 - 1995 - Three
 - 1996 - Four
 - 1997 - Two

Youth Nil

Multicultural and Ethnic Affairs Nil

- (2) Contracts for goods and services require contractors to comply with statutory requirements. Contracts for works require compliance with all Occupational Health, Safety and Welfare Acts and regulations.
- (3) Tenderers for goods and services contracts are required to address the selection criteria which include, but are not restricted to, demonstrated experience in contracts of a similar nature. For non-residential building works contracts over \$200,000 the prequalification process assesses the tenderer's ability to carry out the work.
- (4) No.

POLICE SERVICES IN SOUTH WEST - BUDGET CUTS

1187. Hon BOB THOMAS to the Attorney General representing the Minister for Police:

I refer to the item in the GWN news bulletin on Wednesday, November 12, 1997 regarding the budget cuts to the Police Service in the South West -

- (1) What is the percentage reduction for the budgets for the following Police Stations -
 - (a) Manjimup;
 - (b) Bridgetown;
 - (c) Boyup Brook;
 - (d) Pemberton;
 - (e) Albany;
 - (f) Mt Barker; and
 - (g) Denmark,
 for the 1997/98 financial year?
- (2) What specific measures will be taken in order to realise the budget reductions for the following Police Stations -
 - (a) Manjimup;
 - (b) Bridgetown;
 - (c) Boyup Brook;
 - (d) Pemberton;
 - (e) Albany;
 - (f) Mount Barker; and
 - (g) Denmark?

Hon PETER FOSS replied:

- (1)-(2) In all cases, the budget allocation for 1997/98 is greater from than the budget allocation for 1996/97.
(In some cases the budget allocation for 1997/98 is less than the actual expenditure for 1996/97).

NUMBUD TRUANCY PATROL, DERBY - FUNDING

1199. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) Is the Minister for Education aware of the Numbud Truancy Patrol program in Derby?
- (2) Does this program achieve its main objective in encouraging young people to attend school?
- (3) Is the Minister aware that the property crime statistics supplied by the Derby Police has shown a significant decrease in property crime during the period that Numbud Truancy Patrol has been operating?
- (4) Is the Minister prepared to make funding available to this worthwhile program to ensure its continued success?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Derby District High School has reported an improvement in the level of student attendance. However, other initiatives which are conducted by the Education Department to address truancy may have contributed to

this result. Derby District High School utilises the service of ten Aboriginal Education Workers whose role, in part, is to address truancy experienced at the school.

At the District level, information about transient and truanting students is maintained through the ongoing supply of information by schools. This facilitates early identification of truanting behaviour, and subsequent intervention. An Aboriginal Liaison Officer and a School Development Officer (Aboriginal Education) are employed through the district office to liaise between the school and parents, where truanting is identified.

- (3) Yes. The Minister is aware that property crime statistics have shown a significant decrease.
- (4) The Education Department has committed funds to the project for the next three years.

BURGLARIES - BASSENDEAN, SWAN AND STIRLING

1204. Hon NORM KELLY to the Attorney General representing the Minister for Police:

Further to question without notice 1030 -

- (1) What rate of increase or decrease in day-time dwelling burglaries has occurred from 1996 to 1997 in the Local Government areas of Bassendean, Swan and Stirling?
- (2) What are the corresponding statistics for night-time dwelling and commercial burglaries?
- (3) Have police patrols been maintained in these areas during this period?

Hon PETER FOSS replied:

- (1)-(2) The Mirrabooka Police District incorporates the local government area of the City of Bayswater, the majority of City of Stirling, portion of the Town of Vincent and one suburb of the Swan Shire Council. The suburbs of Wembley Downs, Churchlands, Carine, Waterman and Hamersley are within the City of Stirling but are not in the Mirrabooka Police District therefore statistics for those suburbs are not included.

Mirrabooka District offence statistics for the period April - October 1997 compared with the same period in 1996 indicate a 12% decrease in day time dwelling burglaries, a 2% decrease in night time dwelling burglaries and a 3% increase in commercial burglaries compared to the City of Stirling area statistics which show a 13% decrease in day time, 3% increase in night time and a 1% increase in commercial burglaries.

The Midland Police District incorporates the local government areas of Bassendean Town Council and part of the Swan Shire Council. The suburbs of Malaga and Noranda are in the Mirrabooka Police District and Ballajura and Cullacabardee are in the Joondalup District.

Midland District offence statistics for the period January-October 1997 compared with the period January-October 1996 show a 14.3% decrease in day dwelling burglary offences, a 24% increase in night time dwelling burglaries and 7.6% decrease in burglaries committed in commercial premises.

- (3) Police patrols concentrated on high incidence areas during this period and they will continue.

STATE DEBIT TAX

1229. Hon BOB THOMAS to the Minister for Finance representing the Treasurer:

- (1) Is it correct that the State Debit Tax is levied on FID Tax and Stamp Duty debits from bank accounts?
- (2) What is the rate of the State Debit Tax on these sorts of transactions?
- (3) What are the reasons for levying the State Debit Tax on other taxes?

Hon MAX EVANS replied:

- (1) Debits tax applies to all debits of more than \$1 to accounts with cheque facilities, including debits relating to the payment of other types of taxes.
- (2) For a debit of more than \$1 but less than \$100, the debits tax payable would be 30 cents. The maximum debits tax payable is \$4, which applies if the debit is \$10,000 or more.
- (3) Minimising the number of exemptions enables taxes like debits tax to be kept as simple as possible, and the tax rates as low as possible.

BUNBURY CITY COUNCIL - FUNDING TO RESTORE BEACHES

1237. Hon J.A. COWDELL to the Minister for Transport:

- (1) Did the Government give a commitment to the Bunbury City Council that it would provide funding assistance to restore local beaches damaged after storms last year?
- (2) If yes, when was the commitment made and what was the level of funding promised?

Hon E.J. CHARLTON replied:

- (1) No.
- (2) Not applicable.

QUESTIONS WITHOUT NOTICE

GLOBAL DANCE CONGRESS - LEGAL PROCEEDINGS

1192. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Are legal proceedings to issue in relation to the failure of the Global Dance Congress?
- (2) In whose name will those proceedings issue?
- (3) Against which party and in which court will they issue?
- (4) What stage have those proceedings reached?
- (5) Who are the solicitors for the plaintiff in the matter?
- (6) Is it proposed to refer any of these matters to the police for further investigation?

Hon N.F. MOORE replied:

- (1)-(6) The Board of Commissioners of the Western Australian Tourism Commission has instructed the Crown Solicitor to institute preliminary proceedings to enable the WATC to identify available courses of action and appropriate parties. These proceedings will be instituted out of the Supreme Court in the near future.

MR PETER JONES

1193. Hon TOM STEPHENS to the Leader of the House representing the Premier:

With respect to the links between the Government and the former President of the Liberal Party, Mr Peter Jones, I ask -

- (1) Apart from the consultancy that Mr Jones has with the Public Sector Management Office to look at outsourcing the transportation of prisoners, in what other consultancies is he engaged?
- (2) To what government boards and committees has Mr Jones been appointed, and for each position what is -
 - (a) the title of the position;
 - (b) the period of appointment; and
 - (c) the remuneration of the position?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The information sought will take considerable time to collate; accordingly I ask the member to put the question on notice.

SNOWY MOUNTAINS ENGINEERING CORPORATION

1194. Hon J.A. SCOTT to the Minister for Transport:

In relation to the study carried out by the Snowy Mountains Engineering Corporation - SMEC - into the traffic calming of Hampton Road in Fremantle -

- (1) (a) Did Main Roads WA put the study contract out to tender?
- (b) If so, how many and which companies lodged tenders to carry out the study?
- (c) Was the SMEC tender the lowest?
- (2) (a) Is SMEC contracted to design the Fremantle eastern bypass?
- (b) If yes, why was a company with a vested interest in the outcome awarded the contract?
- (c) Does this comply with current contracting guidelines used by government departments?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) (a) This work was undertaken as a variation of a larger detailed planning and preliminary design contract. The Snowy Mountains Engineering Corporation was one of six organisations which tendered for the original contract. As part of that original contract, the company was required by Main Roads to undertake the additional work.
- (b)-(c) Not applicable.
- (2) (a) Yes.
- (b) Main Roads does not believe there is any conflict of interest.
- (c) Yes.

WESTERN POTATOES' SURVEILLANCE OF GALATI PROPERTY

1195. Hon NORM KELLY to the Minister representing the Minister for Primary Industry:

Regarding recent surveillance conducted by Western Potatoes on the Galati property in Baldvis, I ask -

- (1) What has been the cost of surveillance operations?
- (2) Is the Minister aware of concerns of local residents that they understand surveillance operations have extended to their own properties?
- (3) In what form are details of local residents' movements recorded?
- (4) How is this information currently held?
- (5) How and when will this information be destroyed?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) The contract between the surveillance company and Western Potatoes is ongoing and, as such, the costs are not yet finalised.
- (2) Surveillance operations have not been extended to neighbouring properties.
- (3)-(5) Not applicable.

BUNBURY REGIONAL HOSPITAL

1196. Hon KIM CHANCE to the Minister representing the Minister for Health:

- (1) Can the Minister confirm that the Bunbury Regional Hospital no longer has a resident doctor?
- (2) If yes, for how long has this been the case?
- (3) What steps has the Minister taken to replace the resident doctor?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Bunbury Regional Hospital has a senior medical officer in the emergency department.
- (2) Until Christmas 1997, Bunbury Regional Hospital's emergency department had rotating training residents from Royal Perth Hospital.

- (3) This has now ceased and Bunbury Regional Hospital's emergency department has four full time medical officers working shifts to provide a 24-hour, seven day a week emergency service.

EMPLOYMENT IN WESTERN AUSTRALIA

1197. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Employment and Training:

Can the Government outline the current state of employment in Western Australia compared to that in other States?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Australian Bureau of Statistics' labour force data for January - the latest available - showed that the number of employed Western Australians totalled 870 900, and that over the past year Western Australia and Queensland have been at the forefront of job creation.

In the 12 months to January 1998, employment in Western Australia has increased by 14 900, representing an annual employment growth rate of 1.7 per cent, second only to that of Queensland. In comparison, annual employment growth in South Australia and Tasmania has been negative, with marginal employment growth being experienced in New South Wales and Victoria. On a national basis, employment increased by 92 600 over the year to January, representing an annual employment growth rate of 1.1 per cent. In January, Western Australia also recorded the lowest unemployment rate of all States - namely, 7.1 per cent - while the national unemployment rate stood at 8.2 per cent.

PUBLIC SCHOOL ENROLMENTS

1198. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) What, if any, was the increase in enrolments in public schools from the 1996 to the 1997 school year?
- (2) What was the per capita funding received from the Commonwealth Government in the 1997 school year for public school students?
- (3) Under the enrolment benchmark adjustment - EBA - will the commonwealth grant for each public school student for 1997 be adjusted?
- (4) Has the Western Australian Government come to any agreement with the Commonwealth Government as to how the EBA calculation will be made?
- (5) If so -
 - (a) what is the agreement; and
 - (b) will this result in a decrease in per capita funding received for public school students?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. In view of the amount of information required, I ask that it be placed on notice.

LEGAL AID COMMISSION EFFICIENCIES

1199. Hon N.D. GRIFFITHS to the Attorney General:

What specifically are the series of measures aimed at improving the efficiency of the Legal Aid Commission to which the Attorney referred in his answer to my question yesterday?

Hon PETER FOSS replied:

I do not know them off by heart. If the member wants to know what has been discussed between that committee and the Legal Aid Commission, he should put a question on notice and I am sure he will be advised.

OAKAJEE PROPOSAL REASSESSMENT

1200. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

In respect of the Minister's letter to me - reference No 01012 - in relation to the calling for the reassessment of the Oakajee proposal, I ask -

- (1) Are any offences described in the Environmental Protection Act which apply to consultants or proponents providing misleading or false information to the Department of Environmental Protection concerning the material used to assess a project?
- (2) Is the Minister obliged either under the EP Act or within her statutory duty to ensure that environmental assessments are not misleading, inaccurate or fraudulent?
- (3) If so, in relation to either of the above questions, will the Minister take appropriate action against the proponent and/or consultants for producing an environmental impact report on the proposed Oakajee port which proved to be wildly inaccurate?

The PRESIDENT: Order! The first part of that question seeks an expression of opinion regarding legal advice or legal opinion. The second part is also questionable. As the third part is a consequence of (1) or (2), I suggest that Hon Giz Watson consider rewording the question and asking it at a later stage.

DAMPIER-BUNBURY GAS PIPELINE - SALE

1201. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

Will the Minister specify the amounts and the names of the recipients of all fees, commissions and other like payments made by government agencies, departments and committees associated with the sale of the Dampier to Bunbury natural gas pipeline?

Hon N.F. MOORE replied:

The sale of the Dampier to Bunbury natural gas pipeline is not expected to be completed for several weeks. As matters remain outstanding and the sale process is still confidential, it is not appropriate at this time to make available the information requested. However, the Minister for Energy confirmed yesterday in the other place that he will provide a full and detailed report to Parliament once the transaction is concluded.

TOURISM - OLD GROWTH FOREST

1202. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

- (1) Has the Government considered compensation for the tourism operators who depend on old growth forest as their base resource in cases when they are denied access to the forest resource or benefit from the forest as a visual resource for their business operations?
- (2) If the Government is not planning compensation, how will this be communicated to potential tourism investors?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The answer to the question requires further consideration and examination. I request that it be placed on notice to allow preparation of a response.

LEGAL AID COMMISSION - DELEGATION OF POWER

1203. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Has the Attorney General or anyone acting on his behalf sought from the Legal Aid Commission or its acting director a delegation of any of the powers of the commission or its acting director?
- (2) If so, when, by whom and on what terms was any delegation sought?

Hon PETER FOSS replied:

- (1)-(2) It certainly has been discussed by me with Mr McCusker. I will have to consult my diary for the date.

JERVOISE BAY - INFRASTRUCTURE COMMENCEMENT

1204. Hon SIMON O'BRIEN to the Leader of the House representing the Minister for Commerce and Trade:

- (1) When does the Government envisage the development of the Jervoise Bay infrastructure development project will begin?
- (2) How long is construction expected to take?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The public environmental review is currently being assessed by the Environmental Protection Authority. When the impacts have been assessed and the conditions under which the project can proceed have been set, detailed design can commence. It is expected that this work will commence in mid-1998. Construction is expected to take two to three years with a significant component being built within the initial two years.

MINISTRY OF FAIR TRADING - EMPLOYEE CODE OF CONDUCT

1205. Hon BOB THOMAS to the Minister representing the Minister for Fair Trading:

- (1) When did the Minister first become aware that his ministry had no code of conduct for its employees?
- (2) Did the Commissioner for Public Sector Standards contact the ministry and the acting executive director on six occasions from November 1996 to ascertain progress on the development of a code of conduct?
- (3) What were the dates of those contacts?
- (4) Was the Minister made aware of any of those contacts and the reason therefor?
- (5) If so, what was his response?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The development of a code of conduct is an operational consideration for the ministry. It was brought to the Minister's attention during November last year that the ministry did not have a code of conduct.
- (2)-(3) The Minister is advised that the ministry is bound by and aware of the public sector code of ethics. He has also been advised that ministry staff are fully aware of the code as copies were widely distributed following its publication in July 1996. Furthermore, he is advised that all staff at induction receive a copy of the code of ethics. He is also advised that the ministry will have a code of conduct in place by 30 June 1998, in accordance with advice it gave to the Public Sector Standards Commission in this regard in late 1997. He is further advised that on 9 March 1998 the ministry was verbally informed by the Public Sector Standards Commission that all government agencies are required to have a code of conduct in place by 30 June 1998. He is advised by the ministry that staff of the Public Sector Standards Commission have been in contact with ministry officers on a number of occasions to ascertain progress and to discuss other matters. The exact number of occasions is not clear. The specific dates of contact have not been recorded. Some were in the course of discussions concerning other issues.
- (4) The ministry did not inform him about the contacts referred to. The ministry has advised him that the reason it did not inform him was that the development of a code was regarded as an operational matter.
- (5) Not relevant.

MR PETER JONES

1206. Hon TOM STEPHENS to the Leader of the House representing the Premier:

With regard to Mr Peter Jones who currently has a consultancy with the Public Sector Management Office -

- (1) Is Mr Jones a director of or a shareholder of any companies which have contracts with the Government?
- (2) If yes, which companies and for what are the contracts?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. As it will take some time to collate the information required, I ask that it be placed on notice.

MURRAY DISTRICT HOSPITAL

1207. Hon J.A. COWDELL to the Minister representing the Minister for Health:

Will the Minister give the House and the residents of Pinjarra a guarantee that a 30-bed hospital will continue to operate in the town?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

No. The project control group consisting of members of the community, the Peel Health Service and the Health Department are still considering the options and as yet have not reported to me.

ASIAN CURRENCY CRISIS

1208. Hon GREG SMITH to the Minister for Tourism:

What effect will the Asian currency crisis have on the Western Australian tourism industry?

Hon N.F. MOORE replied:

I thank the member for some short notice of this question.

Several members interjected.

The PRESIDENT: Order! I nearly ruled the question out of order because in my view it is seeking an opinion, but I assume the member is asking for a statement of fact so I allowed it.

Hon N.F. MOORE: It is very difficult at this time to fully quantify the effect of the Asian currency crisis on Western Australia because many of the figures that we use to base our judgments upon are not available. Most of the aircraft flying into Perth from South East Asia are full. In the time that we had available to answer this question it is difficult to know exactly what all of those people are doing; whether they are tourists or business people; and why they are travelling. Our problem is that the information provided through airports is inadequate for short term responses.

As to the various countries involved, Indonesia is of course not doing particularly well at all. We spent a fair bit of time and energy in Indonesia seeking to promote Western Australia. We believe we should stay in that market, although it is quite flat at the present time. Malaysia is holding reasonably well, although it is down on previous figures. Singapore is holding very well. Ironically many of the eastern States now see it as a market that they would like to get into as well. Western Australia has been leading the way in Singapore for a number of years and we are now getting other States competing with us in that market. We will need to spend additional dollars to maintain our market share. As far as Korea and Thailand are concerned, the Tourism Commission made the strategic decision a couple of years ago not to go into those two markets in any way at all. That has proven to be a very good decision in retrospect, because Korea is very flat indeed; in fact virtually completely dried up. Very few tourists are also coming out of Thailand. Therefore, in a strategic sense it was a good decision, although it was not based on any view that this currency crisis would happen.

The fall of the Australian dollar compared to European and United States currencies means that in the United Kingdom there are many bargains for visitors to Western Australia. Only the other day a leading airline announced a £400 sterling net return fare from the UK to Australia. That is exceptionally good value for people wanting to visit Western Australia. The Brand WA campaign and the Elle Macpherson advertisements in the UK have placed us in a very strong position to take advantage of those very good fares that are now available out of the European market. The Tourism Commission is also looking at ways and means of moving into the United States market, bearing in mind that it is very expensive to operate in, to try to compensate for the existing situation in the Asian markets.

In summary, there has been a decline in the number of tourists coming from Indonesia; the Malaysian situation is difficult to determine; Singapore is holding up well; the markets in the parts of Asia in which we are not involved are very flat indeed. We made the right strategic decisions about where we should concentrate our marketing. It is very difficult to forecast the long term situation. One can only hope that these circumstances in Asia will be overcome quickly, not merely from a tourism perspective but for many other reasons as well. I do not propose to -

Hon Mark Nevill interjected.

Hon N.F. MOORE: The whole Events Tourism side of things has been a great success for Western Australia. That event was held when there were many vacancies in our hotels in Western Australia, so it filled a very good niche in the market.

In relating to Global Dance, it is interesting -

The PRESIDENT: The question was very concise. I expect the answer to be reasonably concise.

Hon N.F. MOORE: The effect of Events Tourism has been such that out of Asia, significant numbers have come to these events. Last year there were 12 very significant events, only one of which did not come off. Regrettably, that is the one we hear most about.

BREAST SCREENING

1209. Hon KIM CHANCE to the Minister representing the Minister for Health:

In view of the Minister's determination to privatise BreastScreen WA -

- (1) Can the Minister give an assurance that there will be no reduction in the number of centres offering this service?
- (2) Can the Minister give an assurance that the four mobile units will continue to operate in country Western Australia?
- (3) Can the Minister give an assurance that this service will remain free of charge to women using the service?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No. There may be an increase or reduction in the number of centres depending on the structure proposed by the successful tenderer. However, there is an assurance that the quality of the service and access to the service will not be reduced.
- (2) No. There may be an increase or reduction in the number of mobile units depending on the structure proposed by the successful tenderer. However, there is an assurance that the quality of the service and access to the service will not be reduced.
- (3) Yes. The service will remain free of charge to women using the service.

SCHOOL CADETS

1210. Hon RAY HALLIGAN to the Minister representing the Minister for Youth:

Can the government give an indication if all high schools in the North Metropolitan Region will be funded for school cadet units in 1998, and to what degree are they being supported by the students?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Forty-nine schools are participating in the Cadets WA program and at least another 40 have agreed to commence programs this year. The program is growing rapidly and funding is in place for its expansion over the next three years. Cadets WA is available to every secondary school which wishes to avail itself of a cadet program of its choice. This is a community driven program with a partnership between the school, the training provider, the Office of Youth Affairs and the young people themselves.

DIRECTOR OF PUBLIC PROSECUTIONS ACT

1211. Hon CHERYL DAVENPORT to the Attorney General:

Some notice of this question has been given. Clause 5 of schedule 1 of the Director of Public Prosecutions Act provides -

The Director -

- (a) shall not practise as a legal practitioner or engage in any other paid employment except -
 - (i) in accordance with this Act; or
 - (ii) with the prior approval of the Governor; . . .

Will the Attorney General indicate precisely what is meant the phrase "shall not practise as a legal practitioner"?

The PRESIDENT: I will call the Attorney General but that is getting close to seeking legal advice.

Hon PETER FOSS replied:

I agree with you, Mr President. If the member has some particular concern that she would like to raise with me, I would happy to address what it is that she is concerned about.

COMPUTER SCIENCES CORPORATION (AUSTRALIA)

1212. Hon E.R.J. DERMER to the Minister representing the Minister for Services:

I refer the Minister to the contract with Computer Sciences Corporation (Australia) for the provision of information technology services to nine Western Australian government agencies as announced on 1 December 1997. Does this contract include any requirement for the use of products or services from companies which are owned, registered or located either locally or in Western Australia?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The contract obliges CSC to procure services in accordance with State Supply Commission guidelines and to provide services from a facility and staff located within Western Australia. These obligations are stated in the contract as follows -

- 21.7 Within three (3) calendar months after the Service Commencement Date in respect of each Member Agency, the Contractor shall provide evidence in writing, to the reasonable satisfaction of the Delegate, of compliance with the policies and objectives of the State Supply Commission concerning open and effective competition, ethics and probity, value for money and industry development when conducting purchasing activities under this Contract, as provided for under the State Supply Commission Policy 1.13. Thereafter, the Contractor shall ensure that compliance with such policies and objectives is maintained for the remainder of the Term of this contract.
- 61.1 Except to the extent otherwise specified in this Contract, the Services shall be provided from within the State of Western Australia and all information, databases and files relating to the Services shall remain located in Western Australia.

CSC must also comply with any industry development obligations imposed by the WA Government which are relevant to the performance of the contract as follows -

- 25.1 The Contractor shall comply with any industry development obligations imposed by the Western Australian Government which are in existence prior to the Commencement Date and which are relevant to the performance of the Contractor's obligations under this Contract.

As part of the extensive tender evaluation process that preceded the engagement of CSC, the Government assessed each respondent against their demonstrated commitment to utilise products or services from local Western Australian companies and organisations. This assessment contributed to the commercial attractiveness of the tender, which comprised 40 per cent of the overall weighting, attributed to the value for money assessment. Other criteria included ability of the tenderer to provide the required services 40 per cent and staff impacts 20 per cent.

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

1213. Hon GIZ WATSON to the Minister for Mines:

In respect of the proposed mining by Kalgoorlie Consolidated Gold Mines of the Mt Charlotte Reward and Northern Ore-body and the minutes of the Golden Mile Mining Development Planning Committee, Residents Subcommittee, of 3 September 1992, is the Minister aware -

- (1) That the proposed mining activities are located approximately 100 metres from the nearest residence?
- (2) Of the statements contained within those minutes by the Department of Minerals and Energy officer, Jim Torlach, in relation to the 400 metre exclusion zone -
 - (a) in respect of the above does the Minister still endorse those comments;
 - (b) has the DME advised the Department of Environmental Protection and the Environmental Protection Authority that the provisions of the 400 m exclusion zone apply to Williamstown;
 - (c) Will the Minister initiate discussions between the DME, KCGM and the residents of Williamstown in relation to the requirements contained within the intent of the 400 m exclusion zone?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The departmental files on the Golden Mile Mining Development Planning Committee covering the period 3 September 1992 referred to in the question have been placed in archives and it will take some time to locate the pertinent documents. I therefore ask the honourable member to place her question on notice.

EXMOUTH DISTRICT HOSPITAL

1214. Hon TOM STEPHENS to the Minister representing the Minister for Health:

- (1) Has the Minister issued a directive that no obstetric services are to be provided at the Exmouth District Hospital until facilities have been upgraded?
- (2) What is the reason for this directive?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Obstetrics cannot be safely provided at Exmouth, as capacity to provide emergency surgical intervention is required. To provide such a capacity a facility upgrade is needed as well as re-skilling of clinical staff.

GOODSTART LOANS**1215. Hon NORM KELLY to the Minister representing the Minister for Housing:**

- (1) How many Goodstart loans were granted in the December 1997 to February 1998 quarter?
- (2) How many of these loans were in the metropolitan area?
- (3) How many applicants approved as eligible, are currently searching for a suitable house?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) For the period 1 December 1997 to 28 February 1998, 155 loans were approved.
- (2) Metropolitan 118, country 37.
- (3) 151.

PORTABLE OXYGEN BOTTLES**1216. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) Do hospitals in Mandurah and Bunbury supply outpatients with portable oxygen bottles when needed?
- (2) If no, has this service been available in the past and if so, has it ceased and why did it cease?
- (3) If yes, will this service continue on the same terms?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Bunbury Regional Hospital supplies portable oxygen prescribed by general practitioners.
Peel Health Services provides home oxygen to clients with defined clinical profiles in the Peel region.
- (2) Bunbury - not applicable.
Peel Health Service - the service has been available in the past and is continuing.
- (3) Bunbury - yes.
Peel Health Service - yes, the service will continue but the clinical profile has been modified to ensure clients with a high priority need can access the service when required. The medical advisory committee has accepted the modifications to the clinical profile criteria.

D'ENTRECASTEAUX NATIONAL PARK**1217. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:**

- (1) Is the Minister for the Environment aware of scrub rolling within the area excised from D'Entrecasteaux National Park?
- (2) Is this destruction of approximately 60 per cent of the vegetation in the area within the guidelines of normal exploration activity?
- (3) If these actions are outside the guidelines, what action is the Government taking to stop this destruction of vegetation?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The answer to this question requires considerable research and I request that it be placed on notice to allow preparation of a response.

NEW PORT AT KWINANA**1218. Hon J.A. SCOTT to the Minister for Transport:**

Will the Minister rule out using the proposed new port at Kwinana to transport live sheep and uranium ores?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. No.

PSYCHIATRIC PATIENT RECORDS

1219. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Public Sector Management:

I refer to the confidential records of 543 psychiatric patients which were found dumped in a bin at a Bentley carwash, and to the internal investigation initiated by the Health Department or the Commissioner for Public Sector Standards.

- (1) What rights or remedies are available to those people whose confidential information was included in the dumped documents?
- (2) Was any counselling or other support offered by the department or Bentley Hospital to those patients who might have become anxious or upset about the disclosure of their confidential medical records?
- (3) Does the Health Department have in place a policy for the handling and disposal of medical records?
- (4) If not, why not?
- (5) If yes, what is that policy?
- (6) Does the department's policy apply to any private contractors who are involved in the record management process?

The PRESIDENT: Order! Before I call on the Minister for Finance, part (1) of that question seeks a legal opinion because it asks what remedies are available to certain people. According to Standing Order No 140, that question is out of order. Parts (2) to (6) of the question are in order, and the Minister can reply if he has an answer.

Hon MAX EVANS replied:

You are correct, Mr President. I thank the member for some notice of this question and ask that it be placed on notice.

AGRICULTURE WESTERN AUSTRALIA SEVERANCES

1220. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

- (1) How many applications have been made within Agriculture Western Australia for -
 - (a) voluntary severance; and
 - (b) substituted severance
 during the current financial year?
- (2) How many of those applications have been granted?
- (3) What is the departmental policy on severance and redundancy?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) (a) Three.
- (b) Two.
- (2) Two.
- (3) In accordance with the public sector redundancy requirements.

Those figures are not quite the same as they are in Transport!

Point of Order

Hon TOM STEPHENS: Mr President, is this a convenient time for me to express concern about the number of Ministers who respond by saying that the answers to the questions are not available and will be provided?

The PRESIDENT: Order! It is not a convenient time, and it is not a point of order. I think it is fair to say that the Leader of the Opposition is aware of that; he is the second longest serving person in this House, and that indicates to me that he would know something about the standing orders.

Hon E.J. Charlton: He missed a few days!

Questions without Notice Resumed

LEGAL AID COMMISSION - DELEGATION OF POWER

Hon PETER FOSS: Mr President, there might be an ambiguity in the question that I was asked earlier by Hon Nick Griffiths about seeking a delegation of power. If that ambiguity was intended to mean had I sought a delegation, the answer is no; otherwise, my answer stands.
