



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Tuesday, 29 April 1997

Legislative Council

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

STATEMENT - BY THE PRESIDENT

Senate Vacancy - Governor's Message

THE PRESIDENT (Hon Clive Griffiths): I have a message from the Governor which transmits to the Legislative Council a copy of a dispatch which he has received today from the President of the Senate of the Commonwealth of Australia notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate. The message is a letter to the Governor informing him that a vacancy has happened in the representation of the State of Western Australia through the death of Senator John Horace Panizza on Friday, 31 January 1997.

STATEMENT - BY THE PRESIDENT

The Late George Brand - Letter from Family

THE PRESIDENT (Hon Clive Griffiths): I have received another letter, which reads -

Dear Mr Griffiths

Thank you most sincerely for your kind words to Sherrill and I at the passing of George, would you please extend our appreciation to the House and to those members who spoke on the motion of condolence.

George was proud to have been associated with you Mr Griffiths. Many times in conversation he would talk of "my friend Clive Griffiths - the Speaker of the House" and that you and he went into Parliament at the same time.

As you know, losing his seat had a devastating effect on George. I know he never got over it. Working for the State Housing Commission helped a little in the early years, he used to go to the office on Saturdays and Sundays to get his work done. I think that was his escape route.

My father was an important part of our life. He was always there for us and he is sadly missed. Once again thank you for your kind words and for being his friend.

Yours sincerely

Sherrill and Mel Brand.

PETITION - LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Opposition

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.35 pm]: I present the following petition -

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

The petition of the undersigned respectfully sheweth:

Our wish that any changes to the state's industrial relations system should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace, and that we oppose the Labour Relations Legislation Amendment Bill 1997 which represents an attack on employees, their unions and personal freedom in Western Australia.

Your petitioners most humbly pray that the Legislative Council in Parliament assembled will: Defer consideration of the Bill until after May 22 1997 to enable those Members of the Council elected in December 1996 to consider the Bill when they take their places after May 22, thus (a) enabling employees to participate in legitimate industrial action to gain better working conditions without the threat of massive fines and imprisonment, and (b) ensuring employees who are unfairly dismissed have access to a fair hearing before the Industrial Relations Commission, including the right to proper compensation for unfair dismissal

and that the Industrial Relations Commission retains the role of "independent umpire" without interference of the Government or the Minister for Labour Relations

Your petitioners as in duty bound will ever pray.

The petition has been certified by the Clerk as conforming to the Standing Orders of the Legislative Council and is no doubt a prelude to a whole stack of petitions that will arrive in this vein. The petition bears 771 signatures and I certify that it conforms to the standing orders of the Legislative Council.

[See paper No 404.]

STATEMENT - BY THE PRESIDENT

Hon John Halden - Resignation from Standing Committee on Estimates and Financial Operations

THE PRESIDENT(Hon Clive Griffiths): I have also received a further letter addressed to me as President which states -

Dear Clive

As a result of being charged under section 24 of the *Royal Commission Act*, I believe it to be appropriate and necessary to resign from my parliamentary obligations as a Member and Chairperson of the Finance and Estimates Committee.

Although this move is something that causes me personal discomfort I nevertheless believe it appropriate so that odium is not brought upon this House.

John Halden MLC

Member for South Metropolitan Region

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Membership - Hon Mark Nevill

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

That Hon Mark Nevill be appointed to the Standing Committee on Estimates and Financial Operations in place of Hon John Halden.

MOTION - URGENCY

Elle Racing

THE PRESIDENT (Hon Clive Griffiths): Today I received the following letter, dated 29 April 1997 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on 25 December 1997 for the purpose of discussing the failure of the Government to ensure proper accountability with respect to the allocation of well over one million dollars of taxpayers' money to the "Elle Racing" project.

Your sincerely,

Mark Nevill MLC.

Member for Mining and Pastoral Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON MARK NEVILL (Mining and Pastoral) [3.42 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1997.

The little information available to the public and the Parliament about the Elle Racing syndicate, that which is not secret, indicates bumbling incompetence. That is the only conclusion one can draw from the Government's

stonewalling in not answering questions and not providing information under freedom of information on this matter. The project represents financial incompetence.

As the letter Mr President read indicates, well over \$1m has been allocated to the Elle Racing syndicate. The issue goes back to November 1996, prior to the election, when Elle Macpherson was awarded a three-year, \$1m publicity contract to promote Western Australia. Of that money, \$600 000 was to go to Elle Macpherson for advertisements to promote the State, and \$400 000 was to sponsor a yacht for the Whitbread round the world race. We were told that Ms Macpherson's earnings would go towards the yacht's funding. This project seems to be quite a good concept which has been handled absolutely incompetently by the Ministers concerned and the Government.

It is clear that the proper checks were not made of the people involved in this contract, and the proper processes were not followed. Little or no monitoring of the contract has occurred apart from some crisis management with problems which have arisen, of which people appear to have been previously aware; those reactions seem to have occurred only when the information was made public.

It is clear in the Elle Racing debacle that no submission or formal application was made to the Tourism Commission for this project. We do not know how the project originated, when it was first discussed or who proposed it. A number of questions have been asked by the Leader of the Opposition and Hon John Halden regarding the details of the deal, yet no answers have been provided.

Was the deal done in a back room among friends with a wink and a nod? It would appear to be the case because the Government is not forthcoming in relation to what happened. Was the Premier or the Minister for Tourism involved in this project in the initial stage? I hope the Minister will explain how this project evolved and outline his involvement in it. We await his response with interest. An article in *The Daily Telegraph* of 17 February reads -

Elle Macpherson has no financial contract with the WA Tourism Commission (WATC). Instead, the contract for the television commercial is with Elle Racing and was signed after Mr Harvey pitched the concept early last year . . .

This explanation was given by the General Manager of EventsCorp, Ms Linda Wayman. The explanation that "Mr Harvey pitched the concept early last year" is gobbledegook for stating that no formal arrangement was made and that this was a backroom deal among friends, perhaps those of a like political persuasion. We know that John Harvey has worked for the current Australian Ambassador to the United States, Andrew Peacock, and the former Premier of New South Wales, Nick Greiner, and for the Victorian Premier. Is this a payola to Mr Harvey for his efforts on behalf of the Liberal Party?

The public want to know the facts. The Parliament should be told how this project came about, and why the Government is trying to conceal its detail. The Opposition has made FOI applications and received nothing but refusals or vague answers; of course, those refusals are being appealed against. The explanatory note given with some initial FOI information refers to no formal submission or application being made for funding from Elle Racing Pty Ltd or John Harvey. The note concludes that the business prospect "did not have its genesis through a submission or a tendering process or a request for funding, but rather a unique commercial opportunity which presented itself to the WATC".

We are not told whether the Premier raised this unique opportunity or whether the Minister for Tourism was involved. Did Mr Harvey ask for or request the money, or did somebody decide that he should be given it? None of that information is provided to the Parliament. The lack of any submission or any apparent formal process in this deal is of concern. Over \$1m of taxpayers' money is involved. The Government will try to gain the benefit that should be available through this concept. However, the yachting segment of this contract has the capacity to blow out quite considerably. Members know that yachts suitable for the Whitbread round the world race cost many millions of dollars. The logistics of being involved in the race also costs millions of dollars, yet there is no other known sponsorship. The Government has committed \$400 000 to this concept and this State has seen nothing of the boat, but has heard only about cases of litigation which have been initiated by the crew in the Eastern States who have not been paid. Before taxpayers' money is expended on these projects there should be a formal process involving certain criteria.

The Opposition's second concern is that it is apparent that basic checks were not carried out on Mr John Harvey's background. A simple Australian Security Commission check would have shown that Mr Harvey and Mr Andrew Buckland were directors of the company, which is a \$10 company. Mr Harvey was formerly involved in the *One Australia* syndicate and split with that syndicate in rather dubious circumstances. That syndicate was of course ill-fated.

Mr Harvey was formerly a director of International Sports Services Pty Ltd and an ASC check would have shown it crashed in 1996 and that company is now seeking \$170 000 from Mr Harvey. A further check of the ASC's records

would have shown that one of the directors of Elle Racing Pty Ltd had resigned and Mr Harvey was the sole director. The person who resigned was a director for a very short time and may have been related to Mr Harvey.

What is of most concern about this deal is the close link between Mr Harvey and the Liberal Party. It would be interesting to know how the connection was made between him, the Premier and the Minister for Tourism and what funding Mr Harvey received. Because of the close political links the deal should have been aboveboard and absolutely transparent. However, the deal was done in secrecy and the limited information available to the Opposition reveals that the Minister for Tourism is a bumbling, incompetent Minister who cannot run the Tourism Commission.

Hon N.F. Moore: You are very polite today.

Hon MARK NEVILL: I am very angry about the money the Government has splurged on the Global Dance Foundation. I do not know how many hundreds of thousands of dollars have been lost through ministerial incompetence. This is a double banger. What else is lying in the bottom of the Minister's Gladstone bag? What other deals has the Tourism Commission in store for this State? This Minister has preached accountability for years and in his first effort he falls over at the first hurdle. This Minister should come clean and put all the information on this deal and the other deal, which is not part of this urgency motion, on the table so the House can see how competent he is. From the information available the Opposition's view is that his job should be given to another person.

I have covered only two small areas of this issue and my colleagues Hon John Halden and Hon Kim Chance will cover the other areas. The Opposition looks forward to the Minister's detailed response.

HON JOHN HALDEN (South Metropolitan) [3.55 pm]: In times of controversy caused by a Government action there is always rumour and innuendo. I am thankful for the opportunity to speak on this urgency motion to try to clarify some of the rumour and innuendo. I will ask a series of questions in the hope that the Minister for Tourism can provide the answers. I realise this is not question time but I will ask several questions to give the Minister the opportunity to put the Government's position on the public record.

The House is acquainted with the fact that Mr Grant Donaldson from the Crown Solicitor's Office went to New York concerning this matter. I ask the Minister whether Mr Donaldson went to New York because Elle Macpherson's lawyers and business advisers were advising her not to come to Perth.

Hon N.F. Moore: No.

Hon JOHN HALDEN: I do not expect the answers now.

Hon N.F. Moore: I will give them if I have them.

The PRESIDENT: The Minister will give them when he speaks in this debate.

Hon N.F. Moore: I don't want to keep him in suspense.

The PRESIDENT: The member will not break the rules.

Hon JOHN HALDEN: I will not break the rules, Mr President.

In terms of the contractual arrangements entered into by Mr Harvey and the Western Australian Tourism Commission, was a series of verbal contracts entered into thus causing great difficulty in ascertaining the extent of the formal arrangements?

I think it is clear there has been some involvement by the Premier in this process. It is incumbent on the Minister to advise the House of the role of the Premier and Mr Gilleece in this matter. Did they give the nod to the Western Australian Tourism Commission on this contractual arrangement?

The Opposition understands the original promotional work was to cost \$1m. Was the extent of the blow-out of that cost in the order of \$1.5m? Did the blow-out result in the advertising budget being reduced from \$3m to \$2.5m? If not, what other methods are being undertaken by the Western Australian Tourism Commission to accommodate the cost blow-out?

An article in *The West Australian* indicates that the Western Australian Tourism Commission Chairman, Kevin Carton, helped to launch the advertisements and said the commission shed jobs to raise the money to make them. It is incumbent on the Minister to give a detailed response on the actual cost blow-out and how it is being accommodated. It may involve a blow-out in one area and reductions in another. It does not mean the total budget has blown out.

I inquire of the Minister whether Mr Ross Norgard, a well known accountant in Perth, has been sent to the Eastern States to look at the situation of the contractual arrangements in regard to the Elle contract and to try to ascertain for the Western Australian Government the extent and nature of the outstanding liabilities facing the State. If the contract is so wonderful, why has the Government sent Norgard and the Crown Solicitor around Australia and the world to negotiate the contractual arrangements? It is a reasonable question.

I would also like to know - although I know the answer - Mr Norgard's response to the contracts. I believe he was clear in his view about the problems, and it was something like, "It is a disaster." Trying to work out the extent of the liabilities facing the Western Australian Government was particularly difficult.

It must be a wonderful contract if those rumours are correct. If that is the nature of the contract then we must have much more information than the Government has been providing. The Minister should give a commitment that no more taxpayers' money will be wasted on this exercise.

At what stage of construction is the yacht in Sydney? Is it true, as has been stated, that the construction has ceased and that \$400 000 of taxpayers' money has gone down the gurgler? Is there any other sponsorship? Will we see this yacht hit the water? Given the information that has been provided to me, I doubt it, but I will be interested to hear the Minister's response.

It is incumbent upon the Government to provide this House with the views of the Contract and Management Services Department, which surely oversaw the wonderful contract that the Western Australian Government - the Premier, Mr Gilleece and the Minister for Tourism - entered into. What has the department said about this process? Was it a formal process; were all the requirements fulfilled? What does Minister Board think? I know we cannot ask the Minister directly, but I am sure the Minister for Tourism has heard his views during Cabinet meetings or informally. I know he would not divulge Cabinet discussions, but we would like to know what Minister Board thinks of this process. I suggest that the Contract and Management Services Department officers are pulling their hair out because the formal processes do not appear to have been adhered to at any stage. It is incumbent upon the Government to set out the views of this overseeing body. Is it happy with the 28 document contract that seemingly has been entered into and the verbal arrangements and contracts scattered all over the place? I can understand the Government's sensitivity about providing the detail of contracts, but it should provide at least an overview of the supervising body's views in relation to this matter.

We know that when Elle Macpherson was in Western Australia a plethora of side payments was made - one to Patti Mostyn, who was to pick up about \$40 000 for work she performed. I also understand that a plethora of other people will be paid various amounts of money and that the State Government does not understand the extent of that liability. It must be a wonderful contract and it is not surprising that the Government will not release it.

If these rumours are correct, this is a saga of incompetence and bungling. One must be enormously suspicious. Why would the Government send lawyers from the Crown Solicitor's Office to New York and an accountant to Sydney to look at the situation if there were no concern? If everything is aboveboard and the contract is very formal and watertight, let us have that put to us by the Minister, the Premier and, of course, the Minister in charge of the Contract and Management Services Department, Hon Mr Board.

Enormous concerns have been voiced about this matter and we have heard rumours and innuendo. The only way the Government can stop that process is to come clean. I hope that the Minister can provide answers today. I will look at them with great interest. However, it appears that the Tourism Commission, the Premier and the Minister have had the stumbles or the collywobbles over the past few months in relation to the promotion of sporting events.

We must understand how the Government enters into contracts and what the problems have been so that in future they can be avoided. I do not suggest that the Minister has deliberately done anything wrong. I believe that this problem has been dumped on him by his colleague the Premier and Mr Gilleece and that he has been left to fight his way out of it. That is most unfortunate.

HON N.F. MOORE (Mining and Pastoral - Minister for Tourism) [4.05 pm]: I assure the member that the last point is not correct; I have been involved from the very beginning. The member has referred to the collywobbles in relation to sporting events. We have just announced the "Best on Earth in Perth" campaign, which involves 12 international events to be held in Perth over the next 12 months. That is a significant achievement by anyone's measure and a much greater success rate than that achieved by the rest of Australia in attracting sporting events prior to the Sydney Olympics.

Several members interjected.

Hon N.F. MOORE: I will tell members opposite if they give me five minutes. They rush in these urgency motions and expect a 15 page summary of the whole -

Several members interjected.

The PRESIDENT: Order! I am running this show. I do not want members to interject. I stopped the Minister interjecting. Members should at least listen.

Hon N.F. MOORE: I will endeavour in the time available to me, which is not much, to go through the background of this deal.

I have never heard a more negative, miserable attitude to something than the response we have heard from the Opposition in respect of this contract. Members opposite have simply tried to sink the whole thing from the very beginning. They can see that this is a good arrangement for Western Australia - it is a great way to promote Western Australia internationally - but they have knocked it since it started. That is the regrettable aspect of this whole campaign.

Tourism is a very important industry and the Government undertook extensive research to establish what is required in Western Australia to attract tourists. The research showed that people did not know about Western Australia - they had very little idea about where it was and what it had to offer. It also showed us what we needed to do to market the State. The result was the Brand WA strategy, which is designed to identify Western Australia in the minds of potential customers. At the same time, it became clear that we needed to formulate an advertising program to sell that marketing strategy. We had the Brand WA definition of what Western Australia had to offer, but we needed a person who could promote the State in advertisements overseas. That person needed to have an international reputation.

At that time we were negotiating with the Whitbread race organisers to have a stopover in Perth or Fremantle during the current race. We were told that it was time we entered an Australian based yacht in the race. If we did not, by 2002, the date of the next race, the participating yachts would probably not stop in Australia. Other countries want stopovers and if they have a participating yacht, they will get precedence. There will be a stopover this year but, unless an Australian based yacht is entered, the race will pass by Fremantle in the future.

While we were negotiating with the organisers, Mr Harvey presented a package that he had put together with Elle Macpherson and her organisation for him to enter an all female crew sailing a yacht managed by Elle Racing Pty Ltd, a company set up by Mr Harvey. It was a coincidence that he was putting together this proposal when the Government was looking at the future of the Whitbread race and searching for an international celebrity to market Western Australia. Elle Macpherson fitted ideally the message we were trying to sell about Western Australia's being fresh, free, natural and spirited - the concepts generated by the research. The Tourism Commission presented a proposal to me as Minister for Tourism that we enter into a contract with Elle Racing Pty Ltd and that we pay that company about \$600 000 as a notional fee to Elle Macpherson for being involved in the production of eight television advertisements. The other \$400 000 was a notional contribution to sponsor Elle Racing Pty Ltd in organising the yacht.

These figures were notional, because Elle Macpherson's organisation told us that she wanted the total \$1m to be paid to Elle Racing Pty Ltd to be used for the boat. The notional allocation of funds was to satisfy her requirements with regard to her international fee so that people would understand what money she could expect to get in the marketplace for advertising. What she has charged us is chickenfeed compared with what many other celebrities would charge. Some Australian celebrities of whom I have only heard about three times charge significantly more than that amount for significantly less involvement in television advertisements.

A contract is in place between the Western Australian Tourism Commission and Elle Racing Pty Ltd, which is John Harvey's company, for Elle Macpherson to be involved in a series of advertisements. That contract was put together by Crown Law. We have an agreement with Elle Racing Pty Ltd to sponsor the yacht. We also have a letter of comfort from Elle Macpherson to the Western Australian Tourism Commission, drafted by Crown Law, that she will perform her obligations as required by her contract. Elle Macpherson has now delivered on her obligations. The advertisements are in the can and are about to be used on the international advertising circuit.

The terms of payment pursuant to the contract were staggered. I think we paid \$100 000 first up and \$400 000 after a certain period had elapsed. We are required to pay the additional \$500 000 on 31 July 1997. We will know by then whether the yacht will enter the race. There have been problems between the skipper of the syndicate and Mr Harvey. They have nothing to do with me, the Western Australian Government or the Tourism Commission. Those things can, and do, happen from time to time. That has set back the progress of the yacht. The negative publicity associated with that matter, which has been assisted by the Opposition, has made it exceedingly difficult for Mr Harvey to get sponsorship. However, I understand from Mr Norgard, who examined Mr Harvey's financial circumstances, that the whole thing is now in reasonably good shape, contrary to what Hon John Halden suggested. I suggest that Hon John

Halden talk to Mr Norgard rather than get his information from *The West Australian*, because most often it is wrong.

We will pay the extra \$500 000 on 31 July, as per the contract. We will know by 31 July whether the yacht has been built and Mr Harvey has put together the additional sponsorship, because he has to enter the race prior to 31 July. He will not pay the entry fee of about £300 000 if he does not have a yacht to race. If he does not intend to compete in the race, we will not be required to pay the extra \$500 000, in which case it will have cost the Western Australian Government \$500 000 for the Elle Macpherson advertisements, which anyone involved in public relations would agree is a bargain. That will be the sum total of our commitment. There are no other obligations, to my knowledge. Elle Macpherson has met her side of the bargain. We are now waiting to see whether Mr Harvey can deliver his side. If he cannot deliver, we will not pay.

Mr Donaldson went to New York to talk to the Macpherson organisation about her involvement in the production of advertisements for the Western Australian Tourism Commission and the ongoing use of that material. While we have a prime contract with Elle Racing Pty Ltd, the details in respect of Elle Macpherson were sorted out by Mr Donaldson in New York. It was easier for him to go to New York to do that because the time difference meant that he would have had to sit up all night for days on end to do it over the phone. Elle Macpherson had a detailed set of requirements that we had to meet in order to put together the advertisements. There were no verbal agreements.

All the questions asked by Hon John Halden are part of a question on notice that I looked at the other day, and he will probably get all these answers from his colleague Mr Brown. Mr Brown made an outrageous personal attack on Linda Wayman, a Western Australian public servant, and he should bury his head in shame, or at least talk to her about what happened in Denmark, because what we read about what happened and what actually happened might be entirely different. Mr Gilleece has not been involved, to my knowledge.

[The Member's time expired.]

Hon N.F. Moore: That is the problem with these motions.

HON KIM CHANCE (Agricultural) [4.15 pm]: I thank Hon Mark Nevill for raising this urgency motion. I agree with the Minister for Tourism that one of the difficulties with the current format of urgency motions is that sometimes inadequate time is available to enable the lead speakers to put their case.

Hon N.F. Moore: I am proposing to make a statement about the cost of the whole thing, as I promised your leader I would, and that statement can become part of a substantive debate.

Hon KIM CHANCE: I thank the Minister. Nonetheless, I am pleased that this urgency motion has been raised because it provides an opportunity to express our concerns and to correct some presumptions which have been made by the Government.

One of those presumptions was made by the Minister for Tourism a few minutes ago when he accused the Opposition and segments of the media of taking a negative attitude to this issue. The Minister mentioned the Opposition spokesman on Tourism, the member for Bassendean, in that context.

Hon N.F. Moore: In respect of what he said about that public servant.

Hon KIM CHANCE: I acknowledge that it was about an incident which occurred in Denmark. I will outline what the member for Bassendean has said in public about the Opposition's attitude to this issue, because as the shadow spokesperson he and only he outlines opposition policy on this matter. Mr Brown said at page 1395 of *Hansard* that -

The Elle advertising campaign started yesterday or today, and the Opposition hopes it will be a success, that it brings millions of dollars to our economy and places Western Australia on the map. In fact, it must be a success, given the nature of its conception and birth.

He said also that the Opposition was concerned that the Premier and Ministers had failed to disclose details about this issue. That statement by the member for Bassendean, in opening the batting on this matter in a grievance debate in another place, indicates to me that the Opposition's attitude has not been totally negative. However, the Opposition has a right to be concerned about some aspects of this matter, particularly concerning accountability. My colleagues Hon Mark Nevill and Hon John Halden have already outlined a few matters.

We are concerned, firstly, that apparently no formal application or submission has been made about this enterprise. The concept appears on the face of it, and from what the Minister has said, to have originated virtually on the spur of the moment.

Hon N.F. Moore: It became a contract.

Hon KIM CHANCE: I acknowledge that it became a contract later. It appears that not even the most superficial of checks was made of Mr Harvey's bona fides before the State committed public funds to this enterprise, which has all the hallmarks of the old four on the floor entrepreneurial model. The contracts between this group and Elle Racing Pty Ltd have been kept secret even though it has become apparent that the Government is concerned about some aspects of the contract which may or may not have been complied with -

Hon N.F. Moore: It is going through the proper FOI processes, and you know it.

Hon KIM CHANCE: If the Government is not concerned and Mr Norgard is happy - having been appointed as an investigator in this matter - why were investigations begun? If there is no concern about elements of compliance with the contract, why were investigations begun? That is a reasonable question, and it may have been made too quietly by way of interjection to have been recorded.

Hon N.F. Moore: It would have been answered, given another five minutes.

Hon KIM CHANCE: I appreciate that. There are some ongoing concerns about whether work on the yacht - most commonly referred to as "the million dollar yacht" - will continue. These are only rumours, but they have been given some weight by the fact that we are still waiting for an announcement regarding the level of sponsorship and whether the project may be able to contract from outside sources. Although the Leader of the House has said that the project has suffered a degree of criticism - even brought into disrepute, although I think that is not the case - as a result of questions by the Opposition and the media, we have now been waiting for six months for an announcement on the level and source of sponsorship. We remain waiting, even though we were assured that the sponsorship should have been finalised two months ago. I hope I am wrong again, but so far it seems the only sponsors to the project will be the long suffering Western Australian taxpayers.

Hon N.F. Moore: I explained that, and I hope you have taken it on board.

Hon KIM CHANCE: The Minister said that Mr Norgard was happy with progress.

Hon N.F. Moore: That is right.

Hon KIM CHANCE: We have the media statement to that effect.

I turn to the question of Mr Norgard. As I understand it, he is a liquidator and an accountant. He is looking into the matter presumably on our behalf, as Western Australian taxpayers. In an article in the *Sunday Times* on 27 April Mr Norgard is quoted by Mr Harvey as saying that he is very happy with the progress on the sponsorship as a result of his investigation. If that is so - this question has already been asked by the Opposition - when can we access the details of Mr Norgard's report so that we can determine what it was that made Mr Norgard very happy; because here we are two months after we were assured there would be an announcement on the scale and source of the sponsorship, still with no details.

In the limited time remaining I will turn to another aspect that has not been covered by other opposition speakers. While I am concerned about aspects of the cost of promotion of the project, I want to raise a separate issue of the Tourism Commission's shedding jobs in order to pay for the advertisements -

Hon N.F. Moore: That is not a correct interpretation of what was said. I did not have time to respond, unfortunately. The organisation has been restructured so that it can allocate more funds to the promotion of Western Australia rather than having a huge bureaucracy to do a job which is essentially a promotional job.

Hon KIM CHANCE: That being the case, I will say what I was going to say, but we will discuss perhaps a question on notice to the Minister for Tourism so he can outline that in more detail. I refer to the article from which Hon John Halden read in *The West Australian* under the byline of Torrance Mendez, in which the author of the article quoted the Tourism Commission chairman as saying that the commission actually shed jobs to raise money for the advertisement. I cannot imagine circumstances in which any Government could justify shedding jobs in order to provide funds for the promotion of a project - not for the project itself apparently but for the hype used by the Government to market the enterprise to the same taxpayers who are paying for that enterprise.

Hon N.F. Moore: The job of the Tourism Commission is to promote Western Australia, and it should spend most of its money doing that!

Hon KIM CHANCE: I agree, but the Minister will agree that the jobs shed in the rationalisation of the Tourism Commission were jobs that thousands of Western Australian young people would give their eye teeth for.

Hon N.F. Moore: We could stop promoting Western Australia altogether, and just employ people - if that is what you are arguing!

Hon KIM CHANCE: The Minister will have his opportunity. In respect of the nature of the advertisement, I must ask just how many of them were prepared and how much of the promotion dollar was expended in Western Australia. The whole object of this promotion exercise, which the Opposition supports absolutely, is about generating new tourism for Western Australia -

Hon N.F. Moore: From outside! Do you want us to advertise Western Australia from within and to put the advertisements on Western Australian television?

Hon KIM CHANCE: If we are trying to generate interest in Western Australia from outside why spend money on advertisements inside Western Australia? I find it difficult to imagine how an American, German or British tourist could access those advertisements when they are shown on Channel 7 in Perth -

Hon N.F. Moore: They will be shown outside Western Australia!

Hon KIM CHANCE: Why are they being shown in Western Australia?

Hon N.F. Moore: They are not. We have been criticised for not showing them here. Channel 7 showed them as a community service.

Hon KIM CHANCE: A lot of money has been spent on advertising that project in Western Australia. The Minister knows that very well. It is akin to the third wave advertisements which are being shown about legislation which has still not been enacted.

HON MARK NEVILL (Mining and Pastoral) [4.26 pm]: The Minister trotted out his tired line that the Opposition was doing nothing but complaining. We have made it clear that the concept of having Elle Macpherson in an advertisement and being involved in the Whitbread round the world yacht race was a good concept. Our argument is that the administration of the concept has been incompetent and we are yet to see whether the second part of the deal will be met. The Opposition has not received prompt answers from the Minister. The fiasco with the Global Dance Foundation has further eroded our confidence in both this Minister's and the Government's capacity to perform in the tourism arena. That has prompted our concern.

The company involved in the deal is a \$10 company which has one director, John Harvey, who has close links with the Liberal Party. This person was a director of International Sporting Services Pty Ltd which fell over. In that regard, he has a \$170 000 legal action against him, and that does not fill us with confidence. We have also learnt that the Minister sent Ross Norgard to the Eastern States to inquire into the project. Obviously Ross Norgard is an accountant. However, he is not looking at the structure of the boat -

Hon Max Evans: He knows a bit about yachting too.

Hon MARK NEVILL: Obviously Ross Norgard is looking at the finances of the company to see whether the boat will be a starter. The Minister has said that the report indicates that Mr Norgard is confident that the deal will proceed.

Hon N.F. Moore: I said that he was reasonably happy.

Hon MARK NEVILL: He is not necessarily confident, but he is reasonably happy. It would be nice to know if other sponsors have been secured for the boat, because it is clear the extra \$500 000 to be provided after 31 July will not be enough to ensure that the boat is an entrant in the Whitbread round the world yacht race. The Minister should table the report by Mr Ross Norgard so we can discover whether the project will proceed and what is making Mr Norgard pretty happy with the progress of the yacht. The failure of the Minister to answer questions promptly and the confidentiality and unnecessary secrecy associated with this deal are further causes for concern. This vacuum is damaging to people's confidence, and it is important that the promotion of the tourism industry in this State be done professionally and that it not be damaged by incompetence. The Opposition would also like to know what guarantees are in place for the performance of this contract. It was announced before the election, and it received favourable national media coverage. I thought at the time it was a good concept to promote Western Australia. However, we have been told that Elle Macpherson was paid \$500 000 to do these commercials -

Hon N.F. Moore: She has not been paid that. You were not listening.

Hon MARK NEVILL: The Elle Racing syndicate was paid \$500 000.

Hon N.F. Moore: It was \$440 000.

Hon MARK NEVILL: It appears Mr Harvey has prevailed on his good friend, the father of Elle Macpherson, to involve her in a discounted rate.

[The motion lapsed, pursuant to Standing Order No 72.]

LABOUR RELATIONS LEGISLATION AMENDMENT BILL*Receipt*

Bill received from the Assembly.

Statement by the President

THE PRESIDENT Hon Clive Griffiths): Before I call on the Minister, I take the opportunity to thank *The West Australian* for the advice it has given me, both today and last Friday, about how I should use my casting vote on the third reading of this Bill. *The West Australian's* crystal ball predicts that it will be a tied vote at the third reading and I obviously need to be reminded about how I should use my vote at that stage! I hope its predictions are more accurate than its facts, because I have sat in this chair for 20 years and not 19 years, as it keeps reporting.

Conventions guide the Chair in deciding what issues are relevant in reaching a decision, but they do not predetermine a particular outcome, especially when the situation, as in this case, is free of precedents in this House. Accordingly, the way in which I may use the casting vote at the third reading stage, should that be required, will be decided once the debate on the Bill is concluded.

First Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.33 pm]: I move -

That the Bill be now read a first time.

Question put and a division taken with the following result -

Ayes (18)

Hon A.M. Carstairs
Hon George Cash
Hon E.J. Charlton
Hon M.J. Criddle
Hon Reg Davies
Hon B.K. Donaldson

Hon Max Evans
Hon Peter Foss
Hon Barry House
Hon P.R. Lightfoot
Hon P.H. Lockyer
Hon Murray Montgomery

Hon N.F. Moore
Hon M.D. Nixon
Hon B.M. Scott
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (15)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer
Hon Graham Edwards

Hon Val Ferguson
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm
Hon Mark Nevill

Hon J.A. Scott
Hon Tom Stephens
Hon P. Sulc
Hon Doug Wenn
Hon Bob Thomas (*Teller*)

Question thus passed.

Bill read a first time.

Motion - Second Reading to be made Order of the Day for 27 May

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.37 pm]: I move -

That the second reading of the Labour Relations Legislation Amendment Bill 1997 be made an Order of the Day for Tuesday, 27 May 1997.

Today, there is some humour in this House and there was good humour in the rally at the front of the House. I appreciate the help I have been given, wherever it comes from. I have received help from my colleagues and from members opposite.

Hon P.H. Lockyer: You certainly need it.

Hon TOM STEPHENS: I thank Hon Phil Lockyer. I need the help and appreciate it on this occasion. There was good humour at the rally held at the front of Parliament House, but beneath that humour was a most extraordinary passion. It is passion about a crisis that faces Western Australia. The crisis faces this State by virtue of the extraordinary industrial scenes deliberately created by the Minister for Labour Relations and the Court-Cowan coalition Government. That crisis has resulted in thousands of workers going on strike from the top to the bottom of this State. This major rally was good humoured, well organised and disciplined with lots of fun and a pleasant stroll up the Terrace, but behind it there was passion about opposition to the Bill which has now been given its first

reading. It is unprecedented in my experience for members on this side of the House to vote against a first reading. Members on this side are passionately opposed to the Bill. We believed it should be withdrawn and should not have been given a first reading.

I have now moved a motion calling for the debate to be postponed until 27 May. I have done so for good reason. People marched up the Terrace from the Esplanade and congregated with other people from a variety of unions who had rallied at the Alexander Library complex. A large group eventually crowded into that confined space outside this building and with one voice expressed its opposition to this legislation under the sentiments of kill the Bill, stop the legislation, and defer the legislation for consideration by this House at the very least until after 27 May. The rally involved the participation of the Australian Workers Union, the Transport Workers Union of Australia, the Builders' Labourers, Painters and Plasterers Union, the Community and Public Sector Union, the metal workers, the miscellaneous workers' union, the nurses, the teachers -

Hon Bob Thomas: Collie miners.

Hon TOM STEPHENS: Yes. There were workers from all over the State and from all over the city; workers supported by their unions. Ordinary men and women of Western Australia, holding balloons, sang with their children songs of solidarity with the union movement.

Hon Mark Nevill: There were quite a few conservatives there.

Hon TOM STEPHENS: There were people in suits; people from the business community.

Hon Kim Chance: Non-union members.

Hon TOM STEPHENS: Yes, there were people with a conscience.

Hon P.H. Lockyer: Don't look at me.

Hon TOM STEPHENS: I was thinking of people with a conscience. There were people from civic leadership, church leadership and union leadership, and a variety of players, such as the State Parliamentary Labor Party under the leadership of Dr Geoff Gallop, and the Democrats under the leadership of Helen Hodgson. Members of Greens (WA) attended. I saw Hon Jim Scott and his Senate colleague Dee Margetts. People across the spectrum of the community, if not the party political spectrum, participated in the rally. Sections of industry and commerce and their leadership were there. At the steps of Parliament House today we heard address after address from leaders of the community groups about which I have just spoken. The moderator in Western Australia of the Uniting Church, Reverend John Dunn, called for a principled position on this legislation. Jennie George from the Australian Council of Trade Unions spoke to the people in support of the proposition that this legislation should not be proceeded with - certainly not at this time. Senator Peter Cook was at the rally, and I presume other Senators were present as well.

Hon N.D. Griffiths: Senator Mark Bishop.

Hon Bob Thomas: Chris Evans.

Hon Kim Chance: The former President of the Senate, Michael Beahan.

Hon B.K. Donaldson: Mal Colston?

Hon TOM STEPHENS: I did not see him. However, the whiff of him is in this Chamber by virtue of some of the antics Hon Bruce Donaldson's side of politics has been up to.

Hon E.J. Charlton: Do you mean the Labor man from Queensland you endorsed?

Hon TOM STEPHENS: The Liberal Party bought him - and it got him.

Hon E.J. Charlton: He is your Labor man. I wonder when you'll stand up and own him.

The PRESIDENT: Order! I do not want the Minister to interject.

Hon TOM STEPHENS: The people of Western Australia rallied together in support of what they feared might be their last legal strike in Western Australia. It is an extraordinary proposition when put in that context; that is, today may have been the last time we will see a legal strike in Western Australia. Is it any wonder the rally was so large? Is it any wonder the people marched in their tens of thousands from various parts of this city? Who knows how many were out there? The estimates will vary. I have seen a few rallies along the Terrace. I think today's rally was the largest I have seen. As we walked up the hill from the Alexander Library the crowd was still turning the corner of William Street, and the tail of the rally had not reached William Street by the time the square at the front of Parliament House was full. The rally was huge. I know most members opposite did not get the chance to see it, but it was big by any standard.

Hon E.J. Charlton: We weren't allowed to go.

Hon TOM STEPHENS: I am pleased some of the Minister's colleagues did not go. However, effigies represented some members of the Government in full, living colour.

Hon Peter Foss: I thought the rallies on WA Inc and law and order were larger.

Hon TOM STEPHENS: Was that the rally at which they tried to hang Foss? Today's rally was the biggest I have seen. The Government will have seen the start of something if it persists with this legislation at this time.

Hon J.A. Cowdell: The law and order rally got the Government to jump.

Hon TOM STEPHENS: If this Bill is passed, the people of Western Australia will regrettably have good reason to be worried. Today might not only be the last opportunity on which the working men and women of Western Australia can participate in a legal strike, but regrettably it might also be the last day they can participate legally in any industrial activity of any sort at any time. As the Opposition understands it, that is a provision in the Bill that was given a first reading in this place today.

Hon Peter Foss: Perhaps you had better read the Bill.

Hon TOM STEPHENS: I look forward to reading the Bill. I hoped the Premier might pop out from the Table of the House, like a birthday surprise in a cake, delivering the amendments to the Legislative Council. He told us in the media all weekend he would deliver the amendments to the Legislative Council today.

The PRESIDENT: Order! The honourable member knows the Premier cannot come into this place.

Hon TOM STEPHENS: I know that, but the Premier boasted in the media that he would somehow introduce amendments in the Legislative Council today. I have been looking at the Supplementary Notice Paper all day in the hope that amendments were floating around for us to look at. I understand the Government held meetings on Friday, Sunday and yesterday - and presumably it had a party meeting today - and that amendments are ready for this Bill. This Bill I hold is a blue by any standard.

Hon Peter Foss: That is not the Bill.

Hon TOM STEPHENS: This is the Act, but it is a blue Act - and it is a blue, whichever way we look at it. This is a damnable Bill, and it will be a damnable Act, even after the amendments to which we have been privy so far. The Opposition would like at an early stage -

Hon Peter Foss: For over two months I have asked you for your amendments.

Hon TOM STEPHENS: If the Minister shows us his, we will show him ours!

Hon Peter Foss: Perhaps you do not want any changes.

Hon TOM STEPHENS: We want to see what the Government is doing first, so we know what we want to amend.

Hon Mark Nevill: It all deserves to be junked.

The PRESIDENT: Order! Let Hon Tom Stephens tells us his views on this motion.

Hon TOM STEPHENS: I will be particularly precise because I want to speak to this motion. Regrettably other opportunities will be available to speak to the legislation. The Opposition will do that with the necessary detail at that time; however, at the moment I will address just this motion.

Hon Peter Foss: You will address it seriously, I hope.

Hon TOM STEPHENS: Mr Foss will not have seen the Opposition as deadly serious as it will be in this debate. I fear this is the most deadly serious debate in which the State Parliamentary Labor Party will ever participate.

Hon Mark Nevill: It is evil legislation.

Hon TOM STEPHENS: It is wicked legislation.

The PRESIDENT: Order! Let us get on with it.

Hon TOM STEPHENS: The Government talks about introducing substantial amendments to a Bill that has only just been given a first reading in this place. No indication has been given of when those amendments will be thrown onto the Table of this House.

Hon Peter Foss: This is the first time the unions have come to talk.

The PRESIDENT: Order, Minister! I will not ask members again. As I have said so often in this place, members do not have to like what people say and they certainly do not have to believe it, but they must listen to it.

Hon TOM STEPHENS: They are immortal words. They are etched in our brains, Mr President, whether you are in this Chamber or not. I am convinced that over the next few weeks, and perhaps the next months, they are words the President will utter again and again to remind members opposite that whether or not they like what the Opposition has to say, they will have to listen to it.

The PRESIDENT: I will ensure that.

Hon TOM STEPHENS: Thank you, Mr President. The amendments are important. One of the reasons I believe this Bill should not be given a second reading until 27 May is that the Opposition has not seen the amendments about which the Government has apparently been able to enter into discussion - if I am to believe what the Premier says - with the Democrats, who are not in this Chamber yet. I do not think I can rely on that and I will allude to something later which will indicate why I cannot rely on the Premier's assurance to the media on the weekend. Apparently, he has had discussions of some sort with the Trades and Labor Council, which I have heard described as not so much discussions as a restatement of the Government's point of view; on Friday the Chamber of Commerce and Industry was made privy to the amendments; a group of Ministers met on Sunday and were made privy to amendments; and Cabinet and members of the coalition parties have also met. However, this House is supposed to deal with a Bill to which substantial amendments will be moved without members being shown those amendments. If the Minister wants us to proceed with this Bill in an orderly way, he will be serious and present those amendments today.

Hon Peter Foss: You have the Bill without the amendments.

Hon TOM STEPHENS: We want to see the amendments. We want to know what we are dealing with.

Hon Peter Foss: I might not want to move them.

Hon TOM STEPHENS: Get cracking and give us the amendments so that we can get on with the debate.

The PRESIDENT: Order! I ask the Leader of the Opposition not to have a conversation with the Attorney General. He should talk to me.

Hon TOM STEPHENS: Mr President, through you I ask the Attorney General to please put the amendments on the Table in double quick time so that we know what we are dealing with. Mr President, you cannot expect us to debate this Bill before 22 May if the Attorney General will not present his amendments to this House before that debate.

I spoke earlier about an industrial crisis. In many ways it is not only an industrial crisis; it is also a moral and a political crisis into which this State is being plunged by the actions of this Government and particularly the Minister for Labour Relations. The size of the moral crisis is on display throughout this State; that is, the Government, which does not have a mandate for this measure, is pressing forward with the controversial industrial relations legislation by bringing it into our Chamber. I have referred to this Chamber as "our Chamber". However, it is not our Chamber; we are only the members who occupy these seats for the moment. This is in every sense the people's Chamber and this Chamber no longer has a fresh mandate from the people to review the initiatives of this Government. The Government's mandate for fresh initiatives to be dealt with by this Chamber has expired. A fresh mandate has been given to a new set of Legislative Councillors, who will be sworn in on the first sitting day after 22 May; that is, 27 May. Only they have a mandate to review the initiatives of this Government. Regrettably, the Government is pressing on. This is not our Chamber; this is the people's Chamber. The people have spoken and have put in place a new structure for this House.

Today, I took the opportunity, as the first item in the order of business following the rally at the front of the Parliament, of presenting the first of a series of petitions that will arrive in this place which call upon this House to respond to the industrial, moral and political crises in this State. I believe there will be a flood of animosity about the current structure of the Parliament from the community of Western Australia dressed up in diplomatic language in parliamentary petitions lodged in the House. I will read the petition that I presented earlier to this Chamber because it is germane to the motion that I have moved. It is addressed to the President and members of the Legislative Council and states -

Our wish that any changes to the state's industrial relations system should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace, and that we oppose the Labour Relations Legislation Amendment Bill 1997 which represents an attack on employees, their unions and personal freedom in Western Australia.

Your petitioners most humbly pray that the Legislative Council in Parliament assembled will: Defer consideration of the Bill until after May 22 1997 to enable those Members of the Council elected in

December 1996 to consider the Bill when they take their places after May 22, thus (a) enabling employees to participate in legitimate industrial action to gain better working conditions without the threat of massive fines and imprisonment, and (b) ensuring employees who are unfairly dismissed have access to a fair hearing before the Industrial Relations Commission including the right to proper compensation for unfair dismissal and that the Industrial Relations Commission retains the role of "independent umpire" without interference from Government or the Minister for Labour Relations.

That heartfelt petition will be signed by presumably thousands of people before Thursday in the hope that the House will desist from dealing with this legislation. I took the opportunity as rapidly as I could in response to the petitioners to move this motion, which provides this House with an opportunity of responding positively to the petitioners; that is, not to persevere with the Bill at this time but to wait until after 22 May when a new House can deal appropriately with the fresh initiatives of this Government.

The motion addresses some of the issues central to the democratic processes of Western Australia. It refers directly to the mandate given to the Government and to the opposition parties by the people of Western Australia at the 14 December election. The first question for us all to ask is whether the Court-Cowan coalition Government has an unfettered mandate to pass this legislation before the new Legislative Councillors elected at the recent State election take their positions in this House. If this House is convinced that this Government does not have that unfettered mandate to proceed with this legislation, it is incumbent upon it to support this motion and to wait for the new Council to be properly constituted before debating this legislation.

In 1995, when trying to stop the impending industrial turmoil that resulted from similarly misguided legislative initiatives by Labour Relations Minister Kierath, Premier Court pledged there would be no new legislation without consultation with the union movement. I will read to the House that pledge from the Premier of Western Australia which was contained in a letter addressed to the Secretary of the Trades and Labor Council. The letter was dated 7 November and it stated -

There will be no further legislation unless agreement on all sides.

As you can see from the number of matters upon which the Government has sought to accommodate the Council's concerns, we have developed a position which, as far as is possible, will provide for workable outcomes in the areas targeted for reforms.

We expect, as a consequence of the number of changes proposed and of the significance of each of these changes, that the Council would not seek to reinstitute the campaign of industrial action.

That commitment by the Premier on 7 November 1995 was quite clear to the trade union movement - in the old language, the class enemies of the conservatives. There was to be negotiation and consensus before the delivery of further industrial relations legislation. Perhaps the Trades and Labor Council should have expected that the Government would stab it in the back.

[Questions without notice taken.]

Hon TOM STEPHENS: Before question time I was telling the House why members should agree to my motion and not proceed to the second reading stage of the Labour Relations Amendment Legislation Bill until the first sitting of the House after 22 May to give the newly reconstituted House the opportunity of reviewing the legislation.

I put that case in recognition of the fact that in the lead-up to and during the industrial turmoil in this State in 1995 the Premier pledged to the union movement that there would be no further legislation during that term. That term of Parliament includes this Chamber until 22 May. It is regrettable -

Hon Peter Foss: That is not correct.

Hon TOM STEPHENS: The Attorney General can have his semantic arguments, but that term concludes on 22 May. That is the linchpin of my argument. If I have not been able to persuade the Attorney General, I have persuaded -

Hon Peter Foss: Yourself.

Hon TOM STEPHENS: - myself and all my colleagues who have agreed to this. I look forward with interest to discovering the position of members, whether from other non-government parties or from the Attorney General's party. I hope they are listening to my argument.

It is a great shame that by stabbing the union movement in the back the Government has brought Western Australia to its knees today by the resultant industrial action and turmoil. The Court Government has defended the introduction of the Labour Relations Amendment Legislation Bill of 1997 by stating that Mr Court's commitment extended only to the life of the last Parliament. I put it to the House that the term of Parliament elected in 1993 has not yet ended;

it has merely changed. Life has not been taken away from that Parliament. We are still in that Parliament. Half of that Parliament - the Parliament that was elected in 1993 - continues until 22 May.

Hon Derrick Tomlinson: Prorogued by order of the Government.

Hon TOM STEPHENS: It has been prorogued several times. That does not mean the end of the life of the Parliament. It will be reconstituted with the new members after 22 May. It is in that context that the Government's pledge is shown to be a farce because half of the Parliament is still here yet to see with the effluxion of time the anniversary of Queen Victoria's birthday. We will trundle off to our various positions, some into the new House and some in other directions. None of that will happen before 22 May - all the more reason that we should agree to the motion before the House. Only then will the new Legislative Councillors elected at the most recent state election take up their seats in this House.

Hon Peter Foss: Don't become a constitutional lawyer.

Hon TOM STEPHENS: I put it to Hon Peter Foss that his time as Attorney General is at risk of being very short.

Hon George Cash: Look us in the eyes when you say that.

Hon TOM STEPHENS: I am not allowed to or I will get into trouble with the Deputy President, to whom I must address my comments. That time is becoming shorter by virtue of the rallies in the streets provoked by his Government. They will be translated into the ballot boxes, when government members will be swept from the Treasury benches. They are on the nose, and they know it. They have the stench of being members of a Government that no longer shows respect for the people. Therefore when the people get a chance they will deservedly sweep them into an ignominious part of history. Government members have endeavoured by this legislation to trample on the rights of the ordinary working men and women of Western Australia.

The people of Western Australia were not prepared to trust members opposite as a coalition party to control both Houses of Parliament. Members opposite won the Treasury benches in the other place, but the people of Western Australia were not prepared to give them control of this House. In Government they will soon be subject to the scrutiny and review of this place by virtue of the votes of the people of Western Australia at that most recent state election. They can wriggle and squirm and interject now, but they know they are involved in ignominious acts to have this House consider the labour relations legislation in advance of the new mandate after which the Government will no longer have control of this place. As unattractive as that may be to members opposite, it is the truth. They are the facts and in those circumstances it is all the more reasonable that the motion before the House should be agreed to.

This legislation should be postponed until the new House with the new mandate has the opportunity of subjecting this legislation to the review process that the people of Western Australia want to see unleashed on legislation such as this. The people of Western Australia were hurt so badly by the earlier industrial relations legislation that they were not prepared to trust the Government with a majority control of both Houses. They did not want to be caught twice. They wanted to put a brake on this Government and make sure it did not have a majority in this place. They will have achieved that result after 22 May.

Hon E.J. Charlton: They did not want you to have office.

Hon TOM STEPHENS: Regrettably not. That is something with which we must come to terms. We will make sure that in double quick time we are back in step with the mood of the Western Australian community as we were today, participating in that rally and walking up the street with a groundswell that will emerge and rapidly sweep the Government into history. It was a good natured rally, but underneath there was passion. Some of the humour of the rally is almost worthwhile relaying to the House.

I have already given the House a glimpse of bits and pieces of that humour. There were signs on the buildings, there were balloons in the street, there were parents and children in their prams!

Did any member who attended the rally see the tattooist covered in tattoos hanging outside his first floor parlour? Beside him was a sign, and although I shall not repeat the language that was on both sides of it, it went something like -

Hon Kim Chance: You could insert the word "fantasise".

Hon TOM STEPHENS: All I can say is the humour was good.

Hon Peter Foss: He knows who his clients are.

Hon TOM STEPHENS: He was offering to do a free tattoo job on Mr Kierath and any member of the Government.

Hon E.J. Charlton: He has already been branded.

Hon TOM STEPHENS: Mr Kierath has been branded as the fanatic he is. The tattooist was willing to tattoo anyone who wanted tattoos that said "Kill the Bill", "Kierath out", or "Kierath is a fantasiser".

Another large sign outside a building along the way - I forget the address, but I think it is where the Cabinet meets - displayed words to the effect of "Court hates workers. Kierath hates people".

Hon Bob Thomas: It was the Capita Centre.

Hon TOM STEPHENS: That is right. There was the sign outside the Capita Centre as large as life. Whoever had hung up that sign, presumably authorised on the bottom by the Liberal-National coalition, had got it right. That sign declared the Government's slogan right outside the Government's home.

A lot of good humour was displayed throughout the rally; but beneath the humour was passion and beneath the passion was opposition for the legislation which has now been read a first time. The Bill should not proceed to the second reading stage until 22 May when the new House, which the Government will no longer control, can subject this legislation to the scrutiny it deserves. The passion that has been instilled into the community and which led to the rally today is a result of opposition to the Bill. That passion was displayed to the Parliament today and is now being displayed by the Labor Party on behalf of all of the people of Western Australia - the workers, the union movement and the community at large.

The Premier said that agreement on all sides would be needed before proceeding with legislation to change labour relations law. That agreement does not exist. Instead, the Government is attempting to dupe the electorate. For the first time this Parliament will have a Legislative Council which will not be dominated by the conservative parties; but first it is to be panicked and stampeded by the Court Government. The Government is attempting to force through legislation which, regrettably, promises to cripple the State and I will outline how that will be done.

Members must understand what will happen if they proceed with this legislation before 22 May. I fear that some government members and, certainly, the Minister for Labour Relations, are setting out to cripple the State. The Government's only defence for the haste to press on with this legislation is based on total falsehoods. Most of us were elected in 1993, yet the Government now claims there is a fresh new mandate in this House. That is simply untrue. I hope the Minister does not try to use that in his defence of the Government's move to read this Bill a second time at this stage. The Government is again treating the democratic process with contempt. The Government already has an ignoble history of attempts to mislead the voters.

Next I intend to examine what mandate was given to the Government and to the Opposition at the last election. The Court Government won control at the 1996 election and that has encouraged it to use terms such as "mandate" to justify the haste with which it is pushing this legislation through the House before 22 May. I want to make a measured critique of that argument.

Hon E.J. Charlton: That is where the Government comes from.

Hon TOM STEPHENS: I want to measure that argument and to subject it to the scrutiny it deserves. "Mandate" is an important concept in any modern contemporary parliamentary democracy. According to Liz Young's research notes on *Competing Mandates in Australian Politics* "mandate" is a word that has always been bound by at least the notion of legitimate, democratic representation expressed through parliamentary processes and based on popular electoral support.

Hon E.J. Charlton: That sounds fair.

Hon TOM STEPHENS: Before I press on with that analysis -

Hon E.J. Charlton: What about numbers, such as 18, 16?

Hon TOM STEPHENS: I am no good at numbers.

Hon E.J. Charlton: You've done well of late.

Hon TOM STEPHENS: I have never won a ballot in the Labor Party yet.

Hon N.F. Moore: How did you get here then?

Hon TOM STEPHENS: Because there was no ballot. They left me here. I did not have to contest the position. They twisted my arm to take it.

Hon George Cash: Now you are paying the price.

Hon TOM STEPHENS: No, I am not. They've been absolutely terrific and they are enjoying the process of letting me press on and spearhead the arguments that we need to put before the House today.

I now turn to David Black's article in this weekend's *Sunday Times* which spoke about mandates. I do not agree with everything he says and I think he had two bob both ways; however, he analyses the notion of mandate madness and says -

Amid all the controversy over Graham Kierath's industrial relations Bill the Government has claimed repeatedly it has a mandate for its proposed legislation.

Probably the last time I can recall hearing the term "mandate" used as often, in circumstances as controversial, was during Gough Whitlam's term of office . . .

All of his argument is not helpful to my argument so I will not read it all. Those members who want to draw on the argument as far as it supports their arguments should feel free to do so. I will continue to distil what I want to distil from it.

The article contains an analysis of the parliamentary process in which he recognises that Chambers such as this are given mandates to review the Government of the day which has a mandate to govern. He says that the Government has a mandate to govern, but it is not an unfettered mandate. After 22 May this House has a fresh mandate to review the government's legislative agenda. The Government must understand that.

Hon E.J. Charlton: We understand that.

Hon TOM STEPHENS: I hope the Minister is telling me that his Government is ready to put forward a proposition that would see this legislation postponed until after 22 May when the House with its fresh mandate will get a chance to exercise that mandate. Is that what he is saying?

Hon E.J. Charlton: Everything after 22 May will have that fresh approach.

Hon TOM STEPHENS: We want the Minister to take the opportunity of ensuring the second reading of this Bill occurs after 22 May.

Hon E.J. Charlton: The AFL rules do not allow the Eagles to wait until Jakovich plays his first game. That is how we are operating. We are playing with the first 18 that we have available now.

Hon TOM STEPHENS: We are not dealing with the rules of the AFL.

Hon E.J. Charlton: We are picking our best team.

Hon TOM STEPHENS: The best team may have been picked a long time ago, but it no longer has a mandate to press on with a review of the fresh initiatives of this Government, of which this Bill is one.

Hon N.F. Moore: Should we all go home?

Hon TOM STEPHENS: Something could be said for that view. If the Leader of the House is prepared to go home by moving a special adjournment, the Opposition will support it and we could - although not all members - return on 22 May and get on with our task.

Hon N.F. Moore: Will you give back the money you've collected since the beginning of the year?

Hon TOM STEPHENS: We have other jobs to do. We must prepare our review process of this Government, which is becoming a little tricky. With some of the things the Government is up to, the Opposition must spend a lot of time studying the misdemeanours. We have solid, hard work to do about which members opposite will hear after 22 May.

Hon N.F. Moore: There will be so few of you to do it.

Hon TOM STEPHENS: I want to examine the last of the three notions advanced by Liz Young's research note about whether the Government's mandate is based on popular electoral support. I do not believe that the Government's claim of a mandate applies to the position in which the House currently finds itself. The Bill is to be passed into law in this House. As we know, the legislation will go from here and receive a rubber stamp down the other end of the building. Someone will then trot off to the Governor for his signature, and it will become law.

However, the result of the last election gave the conservatives exactly 50 per cent of the Chamber's representation, with the combined non-government parties holding the other 50 per cent. This occurred despite large anomalies in the Legislative Council voting system about which we protest regularly.

Hon E.J. Charlton: Who brought them in?

Hon TOM STEPHENS: We were not able to pass something in the image and likeness of Labor Party philosophy.

Hon E.J. Charlton: The National Party had to give you a hand.

Hon TOM STEPHENS: The old National Party - before it was hoodwinked in the coalition and stripped of the power it might otherwise have had in this Government - cobbled together some legislation which inadequately serves the needs of the community of Western Australia. That electoral law did not reflect the need for one-vote-one-value. We have seen gross vote weighting in the WA electoral system. Despite that, voters removed from the conservatives the clear advantage and control they have had in this place forever.

Hon P.R. Lightfoot: You could not say that they gave it to you.

Hon TOM STEPHENS: I am not saying that. That is something with which we must come to terms - we are doing so. We are going into the community and are listening, and the Labor Party will continue to build on that listening process.

Hon N.F. Moore: You've never listened in your life! Everywhere you go, you just talk all the time.

Hon TOM STEPHENS: Hon Norman Moore is the most deeply conservative person I have come across in my life, partly because he never listens to anything. He should not tell me that I do not listen.

Despite the clear advantage the conservatives had in the structure of this place, people have been able to overcome the obstacles and rob them of their control of this Chamber. After 22 May, the conservatives will no longer be able to ram legislation through this place to gain a rubber stamp. Members opposite will not be able to treat this place as a doormat on which they wipe their feet as they obtain the Governor's signature on legislation.

Hon N.F. Moore: This House does not ram through legislation, and you know it.

Hon John Halden: Only with Mabo.

Hon N.F. Moore: Once, it might have done so.

Hon TOM STEPHENS: To deal with the first part of the definition, the mandate is based on the legitimate democratic representation. For the reasons I have outlined, and which I will explore a little further later, this place no longer has legitimacy. A mandate can apply to individual members and to parties. The individual member's mandate is a two-way relationship. First, it is between a member and his electorate and presents the opportunity for the member to be a delegate representing the views of his electorate. Second, it involves the notion of a trustee arrangement; that is, a member decides what is in the best interests of the electorate and acts accordingly in Parliament.

I now explain exactly why members opposite have no mandate to pass the legislation, and I hope some members opposite will listen closely to what I say. None of us in this place is here on the basis of a mandate at the recent election for the term which sees us sit from 1997 through to 2000. For this reason especially, we have no right to pass this legislation at this time. Such controversial legislation should not be rammed through Parliament.

Hon P.R. Lightfoot: Which part is controversial?

Hon TOM STEPHENS: I will tell the member about that at length. The member is among the last in this place to have a right to contribute to debate on this matter, and certainly to vote.

Hon P.R. Lightfoot: Are you saying that I'm unreasonably conservative?

Hon TOM STEPHENS: I will press on with a few arguments. Hang around, Hon Ross Lightfoot.

Hon P.R. Lightfoot: I intend to hang around for a while.

Hon TOM STEPHENS: When I have finished with the member, he may not want to hang around.

Hon P.R. Lightfoot: I am trembling in my R.M. Williams boots!

Hon TOM STEPHENS: This controversial piece of legislation was contrived by a Legislative Assembly Minister who was elected in 1996, and it is to be passed by a House elected in 1993. Our collective relationship with this House is tenuous to say the least. We are a caretaker House, and all members should adopt that view. My motion before the Chamber gives members the opportunity to recognise that view. As a group, we have had our four year term. We are in the dying days of that term and an election mandate to review legislation is no longer with us. This mandate has been passed on to a new group of baton holders who will come into this place on 22 May.

The Government claims to have received a mandate at the last election, and it wants us to accept that it received the mandate on the verdict of the electors and therefore must be accepted. However, the Government does not accept the verdict of the electors on the makeup of the upper House. The Government says it must have the legislation passed before the verdict of the electors is revealed in the numbers of this place.

That position was clearly stated by Mr Kierath today when he said on the news that he does not care how long we persevere with the legislation as long as we vote on the Bill in this House before 22 May. What right does the Minister have to tell this Chamber when to consider and resolve legislation? That call is good enough reason to ignore the Minister's advice delivered over the airwaves. Therefore, we should not give consideration to his message until after 22 May.

The Minister cannot have it both ways. If the legislation is based on what the electorate said at the last election, it should not be passed until the electorate's will is fully revealed in the composition of the entire Parliament. The Government is having us on; it is trying to perpetrate a rort in having a bet each way in its argument presented to the people.

In considering whether members opposite have a mandate to pass the legislation, let us deal firstly with Hon Ross Lightfoot. What a specimen we have before us to consider as we go into this phase of debate. In our company in the Chamber we have Hon Ross Lightfoot, who has indicated in the Press that he will vote on the legislation. I will indicate why Hon Ross Lightfoot should not persevere with that intent. He should listen carefully.

He was elected to this House in 1993 for his four year term, and he was elected again in 1996. That argument may appear to be out of sync with my earlier argument about waiting until 22 May to deal with the Bill, but I now construct an additional argument.

We know that Hon Ross Lightfoot does not intend to serve out his full term because the Liberal Party selected him for appointment to the Senate to fill the vacancy resulting from the untimely death of John Panizza on 31 January. When Hon Ross Lightfoot goes to the Senate, he will do so not because he was elected by the people of Western Australia, but because he was selected by the dominant faction of the Liberal Party as its representative. He amply represents and embodies the spirit of that faction.

Hon P.R. Lightfoot: In accordance with the Constitution.

Hon TOM STEPHENS: Absolutely. That party issue is none of my business.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM STEPHENS: One reason this Bill should not be given a second reading at this time is the presence in this House of Hon Ross Lightfoot and his intention to stay in this Chamber to participate in this debate and, even worse, to vote on it. As we know he may well not serve out his full term to 21 May because he has been elected to fill the vacancy caused by the untimely death of Liberal Senator John Panizza. When Hon Ross Lightfoot goes to the Senate he will do so not because he has been elected to the Senate by the people of Western Australia, but because he has been selected by the Liberal Party of Western Australia as its representative.

Hon B.K. Donaldson: As is normal.

Hon Peter Foss: And by a requirement of the Constitution.

Hon TOM STEPHENS: Absolutely. Some members opposite could make most of my speech for me and I hope they reach the same conclusion I did.

Hon W.N. Stretch interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! The Leader of the Opposition can make his own speech.

Hon TOM STEPHENS: If members reach the same conclusion I did when I prepared this speech, I will be indebted to them.

Hon Peter Foss: We are more logical than you.

Hon TOM STEPHENS: What a travesty!

Hon Bob Thomas: What did he say?

Hon TOM STEPHENS: Hon Peter Foss said he is more logical than we are.

Several members interjected.

Hon TOM STEPHENS: By virtue of the Federal Constitution we are obliged in a joint sitting of the two Houses to ratify the appointment of Hon Ross Lightfoot to the Senate, and we will fulfill that obligation. It seems that for now Hon Ross Lightfoot continues to sit in this House only because the Liberals have again shown contempt for the people of Western Australia by allowing the vacant Senate spot to remain vacant for nearly four months. Hon Ross Lightfoot was elected to this place in 1993 and the Opposition knows it is not his intention to serve out the remainder of his term.

Hon P.R. Lightfoot: I am trying my best to.

Hon TOM STEPHENS: I know. The member has announced his intention. He has also decided to not sit in the new Parliament that will be formed after 21 May.

Hon P.R. Lightfoot: I am called to higher duties.

Hon TOM STEPHENS: Higher duties! I will have something to say about that. Have members ever been so insulted? They have, because Hon Ross Lightfoot has been handing out insults in recent days.

Members have been given to understand that until Hon Ross Lightfoot resigns from this place he will continue to take part in the debate on this legislation and that he is intending to vote on it despite the fact he has given up the mandate which comes to him after 22 May. He has a mandate in this place only by virtue of an intention to stay on in the next Parliament which has the opportunity to review legislation. He has given up that opportunity and he is in this place only by virtue of the 1993 election.

Hon Derrick Tomlinson: Are you suggesting that half the senators are disfranchised?

Hon TOM STEPHENS: I am not dealing with that issue. I am dealing with a separate issue; that is, the Legislative Council. I think the "micro Senate" is the term Hon Ross Lightfoot used.

Hon Peter Foss: I can tell that Hon Nick Griffiths didn't write your speech.

The DEPUTY PRESIDENT: Order! The member is straying from the motion.

Hon TOM STEPHENS: I am not, Mr Deputy President. I am making the point that this Chamber should not deal with this legislation until after 22 May. One of the benefits is that this House will no longer have in its midst a person who says he no longer wishes to be one of our number. In fact he has become a senator designate.

Hon N.D. Griffiths: He has forsaken us.

Hon TOM STEPHENS: He has forsaken us and has forsaken the mandate he got and says he will not exercise; that is, after 22 May he will not be here. He said to the people of Western Australia that he will not exercise the mandate that he got in the 1996 election. So be it - he will not do that, if that is his choice. However, he should not then presume upon the mandate that was given to him in 1993 to exercise that mandate in the place of the person who should be taking his place after 22 May who has the mandate he has now given up.

Hon P.R. Lightfoot: What do you want me to do? Sit on the crossbenches?

Hon TOM STEPHENS: There is a crossbench available if that is what the member wants to do. However, another bench awaits him and he should go to it.

Hon P.R. Lightfoot: I cannot go to it, you fool, until 6 May.

Hon TOM STEPHENS: That will do us - just go. That would be perfectly fine. Is the member giving the House a guarantee he will be in the Senate on 6 May?

Hon P.R. Lightfoot: I cannot go until there is a joint sitting of both Houses.

The DEPUTY PRESIDENT: Order! The member will address his comments to the Chair.

Hon TOM STEPHENS: On behalf of the Opposition I offer Hon Ross Lightfoot a joint sitting of this House so he can take up his seat in the Senate before 6 May.

Hon P.R. Lightfoot: It is a contradiction to say a joint sitting of this House.

Hon TOM STEPHENS: I mean a joint sitting of the Houses of Parliament. So far as the Opposition is concerned they can meet before that date in order for the member to go on to higher duties. I am sure members opposite are not avid readers of *The Canberra Times* like me, but he said in that paper that he wants to go away from this micro Senate.

Hon P.R. Lightfoot: There are 34 members here and 74 in the Senate. If that is not a micro-macro situation I do not know what is.

Hon TOM STEPHENS: For goodness sake go. The member no longer has a mandate he can exercise in this place by virtue of the fact he will not exercise the 1996 mandate.

Hon P.R. Lightfoot: I will go when the IR Bill is through this House.

The DEPUTY PRESIDENT: Order! I ask the member to continue his comments and other members to stop the interjections.

Hon TOM STEPHENS: Hon Ross Lightfoot has opted to be a federal representative, hopefully in the not too distant future. Members are aware of the interplay between the State and Federal Constitutions. For example, a serving member of a State Parliament cannot be elected to the Senate or the House of Representatives. I will not quote from the Constitution but that is a requirement. We also know the State Constitution forbids a member of the Federal Parliament to serve as a member of the State Parliament.

As a result of Hon Ross Lightfoot's election as the Liberal senator designate and given his continued presence in this House we are facing an unconscionable situation. He could not be elected to serve as a senator and, at the same time, stay on in the State Parliament. He has been selected for appointment yet stays on, apparently indefinitely, in our Chamber. We know that a federal senator could not continue to serve as a state parliamentarian, yet this senator designate stays on indefinitely. Something is very wrong indeed.

Point of Order

Hon B.K. DONALDSON: I am concerned that I see the Leader of the Opposition wearing a sticker referring to smash repairs. I ask him to identify the sticker just in case it is advertising a smash repair business.

The DEPUTY PRESIDENT (Hon Barry House): Perhaps the member will identify the sticker.

Hon TOM STEPHENS: I am proudly wearing two stickers. The first proclaims "Kill the Bill" and the second declares "It is war: Smash Kierath's law." The second was put on my chest by my daughter and the other was put on by a colleague walking in the rally today.

Hon E.J. Charlton: Can I hang one on you?

Hon TOM STEPHENS: Not the Minister too!

The DEPUTY PRESIDENT: That is not a point of order. However, members should not get the idea that that is customary attire in the Chamber.

Debate Resumed

Hon TOM STEPHENS: This senator designate stays on in our ranks indefinitely and that is very wrong. In how many Parliaments -

A member: What badge does Hon Ross Lightfoot wear?

Hon TOM STEPHENS: The Ku Klux Klan's.

The DEPUTY PRESIDENT: Any piece of attire that leads to disorder is unsuitable. If the attire leads to disorder then I will order it to be removed, but it is not at this stage.

Hon TOM STEPHENS: In how many Parliaments does this member currently exert his power? Is he already a presence in the federal parliamentary scene? Is he already having his say in the processes of the federal Senate as a result of his inclusion in the federal parliamentary Liberal Party and the strategies it -

Point of Order

Hon PETER FOSS: I ask that the member address the Chair and the motion. I am very keen to know why we are being asked to postpone this debate. We are now going well beyond anything that could be said to be addressing the motion.

The DEPUTY PRESIDENT: Firstly, it is correct to raise a point of order that the speaker address the Chair. Secondly, criticism of any member should be made by substantive motion. If that is what the member wishes to do then this is the wrong time to do it.

Debate Resumed

Hon TOM STEPHENS: I will simply quote the member. I refer members to *The Canberra Times* of Friday, 18 April 1997 in which Hon Ross Lightfoot states -

I feel very strongly about that [industrial relations] -

We have just witnessed that; by way of interjection he said that he feels very passionately and that he will stay here - and by hell or high water was the tone in his voice. He continued -

- and my duty is to WA, whether as a senator or in the micro-Senate of the Legislative Council.

According to the member we are micro senators.

I will do no more than construct the case that Hon Ross Lightfoot puts about us. By his own actions and decisions, the member has expressed a view about which House he should be in at this time; that is, he believes that he should be in the macro Senate. Members on this side agree and believe that he should get out of here promptly. In our view, and in the view of the media of Western Australia - whether it be the socialist Press that he believes *The West Australian* is or the more conservative *Sunday Times*, both of which seem to share the view - Hon Mr Lightfoot should be gone. He no longer has a right to participate in the debates and votes of this place. He is a senator designate and he should go to his rightful House and exercise his vote there. I will not say anything more than -

Hon P.R. Lightfoot: I will be staying here another couple of weeks. Get used to it!

Hon TOM STEPHENS: If he so chooses, he does so unconscionably and improperly.

Hon Graham Edwards: Hon Ross Lightfoot thumped his desk and declared that he would stay here until this legislation is passed.

Hon TOM STEPHENS: That is right. He has joined the chorus -

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: The people of the North Metropolitan Region have every reason to express some disquiet.

Hon P.R. Lightfoot: At least they have a member here. If I go they will not.

Hon TOM STEPHENS: I have already addressed that point. The member has said that he does not want to exercise the mandate given to him at the 1996 election. If that is the case then we should let him get on with it. I will not spend any more time on the member's arrogance. It is time for him to go.

That arrogance is being displayed not only by Hon Ross Lightfoot but also by his colleagues in the Government. It is important that they recognise the people have a view on the issue and that it is time for him to go. He no longer has a mandate to stay on and vote on legislation; he is a senator designate.

Hon P.R. Lightfoot: In one breath you are saying that I should stay on and in the next you are saying that I should go.

Hon TOM STEPHENS: No, that is not what I said. The member cannot hear. I have argued a concise case and the member has not listened. I cannot do much about the fact that he is so thick that he cannot understand the argument; that is his problem, not mine.

The dying days of our term in office as members in this place are upon us. To vote on this legislation is an improper and indecent act. In my view and in the view of the community of Western Australia this is no longer a representative Chamber. We were, for the most part, elected in 1993.

Hon P.R. Lightfoot: Are you winding up or do I have to keep interjecting?

The DEPUTY PRESIDENT: Order! Stop interjecting.

Hon TOM STEPHENS: At least four of us - Hon Alan Carstairs, Hon Val Ferguson, Hon Paul Sulc and Hon Ed Dermer - were not elected in 1993 and therefore do not have a mandate to deal with the issues presented at that election. They came to this place as a result of deaths and resignations. What we are about to go through is the most extraordinary transition as a House. I do not know whether it is unprecedented, but it is the largest transition I have seen in my time in this place, which is considerable.

Hon Peter Foss: You have often had a House controlled by someone other than the Government.

Hon TOM STEPHENS: Oh, shut up Minister.

The DEPUTY PRESIDENT: Order! That is out of order.

Hon TOM STEPHENS: It is, too, but so are his interjections.

The DEPUTY PRESIDENT: Order! If the members on my right were to stop their interjections and if the member were to continue to address his comments through the Chair, I am sure he would soon finish his comments.

Hon TOM STEPHENS: Only nine members are not staying on beyond 22 May; that is, Hon Ross Lightfoot, Hon Paul Sulc, Hon Alan Carstairs, Hon Val Ferguson and Hon Reg Davies have gone -

Hon Reg Davies: No, I am going.

Hon TOM STEPHENS: Hon Phil Lockyer, Hon Doug Wenn, Hon Graham Edwards and Hon Clive Griffiths are also going. Two of those members will take up higher office - one in London and the other in Canberra. That is nine out of 34 members, which is not a trifling number. An unprecedented transition is about to occur in this place. This will be a totally new Chamber. Between a quarter and a third of our members will not be with us after 22 May, yet between now and 22 May this House will press on, without mandate, with this legislation and get it through this place. That is unconscionable.

I do not want to dwell on all those members opposite. I have spent a bit of time on Hon Ross Lightfoot. I will deal briefly with Hon Alan Carstairs. In my view, and in the view of many in the community, Hon Alan Carstairs should not vote on this Bill. He has been replaced by a Democrat or a Green. The Democrats and the Greens are waiting to exercise the vote that they are entitled to exercise after he leaves this place. I hope Hon Alan Carstairs takes note of what has been said to him. A question mark must be placed over the legitimacy of the vote of at least 10 of our members. I will move on from that topic.

Hon W.N. Stretch: I would if I were you.

Hon TOM STEPHENS: I have made the point. Members opposite might be able to shut me up through some process in this House -

The DEPUTY PRESIDENT: Order! The Leader of the Opposition cannot reflect on the legal entitlement of any member to be in this House and to exercise his or her right to vote, according to the legalities of our electoral process.

Hon TOM STEPHENS: Mr Deputy President, I understand the processes of this House probably more than most. I understand that I can think a lot of things and the Press can say a lot of things, but we in this House cannot often speak the truth about some of the things that occur in this place. I have spoken the truth about that topic. The media and the community know the truth about it. Those members should not exercise a vote on this legislation. It is of necessity that the Government is trying to use this time to get through the Parliament legislation that is unacceptable to the broad mass of the Western Australian community.

I turn now to consider the make up of the Legislative Council that was elected four years ago and that will consider this legislation. Since the election, one member has died, some members have resigned, and some members have received better offers - at least one member is about to go onto the national stage. A number of the people who are now sitting in the Legislative Council were not elected four years ago and have replaced members who were elected at that time.

The Government has brought this legislation into the Parliament in the dying days of the Council. As we all know, despite multi-member constituencies and proportional representation, and the imbalance of votes between rural and urban areas, the Council that was elected on 14 December 1996 is, by definition, more representative than the one that was elected some four years ago. The Government is pushing through this legislation now because it knows that in its current form, it will not get it through the Legislative Council that was elected on 14 December. I know that by virtue of some correspondence that I have received from some of my colleagues and future colleagues. I have received a letter from my future colleague, Ljiljanna Ravlich, MLC elect for East Metropolitan Region, dated 23 April 1997. Members will note that Ljiljanna Ravlich is sitting in the President's Gallery and is unable to come through the Bar of the House. She is, therefore, deprived of the opportunity of speaking. The letter states -

As an elected Member of Parliament for the East Metropolitan Region I write to express my grave concern about the *Labour Relations Legislation Amendment Bill 1997*.

Contrary to the government's opinion it does not have a mandate for this legislation.

The *Labour Relations Legislation Amendment Bill 1997* was not part of the Coalition's election platform at the last election and the government is acting against the will of Western Australians by rushing this legislation through parliament.

The government's obsession with this legislation is all the more sinister given the low level of industrial disputation in recent times.

It is of increasing concern to me that certain members of the government view their success at the last election as a licence to introduce extreme laws.

The Government's handling of the *Labour Relations Legislation Amendment Bill 1997* tears at the heart of democracy because it challenges the democratic rights of newly elected members of Parliament who at a crucial time on a matter with immense repercussions for State industrial relations have been prohibited from representing their constituents.

I was elected at the last State election, the same election that the government falsely argues gave it a mandate. Yet this government will not allow members elected at that election the right to vote on this bill.

This government has shown scant regard for democratic processes by failing to negotiate with the key stakeholders in the community, by guillotining the legislation in the lower house and by seeking to rush the legislation through the Legislative Council to frustrate the will of the electors.

Why is the government afraid to expose this bill to the full scrutiny of the most recently elected parliament? The answer is clear; such extremist legislation would not withstand this scrutiny.

I will not quote all of this letter now. I will draw upon more of this letter if the House does not agree with my motion. We are faced with the poignant situation that a newly elected member who wants to exercise her vote on this Bill is begging the House to support this motion. The letter states also -

Perhaps the most disturbing aspect of this legislation are the restrictions on union entry to worksites. Historically, as part of the award provisions, unions have had the right to go on site to check working conditions, wage and other records of their members.

As this will now be much more difficult it has the potential to result in employers reducing the working conditions, wages and occupational health and safety standards on sites.

Under this legislation many of these breaches will go unchecked leaving the floodgates open for worker exploitation.

It was only last year that I attended the funeral of the late Mark Allen, a former organiser of the Western Australian Builders' Labourers Painters and Plasterers Union of Workers . . . a young man taken in his prime during the course of trying to protect the working conditions of others.

As you may remember, in his capacity as WABLPPU Organiser, Mark entered a East Perth demolition site only to find that there were major breaches of Occupational Health and Safety.

In the course of warning workers of the dangers on that worksite he fell through asbestos sheeting to his death. It was a tragedy waiting to happen because had it not been him it would more than likely have been a worker.

Hundreds of workers are at risk every day at their work place. The right of union officials like the late Mark Allen to enter sites has possibly saved hundreds of lives. Unfortunately under this legislation this will no longer be the case.

I remember the anger of construction workers across the State last year at the loss of a son.

Much of this letter demands that it be read in the House now. It is essential to the consideration of this motion, because after 22 May I will not need to argue the case for an absent member. If my motion were agreed to, this member would be more capable than most of arguing in this House the case for what is wrong with this legislation. If my motion were defeated, this member would not get that opportunity. This would be her last opportunity to persuade the House not to press on with this legislation but rather allow her to participate in the debate and to subject this legislation to the review and scrutiny which is its due. The letter states also -

As the first Croatian born woman elected to the Western Australian parliament I am particularly concerned about the impact of this legislation on workers from non English speaking backgrounds.

Point of Order

Hon N.F. MOORE: We are debating when the second reading of this Bill should be conducted, not the Bill itself. I put it to you, Mr Deputy President, that the member is debating the Bill.

Hon TOM STEPHENS: Mr Deputy President -

The DEPUTY PRESIDENT (Hon Barry House): Order! The point of order is not debatable. I was thinking along the same lines, that perhaps the Leader of the Opposition was straying into the content of the legislation. We are debating whether this second reading debate should take place after 22 May. That is the point of the debate.

Hon TOM STEPHENS: Mr Deputy President, you are right. The Minister is right. I will not debate the legislation.

The DEPUTY PRESIDENT: Order! I have already ruled that you cannot debate the point of order.

Hon TOM STEPHENS: Without hearing my response to the point of order! What have you ruled, Mr Deputy President?

The DEPUTY PRESIDENT: I have ruled that the point of order has some legitimacy, and you must address the motion.

Debate Resumed

Hon TOM STEPHENS: In addressing the motion I will argue our position with you, Mr Deputy President, and with the House: I should not need to read any letter from a newly elected member of Parliament about her rights to review this legislation.

Hon N.F. Moore: She can do whatever she likes after 22 May, just like any other member.

Hon TOM STEPHENS: That is my point. After 21 May she will be here and she will be able to take the opportunity, if my motion is carried.

Hon E.J. Charlton: Change the Act so that in future members can come to this place as soon as they are elected!

Hon TOM STEPHENS: We will consider that now, and make it retrospective! This member should not be silenced either during this debate or during an opportunity to consider the matter in future.

Hon N.F. Moore: Surely you aren't going to make her speech now!

Hon TOM STEPHENS: I am not. I will not argue that point. The only point I wish to make is that a letter such as this should not need to be read in this House. The member should have the opportunity to express her view on the legislation, and that will happen if my motion is carried. By using the standing orders or some other device the Leader of the House may choose to stop my quoting the letter further. That would emphasise the point that this member is sitting outside the Bar of the House, unable to contribute to debate. The Government will silence her not only by defeating my motion but also by preventing my reading this letter.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: If the Leader of the House does that he will be a disgrace. This new member, more than most, should have the opportunity to come to this House and present her case to the Chamber. She will be deprived of that opportunity if this House does not agree to this motion. I will not press the point further.

My next point is germane to the legislation. If the Leader of the House agrees to my motion, that will be the end of it and we will wait until 21 May. He would hear no more protests from me. If he does not agree, he will hear more about this letter as we enter debate on the legislation.

Hon P.R. Lightfoot: If this is to be the standard of debate, no wonder I am going to the Senate.

Hon TOM STEPHENS: Thank God, the member is going to the Senate. May he be judged on the national stage.

I have another letter addressed to me. It comes from Ken Travers who is also sitting in the President's Gallery. It reads -

I write to express my concerns with the stated intention of the Court Government to have the Labour Relations Legislation Amendment Bill 1997 passed through the Legislative Council . . .

Hon P.R. Lightfoot: Signed "Mum"!

Hon TOM STEPHENS: He has been mugged by the member's presence in this Chamber. He has been mugged because he cannot speak to the Chamber, and must do so through me. If members opposite agree to my motion this member will be able to enter this House on 21 May and have his say. He will be silenced no more. Currently he is deprived of that privilege. Hon Ross Lightfoot will hear more from him, if he hangs about. We do not want Hon Ross Lightfoot to be here when the new member arrives. Hon Ross Lightfoot should go to Canberra, and let us hear

from the new member. Let us review the legislation when Hon Ken Travers arrives in our midst and has the right to exercise his vote - a right which Hon Alan Carstairs should not exercise.

The PRESIDENT: Order! That is not right. A member cannot reflect on another member's right to vote and be here in this place.

Hon TOM STEPHENS: Mr President, I shall not pursue that line. I will return to the letter from Hon Ken Travers which continues -

As you are aware I am one of the seven people who were successfully elected on 14 December 1996 and who will take our seats in the Council on 22 May 1997.

Having examined the Bill I have a number of major concerns with it. I hope to be able to provide you with a detailed outline of my concerns shortly.

I look forward to that letter, if this motion is not carried. The letter continues -

However, my most pressing concern is the attempt by the Government to have this Legislation passed before the new members, elected in December last year, have the opportunity to debate our concerns and vote on this legislation.

I would appreciate it if you could make the current members of the Council aware of my views and ask them on my behalf to defer debate on the bill until after 22 May 1997.

The Premier recently defended criticisms by the Trades and Labor Council that he had reneged on a commitment that "There will be no further legislation unless agreement on all sides." by claiming this commitment was only until the last election.

Surely then, the only people who can decide the fate of any "further legislation" that is outside that commitment are the people elected at the last election. This means that the only people with mandates to make determinations on this legislation are the current members of the Legislative Assembly and the Members of the Legislative Council after 22 May 1997.

I would like to conclude by asking you to remind the Members of the Council that when a government seeks to subvert the spirit of democracy, the government alone is responsible for the reactions of the people.

I wish you every success in the fight to oppose this Bill and to protect the integrity of our democratic institutions.

The letter is very germane to the motion before the House. I say no more about it. I am a very poor conduit for the passionate views of both new members regarding the process in which this House is engaged in persevering with this legislation in their absence.

I note that the Government, particularly the Premier, has made much of the fact that it is okay for this legislation to proceed before 27 May or 21 May - whichever date one may choose - because he was involved in discussions with the Democrats in the lead up to the most recent weekend discussions. I note also that we do not have the presence of the Democrats on the floor of this House to participate in this debate, to allow them to speak for themselves rather than having their viewpoints relayed to the community by the Premier. I suspect that the Premier has misrepresented their position. I suspect that more accurately representing their position is the press release of which I have a copy. I note that the leader of the Democrats, Helen Hodgson, and her colleague Norm Kelly, are in the gallery but are not able to participate in debate. I will not press that point, because one can think and see certain things but cannot say some things. Therefore I will not.

The PRESIDENT: Order! You can say anything that does not conflict with the standing orders of this place.

Hon TOM STEPHENS: A few of us will take a great interest in the shape of the standing orders after 21 May, so that they more accurately reflect the wishes of the Parliament, and to make sure we can subject all these issues to review and scrutiny. The Government will not get away with such tricks again -

Hon N.F. Moore: What trick?

Hon TOM STEPHENS: The trick of whacking in legislation which the Government knows should not be here -

Hon N.F. Moore: We have already passed half a dozen Bills.

Hon P.R. Lightfoot: What are we to do? Go to Broome?

Hon TOM STEPHENS: The member can go to Canberra and we will go to Broome. The member can go to Canberra and I will return to my constituency. I will then have the opportunity to prepare for the scrutiny of this place after 22 May.

I turn now to a press release by Helen Hodgson of the Australian Democrats. I hope I do not do her a disservice by quoting from it. After 21 May I do not wish to be the spokesperson for the Democrats. I have the impression that these future members will be more than capable of speaking for themselves. I suspect we will not always agree on certain matters. I expect that in those circumstances there will be just as many clashes over legislation - even over legislation such as this.

In the circumstances, Helen Hodgson cannot speak to the House, but it is worth drawing on her press release because it is germane to the motion. In the press release she speaks about the fact that the Democrats have had confidential discussions with the Government. She states that the discussions were simply the Government's canvassing the Democrats for support and their general views. The press release reads -

"Our stance is, and has always been, that we do not want the Bill rushed through Parliament until such time as it has wider acceptance by all affected parties. We want the opportunity to debate it fairly."

"Industrial relations is about harmonious relations. It is not about stripping all authority from unions, gutting their ability to support members.

"Some clauses in the Bill give cause for concern. For example we would not be in favour of personal penalties imposed on officers and employees of the union and workers who may be acting under instructions or through solidarity," Ms Hodgson said.

"Unions have a necessary role in the workplace and it is not appropriate to single them out for special treatment as opposed to corporations or employer organisations."

Some members may ask what is the point of quoting this release by a person who will soon be an honourable member of this place. That will become clear when I quote another release of our future colleague in this House, in which she said -

The moves by the Government to force this legislation through the Legislative Council prior to 22 May not only ignores the wishes of the Western Australian people, who voted in December for an independent House of Review, but create an environment where full discussion and negotiation are unlikely to occur.

She has provided me with a summary.

Point of Order

Hon DERRICK TOMLINSON: I request that the member identify the document from which he is quoting.

Hon TOM STEPHENS: It is a stapled document headed "Helen Hodgson, Australian Democrats, Member of the Legislative Council elect. Spokesperson for Industrial Relations". It is a press release on the first page dated 28 April 1997, with the reference No 97/047.

Debate Resumed

Hon TOM STEPHENS: It seems that she may have been very busy if this is her forty-seventh press release in 1997. This is obviously a document which will be useful for all members, because it will allow them to consider the Democrats' viewpoint. One of the reasons they should not be worried about passing the motion is that I suspect that at the state level members on this side of the House disagree with the Democrats on whether this Bill should be withdrawn. The Democrats do not seem to share that viewpoint and I have not seen them express that viewpoint openly or publicly. They seem to feel this Bill should be subject to review and scrutiny, and it should be amended to make it more acceptable and to reflect the way in which they believe industrial relations should operate in the future. The Opposition's view is that the Bill should not be here in the first place. However, it has been read a first time. I must now do my darnedest to make sure it does not proceed any further until 21 May, in the hope that when the Democrats arrive after 21 May, we may be able to persuade them and the Greens to vote with us and, if not have the Bill thrown out, at least have it significantly amended so that it does not inflict pain and penalty on the people of Western Australia.

Those points are made visually in this House tonight. I will not say any more about visual impressions because of the standing orders, but I ask members and those in the gallery to look around them. We can all see the configuration. We can see those sitting in this place and we know of the situation elsewhere. In those circumstances there is an injustice that people can speculate on and think about. I understand the standing orders and I will not push that point. I can think it but I cannot say it. All members can imagine what I am thinking. The conclusion reached if people

follow my thought process is that members should support the motion before the House. They should not allow this Bill to proceed with the configuration currently in this place with a Bar across the House. They should not allow it to continue but should support my motion to achieve a different result. This House cannot seriously consider itself as a House of Review when it is so seriously flawed in its makeup.

What would be the situation in this House if the debate continued for longer than the Government anticipated and if the Bill were still being considered at midnight on 21 May? If the Committee were halfway through the Bill, what would be the status of the Bill at that time? What would be the rights of the new members that night? What would happen at one minute past midnight on 21 May? What would be the situation of the new members?

Hon P.R. Lightfoot: They will not be here.

Hon TOM STEPHENS: Hon Ross Lightfoot is going, thank God.

Hon P.R. Lightfoot: I just want to tell you not to get your expectations up because they will not be here.

Hon TOM STEPHENS: If we were still considering the legislation, it might be necessary to push open the Bar and let one group of members out and another group in.

The PRESIDENT: Order! I ask the honourable member to stick to this motion. If we want a circus, we can go elsewhere. I will not stop the member from speaking and saying what he wants to say, provided he keeps within the rules of this place and conforms to the standing orders. I do not make the rules or the standing orders, but I do enforce them.

Hon TOM STEPHENS: If my motion is not carried and if this debate continued to that time, would we swing open the Bar and have a crossover of members? Would a new lot be sworn in? What would happen to the legislation? If the second reading of the Bill had been concluded, one would be left with the situation that the policy of the Bill has been agreed to, and in Committee new members could deal only with the detail.

Hon Peter Foss: That is the case with any new members when the legislation is halfway through.

Hon TOM STEPHENS: Hon Peter Foss does not seem to read or hear anything. He does not listen to the media or to any other arguments. Look at the mess that his Government is in by persevering with this legislation. Would new members not have the right to be upset by the situation to which I have referred?

Hon Peter Foss: It has happened every other time. What happened in 1989 when I became a member?

The PRESIDENT: Order! It is not a guessing competition. Hon Tom Stephens should address his remarks to me and I will not interject.

Hon TOM STEPHENS: The change that will occur could place new members in an invidious position if the Bill were still being debated, because they could no longer deal with the legislation other than in detail. Faced with the question of what provisions to reinstate, they may have an opportunity to chuck the Bill out as soon as they arrive. Perhaps that is the best thing that could happen.

I am concerned about the functioning of this place at the best of times, and about some of the limitations on the way in which it operates. There are four Ministers in this place and parliamentary secretaries.

Hon N.F. Moore: We had four when you were in government.

Hon TOM STEPHENS: I did not think it was right then -

The PRESIDENT: Order! I draw the honourable member's attention once again to the motion.

Hon TOM STEPHENS: It is only a brief point.

The PRESIDENT: It does not matter. These brief points are adding up to hours of brief points. The constitution of this Chamber is not relevant to the comments the member needs to make about the motion he has moved.

Hon TOM STEPHENS: I will persevere with my speech and simply think all the thoughts I was going to share with members. I hope through the process of osmosis members might understand my thought processes.

Hon N.F. Moore: I hope that never happens!

Hon TOM STEPHENS: Members would then have the opportunity of seeing the value of supporting the motion I have put before the House.

The concerns expressed throughout Western Australia highlight the need to subject this legislation to scrutiny. We must be joined in that task by the new members because they reflect the mandate given to them at the most recent

state election: To subject this Government to the review and scrutiny that is desperately required, to protect the Government from its own excesses and, more importantly, to protect the people from those same excesses. The new members should have the opportunity of fulfilling that mandate and of ensuring that this House meets its destiny and becomes a real House of Review.

The second aspect of an individual mandate is that of a member acting as a trustee for the electorate's good. This will be a point on which the Labor Party and the conservative parties differ. Our constituents want us to act in their best interests. Speaking from the perspective of a parliamentary Labor Party member, those best interests lie in the defeat of this legislation. The minor parties soon to take their place in this Chamber have a mandate to join us in the examination and review of this Government's legislation. The Opposition believes they have an obligation to act as trustees for the mandate that has been bestowed on them. The conservatives' defence that they have a mandate for this legislation is not credible because competing mandates now exist. The mandate of the upper House will, regrettably, be denied by a Government intent on persevering with legislation in the parties' House - and that is inappropriate. Many people have said that ultimately political parties decide what will happen in this place, thereby determining who will be elected to serve in the Chamber. That is as a result of the electoral Acts of Western Australia.

Liz Young, to whom I referred earlier, states that the process of gaining a mandate for legislation such as this comes from a party publicising its policies during an election campaign: People vote for a party based on its policies and those votes provide the party with enough votes to win government. A Government has the mandate to introduce Bills to implement its policy program.

No details of this legislation were part of the Government's campaign in the most recent state election. Recently I took the opportunity to organise a search of the media at election time. I found virtually nothing about the labour relations legislation with which we are now faced. The Government skipped the first stage of getting a mandate for this legislation: It did not tell the people what was to be delivered by the Government in the labour relations area. For political expediency it was kept secret from the people of this State - and now, before the new members arrive, the Government seeks to claim its mandate. A party cannot have a mandate unless the people are told about it before they go to the polls.

The second part of the notion of mandate is that people vote for a party based on its policies. However, this is also undermined with this legislation because of the lack of publicity given to the Government's policies in so far as they existed. We must examine why the legislation needs the scrutiny of the new Parliament; why it needs the genuine review that will be provided only after 22 May.

This legislation is here most assuredly without the agreement of the trade union movement. It is illegitimate legislation because it comes after a promise that no legislation would be introduced without that agreement. From what we can read of it, it seems that the legislation is biased, prejudiced and ideological. For those reasons it should not be dealt with prior to the arrival of the House with the new mandate.

Some will say the Government has that mandate. I am hard pressed to find a way to construct a case for this House giving itself the right to review this legislation. As an Opposition we are opposed to this legislation. We believe it will be disruptive and will bring about great economic and social cost to our State and, therefore, our nation. If this legislation is not dealt with prior to 21 May, the opportunity will be available to ensure it is improved because the House will be free of the majority that constitutes it and that seems hell-bent on moving this legislation through this place.

The legislation as we know it from the media is the source of much dispute. It is legislation about which the Minister has refused to allow adequate and effective consultation in the community. A further reason to postpone the second reading is to ensure that further opportunities are available for adequate and effective consultation. We understand from the media that the aim of the legislation is to establish in the industrial arena certain dispute settlement procedures and insert them in all awards and agreements, requiring the parties involved in any dispute or difficulty to confer among themselves and attempt to resolve the matter before taking it to the commission. There is an irony in this process. The legislation will inflict on the industrial arena the need to confer and consult before industrial action is taken; however, no such obligation exists on the part of the Government. I am reminded of the sense communicated by Bertolt Brecht in his play. The Government has lost confidence in the people; the Government has decided to dismiss the people. That element of the play is indicative of the mood this Government is in.

This legislation, having caused enormous cost to the community, is likely to cause even more industrial and community unrest. It calls for secret ballots for workers before industrial action is taken. However, regrettably, no opportunity exists in this House for secret ballots to ensure that the House acts as a place of review in the absence of pressure on it from Ministers in the other place. That is an unfortunate irony.

We are faced with many ironies in the handling of this legislation. Members on the opposition benches are inspired by provisions contained in one clause of the Bill. We call on government members to take a lesson from their own text. Before rushing off to the Governor with a message that the Bill has just been through the Parliament, let us take the opportunity to confer and consult. If members agree to my motion they can take the next few weeks between now and 21 May to do that. The carriage of this Bill will provide the opportunity for that obligation to be imposed on the players in the industrial arena. Why do we in the political arena not consult and confer over the next three weeks? The motion before the House will provide members with that opportunity. It would not make it compulsory, but would give members an opportunity. There is some irony in all of that.

I believe that my motion offers a real opportunity for this House to express confidence in the new Legislative Council. A number of us - 24 in all - will be members of the next Legislative Council. My motion if carried will be viewed as a motion of confidence in the new Legislative Council. If it is lost, it will be a vote of no confidence in the future of this House. If members support my motion, they will be giving a vote of confidence in the new Legislative Council to deal properly with the Government's new legislative program. It is an opportunity for this House to review the Government's legislative program. A vote for my motion is like a vote of confidence in that process.

We await with interest a member opposite filling the position of President of this House. However, there is a need for the future President of this place to apply some of the same traditions that have been applied by the current occupant of the Chair. He has acted impartially without fear or favour and has championed the rights of all members and in turn has championed the rights of the people of Western Australia. He has had confidence in the House and the members of this House and in turn has had the confidence of the members of this House. The person who will preside over this place in the future sits opposite and will participate in the vote on this motion, presumably this evening. That member now has an opportunity to display his or her confidence in the new House over which he or she will preside. I therefore want the contenders for that position to seriously consider this issue. That person has a chance to give a vote of confidence in the House over which he or she will preside by voting for my motion. That will give the House over which the new Presiding Officer will preside a chance to review this legislation. He or she should not allow this House to be a tame poodle for the Government. The future Presiding Officer has an opportunity to say that he or she will respect the will of the House and that he or she will respect the Commission on Government's recommendations on how this House should operate. He or she should stand by those commitments now. It is a chance for that person to tell the people of Western Australia that he or she will not take part in an undemocratic rort. It is a chance for that person to say that he or she will not be responsible for wasting millions of dollars of the State's resources on industrial action.

I urge support for this motion because this House is still full of members who were elected at the 1993 election. Those members have no mandate to pass legislation conceived in the 1996 Legislative Assembly. I urge members to support this legislation because the Government has breached its commitments that it would not introduce legislation unless it had the agreement of all sides of this Parliament. The argument that the commitment applied only to the 1993-96 term does not hold water for the Council as members' terms have not been completed. The new members of this place have a right to fulfil their mandate and the Government has an obligation to provide that right. This legislation deserves the full scrutiny of the new House; it does not deserve to be rammed through.

Today I asked what other legislation would be introduced as part of the Minister for Labour Relations' fourth wave. The House was told that that answer would require too much research. Regrettably the Minister has chosen to ram through the third wave and we do not know what is in future legislation or why the legislation which we are currently debating cannot be delayed and dealt with in that package.

This House should get on and deal with the real issues facing our community. The Government has chosen to move on the industrial front when, between now and 21 May, it could deal with other crises in Western Australia, including home invasions and unemployment, which overall is at 8.5 per cent with estimates of the real figure being 12 per cent and with youth unemployment being extremely high. Training issues need to be dealt with as do health issues, including drug and heroin use and abuse. All those issues could be dealt with between now and 21 May if the House agreed to my motion. Real problems are facing our community, including deaths from drugs in our streets about which there has been no adequate response, with the methadone program stretched. The Government is not prepared to be innovative in the face of this drug crisis. There are problems in education and public transport and community concerns about job security. What is the Government doing to confront these problems? Instead of doing something about them it is attacking workers in this State. A vote for my motion will give the Government a chance to refocus on a range of problems which it seems to have forgotten since the last State election and about which it made promises in the lead up to that poll. We are in the last days of the current term of this House and we need to show faith in the new House by supporting my motion. To do other than support my motion would steal from the new members their right to vote on the legislation that is currently before the House.

Hon Derrick Tomlinson: I ask the Leader of the Opposition to table the papers which he identified and from which he quoted in his speech.

The papers were tabled. [See paper No 405.]

HON JOHN HALDEN (South Metropolitan) [8.36 pm]: In his speech, the Leader of the Opposition concentrated on the new Legislative Council to be formed after 22 May. I do not wish to go over those issues again. I will traverse a range of other issues that are pertinent to delaying consideration of this Bill. I am not suggesting we should delay consideration of the Bill and do nothing. We have an obligation to look at the vast number of issues that fall upon us because of this legislation. I am not convinced that the legislation is consistent with the Constitution of this nation. Does this legislation breach sections 109 and 117 of the Constitution? I am not able to argue that conclusively one way or the other. However, I suggest it is an issue that must be looked at carefully. Do the provisions relating to strikes and coverage by federal awards in this Bill breach section 109 of the Constitution? Does this legislation discriminate against people from other States? As I said, I am not in a position to argue from a position of great strength, although I may have an opportunity to do that subsequently. I have clear personal views. Forgetting the politics of the issue for a moment, we have to be sure that we will not waste taxpayers' money or make ourselves look foolish. In the past we in this House have made ourselves look very foolish. I need go no further than the Mabo debate, when we really did look like a bunch of geese, or is it geese?

Hon Kim Chance: It is actually a gaggle of geese.

Hon JOHN HALDEN: I thank Hon Kim Chance for that! That is not the only area in which we need to be careful. We must look at how this legislation may impact economically on our society. It is fair to ask under this protracted pre-strike ballot arrangement - one side says that it will take two weeks and the other says seven; I have a view about how long it will take, but that is a debate for another day - how productive will workers be, when they are annoyed, upset and want to make their point very clearly for between two and seven weeks? It does not matter how long the pre-strike ballot takes; I am merely suggesting that the workers will not be very productive. I suggest that the odd bit of - I will be blunt - industrial sabotage will occur, if not haphazardness and laziness. Australians generally do not lie down and just allow themselves to be kicked to death. No matter what the law of the land may be, they will not say, "This is the law of the land; we must live with this otherwise we will be fined out of existence; and if we are not able to pay the fines, we will go to gaol." They will decide to get at their employers, by using different means - and they will. Do members opposite really think this legislation will not have a productivity conclusion; that is, that workers who may produce X amount one week, will produce X minus whatever the factor is while this balloting process goes on?

We must look at the morale of the work force. What sort of work force, which cannot go on strike for between two and seven weeks and which can have its strike process vetoed by a whole range of procedures - clause 97 refers to this, and it includes action by the Minister, people who are not involved in the workplace and the employers - will take kindly to having this process extended by outside influences while the workers do not believe they get enough money to take home to feed their families? Do members think these workers will carry out their job more productively or work to their maximum productivity capability during this balloting process? Only fools will believe that. I am sure the Minister for Labour Relations believes that. An obvious conclusion can be made about the Minister from my comments: Not a living, thinking person who has worked with employees would agree with him.

Hon Ross Lightfoot accuses me of never having sullied or dirtied my hands as a worker. He is wrong. I have been a shovel worker at the Kwinana oil refinery, where I took out the sludge from the bottom of crude oil tanks. I can remember working for a septic waste disposal company and having the misfortune of falling into a tank once or twice.

Hon Peter Foss: That has affected you for life!

Hon JOHN HALDEN: Workers in those sorts of jobs will not cop being told that they cannot have certain rights and obligations about what they should take home for themselves or their families. It does not matter what we in here say. We can legislate that people cannot kill others, but some people still commit that crime.

Hon P. Sulc: How do you industrially sabotage a septic tank? By making sure it is a full one!

Hon JOHN HALDEN: It is pretty difficult, but when people are in them, they know to get out of them pretty quickly. There is an economic cost to this process. I do not think the Government has looked at what it is doing on that front. It may have taken the advice of Nick Blain and the Minister for Labour Relations, but that advice does not come from any knowledge of what realistically happens in workplaces where workers feel aggrieved and perhaps have had some power which is now to be taken away from them. There will be a cost to the workers, to the company and, ultimately, to the State and this nation.

I have raised constitutional matters and economic matters. It does not stop there. We then come to the issue of civil rights. As yet I have not heard from the Minister for Labour Relations how he justifies this legislation in terms of what are accepted in this nation as our basic civil rights. If we had a contemporary Bill of Rights, it would contain certain things that are held as sacrosanct. They include that people have a right to associate, to negotiate, to have the protectors of their workplace given unfettered access to that workplace; to strike, so as long as certain processes are in place, and if the workers choose to go on strike, they are not vulnerable to the possibility of prosecution. The Government - via the Minister for Labour Relations and his department - prior to this legislation being in place, went through the Criminal Code and this legislation to work out how workers and union representatives who breach the law of the land, as it will be, could be gaoled.

The PRESIDENT: Order! I ask the member to be careful that he does not advance too far into the content of this Bill. He should not be going down that path.

Hon JOHN HALDEN: I am sorry, Mr President. I do not want to challenge your comments, which are most appropriate. However, this legislation has some enormous consequences. To many members opposite, they are unforeseen. It depends on the lunatic zealots who are put in charge of the legislation or who are allowed to influence the considerations of the Government of the day. There is the potential, as clearly established by the Minister's department, to go down a path which will see people imprisoned. We must consider that before we do anything with this legislation. It is yet another reason this legislation should not be rushed or pushed or gagged through this place. I suggest we must not dillydally until 22 May. As a House we have a responsibility to set in place a series of processes, which we know we can do, to establish by 22 May whether my comments - or accusations - are unfounded or otherwise. If there is any substance in what I or others suggest in this debate tonight, we should not be rushing this legislation through. We must consider three areas: The constitutional issues, economic matters and civil rights issues. The Premier raised at the weekend another issue, that of the Government proposing amendments. I have not seen those amendments. It would be interesting to see them. If the Government is proposing to start a process of compromise or consultation -

Hon Peter Foss: We have always wanted that. It is just that the unions would not come along.

Hon JOHN HALDEN: The Attorney General knows that is not correct.

Hon Peter Foss: We have.

Hon JOHN HALDEN: When did the Government have these meetings with the Trades and Labor Council?

Hon Peter Foss: Unfortunately, the representatives said they could not consult with us because the last time they consulted with us and agreed to certain conditions, it made it difficult for you to oppose them in here. They took the view that they would not consult with us because then nothing could be attributed to them.

Hon JOHN HALDEN: I do not know that what the Attorney General has said is correct.

Hon Peter Foss: It is.

Hon JOHN HALDEN: I will not argue with him. That situation would be unfortunate. At some future point we may have a process in which I am quite confident that the Attorney General would be more prepared than his colleague in the other place to negotiate amendments in order to make this legislation more workable. If I may be blunt, the Attorney General's appreciation of workability is 100 per cent greater than that of the Minister for Labour Relations. That may not be very much.

Hon Kim Chance: It does not have to be very much.

Hon JOHN HALDEN: Exactly. With the Minister for Labour Relations we start with zero and work our way up. The Attorney General has some understanding that we cannot have an unworkable regime and think that it has no costs on a whole range of fronts. I concede to the Attorney General that in his way he has an open mind about workability, if not ideology.

Hon Peter Foss: True. Few of us have an open mind on ideology.

Hon JOHN HALDEN: I concede that, too. If the Government is preparing amendments to this legislation, then realistically we need to know that.

Hon Peter Foss: I asked your side well over a month ago what your objections were so that I could prepare amendments in order that we could discuss them. I have had nothing from your side. We are putting forward amendments in response to the emergency services union in the absence of amendments from you. I should think it would give you the same amendments. They are not our amendments but the result of the failure of your side to put any forward.

Hon JOHN HALDEN: Amendments were moved in the other place. I am quite sure that similar and other amendments will be moved in this House. Our great problem is not our relationship with the Attorney General but our relationship with the Minister for Labour Relations. We perceive it, rightly or wrongly, as an enormous game on his part.

Hon Peter Foss: I gave you an opportunity to give me amendments so that I could get them drafted by parliamentary counsel so that in the end we could argue about the merits. If you give them to me, we will have them drafted and then argue about principles.

Hon JOHN HALDEN: I do not doubt that the Attorney General has said that, but he has not said that to me.

Hon Peter Foss: I do not claim that I did.

Hon JOHN HALDEN: I do not doubt that the Attorney General said it. I do not want to make a disparaging comment about his integrity in that process. I know that from previous occasions and I accept it. However, our side needs to know what are the amendments.

Hon Peter Foss: So do I. I would love to have had them earlier.

Hon JOHN HALDEN: I understand that. I am not being critical. We need to know so that we might say we accept some and perhaps need a process where we would like X number more.

Hon Peter Foss: I would rather you initiated them. If you initiated them, I could tell you whether I could accept them. I do not want to initiate them if they are not acceptable.

Hon JOHN HALDEN: I do not want to back away from this motion. The sorts of things that the Attorney General and I are discussing should be discussed.

Hon Peter Foss: I have raised them before.

Hon JOHN HALDEN: I am not in a position to confirm or deny that. I do not doubt the Attorney General's word on that issue. The proposed amendments and this new enlightenment on how we might handle this Bill in this place vis a vis how it was handled in the other place is encouraging, but the process needs clearly to be worked through. It will not be achieved by the process in which on Thursday, as I understand it, we will start the second reading and go through all the antics. The Government will do its job and we will do ours.

Hon Peter Foss: The amendments will not change the policy but they will deal with drafting problems during the Committee stage.

Hon JOHN HALDEN: Could I get to that point in a moment? I want to comment on that. We will go from the antics in the second reading debate to the antics of the Committee stage. I have spent a lot of time over the last couple of weeks, in spite of other little problems that may have arisen in my life, to work out what we might or might not do. After the Committee stage antics we will have the third reading stage antics.

Hon Peter Foss: I would rather not have any antics.

Hon JOHN HALDEN: Exactly. I would rather sit down and negotiate and discuss this in order to arrive at an acceptable conclusion, although not necessarily one liked by the various parties.

Hon Peter Foss: I do not have too much of a problem with the process, which may be acceptable, if not the outcome.

Hon JOHN HALDEN: That is exactly what I mean.

The PRESIDENT: Order! Stop having a discussion with the Minister.

Hon JOHN HALDEN: I am sorry, Mr President. I will stop having the discussion, but a discussion with the Minister behind the Chair -

The PRESIDENT: That is a different kettle of fish.

Hon JOHN HALDEN: Exactly. It would be appropriate.

Hon Peter Foss interjected.

The PRESIDENT: Order!

Hon JOHN HALDEN: I will be happy to do that after I have concluded my remarks.

The PRESIDENT: I will be happy for you to do that.

Hon JOHN HALDEN: I will go through the issues again. We have the constitutional issues, the economic issues, civil rights issues, the new amendments by the Government and obviously our counter proposals to them. All those matters should be considered appropriately. The Minister interjected, but discussing the issues of the policy of the Bill is important. In certain areas we can accept the policy of the Bill. A process of secret ballots is not the issue here; the issue is the mechanism to establish pre-strike ballots. The Opposition wants to reform that process. It is not the ideology of a secret ballot but the process of the pre-strike ballot - who can be involved, who can vote, the processes to start it, to conduct it, to conclude it, and the important issue of immunity against civil prosecution for workers once they have democratically voted to strike. In fairness, the Government cannot have it both ways.

Hon Peter Foss: That is what we can discuss.

Hon JOHN HALDEN: I agree with the Minister. That is why we should have this discussion and not rush this legislation through this place.

Hon Peter Foss: The problem is that people will not deal with these things before they come to the House. That is an unfortunate reality.

Hon JOHN HALDEN: We have the message that people must deal with it before it comes to this House.

Hon Peter Foss: I asked them over a month ago and nothing happened.

Hon JOHN HALDEN: I suggest that the Attorney General asked the wrong people. I am not suggesting that the Attorney did not ask, only that he asked the wrong people. That is not necessarily the Attorney's fault. We must deal with this matter.

Mr President, I know that in upholding the standing orders of this place you probably object to discourse between the Attorney General and me; however, this discourse is the basis of the point I want to raise. We can discuss this properly. At the end of the day the legislation may not be exactly what the Government wants, or by a long stretch what we want, but it can be workable and not contrary to the community or public interest. That is what it is at the moment.

On previous occasions members in this place have shown that not only will they cop legislation that they do not like but also they will fight to the bitter end over legislation that they think is silly, either economically or because it is draconian in its implications for civil rights and other issues. However, we cannot do that in the environment that we are now setting up for ourselves. I am as guilty as any member opposite. I do not wish to be condemned about that, because that environment has been set up as a result of what has happened in the other place and through the pronouncements of the Minister for Labour Relations. That is an absolute nonsense and is not in the best interests of this State.

In moving this motion the Leader of the Opposition suggests that the legislation should be left over until after 22 May when the new composition of this House could look at this matter. We all know where the Government and the Australian Labor Party would stand on this matter, and to be blunt the Greens (WA) would stand pretty close to us, although maybe they will take exception to those comments.

Hon Peter Foss: You are right though.

Hon JOHN HALDEN: The Attorney General agrees with me. However, the third sector is the Australian Democrats. In spite of the fact that I disagree vehemently on the position that the Democrats have adopted in the federal sphere they have provided the nation with workable legislation. I did not like the legislation, but it was workable. If history and precedent is to be of any relevance that is what the Democrats will provide in this place. The Attorney General might not totally like that, and the Opposition will probably like it even less, but the legislation will be at least workable. The Government is now proposing to ram this legislation through this place. I do not mean to offend the Leader of the House.

Hon N.F. Moore: It will not happen.

Hon JOHN HALDEN: We have a certain number of days in which to debate legislation that is not workable.

Hon Peter Foss: That remains to be seen and that is what we should be discussing in the Committee stage.

Hon JOHN HALDEN: I am becoming far more tolerant in my old age. I concede that industrial relations legislation will always be workable, because there will always be workers who want to work because they want to feed themselves and their families. As Hon Graham Kierath pointed out when he returned from China recently, the Chinese industrial relations regime pays workers one-tenth of what the average Australian worker receives and Chinese workers still clamour for jobs.

Hon J.A. Scott interjected.

Hon JOHN HALDEN: In all honesty is that the sort of industrial relations regime that members want? With the exception of the odd lunatic, the majority of members of any political persuasion want everybody as much as is possible to reap the significant rewards of this nation. We do not want workers in Western Australia to be paid only the minimum wage of \$333 a week. Let us not be silly about it.

Hon N.F. Moore: Nor does Mr Kierath. You should talk about productivity. When you read the newspaper do not always assume it is exactly what he said.

Hon JOHN HALDEN: In fairness I do not. Let us not cheapen the debate. We want a system that is workable, that gets over the inevitable problems between employer and employee, between capitalism and workers. It does not matter what one wants to call it, we all want a system that benefits as many people as possible, if not all people, to the maximum degree. I say to all members, not only members opposite but Independents in the "old Parliament", if I can use that expression, that we need to consider a multitude of issues about this legislation. I remind members about the constitutional, economic and civil rights issues. The Government has proposed amendments which are as yet unseen.

Hon Peter Foss: Do not call them our amendments.

Hon JOHN HALDEN: I do not want to offend the Attorney General. He can be sensitive from time to time. Whosever amendments they are, we need to see them. The Opposition will want to expand upon them; the Government will then want to pull back our amendments and so the process will go. However, realistically that process cannot be dealt with in the remaining seven sitting days of this place, bearing in mind the implications, the sensitivities and the importance of what we are dealing with.

There is a further area, the area of international obligations. The troglodytes among us may suggest that is totally irrelevant to this sovereign state of Western Australia. Fortunately, the proponent of that view is about to depart for the Senate, so we might not have to hear too much from him. Nevertheless I will be delighted to hear his view during the second reading debate on this Bill. We have a variety of international obligations that we cannot just cast asunder with this legislation. Similar to the constitutional problems that could befall us as a result of this legislation, we must consider issues such as the freedom of association and the right to strike arising from International Labour Organisation conventions. We need go no further than ILO convention 87, which provides that the right to strike is one of the essential means available to workers and their organisations for the promotion and protection of their economic and social interests.

If I were to put that to non-Labor Party members in this Chamber I do not think any of them would disagree with me - with one exception, but he is going to Canberra. We should consider the arguments about this legislation and its impact on that ILO convention.

We must examine also articles 3, 8 and 10 of convention No 87; that is, the freedom of association and the protection of the right to organise convention of 1948. Article 3 provides that workers' and employees' organisations shall have the right to draw up their constitutions and rules to elect their representatives in full freedom to organise their administrative activities and to formulate their programs. Can members imagine legislation that more compromises that convention than the legislation we are about to pass?

Hon Peter Foss: You are now starting to canvass the Bill.

Hon JOHN HALDEN: It is difficult not to. I concede the point because when we start to canvass the Bill and examine why we should not act in haste, the obvious conclusion we must draw in any House of Review - whatever its composition; I do not care whether it is now or after 22 May - is that we must be careful about this legislation. We must get it right. We will not get it right if we set up regimes to fire smart tactics across this Chamber. I can do that. I spent a considerable amount of time in the past fortnight organising it. I am sure with members opposite we can battle that out. However, at the end of the day the quality of the legislation will be compromised. If members want that outcome I and other members on this side and the smart people on the other side could achieve that end. That would be a wonderful outcome! At the end of the day who would lose? Average Western Australians would lose while we sat here and politically/intellectually played games with each other.

Hon Peter Foss: We are happy to leave out the games. Like you do!

Hon JOHN HALDEN: The Minister may be able to say that but I suggest his colleague, the Minister responsible for this legislation in the other place, could never say that. I could go on, but I might become particularly unparliamentary and I do not want to do that. However, I concede to the Attorney General his personal view on this matter.

Another convention that may be breached is ILO convention No 98, which provides that workers shall enjoy adequate protection against anti-union discrimination in respect of their employment. I understand the Attorney General's comment to me. I think you may reach that point yourself, Mr President. We do not have to think too hard to realise that this legislation may go close to contravening that article. I am not in a position to say, but we should all be clear. We must ask whether this legislation breaches articles 2, 3 and 4 of convention No 98, which covers a range of other points.

Then there is the International Covenant on Civil and Political Rights, which Australia ratified on 13 August 1980. Article 22(1) provides that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests. I am not convinced that this legislation does not breach that convention.

Hon Reg Davies: What are you quoting from?

Hon JOHN HALDEN: I am happy to table it, but it does not have a heading. I am referring to pages 21 to 27 of a document.

Hon Peter Foss: It sounds like a discursion on improbable but possible arguments.

Hon JOHN HALDEN: I think these pages in my hand are part of a letter drafted by the Minister for Labour Relations! The Attorney General is probably right.

Hon Peter Foss: Spot on? You can consider all these things.

Hon JOHN HALDEN: We should consider these matters and we should be very clear that we have it right before we take any steps. There is a right to strike under the UN International Covenant on Social, Economic and Cultural Rights 1966.

We should examine a range of other obligations. The odd troglodyte may ask: What does it matter about international obligations? At the end of the day international obligations not adhered to can cause significant pain and problems economically, socially and politically in relationships with other countries. If members want Western Australia to have similar internal labour relations to those that exist in the People's Republic of China, they should go ahead with this Bill. If they want Western Australia's employer-employee relations to be considered by others as absolutely stupid, they should proceed with this Bill. But I am sure that no Labor or non-Labor member wants that. What is needed is a workable industrial relations regime that achieves maximum benefit for everyone. Members may not agree about every single last point in that process, and who is to say that when the Government of the day changes that will change?

Hon Peter Foss: You may not be able.

Hon JOHN HALDEN: I am quietly confident.

Hon Peter Foss: You may have to abolish the upper House.

Hon JOHN HALDEN: That will not happen, but I have ideas about other places. It does not bother me. I am quietly confident that a progressive Government, a Labor Government, will achieve the results it seeks after suitable consultation.

In spite of the banter between the Attorney General and me, what is needed is appropriate and sensible consultation. This motion should be accepted. The Bill should be added to so that constitutional, economic and civil matters and prospective Government and Opposition amendments satisfy Western Australia's international obligations. Only then will the Bill be the best legislation possible. The House must set up the process which will achieve that. But it will not be done in seven days. The composition of this House is not important. What is important is that this Bill is the best legislation possible.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.22 pm]: The Government opposes the motion, the purpose of which is to delay the Bill until such time that it can be defeated or very significantly amended. The motion is not about greater scrutiny, it is not about the processes of the Parliament, it is about delaying the Bill so it can be defeated or significantly amended. Let us put fairly and squarely on the table that that is what the motion is about.

The Government is anxious to have the Bill passed. The Government is following the proper processes to achieve that. The Bill's content has been around for a long time; it is not something brand new. The Government was elected in 1993 on a platform of industrial relations reform. Some of that reform was achieved in the Government's first term. Most of the changes in the Bill are based on provisions of Bills that were discussed at length in this House. The

matters at stake are not new and there is nothing in the Bill that members have not contemplated before. The Bill is not a fresh initiative; it is something which has been on the agenda for a long time.

Hon Tom Stephens went to great lengths to show why the House as it is composed at this time should not debate the Bill. The bottom line is that this House is legitimate. It is formulated in accordance with the laws of the State. Legislative Council members have fixed four year terms, an electoral measure introduced by a former Labor Government. Members' terms expire on 21 May and therefore members are entitled to be here and to vote on this measure. There is also a law which allows for the filling of vacancies, and a number of members have legitimately taken advantage of that law.

The Thirty-fifth Parliament was opened by the Governor on 6 March. It is a new Parliament and this House, as part of that Parliament, is entitled to deal with this legislation, as it is entitled to deal with any other legislation that comes before it. The same composition of the House has already passed legislation this year, so to argue that some members should not be entitled to debate this Bill suggests that the House is not entitled to debate any Bill. Also, in the past when the House has sat before 21 May legislation has been passed properly by the House.

It is a pity that the Trades and Labor Council has chosen to target Hon Alan Carstairs and to suggest that he is not a legitimate member of this House. Hon Paul Sulc is in an identical position to Hon Alan Carstairs. Also, Hon Ed Dermer is filling a vacancy at present and does not take up a new position until 21 May. Similarly, Hon Val Ferguson was not elected in 1996, but sits in the House until 21 May. I do not argue with her right to vote on this matter either. It is nonsense to suggest that one member has no right to vote when there are a number of others who one could argue are in similar circumstances. They are all entitled to vote because they have all been properly elected to the House and therefore are able to present their particular points of view. That is why they are here.

The Bill will not be rammed through the House. I assure members that the Bill will be treated in the same way as other legislation. It will not be rushed but will be properly debated, as is always the case in this House. Sufficient time will be allocated for debate.

I also reject the suggestion that the Bill should be examined by a committee. The issues have been around long enough for the entire House to debate the matter. There is no need to send the Bill off so that a small group of people can scrutinise it. We all know the issues and what has to be decided. Therefore, it is appropriate that the entire House, through the normal processes, decide collectively whether the Bill should be passed, rejected, amended or whatever else.

A whole week, and perhaps even more than that, is more than sufficient time to debate a Bill of this magnitude. Debate on the Bill commenced today and more than enough time should be available to finish the debate by the end of next week. That is considerable time for any significant Bill to be debated. There can be no suggestion that the Bill is being rushed through.

It is true that some members have a propensity to filibuster. That is against the Standing Orders and will not be permitted. That should be avoided so that the House can conduct a proper, sensible and logical debate. This Bill deserves proper scrutiny and this House has a good record in that regard. I have been a member of this House longer than all except you, sir, and debate on contentious and important issues such as this Bill have always been better dealt with in this House than the other place. I say that without wanting in any way to reflect adversely on what is done in the other place. There have been many constructive debates in this House. I remember well a piece of workers' compensation legislation introduced during the Court Government's first term of office which was well debated in this House. Throughout the Committee stage many amendments were accepted because it was a sensible debate. Members debated the issues and did not get into any slanging matches, something Hon John Halden hopes will not happen in debate on this Bill. This House can avoid acrimony and debate issues in a proper and sensible way.

As the Premier and the Attorney General suggested, amendments will be considered. I hope the Opposition takes up the Attorney General's offer and advises him quickly what amendments it would like to introduce so that they can be drafted and so that the House avoids arguments about the drafting of amendments.

I do not want to continue at any great length as the House, under its new sessional order, concludes at 10.00 pm, and I have an assurance from the Leader of the Opposition that he hoped to have the matter resolved by 10.00 pm.

Regarding consultation, it is a fact that an offer was made by the Minister for Labour Relations to the Trades and Labor Council to negotiate these issues. However, the TLC decided not to accept that consultation process. That is unfortunate. Nevertheless, we can properly debate this Bill sensitively and properly and look at the issues involved. I give an assurance that it will not be rushed. Plenty of time is available for this debate in the context of the time normally provided for legislation, and the same opportunities will apply to this Bill. This motion need not be passed. It is a delaying tactic; it will not achieve a great deal apart from assisting the Opposition in trying to have

the Bill defeated. The Government believes that the proper processes have been followed, and the House will continue that process in debating this Bill.

HON J.A. SCOTT (South Metropolitan) [9.32 pm]: I support the motion. Firstly, I will look at the reasons for the Government's claim that the Bill should be pushed through the House before 22 May. The Government claims that Mr Kierath and other government members have a mandate based on the Government's win in the last election. However, what does "mandate" actually mean? It is defined as "bidding", "charge", "commission", "command" and "directive". That indicates to me that the word "mandate" says that one should do what one is bidden, charged, commanded or directed to do by the electorate, not to take an action of one's own accord.

The Government also said that the electorate and members in this Chamber knew that a third wave of industrial relations legislation was on the way. In fact, it was claimed that everybody was well aware that this stuff had been around for a long time, and that it basically was the same Bill as that previously introduced to the Parliament. Mr Kierath has said that he was delivering on his promise to introduce secret ballots, and that this legislation was necessary to protect the rights of workers who did not really want to strike. Mr Kierath is very kind about such matters; he is being very protective.

Strangely, the legislation is required to be hurried through before 22 May. On what is the urgency based? We have heard the Leader of the Government in this House say that there is no hurry and that it is unnecessary to push this legislation through; in fact, everything can be properly debated. Nevertheless, only a short while ago he foreshadowed that sessional orders would be suspended so we could sit late into the night. What other reason could be given for doing so apart from ramming the Bill through before 22 May? Clearly, the Leader of the House's claim is not the truth.

Hon E.J. Charlton: We thought you might want to talk for talking's sake.

Hon J.A. SCOTT: He reiterated the other untruth; that is, that this is basically the same legislation as the measure previously before the Chamber. What nonsense. This legislation has new parts which link it to federal legislation, and it contains a hotchpotch of ideas which the Minister has included to upset and annoy the union movement. What is the urgency here? The Leader of the House states that no urgency is involved, so surely he cannot move his suspension of sessional orders.

Hon N.F. Moore: I wanted to give you some more time.

Hon J.A. SCOTT: I am sure that, given the contentious nature of the Bill and the likelihood of amendments being made, as conceded, the Leader of the House will ensure that this Bill is properly classified as a "C Bill" under sessional orders so it can be properly considered.

Also, we must consider whether the Government's argument that it has a mandate for this legislation stands up. I can think of some of the people the Minister is representing who might agree with him; namely his "exclusive" friends who haunt the Public Gallery and are keen on the master-servant relationship. They may want to see the Bill rushed through so the working class know their place and properly behave themselves, so the working rabble will be kept down and not get too many high and mighty ideas!

The reality is that Mr Kierath, with the blessing of the Premier and the acquiescence of the backbench and members opposite, is keen to see the real mandate and the people's will thwarted. The Government does not want to carry out that will, as it wants to rush the legislation through before members voted into this place at the last election can take their place. Undoubtedly, that is the case. The proof will be in the pudding. Hon Norman Moore will ensure that the Bill is classified in some way, or not classified at all, under sessional orders so it cannot be sent to a committee.

Hon N.F. Moore: The House can request and debate whether it is sent to a committee.

Hon J.A. SCOTT: If it is classified as an "A Bill", it need not go to a committee. It is unlikely to be classified as a "B Bill", and is much more likely to be a "C Bill".

Hon N.F. Moore: Even if it has no classification, the House can send it to a committee.

Hon J.A. SCOTT: That may be the case, but we will see how genuine is the Leader of the House in his claim of not rushing the Bill through.

Hon N.F. Moore: I said that the House, not a committee, was entitled to debate the Bill; that is, we should not have a little group of people looking at it while the rest of us sit around twiddling our thumbs.

Hon J.A. SCOTT: Indeed, the House should debate the Bill, but the classifications committee could decide at an earlier stage, using the sessional order, how in-depth that debate should be. It could decide whether the Bill would be sent to the standing committee.

Another reality is that the Government wants the Bill to pass with as few amendments as possible. It does not wish to have it properly scrutinised, and that is against the will of the people regarding the composition of this House as it will be on 22 May. The will of the people and the mandate of this House, which applies to members opposite as well as those on this side of the House, were for proper scrutiny. Why is the Government so keen to push the legislation through in a hurry? Have we had huge levels of industrial disputation and employers hanging on by their fingertips to survive in business? Have we had huge problems with labour relations? No, the only problem with labour relations is the strikes which occur because of legislation introduced by this Government.

There are other reasons for introducing this legislation in haste. One reason is certainly not to create a more friendly and happy labour relations climate in this State. Despite the wonderful way in which Mr Kierath said he was only trying to help the poor unionists who did not get a chance -

Hon E.J. Charlton: Not unionists, workers.

Hon J.A. SCOTT: It is only the unionists who are required to have a secret ballot. The other workers are not required to do that. That part of the Bill is aimed at only one section of the work force. Obviously, the Minister for Transport has not read the Bill and believes what he has been told. He does not understand the Bill, which is what Mr Kierath says about other people. The reality is that only unionists will be forced to go down this route. Before the Bill was introduced into the Parliament I certainly heard Mr Kierath say there was a reason for legislating for secret ballots. The strange thing is that Mr Kierath said that the secret ballots were for the good of people who did not want to go on strike, but did not want to be seen to be going against other workers, and did not want to be victimised. He forgot to mention that secret ballots are already carried out in many workplaces. He is happy to hand over the control of property and members of a union to another organisation without asking either party, leave alone having a secret ballot. It is a very one-sided bit of secret balloting. In other words, there is a secret ballot to assist the employer, but there is no secret ballot for the rights of the worker.

The Government says it has a mandate for this legislation because it is the same as a Bill which was previously introduced into the Parliament. I remember that that Bill was hastily withdrawn in the lead up to the last election because it was unpalatable to the community.

Hon Kim Chance: And the Government said its legislative program had been completed.

Hon J.A. SCOTT: That is right. The Government did not have a mandate to bring this Bill to the Parliament and the reality is that it misled the public. The reality is that the previous legislation stank. Members opposite knew the Bill would create a problem for the coalition in the lead up to the election and it got rid of it. That is not a mandate -

Hon Peter Foss: Do you support pre-strike ballots?

Hon J.A. SCOTT: I have dealt with that. I am not worried about pre-strike ballots and neither is anyone else. That is the furphy which is repeatedly brought up.

Hon Peter Foss: Do you accept that it is in the legislation?

Hon J.A. SCOTT: I do accept it is in the legislation. I heard the Minister in another place say he would accept amendments to the Bill to make it more workable, but when they were put forward he did not accept them. Yet again he gave another piece of misleading information. When he was put to the test he failed again.

Hon N.D. Griffiths: He protesteth too much.

Hon J.A. SCOTT: Instead of the Government obtaining a mandate from the community for the original legislation it was quietly buried in an unmarked grave. While that was happening the Premier and his huge media team were telling the community that the Government was seeking a mandate to deliver a new social dividend. That was his promise and that is what the Government was given a mandate for. I remember that very clearly because I did not believe it at the time. What happened to the social dividend? It turned out not to be the core promise. The core promise turned out to be the Bill that had been buried and rose again like a ghoul from the grave. The real mandate has been ignored. Instead of the social dividend we have increased taxes and charges - a tougher life for all, believe it or not. Someone said that when the Premier said "It is going to be wicked", they thought he was using the modern vernacular.

Hon Peter Foss: Awesome.

Hon J.A. SCOTT: No, he said wicked and it turned out to be wicked in the real sense. With the election over and the evanescent social dividend rapidly disappearing in the distance, a more deformed form of the labour relations Bill has managed to climb out of its grave and start attacking working people and defenders of free speech in this State.

While the Government certainly has a mandate and a duty to deliver a social dividend it does not have a mandate to introduce this legislation when it claimed it had completed its IR program.

Another reason this Bill should be dispatched and dealt with at a later date is that it is a total hotchpotch of measures which do not have a place in a labour relations Bill. Why on earth do we have political donations provisions in a labour relations Bill? I can give members the answer. By putting it in this Bill the Government can aim the political donations legislation at unions and the Opposition. It can cut off a flow of funds to the Labor Party and reduce its effectiveness by starving it of funds while, at the same time, leaving its funds intact.

Point of Order

Hon N.F. MOORE: Mr Deputy President, I draw your attention to the fact that we are debating whether this Bill should be debated at another time and not the Bill itself.

The DEPUTY PRESIDENT (Hon W.N. Stretch): I uphold the point of order. I ask that the member address the issue before the Chair.

Debate Resumed

Hon J.A. SCOTT: It is clear and widely recognised that some clauses in this Bill have no place in labour relations legislation. They should be deleted and reintroduced in another form. I see Hon Bruce Donaldson nodding his head.

Hon B.K. Donaldson: I was shaking my head.

Hon Peter Foss: He is nodding off to sleep.

Hon J.A. SCOTT: We have this hotchpotch, this totally discredited Bill, being brought into this place and the Government trying to rush it through without proper scrutiny. Many clauses would be amended if the legislation were allowed to be considered in the appropriate manner; that is, after 22 May. It contains some really terrible clauses. I admit that I would move significant amendments, including the deletion of the clauses that do not belong in such a Bill. It does no credit to the Government for it to be pushing this Bill through in this manner. In doing so, Premier Court will earn the label of small town politician more concerned with cheap tricks than with having a grand plan for this State.

Interestingly, every television news bulletin this evening included a story about the Premier, the ACTU and Mr Kierath trying to come to some agreement about this legislation. Once again, the Premier is obviously happy to impose his will on this House. How can the members of that group have proper, intelligent discussions about how to achieve some level of agreement in relation to this legislation when those discussions must take place in a few days in order to beat the deadline? The Government does not want to slow down the workings of this House. The reality is that the Government, like the Leader of the House, wants to push it through in a hurry.

Hon Peter Foss: You said that the first time.

Hon J.A. SCOTT: This is a different context. I point out to the Attorney General that because the Premier, the ACTU and the Minister for Labour Relations are currently negotiating this Bill, which is to be debated in this House before 27 May, it should be delayed. Obviously, that should occur so that those discussions can take place in a sensible and orderly fashion, otherwise we will have another mess. We will be required to deal with many issues that we have not seen previously.

We must delay consideration of the second reading of this Bill until 27 May. That would allow the Premier to continue to negotiate and it would prevent the industrial chaos we are otherwise likely to experience in this State. It is very immature to be rushing things through in the way the Premier is doing, and this is a result of the Premier's actions as much as anyone else's. If that were not true, this House would not be quaking in its boots and doing the Minister for Labour Relations' bidding. If we were to take a sensible path, the Bill would be reconsidered by the Minister for Labour Relations to resolve the problem areas that will cause all the strife -

Hon Graham Edwards: It should be withdrawn.

Hon J.A. SCOTT: I agree. It should be dealt with and reintroduced in this House in a way that will ensure -

Hon E.J. Charlton: Hon Graham Edwards would not be here to debate it.

Hon Graham Edwards: I would be comforted by the fact that we would have a democratic reflection of the will of the people in this House.

Hon J.A. SCOTT: The will of the people would be expressed; we would have a true mandate. I have shown clearly that Mr Kierath's mandate does not stand up under scrutiny. Our mandate in this place is offended by the shoving through of any legislation in order to beat the 22 May deadline.

I am happy to support this motion, which is the next best thing to having the whole Bill reviewed by the Minister for Labour Relations and the Premier, in consultation this time with members of the work force through the unions that represent them. If that were done we would achieve industrial sanity rather than industrial chaos. I would very much like to see the Government reconsider this legislation. In its current form, it is bound to cause more trouble, more strife and more loss of income and productivity in this State for a very long time. It will also result in great anger between employers and employees, and that would be a tragedy. It is also a tragedy that this legislation attempts to muzzle free speech in that those organisations that do not like the Government's program are being stifled in their opposition - to this Bill and any other measures that the Government puts forward. I support the motion and I look forward to the Government's displaying a more sensible approach to seeking consensus on better labour relations in this State.

HON E.R.J. DERMER (North Metropolitan) [9.59 pm]: The reason I so enthusiastically support this motion is the gravity and importance of this Bill. Before proceeding further I will reflect on the points made by Hon Tom Stephens and Hon Norman Moore about the status of members of this Council who are filling casual vacancies. I am filling the casual vacancy that arose from the resignation of the man whom I understand standing orders require that I refer to as Hon Sam Piantadosi. I was also elected at the most recent election and will continue in this place after 22 May. Therefore, I am in a unique position to understand the difference between the two situations. No-one is questioning our right to vote on any matter put before this House prior to 21 May. That extends to both Hon Alan Carstairs and Hon Paul Sulc. The Labour Relations Legislation Amendment Bill is probably the most important piece of legislation that I will be involved in considering, whether it be before 21 May or, in accordance with the motion moved by Hon Tom Stephens, after 21 May.

The PRESIDENT: Order! It is 10 o'clock, and I therefore have to interrupt the debate.

[Debate adjourned, pursuant to sessional orders.]

As to Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [10.00 pm]: I move -

That the Bill contained in Assembly's message No 5, the Labour Relations Legislation Amendment Bill -

Points of Order

Hon TOM STEPHENS: Mr President, on a point of clarification, could you please take me and the House through the process that the Minister is endeavouring to use? You will be aware that on the Notice Paper is a motion, to which Hon Ed Dermer was speaking, that would have the second reading of the Labour Relations Legislation Amendment Bill made an order of the day for Tuesday, 27 May, yet the Minister appears to be endeavouring to give that second reading now.

The PRESIDENT: Order! The Leader of the Opposition may well be right that that is what the Minister is endeavouring to do, but the Leader of the Opposition jumped up and started his speech before the Minister had let me know what he was endeavouring to do. In other words, I think the Leader of the Opposition was anticipating something. I was listening very carefully to see what the Minister would do, and he had not done anything yet, although he might have been on the way to doing what the Leader of the Opposition has suggested. The Attorney General had not moved anything. I wonder what the Attorney General was proposing to do. He was part way through some comments. I would rather the Leader of the Opposition had waited until the Attorney General had finished his comments so that I could determine what he intended to do, not under what authority he would do it.

Hon PETER FOSS: Mr President, I intended to move that the Bill contained in message No 5 be read a second time.

The PRESIDENT: The Attorney General did not get to say that because Hon Tom Stephens jumped up before he could do that.

Hon TOM STEPHENS: I beg your pardon, Mr President, for jumping up quickly, but I have a motion on the Table that the House delay the second reading until Tuesday, 27 May.

Ruling by the President

The PRESIDENT: Order! Standing Order No 230 states that after the first reading motion may be made that the Bill be now read a second time and the speech of the Minister or member in charge given, at the conclusion of which the debate shall be adjourned; or that the second reading be made an order of the day for the next sitting. Neither

of those two things has been done with regard to this Bill. Standing Order No 61 states that at 10 o'clock the business of the House shall be concluded except with regard to the receipt of messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or member in charge. Standing Order No 230 contemplates that one thing or the other is done: The Minister gives the second reading speech, or he moves that the second reading of the Bill be made an order of the day for the next sitting of the House. It is a requirement that some order be given with regard to a Bill that has been read a first time. Something must happen in order to take care of the Notice Paper for tomorrow.

The final point I want to make with regard to the member's motion, of which I am very aware, is that notwithstanding that the second reading speech has been made, the President cannot put the question that the Bill be now read a second time until this question has been fixed up, whenever we deal with it - tomorrow or on Pancake Tuesday. The action that the Attorney General is proposing to take does not impinge upon this motion.

Hon JOHN HALDEN: I seek some clarification with regard to your ruling, Mr President. Do I understand from what you are saying that the contingency motion on the Notice Paper will take precedence at any further stage of debate so that we will conclude the debate on the contingency motion before we go to the second reading responses at some future time?

The PRESIDENT: The first item will be Hon Tom Stephens' motion. If Hon Tom Stephens' motion were carried, notwithstanding that the Attorney General had given his second reading speech, the Bill would not be dealt with.

Hon John Halden: Thank you, Mr President.

Hon TOM STEPHENS: I am sorry to delay the House, but we are operating under new sessional orders. Mr President, what will be the impact of the Minister's second reading speech at this time on the requirements of the new sessional order about the classification of Bills?

The PRESIDENT: Order! Sessional Order No 5(2) states that -

The Committee's determinations under this paragraph must be published in the Notice Paper before the second reading debate is resumed following the moving of the second reading by the minister or member in charge of the bill.

In other words, if the House decided that a classification would be attached to this Bill, and if the motion were lost and we proceeded to the debate on the second reading, the classification would be done before that was initiated.

Hon TOM STEPHENS: I thank you for your explanations, Mr President. We have a range of new experiences before the House. I appreciate the time you have taken to explain the mechanisms for dealing with these matters.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [10.10 pm]: I move -

That the Bill be now read a second time.

Election mandates: This Bill is the first on labour relations of the second coalition Government. Two others will follow shortly. Primarily, the purpose of the Bill is to reintroduce those labour relations legislative reforms that were first tabled in September 1995, but which were not passed in the previous term of the coalition Government. Additionally, the Bill incorporates changes to the Western Australian industrial relations system to take account of changes under the federal Workplace Relations Act 1996.

At the 1996 state election, the coalition's policy on labour relations for the next term of government was stated in the platform document "More Jobs and More Choices". Our vision of creating more jobs and more choices for all Western Australians is predicated on the creation of more productive, more competitive, more rewarding, safer and fairer workplaces. Such workplaces, we believe, will be achieved only when we have implemented the reform initiatives laid out in two election platform documents and emphatically mandated by the people of Western Australia, not only in February 1993 but also most recently in December 1996.

The past four years have demonstrated the Government's commitment to fundamental reform of labour relations. The reform has been undertaken as a means to an end, making the Western Australian economy more competitive and more efficient and industrial relations more harmonious and fairer.

Principal in a raft of reforms has been the system of workplace agreements the Government introduced in 1993. Workplace agreements have unshackled the previously strait-jacketed employment system in this State, and provided a real freedom for employees and employers to determine employment conditions which best suit their individual

needs. Furthermore, it has been paid the quite remarkable compliment of being the model emulated by the Commonwealth Government for Australian workplace agreements in its recent Workplace Relations Act 1996.

Our enthusiasm to continue the process of reform is undiminished. "More Jobs and More Choices" made quite specific and deliberate reference to some of the supposedly contentious matters contained in the Industrial Legislation Amendment and Repeal Bill of 1995. Not surprisingly, therefore, this Bill demonstrates the Government's commitment to concluding the reforms from the 1993 industrial relations policy "Jobs and Choices".

Compulsory pre-strike ballots: When the Industrial Legislation Amendment and Repeal Bill was introduced in September 1995, the Minister for Labour Relations stated the principles which underpinned that legislation. One of the driving imperatives was the desire to see unions become more accountable to their members, who would then play a more participative role in the organisations. That principle remains and the pre-strike ballot provisions contained in this Bill are the most manifest demonstration of it.

The Government will not resile from its absolute commitment to the important principle that the members should have the opportunity to show, by secret ballot, their attitudes to any contemplated strike action. Given the cost of strike action to employers, the community, and the union members themselves, it is essential that any such action should not arise unless there is clear evidence of grassroots support for it. Such a requirement should be welcomed by the union hierarchies, because it will give some pause to the more hot-headed elements within their ranks and provide an opportunity for calmer and wiser minds to work through the best strategies to resolve any dispute.

The concept of a compulsory pre-strike ballot is opposed by some trade union leaders. They see it as a threat to their privileged position of influence, which they use capriciously by arguing they should have an unchallenged right to orchestrate strikes and industrial action at a time and in a manner of their choosing. They have no or little concern for the economic damage they inflict on employers, workers and union members. They ignore the threat industrial action poses to current and future jobs.

In contrast to the attitude of trade union leaders, the community supports strongly the concept of a compulsory pre-strike ballot. Also, the Leader of the Opposition gave his support to the principle of secret ballots during the 1996 election campaign. This is consistent with Tony Blair's comment at the annual conference of the Union of Shop, Distributive and Allied Workers in April 1995 -

We support measures such as pre-strike ballots, as a responsibility to be recognised and exercised by trade unions.

The Act will contain provisions which will quite specifically identify what constitutes strike or strike matters and clearly sets out the obligations of the Western Australian Industrial Relations Commission in dealing with such matters. These provisions, together with those on pre-strike ballots and the dispute settling procedures, which the parties should follow before invoking the commission's powers, collectively demonstrate this Government's determination to protect the public interest.

Experience in the United Kingdom shows that secret ballots reduce strike action. Only two out of three ballots achieve a yes vote. Of those which achieve a yes vote, only one strike in four takes place. This means, in effect, that of every six strikes balloted, only one proceeds to an actual strike. This has contributed to the UK achieving a strike rate of less than one-quarter of that of the European Union average.

Federal award coverage: Also reintroduced in this Bill are provisions to rationalise federal and state award coverage by a new requirement that unions that choose to go federal think carefully about the potential loss of state coverage. The Federal Government's Workplace Relations Act has ameliorated the quite disgraceful situation whereby the federal commission would arrogantly, and seemingly automatically, override the wishes of employers and employees to regulate their relationship by way of workplace agreements or to remain within the state industrial relations system. However, in the Government's view, the new provisions require supporting state legislation to bring home to unions the consequences of wanting to have a foot in both camps. In practical terms, it means that a union seeking a federal award cannot "double-dip". These amendments will allow the cancellation of such a state union's eligibility to represent employees in the state system and will facilitate the substitution of another union - one with a greater commitment to remaining in the state jurisdiction.

State agreements and federal awards: Furthermore, employees and employers who wish to remain in the state system will now be able to do so, despite the union succeeding in having a federal award made. Consistent with the provision of section 152 of the federal Workplace Relations Act 1996, the provisions of the Bill will enable a state workplace agreement to override an otherwise applicable federal award.

This Government accepts that the federal system has an important role to play, but the coalition has a strong commitment to maintaining the state system at its optimum level of efficiency. The bottom line is that employers and

employees should have an employment system which is accessible, fair, efficient and modestly priced and one in which state industrial authorities, knowledgeable of the WA work environment, are able to respond quickly and effectively to the needs of participants within it.

Other issues: Refinements have also been made to unfair dismissal in the state jurisdiction to reflect changes in federal legislation in this area which is designed to provide a fairer and more balanced legislative framework. Other provisions enhance previous amendments to political expenditure, officials of organisations, union dues, dispute settlement procedures, right of entry, inspection of time and wages records, and annual leave.

I shall now deal with more specific parts of the Bill.

Part 1 - Preliminary: The Bill will amend the Industrial Relations Act, the Minimum Conditions of Employment Act and the Workplace Agreements Act. It is to be titled the Labour Relations Legislation Amendment Act 1997.

The provisions in respect of the financial obligations of officials and political expenditure will come into effect 28 days after the legislation receives the royal assent. The provisions relating to pre-strike ballots, federal award coverage, workplace agreements, access to employee records and the commission's resumption of work orders will be proclaimed at a later date. The remainder of the legislation will come into operation when it receives the royal assent.

Part 2 - Duties of officials of organisations: The Government will extend the legislation relating to the financial obligations of union officials to include employees of unions who are entitled to participate directly in the financial management of a union in a representative or advisory capacity. A new offence is to be created, under proposed section 78, if a person fails to comply with an order of the Industrial Magistrate's Court to do any specified thing, or to cease any specified activity.

A new provision, section 79, will protect a finance official from having civil proceedings commenced against him or her in two different courts, if there have been breaches of the financial obligations. He or she will also be protected from having two penalties imposed if criminal proceedings are instituted. An official found to be in breach of the financial obligation may, however, be disqualified from holding office in the union for up to three years. Any breach of such an order of the Industrial Magistrate's Court is a contempt punishable by the Supreme Court.

Part 3 - Pre-strike ballots: I referred earlier to the Government's view that it is appropriate for the community to be assured that union members will participate in a pre-strike ballot before engaging in any strike action. The legislation prohibits the participation by members of unions in any form of strike unless endorsed by a secret ballot of relevant members. A person authorised by the Minister, or a person affected by the strike, may seek an injunction against a person engaged in a breach, or proposing to engage in a breach, of this fundamental requirement.

The legislation defines a pre-strike ballot and provides for the Full Bench of the Western Australian Industrial Relations Commission to declare that a branch of a federal union operates in conjunction with a state union, as though they were the same body, if certain criteria, as set out in the Bill, are established. This will ensure that unions cannot hide behind the shield of federal registration.

Pre-strike ballots should be conducted as speedily as possible. The provisions specifically enjoin the WAIRC to deal with an application as expeditiously as possible and, in any event, to endeavour to give a decision - and any direction and reasons relevant to that decision - within five days of the application being made. The strike action, whether it be a stoppage, ban or any other limitation on the performance of work, must conclude not later than 28 days after the declarations of the results of the ballot.

The key principle involving pre-strike ballots is the enshrining of a new, democratic process of decision making by rank and file union members prior to any strike action being taken. It is not intended that any resultant strikes should be afforded any new legal protection under the Statute. Therefore, there will be no immunity from civil action for unions which undertake strikes in accordance with the ballot process.

The commission may order a ballot to be held on the application of the union or one of its members, or of a relevant employer or organisation of employers, or on its own motion where the commission has reason to believe that a form of strike is contemplated by members of the organisation. The Minister may also direct the commission to order a ballot if he or she is of the opinion that a strike is contemplated by a union or its members and that the safety, health, welfare or economic wellbeing of the community, or a part of it, is at risk.

Should the union apply for the ballot, and that application has been endorsed by a resolution of the committee of management of the union, the commission must order a ballot. In other circumstances, the commission shall, after having heard from interested parties, and being satisfied that it is justified by the circumstances, order a ballot. This will enable the commission to deal appropriately with any frivolous or vexatious applications.

The processes and procedures for the implementation of the ballot will be matters for the commission to determine. The commission can direct that the ballot be conducted by either the registrar, or a nominee of the commission or, under arrangements with the Electoral Commission, a person nominated by the Electoral Commissioner, or the union. In the case of a union, the commission will appoint a member of the commission as scrutineer. The scrutineer will be required to certify, within 48 hours of the completion of voting, whether or not the pre-strike ballot has been conducted according to the requirements of this part. Failure to comply with a direction of the person conducting the ballot will be dealt with by the Full Bench.

Where a union has been ordered to conduct the ballot, it will do so in accordance with its rules, the regulations which are to be made for the administration of this part, and the code of practice set out in schedule 2 of the Act. Where a union has responsibility for the conduct of the ballot, its administration of the ballot will be supervised by a member of the commission. Any party to an application for a pre-strike ballot will be entitled to appoint a scrutineer for the ballot. The conciliation and arbitration powers of the commission are not diminished in any way by the provisions of this part. Parties will continue to have access to the commission to seek section 32 and section 44 orders where a dispute is threatened or occurring. The intention of the secret ballot is to ensure that unions, when contemplating strike action, must consult, and receive the endorsement of, their membership for any such proposed activity. The pre-strike ballots process will complement existing provisions by, firstly, screening out unsupported strikes and, secondly, enhancing the prospects of the resolution of disputes, where a positive ballot has resulted, by making employers aware of the strength of feeling among members. Furthermore, the requirement to utilise existing dispute resolution procedures prior to the conduct of a ballot will reinforce the need for compliance with such procedures.

Part 4 - Political expenditure: The Government will amend the legislation relating to expenditure for political purposes by expressly limiting moneys which can be used for such expenditure to those that a member gives to the organisation for that purpose, together with any interest earned from moneys in a political fund. Because the focus of the legislation is on the expenditure by the organisation, references to political donations have been changed to "political expenditure". Members will retain the right to nominate to which political party or election candidate their individual contributions to the political fund will be given.

The organisation will not be allowed to use any part of the membership fees of members for political expenditure and the auditors of the organisation will be required to report on whether or not there has been any contravention of the political expenditure provisions. Any contraventions of the new provisions will be an offence, attracting penalties for both the organisation and any official involved. Conviction may result in an official being disqualified from holding office in the organisation for up to three years. Moneys paid as a result of unlawful political expenditure are to be forfeited to the Crown.

Part 5 - Federal award coverage: An organisation whose federal counterpart seeks federal award coverage for employees covered by a state award, may have all its rights as a party to the award cancelled and such rights may be given to a substitute organisation. Where the related federal organisation notifies the federal commission under section 99 of the federal Act that there is an alleged dispute between it and an employer covered by a state award or industrial agreement, the state organisation will be obliged to notify the registrar of the state commission of that dispute notification. Failure to do so will be an offence. Notifications that have already been made, and not withdrawn or determined by the federal commission, will also be subject to these provisions.

The commission is to advertise for other organisations or employers to apply to have that organisation struck out as a party to the relevant state award or industrial agreement and to have another organisation substituted. The Full Bench will hear applications and, if satisfied that there has been an attempt to obtain federal award coverage, will cancel the rights of the state organisation with respect to the employees to whom the application applies and give those rights to another organisation. An organisation which has its rights cancelled cannot become a substituted organisation in respect of any other organisation which has its rights cancelled. Relevant employers will be notified of any cancellation of an organisation's rights and will be prohibited from collecting from their employees any union dues for that organisation.

Members of an organisation which has had its rights cancelled in respect of them, may demand a refund of a proportion of their union dues. An organisation which has had its rights cancelled will be required, if asked, to give details of any affected members to any organisation which is substituted for it.

Part 6 - Unfair dismissal: The majority of provisions in this part make amendments to the unfair dismissal provisions in the Industrial Relations Act 1979 and in the Workplace Agreements Act 1993 and are consistent with changes made to the termination of employment provisions of the Workplace Relations Act 1996. In particular, employers will no longer have the burden of showing that the grounds, or ground, on which they dismissed employees were justified. Instead, the onus will be on the employee who alleges that the dismissal was harsh, oppressive or unfair to prove it.

The Bill also provides greater choice for employers in dealing with employees who have had unfair dismissal claims resolved in their favour. Also, the impact of paying compensation to employees will be minimised, as the WA Industrial Relations Commission or the Industrial Magistrate's Court, as the case may be, may permit employers to pay compensation in instalments.

Part 7 - Miscellaneous provisions relating to awards

Collection of union dues: The Government will legislate to remove an anomaly arising from the 1993 legislation. The collection of union dues, other than by agreement, was removed as an industrial matter at that time. However, the legislation did not negate the existing provisions in awards. Accordingly, the collection of union dues will no longer be an industrial matter and any existing provisions in awards and agreements will be of no effect. Any arrangements between unions and employers, or employees and employers, for the collection of dues will be handled administratively on an employer by employer basis.

Right of entry: To prevent some of the abuses that have occurred, the power of the commission to make awards allowing union officials access to the business premises of employers may arise only where a member of the union is, or has been, employed by the business. Any inconsistent provisions in awards and agreements will be of no effect and will be removed. New provisions ensure that any union representative may enter premises only to deal with an industrial matter involving a member.

Dispute settlement procedures: The dispute settlement procedures inserted in all awards and agreements will be amended by provisions which require the parties involved in any question, dispute or difficulty to confer among themselves and attempt to resolve the matter before taking it to the commission.

Inspection of time and wages records: The rights of union officials to inspect employee records will also be amended. An employer will be able to refuse the union access to employee records if the employer is of the opinion that the access will infringe the privacy of non-members of the union. The union will still be able to ensure that its members are correctly paid, because, if access to the records is refused, the employer must produce the records to an industrial inspector within 48 hours and the inspector will then provide the union with relevant extracts relating to the union member. Any inconsistent provisions in awards and agreements will be invalid and will be removed.

Part 8 - Miscellaneous amendments: The prevention and settlement of industrial disputes by conciliation continues to be one of the main priorities in the industrial relations system in Western Australia. To minimise the impact of strike action on the WA economy, the Bill provides the WA Industrial Relations Commission with enhanced powers to prevent and stop strike action. The provisions in the Bill are similar to those in section 127 of the Workplace Relations Act 1996.

When any industrial matter referred to the commission appears to involve a strike which constitutes a breach of any award, order or agreement to which a union participating in the strike is a party, the commission will now have a duty, under both sections 32 and 44 of the Act, to act quickly to order the organisation and those of its members participating in the strike to resume work immediately. This duty will extend to any strike which does, or will, constitute a breach of any understanding, undertaking or procedure agreed to by the union whose members are on strike.

Furthermore, the Act will now define a number of "strike matters". These will include strikes which occur where a pre-strike ballot has not been held or endorsed; where a pre-strike ballot has been endorsed but the action is occurring more than 28 days after the endorsement was confirmed; where a member intending to strike has not given notice to his/her employer or where the action is not related to claims over wages or conditions of employment. Other matters falling within this category will be strikes which directly or indirectly threaten the safety or welfare of participating employees, those which may seriously disrupt the supply of essential services to a significant number of members of the public or those which may cause undue hardship to any parties to the dispute. With respect to any of these matters, the commission must take steps, on its own motion, or on the application of relevant parties, including parties who are directly affected by, or are likely to be directly affected by, the strike action, to ensure that normal work resumes immediately. The Supreme Court will be able to enforce commission orders by granting injunctions.

Part 9 - Minimum Conditions of Employment Act: An amendment will be made to the Minimum Conditions of Employment Act 1993 to provide that an employee who terminates his or her employment unlawfully, or is dismissed for misconduct, will not have an entitlement to any pro rata annual leave entitlements that might have accrued. This will alter the present provisions, which have caused some problems for employers, namely those provisions relating to annual leave which require employers to pay pro rata annual leave on termination, regardless of the reasons for the termination. Hence, an employer who has dismissed an employee for misconduct, even where that misconduct

has involved stealing from the employer, is currently obliged by the Act to pay to the employee his or her pro rata entitlements. With the passing of these provisions that anomaly will no longer apply.

Part 10 - Workplace Agreements Act: The Bill also proposes amendments to the Workplace Agreements Act 1993 to enable state workplace agreements to override federal awards. These amendments complement the provisions of the Workplace Relations Act 1996 and enable employees covered by federal awards to enter into collective workplace agreements without the threat of parts of those agreements being overridden by a federal award.

The Workplace Relations Act 1996 requires certain tests to be applied to enable state workplace agreements to override federal awards and, since these tests are not currently contained in the Workplace Agreements Act 1993, the Bill provides that the tests must be met before an agreement can be registered. These tests are: The agreement complies with the Act; the employees covered are not disadvantaged in comparison to their entitlements under the relevant awards; the agreement was genuinely made; and the agreement covers all the employees whom it would be reasonable for the agreement to cover.

The Workplace Relations Act 1996 also requires that agreements be registered by a state industrial authority. The Bill provides that this body shall be the Commissioner of Workplace Agreements. The commissioner will determine whether a workplace agreement meets the above tests and, if it does, will approve the agreement. The commissioner can also be appointed by an employer and an employee as an arbitrator on disputes over the meaning or effect of such workplace agreements.

In conclusion, most of the provisions of this legislation have been before this House previously and have also been endorsed, since that time, by the people. It is the coalition's firm view that they will introduce long overdue rights for union members in the areas of pre-strike ballots, political expenditure, and inspection of time and wages records. The new obligations on union officials will be of benefit to union members as a whole, by providing the basis for higher standards of conduct in union administration. The federal award provisions, and the new category of workplace agreements for federal award employees, will strengthen the rights of people who wish to stay within the state system. This Bill will enable Western Australia to remain at the forefront of innovation and best practice in Australian industrial relations. I commend the Bill to the House.

Adjournment of Debate

HON JOHN HALDEN (South Metropolitan) [10.28 pm]: I move -

That the debate be adjourned until 27 May 1997.

The DEPUTY PRESIDENT (Hon Barry House): I cannot accept that motion under Standing Order No 230.

Point of Order

Hon JOHN HALDEN: I seek clarification. I understand that under Standing Order No 112 adjournment of debate -

Ruling by the Deputy President

The DEPUTY PRESIDENT : Order! Standing Order No 230 states explicitly that the debate be adjourned and shall be an order of the day for the next sitting of the House. If the member moved that the debate be adjourned to any other date, he would be taking the ordering of the business of the House out of the hands of the Leader of the House.

Hon JOHN HALDEN: Of course, it would never be my intention to do that. I have a further point of order. The first line of Standing Order No 230 states that "After the first reading motion may be made". It does not say it will be made or shall be made.

The DEPUTY PRESIDENT: Order! I think the member will find that that has already been decided by the House. We have passed that point.

Hon JOHN HALDEN: I am being advised on my left. I will allow another point of order.

The DEPUTY PRESIDENT: Order! That point of order cannot be raised because the House has already dealt with that part of the motion. The only motion I can entertain is a motion to follow what has happened. The second reading speech has been made. The only motion I can entertain is to do with Standing Order No 230(b), which reads "that the second reading be made an order of the day for the next sitting".

Hon KIM CHANCE : I seek clarification of your ruling, Mr Deputy President. You said the only option available to you is through Standing Order No 230(b), that the second reading be made an order of the day for the next sitting. I suggest that this requires a reading of Standing Order No 230(a) in context. That is -

After the first reading motion may be made:

- (a) *"That the Bill be now read a second time"* and the speech of the Minister or Member in charge given, at the conclusion of which the debate shall be adjourned; or
- (b) . . .

Therefore, paragraph (b) is an alternative. Mr Deputy President, I refer you to the alternative and to the word "adjourn", because you have an alternative to considering Standing Order No 230(b). The alternative goes to the question of what is an adjournment. I refer you to Standing Order No 112 on adjournment of debate, which states -

A debate may be adjourned either to a later hour of the same day or to any other day. A motion for the adjournment of a debate need not be seconded.

I submit to you that you have the alternative that is provided within Standing Order No 230, and that although an adjournment is necessary, it need not necessarily be under the terms described in Standing Order No 230(b). In fact, Standing Order No 230(a) provides to you the capacity to accept the motion given under Standing Order No 112 as was moved by Hon John Halden.

Hon PETER FOSS: Mr Deputy President, no point of order is allowed because you have already given a ruling. The only motion open to the member is -

Hon John Halden: When did you write the standing orders?

Hon PETER FOSS: A member cannot take a point of order on a ruling. You made a ruling, Mr Deputy President, that that motion was not allowed. The only way to dissent from that is not to take a point of order, but to move dissent from your ruling.

At an earlier stage of today's sitting the President made a ruling that indicated what had to happen next. A motion is already before the House which states the House is to be adjourned to the same date; therefore, essentially it is the same motion. That motion has not been disposed of and a member cannot move the same motion again. It is not open to the House to have a motion put before it in the same terms as the one that was interrupted at 10 o'clock. There are about five reasons there is no point of order and it cannot be done.

The DEPUTY PRESIDENT: For those reasons I intend to stay with my original ruling. My interpretation of the standing order is that I have no option. It is mandatory at the second reading that I accept a motion that the second reading be made an order of the day for the next sitting of the House.

Hon TOM STEPHENS: Before I move dissent from your ruling, Mr Deputy President, I take this opportunity to seek further clarification from you. Would you appreciate the view that a ruling along those lines runs the risk of being at odds with the ruling given by the President just a few moments ago in which he said the reading of the second reading speech at this time would not result in the need for the question to be put to the House? I question whether you want to make a ruling that is immediately in conflict with the ruling of the President just a few moments ago in response to points of clarification I raised with him.

The DEPUTY PRESIDENT: I do not accept that. The President made it very clear that your motion would take precedence over any further second reading debate. On that basis it is clear what the procedure of the House will be from this point forward.

Hon TOM STEPHENS: Before I consider the next step that is open to me I seek further clarification from you, Mr Deputy President. Are you saying that if this motion to adjourn the House were of a different date from 27 May, that would be acceptable?

The DEPUTY PRESIDENT: No. I can entertain only one option; that is, the second reading be made an order of the day for the next sitting of the House.

Debate adjourned, on motion by Hon Muriel Patterson.

House adjourned at 10.37 pm

QUESTIONS ON NOTICE

SCHOOLS - PRIMARY

Accounting Systems - Staff

1. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:
- (1) What efforts is the Education Department making to ensure that officers at primary schools have minimal technical qualifications or training to deal with school accounting systems?
- (2) Has this issue been addressed in any specific way in 1997?
- (3) If so, how?

Hon N.F. MOORE replied:

- (1) The Education Department through TAFE has instituted a certificate for registrars, which comprises two units of accounting. This contributes to a minimal technical qualification. Hands-on courses to increase proficiency in the computerised accounting system are also offered.
- (2) Yes.
- (3) Specific courses are being offered by the department to address relevant accounting issues. All registrars have the opportunity to participate in the hands-on courses, and it is expected that the large majority will have attended by June of this year.

SCHOOLS - STAFF

Administration

2. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:
- (1) In 1997 how many additional FTEs were provided for schools administration?
- (2) Of the increase, how many FTEs were for new schools administration?
- (3) What is the 1996/97 allocation for in-service training for school administrators?

Hon N.F. MOORE replied:

- (1) Schools administration (principals and deputy principals)

Secondary	2.1 FTEs
Primary	Nil, due to school rationalisation, amalgamation and closing
Aboriginal education	0.4 FTE (2 x 0.2)
Education support	2 FTEs
- (2)

Secondary	An increase of 1.0 FTE
Primary	No increase, however 7 FTEs were provided for new schools
Aboriginal education	Nil
Education support	2 FTEs
- (3) In addition to support at district level -

Performance management -	Principals (1996)	\$114 000
	School administrators	\$420 000
Professional conferences		\$120 000
Leading successful schools (induction)		\$ 44 500
TOTAL		\$698 500

SCHOOLS - PRIMARY AND HIGH

Performance Indicators

3. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:
- (1) What efforts is the Education Department making to ensure that primary and secondary schools are fulfilling the requirement to report indicators of school performance against targets?

- (2) What specific steps have been taken in 1997 to improve this situation?

Hon N.F. MOORE replied:

- (1) The Education Department has a number of accountability policies relating to school performance. The principal accountability tool for schools is their school development plan. These are cyclic and include -
- indicators of school performance;
 - details of monitoring;
 - local and system priorities that need addressing;
 - strategies; and
 - allocation of resources to ensure effective outcomes.

All schools are required to present their plans to their district superintendent before the plans become operative. Their implementation and outcomes are monitored during formal visits by district superintendents who make an annual report to the Education Department executive on school performance in their districts. In 1996 the Education Department trialled a new reporting framework, "School Improvement and Reporting". Schools were monitored in key areas of performance by district superintendents who then reported to the Education Department executive.

- (2) Following consultation by key stakeholders, including WA Council of State School Organisations, State School Teachers Union of Western Australia, principals and teachers, and as a result of feedback from schools and district superintendents, the trialled monitoring framework was refined. In February of this year, the refined policy "School Performance: A Framework for Improving and Reporting", was distributed to all schools. It is designed to -
- assist schools with self-evaluation and improvement;
 - be the framework for ongoing discussions between principals and their district superintendents about how well the school is performing; and
 - be the framework for district superintendents' reports on school performance to Education Department executive.

The framework uses as a basis, six dimensions commonly linked to effective schools -

- (1) Improving student performance
- (2) Teaching and learning
- (3) Leadership
- (4) Managing staff
- (5) Learning environment
- (6) Interacting with the community.

EDUCATION - SCHOOLS

Fees - Records

4. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What efforts is the Education Department making to ensure that primary and secondary schools are keeping accurate records of school fees paid and those that are not?
- (2) What specific steps have been taken in 1997 to improve this situation?

Hon N.F. MOORE replied:

- (1) Schools are required to keep records of school fees paid in accordance with the department's financial management in schools policy. The Education Department provides schools with procedures, guidelines and support designed to assist them to establish systems in accordance with policy. Schools have a management system to record payments made for school fees and are able to monitor payments and non-payments. In addition, accountability mechanisms include district superintendents who monitor schools' financial practices; central auditing of schools; and random auditing of schools by the Office of the Auditor General.
- (2) As part of the department's continual improvement of service delivery it is providing further support for schools in the area of financial management by introducing a computerised financial recording system to enhance the efficiency of financial management. The MAZE debtors ledger was trialled in some Western Australian schools in 1996 and will be available to all government schools in 1997.

EDUCATION - SCHOOLS

Fees - General Fund Receipts

6. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund receipts for school fees and charges in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$16 211 580
- (b) \$959 151
- (c) \$1 489 352
- (d) \$93 166
- (e) \$535 773
- (f) \$66 723
- (g) \$3 835 448
- (h) \$573

Note: The figures are subject to audit.

EDUCATION - SCHOOLS

Payments - Maintenance

7. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for school maintenance in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

The information requested in the format outlined above is not readily available. Total expenditure on the maintenance of schools in the calendar year 1996 can be illustrated as follows -

High schools	\$13 485 945
District high schools	\$2 008 996
Primary schools	\$19 670 510
Agricultural schools	\$298 198
Other schools and facilities	\$2 782 844
Total	\$38 246 493

EDUCATION - DEPARTMENT

Leases - Financial Obligations

8. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What are the Education Department's major obligations in regards to leasing?
- (2) What are the financial obligations for those leases over the next five years?

Hon N.F. MOORE replied:

- (1)-(2) Property Leases -
The Education Department leases property from other agencies - both state and local government and also from the private sector. It also leases out some of its own property. The main areas of leasing, and the annual costs, are as follows -

(a)	Pre-primary centres	143	\$172 000
(b)	Schools in houses	4	\$277 000
(c)	Miscellaneous property	7	\$4 000
(d)	Office accommodation	17	\$3 865 000
(e)	Lessor properties	39	\$156 000 (income)

Arrangements for the next five years will probably reflect similar conditions.

Equipment Leases -

The Education Department's commitment to the private sector for computers and photocopiers under the EDWA master lease contract are as follows -

Summary:
650 lease agreements
\$12.5m in purchase value

Annual repayments total approximately \$3.5m
Monthly commitment approximately \$300 000.

Computers and peripherals - approximate purchase value \$11 750 000.
Photocopiers and fax machines - approximate purchase value \$750 000.

Approximately 5 000 computers.
Approximately 50 photocopiers

This does not include equipment leased directly by the school outside the EDWA master lease contract, particularly photocopiers. Arrangements for the next five years are predicted as follows:
Monthly repayment at \$300 000 - \$500 000. Maximum foreseeable annual commitment \$6m per annum.

EDUCATION - BUDGET*Revenue*

9. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) For the financial year 1996/97 what significant variations between actual revenue and the budget estimates have been received, to date?
- (2) What caused the variation?

Hon N.F. MOORE replied:

- (1) The main variation between actual revenue and cashflow estimate to date is approximately \$2m.
- (2) The main component is revenue associated with the marketing of the First Steps program. The estimates were based on growth in overseas markets which will now be lower than expected.

EDUCATION - SCHOOL RATIONALISATION TRUST ACCOUNT*Financial Statements*

24. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What is the current bank balance of the school rationalisation trust account?

- (2) Would the Minister for Education provide the 1994/95, 1995/96 and an up-to-date revenue/expenditure statement for this account?
- (3) If not, why not?

Hon N.F. MOORE replied:

- (1) The balance of the school rationalisation trust account as at 13 March 1997 is \$3 489 302.13.
- (2) Revenue/Expenditure statement:

	1994-95 \$	1995-96 \$	1996-97 \$
Opening balance	2 564 881.81	3 619 785.51	3 494 506.86
Proceeds from sales	1 204 678.70	3 107 837.93	307 521.00
Payments from trust	149 775.00	3 233 116.58	312 725.73
Closing balance	3 619 785.51	3 494 506.86	3 489 302.13

- (3) Not applicable.

EDUCATION - DEPARTMENT

Rent

25. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What is the nominal rent paid for the Education Department Head Office in Royal Street?
- (2) Who is the building leased from?

Hon N.F. MOORE replied:

- (1) Annual net rental for 151 Royal Street is \$2 396 771.28.
- (2) Lessor is Government Employees Superannuation Board.

EDUCATION - FIRST STEPS PROGRAM

Marketing - Costs

26. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What have been the total costs in marketing the First Steps program?
- (2) What has been the total of other costs associated with selling this program both interstate and overseas?
- (3) What, to date, has been the revenue received from marketing this program interstate and overseas?

Hon N.F. MOORE replied:

- (1) \$3 954 110 is the total Education Department cost for marketing and selling the program.
- (2) All other marketing and selling costs are met by contractors who have been licensed by the Education Department to produce course materials for Australia and overseas, and to manage professional development delivery overseas.
- (3) \$3 957 674.

EDUCATION - SCHOOLS

Fees

32. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) How much money was collected by way of fees in -
- (a) pre-primary schools;

- (b) primary schools; and
- (c) secondary schools,

in the years -

- (i) 1993/94;
- (ii) 1994/95; and
- (iii) 1995/96?

- (2) What fees were included in the tabulations to provide these figures?

Hon N.F. MOORE replied:

- (1)

	Dec 1993	Dec 1994	Dec 1995	Dec 1996
Primary schools	\$1 376 689.16	\$1 356 694.00	\$1 408 454.24	\$1 484 577.98
Secondary schools	\$14 290 497.94	\$15 324 671.47	\$16 149 985.24	\$16 989 083.52

Note: Schools operate finances using calendar year January - December.
Pre-primary schools are usually attached to a primary school or district high school and therefore school charges are included in these schools' finances.

- (2) Tabulations were comprised of school fees, voluntary contributions and resource charges.

RAILWAYS - WESTRAIL

Grain Freight - Nyabing

35. Hon BOB THOMAS to the Minister for Transport:

- (1) Does Westrail have a contract to cart grain from Nyabing Co-operative Bulk Handling terminal to Albany?
- (2) What proportion of the Nyabing grain is carted to Albany by rail?
- (3) What proportion was carted by rail in -
 - (a) 1995;
 - (b) 1994;
 - (c) 1993; and
 - (d) 1992?

Hon E.J. CHARLTON replied:

- (1) Yes, for export grain only.
- (2) It is anticipated that 16 per cent of export grain from Nyabing will be transported by rail this season.
- (3) Approximately 100 per cent of export grain from Nyabing was transported by rail for the years 1992 to 1995. To maximise returns to grain growers by selling grain at premium prices, almost 1.5 million tonnes of grain was shipped from Western Australian ports during the month of March. The 1.5 million tonnes program is 50 per cent above the previous record shipment of one million tonnes for a single month. The combination of a record harvest and an unprecedented shipping program has resulted in a land transport task larger than Westrail's normal available train capacity. Westrail has responded by hiring additional resources to increase its train capacity.

To further optimise the tonnages moved by rail, as part of the program to ship 1.5 million tonnes in March, train movements have been concentrated in areas to maximise the tonnages moved by rail. This has been achieved by operating trains on lines where maximum train loads can be achieved and where Co-operative Bulk Handling Ltd loading facilities are the most efficient for rail transport. The additional resources plus the optimisation program have resulted in the weekly capacity of train transport increasing from around 170 000 tonnes to around 220 000 tonnes.

Rail transport has been supplemented by road transport to take some grain direct to port, but more particularly, to relocate grain to locations where train tonnages and loading rates are the most efficient, maximising the use of rail transport.

The unprecedented shipping program is being driven by the Australian Wheat Board and was jointly planned by the Australian Wheat Board, Co-operative Bulk Handling Ltd and Westrail, aimed at achieving maximum returns to the grain growers of Western Australia. The Australian Wheat Board estimates indicate that this initiative will realise an additional \$6m to grain growers.

RAILWAYS - WESTRAIL

Grain Freight - Gnowangerup

36. Hon BOB THOMAS to the Minister for Transport:

- (1) Does Westrail have a contract to cart grain from Gnowangerup Co-operative Bulk Handling terminal to Albany?
- (2) What proportion of the Gnowangerup grain is carted to Albany by rail?
- (3) What proportion was carted by rail in -
 - (a) 1995;
 - (b) 1994;
 - (c) 1993; and
 - (d) 1992?
- (4) What are the reasons for an increase in the proportion of grain from Gnowangerup being carted by road?

Hon E.J. CHARLTON replied:

- (1) Yes, for export grain only.
- (2) It is anticipated that 16 per cent of export grain from Gnowangerup will be transported by rail this season.
- (3) Approximately 100 per cent of export grain from Gnowangerup was transported by rail for the years 1992 to 1995.
- (4) This year's record harvest of almost 10 million tonnes exceeded the expected harvest of 8.4 million tonnes by around 1.6 million tonnes, or 20 per cent.

To maximise returns to grain growers by selling grain at premium prices, almost 1.5 million tonnes of grain was shipped from Western Australian ports during the month of March. The 1.5 million tonnes program is 50 per cent above the previous record shipment of one million tonnes for a single month. The combination of a record harvest and an unprecedented shipping program has resulted in a land transport task larger than Westrail's normal available train capacity. Westrail has responded by hiring additional resources to increase its train capacity.

To further optimise the tonnages moved by rail, as part of the program to ship 1.5 million tonnes in March, train movements have been concentrated in areas to maximise the tonnages moved by rail. This has been achieved by operating trains on lines where maximum train loads can be achieved and where Co-operative Bulk Handling Ltd loading facilities are the most efficient for rail transport. The additional resources plus the optimisation program have resulted in the weekly capacity of train transport increasing from around 170 000 tonnes to around 220 000 tonnes.

Rail transport has been supplemented by road transport to take some grain direct to port, but more particularly, to relocate grain to locations where train tonnages and loading rates are the most efficient, maximising the use of rail transport.

The unprecedented shipping program is being driven by the Australian Wheat Board and was jointly planned by the Australian Wheat Board, Co-operative Bulk Handling Ltd and Westrail, aimed at achieving maximum returns to the grain growers of Western Australia. The Australian Wheat Board estimates indicate that this initiative will realise an additional \$6m to grain growers.

RAILWAYS - WESTRAIL

Grain Freight - Badgebup

37. Hon BOB THOMAS to the Minister for Transport:

- (1) Does Westrail have a contract to cart grain from Badgebup Co-operative Bulk Handling terminal to Albany?
- (2) What proportion of the Badgebup/Nyabing grain is carted to Albany by rail?

(3) What proportion was carted by rail in -

- (a) 1995;
- (b) 1994;
- (c) 1993; and
- (d) 1992?

Hon E.J. CHARLTON replied:

- (1) Yes, for export grain only.
- (2) It is anticipated that 4 per cent of export grain from Badgebup will be transported by rail this season. I refer the member to my answer to his question 35 of 11 March 1997 for details of grain transported by rail from Nyabing.
- (3) Approximately 100 per cent of export grain from Badgebup was transported by rail for the years 1992 to 1995. To maximise returns to grain growers by selling grain at premium prices, almost 1.5 million tonnes of grain was shipped from Western Australian ports during the month of March. The 1.5 million tonnes program is 50 per cent above the previous record shipment of one million tonnes for a single month. The combination of a record harvest and an unprecedented shipping program has resulted in a land transport task larger than Westrail's normal available train capacity. Westrail has responded by hiring additional resources to increase its train capacity.

To further optimise the tonnages moved by rail, as part of the program to ship 1.5 million tonnes in March, train movements have been concentrated in areas to maximise the tonnages moved by rail. This has been achieved by operating trains on lines where maximum train loads can be achieved and where Co-operative Bulk Handling Ltd loading facilities are the most efficient for rail transport. The additional resources plus the optimisation program have resulted in the weekly capacity of train transport increasing from around 170 000 tonnes to around 220 000 tonnes.

Rail transport has been supplemented by road transport to take some grain direct to port, but more particularly, to relocate grain to locations where train tonnages and loading rates are the most efficient, maximising the use of rail transport.

The unprecedented shipping program is being driven by the Australian Wheat Board and was jointly planned by the Australian Wheat Board, Co-operative Bulk Handling Ltd and Westrail, aimed at achieving maximum returns to the grain growers of Western Australia. The Australian Wheat Board estimates indicate that this initiative will realise an additional \$6m to grain growers.

EDUCATION - GENERAL FUND PAYMENTS

Staff Development

43. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for staff development in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$1 042 577
- (b) \$699 494
- (c) \$1 721 789
- (d) \$179 393
- (e) \$47 658
- (f) \$26 719
- (g) \$31 248
- (h) \$10 803

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND PAYMENTS

Projects

44. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for education projects in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$1 527 202
- (b) \$919 119
- (c) \$2 951 264
- (d) \$198 955
- (e) \$7 480
- (f) \$53 979
- (g) \$188 674
- (h) \$4 660

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND PAYMENTS

Asset Purchases

45. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for asset purchases in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$2 966 224
- (b) \$896 974
- (c) \$4 136 927
- (d) \$506 153
- (e) \$173 487
- (f) \$109 312
- (g) \$219 160
- (h) \$41 554

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND PAYMENTS

Trading Purchases

46. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for trading purchases in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;

- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$3 294 691
- (b) \$102 906
- (c) \$234 380
- (d) \$23 235
- (e) \$1 795 789
- (f) Nil
- (g) \$376 438
- (h) \$67 614

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND PAYMENTS

Administration

47. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for administration in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$4 476 464
- (b) \$1 127 401
- (c) \$4 344 294
- (d) \$342 605
- (e) \$197 549
- (f) \$448 203
- (g) \$827 008
- (h) \$32 728

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND PAYMENTS

School Faculties

48. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for school facilities in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

General fund payments for school facilities are not reported in the annual report. It is assumed that the information required is for school faculties and not school facilities.

The following figures are for school faculties -

- (a) \$19 174 391
- (b) \$3 135 822
- (c) \$13 822 503
- (d) \$563 241
- (e) \$209 190
- (f) \$87 883
- (g) \$566 992
- (h) Nil

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND RECEIPTS

Interest

49. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund receipts for interest in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$1 938 332
- (b) \$316 028
- (c) \$1 252 425
- (d) \$112 687
- (e) \$89 404
- (f) \$9 302
- (g) \$183 384
- (h) \$15 847

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND PAYMENTS

School Grants

50. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund payments for school grants in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$23 674 141
- (b) \$9 640 290
- (c) \$39 314 920
- (d) \$2 998 354
- (e) \$2 112 082
- (f) \$1 399 803
- (g) \$352 408
- (h) \$797 785

Note: The figures are subject to audit.

EDUCATION - GENERAL FUND RECEIPTS

Trading Income

51. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

With reference to school cash receipts and payments for the school year 1996, what were the general fund receipts for trading income in -

- (a) senior high schools;
- (b) district high schools;
- (c) primary schools;
- (d) education support centres;
- (e) agricultural schools;
- (f) distance education centres;
- (g) senior colleges; and
- (h) camp schools?

Hon N.F. MOORE replied:

- (a) \$3 671 114
- (b) \$95 947
- (c) \$285 719
- (d) \$14 375
- (e) \$1 038 884
- (f) Nil
- (g) \$676 999
- (h) Nil

Note: The figures are subject to audit.

EDUCATION - SCHOOLS

Computers

82. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

In the 1996/97 Capital Works Budget the Government announced a \$6.6m allocation for the provision of computers in schools with a further \$3m allocation for support maintenance programs in schools -

- (1) How much of that money has been spent as at 1 March 1997?
- (2) Is it likely that that appropriation will be exceeded?
- (3) If so, by how much?

Hon N.F. MOORE replied:

- (1) With regard to the allocation for computers in schools, \$4 096 702 had been spent by 1 March 1997. None of the \$3m allocation for maintenance had been spent by 1 March 1997, although full expenditure is anticipated by 30 June 1997.
- (2) No, it is not anticipated that the appropriation will be exceeded.
- (3) Not applicable.

EDUCATION - EXPENDITURE

Recurrent

89. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

What were the recurrent school related funding expenditures, per FTE of Government school students by level of schooling, in 1995/96?

Hon N.F. MOORE replied:

Pre-primary and Primary	\$3 417
Secondary	\$4 621
Education support	\$16 822

EDUCATION - SUPPORT UNITS

Class Sizes

90. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What was the average class size of education support units in 1996?
- (2) What was the average class size of education support classes in 1996?
- (3) What was the average class size of education support centres in 1996?

Hon N.F. MOORE replied:

- (1)-(3) Data are not collected that would enable an accurate calculation of average class sizes. Students in education support units, education support classes and education support centres are organised into various groups during the day according to activities programmed by the school.

EDUCATION - SECONDARY SCHOOLS

Class Sizes

91. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What was the average class size of country high schools in 1996?
- (2) What was the average class size of metropolitan high schools in 1996?
- (3) What was the average class size of all high schools throughout Western Australia in 1996?

Hon N.F. MOORE replied:

- (1)-(3) Data are not collected that would enable an accurate calculation of average class size for high schools. Students in secondary schools are organised into a number of classes based on subject during each day.

EDUCATION - PRIMARY SCHOOLS

Class Sizes

92. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What was the average class size of country primary schools in -
 - (a) 1995; and
 - (b) 1996?
- (2) What was the average class size of metropolitan primary schools in -
 - (a) 1995; and
 - (b) 1996?
- (3) What was the average class size of all primary schools throughout Western Australia in -
 - (a) 1995; and
 - (b) 1996?

Hon N.F. MOORE replied:

Average class sizes for government primary schools as at first semester -

- (1) (a) 25.8
(b) 25.4
- (2) (a) 28.1
(b) 28.1
- (3) (a) 27.3
(b) 27.1

STATE FINANCE - ASSET SALES

95. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

The Government announced in the 1996/97 Budget that there would be \$173.11m worth of asset sales -

- (a) what assets were proposed to be sold; and
- (b) what assets have been sold and at what price?

Hon MAX EVANS replied:

(a) The following groups of assets were proposed to be sold in the 1996-97 Budget -

	\$m
Motor vehicles	107.2
Land	62.2
Hospital Linen and Laundry Service	3.0
Other (various)	0.7
Total	173.1

(b) The following assets have been sold during 1996-97 (as at 15 March 1997) -

	\$m
Motor vehicles	107.1
Land	39.3
Other (various)	0.3
Total	146.7

EDUCATION - CLASSROOMS

Composite

100. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

(1) What was the number of composite classrooms in Western Australia in -

- (a) 1995; and
- (b) 1996?

(2) How many composite classrooms were outside the metropolitan area in -

- (a) 1995; and
- (b) 1996?

Hon N.F. MOORE replied:

(1) (a) 1 656
(b) 1 852

(2) (a) 745
(b) 888

EDUCATION - DEPARTMENT

Cleaning and Gardening Services - Cost

101. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

What was the cost of providing cleaning and gardening services in the Education Department in 1995/96?

Hon N.F. MOORE replied:

\$53 687 000.

GOVERNMENT CONTRACTS - EDUCATION DEPARTMENT

103. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

(1) Were any sections of -

- (a) school audit program;
- (b) full time pre-primary on behalf of four schools;
- (c) information and technology; and
- (d) lawn mowing services for schools,

previously performed by the Education Department, contracted out in 1996/97 or in the process of being contracted out this financial year?

(2) If yes, why were they contracted out?

(3) Is there an anticipated saving?

(4) If so, how much?

(5) Did all work contracted out go to tender?

Hon N.F. MOORE replied:

(1) (a) Yes. All the secondary schools were contracted out initially in 1994-95. The primary schools have been audited using contractors since 1983.

(2) Contracts were used to provide a more efficient and cost-effective use of resources. Schools received a quality service and audit staff focused on risk areas/systems in the central office.

(3) Yes.

(4) Savings were: 1995 - \$88 000; 1996 - \$87 000.

(5) All work contracted out went to expressions of interest, not tendering. The Education Department controls the price, timing and breadth of the service and therefore tendering was not appropriate.

(1) (b) Yes. Contracts for the provision of full-time pre-primary programs have been let to the management committees at five pre-schools.

(2) In three cases, there was insufficient space at the local neighbouring school to allow for the provision of facilities for a full-time pre-primary program. In addition, the provision of a full-time pre-primary program at a neighbouring school would have significantly affected the viability of the existing pre-school.

(3) Yes.

(4) Approximately \$600 000 in capital works and establishment costs.

(5) No. In all cases there was only one possible provider.

(1) (c) Yes. Details of the contracts are as follows:

MAZE DEMOGRAPHICS TRAINING

In September 1996 a contract was negotiated with an external training provider for the provision of training courses for primary schools in the demographic modules of the MAZE school administrative software package. The contract is for a twelve month period to September 1997.

(2) The contracting out was undertaken to provide an additional avenue for schools to obtain training. The expanded service was not intended to be provided by existing Departmental resources.

(3) There are no anticipated savings.

(4) Nil.

(5) A tender for the contract was issued in April 1996.

STAFFING PAYMENTS SYSTEM

By mid 1997 the Department will have contracted out its existing payroll system.

(2) The operation of the Staffing Payment System is not considered to be core business for the Department.

(3)-(4) Unknown at this stage.

(5) A tender was issued in December 1996.

FACILITIES MANAGEMENT - COMPUTING EQUIPMENT

By mid 1997 the Department, as part of the Business Information Processing Agency Consortium (BIPAC), will have contracted out the facilities management for its mainframe and mid-range computing equipment.

(2) The facilities management for the computing infrastructure was contracted out to effect whole of Government savings across eleven agencies.

(3) Yes.

(4) Unknown at this stage.

(5) The tender for the BIPAC closed in late November 1996.

SUPPORT

Some supplementary information and technology support services for schools, district offices and central office have been acquired on a contractual basis. These services are expected to continue to be required during this financial year.

(2) These services were acquired to service an expansion in demand.

(3) No. Additional services were required due to an expansion in demand.

(4) Nil.

(5) Yes.

- (1) (d) The Education Department did not contract out any lawn mowing services previously performed by the Education Department in 1996/97. Lawn mowing services previously performed by the Building Management Authority (now Contract and Management Services) were however contracted out during this period.

ENVIRONMENTAL PROTECTION AUTHORITY - TIDAL POWER STATION

Derby-West Kimberley

117. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

(1) What progress has been made in the Environmental Protection Authority's consideration of a proposal for the construction of a tidal power station at East and West Doctor's Creek in the Shire of Derby-West Kimberley?

(2) When will the EPA be in a position to give a final determination on this development proposal?

Hon MAX EVANS replied:

- (1) The proposal by Tidal Energy Australia Pty Ltd to construct a tidal power station at East and West Doctor's Creek was received by the Environmental Protection Authority on 6 December 1996. The level of assessment was set at consultative environmental review and the guidelines for the project were subsequently released on 18 February 1997. The proponent is now required to prepare the CER document.

- (2) The EPA will not be in a position to give final recommendations on the environmental acceptability of this proposal until the CER document has been prepared, subject to public review and the proponent has responded to any public submissions received.

ROAD SAFETY - AUDITOR GENERAL'S REPORT

Road Trauma Trust Fund - Payments

122. Hon N.D. GRIFFITHS to the Minister for Transport:

The Auditor General's report on Road Safety (p.4) shows that two grants from the Road Trauma Trust Fund totalling \$301 000 were expended on items inconsistent with the legislative purpose of the fund. To whom and when were these grants paid and for what purpose?

Hon E.J. CHARLTON replied:

First item - Purchase of aircraft for police

The first payment of \$175 000 in 1991-92 was for the purchase of an aircraft from the Royal Flying Doctor Service and refit for aerial surveillance use by the Police Service. The police submission for funding was based on the need for aerial patrol of highways, though the aircraft was also to be used for other operational purposes.

Second item - Purchase of speed and red light camera film

A payment of \$126 000 was made in 1992-93 to the police to pay for speed and red light camera film, maintenance and repair.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - LEGAL PROCEEDINGS

Mr D.P. Fairborn

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

- (1) Did the Department of Conservation and Land Management bring legal proceedings against a Mr D. Punito Fairborn of Elleker?
- (2) Did this person receive a fine and have costs charged against him of \$2 800?
- (3) Is the Minister for the Environment aware that -
- (a) Mr Fairborn previously had a licence to pick such flora which had only just lapsed;
 - (b) Mr Fairborn had been given permission to pick the flora by the Shire of Albany;
 - (c) the area was to be cleared for a gravel pit;
 - (d) Mr Fairborn is a single parent pensioner; and
 - (e) Mr Fairborn had to put his property on the market to pay his fine?
- (4) Is it correct that another person known to have picked flora from the same location was not charged?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Mr Fairborn appeared before the Albany Court of Petty Sessions on 10 October 1996 and entered a plea of guilty to the 17 charges of taking protected flora from crown land without a licence, 35 charges of selling protected flora not lawfully obtained, and one charge of furnishing a false return, contrary to sections 23B(1), 23E(1)(a) and 25(1)(h) of the Wildlife Conservation Act respectively. He was convicted and fined \$30 on each charge (\$1 590), with total costs of \$697. That amounts to \$2 287.
- (3) (a) Separate licences are required to take flora for sale from crown land and private land. 33 of the charges against Mr Fairborn related to the taking of protected flora from crown land for which a commercial purposes licence is required. Mr Fairborn has never held a licence authorising him to pick on crown land. Mr Fairborn is known to have attended a flora picking training program at Albany in 1990 where lectures were presented on all aspects of the wildflower industry including licensing requirements.

Nineteen of the charges against Mr Fairborn involved the sale of flora from private land. His commercial producers licence expired on 12 October 1994 and was not renewed until 20 December 1994, a period of eleven and a half weeks.

- (b) Albany shire by-laws specifically exclude the taking of flora from road verges and reserves under its control, unless specifically authorised. Inquiries revealed that the Albany shire had not authorised Mr Fairborn to pick protected flora on the reserve at the time of the offences. Regardless of whether shire permission had been granted, picking protected flora from crown land could not be undertaken without the authority of a commercial purposes licence.
- (c) Gravel quarrying on the reserve had almost been completed by the time these offences were committed with gravel removal confined to existing pits in already bulldozed areas. Many of the areas mined for gravel were in the process of rehabilitation and it is understood that the flora taken by Mr Fairborn was picked from wooded areas well away from the areas cleared for gravel removal.
- (d)-(e) I have no personal knowledge of Mr Fairborn's financial status.
- (4) Mr Fairborn's accomplice received a letter of warning. This person played the minor role, assisting Mr Fairborn who sold the flora through his established contacts. In view of the accomplice's antecedents, his degree of culpability in connection with the offence, his cooperation and the efficacy of the warning as an alternative to prosecution, the decision to not proceed with prosecution in this case was considered to be the most appropriate course of action.

ENVIRONMENT - POLLUTION

Gidgegannup - Sheep Agistment

159. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:
- (1) Has the Minister for the Environment received a petition dated June 14, 1996 from 12 land owners in Gidgegannup regarding the operations of a sheep agistment business on Lot 2, Toodyay Road, Gidgegannup?
 - (2) What action has the Minister taken to address the concerns of these landowners?
 - (3) Is the Minister aware of a report in *The West Australian* of Saturday, August 24, 1996 in which these landowners report that the pollution problem is continuing and that no effective action has been taken?
 - (4) If yes, what action has the Minister taken subsequent to that report?
 - (5) Does the sheep agistment operation on Lot 2, Toodyay Road, Gidgegannup operate under a licence from the Department of Environmental Protection?
 - (6) If yes, have the operators met all of their licence conditions?
 - (7) Has the Minister initiated a prosecution of Ormond Nominees for polluting Susannah Brook?
 - (8) If not, why not?
 - (9) Has a pollution abatement notice been issued against Ormond Nominees over this agistment operation?
 - (10) If not, why not?

Hon MAX EVANS replied:

- (1) The previous Minister for the Environment received a copy of the petition.
- (2) The Minister referred it to the Department of Environmental Protection for action.
- (3) Yes, I am aware of the article and action has been taken in accordance with the enforcement policy.
- (4) The Minister referred it to the Department of Environmental Protection for information and appropriate action.
- (5) Yes.
- (6)-(7) No.

- (8) The Department of Environmental Protection is dealing with the situation in accordance with its established enforcement policy.
- (9) No.
- (10) The Department of Environmental Protection holds the view that it is not appropriate to issue a pollution abatement notice on a premises that holds a licence. If action is needed to address a particular issue, it can be undertaken through an amendment to the licence, and the enforcement thereof.

PERTH MINT INQUIRY - POLICE RUNNING SHEETS

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

I refer to the Mickelberg case -

- (1) Why has the Commissioner of Police not produced to Mr R. Mickelberg a copy of the police running sheets relevant to the Perth Mint inquiry?
- (2) Did the Chief Justice request this information be provided to Mr R. Mickelberg on Monday, 24 February 1997?
- (3) Was it the understanding of the officers representing the Western Australia Police Service that they would provide a copy of their running sheets to the Supreme Court?

Hon PETER FOSS replied:

- (1)-(3) The matter to which the question relates is before the Court of Criminal Appeal and is therefore sub judice.

TRANSPORT - BUS

Tenders - State Supply Commission

215. Hon JOHN HALDEN to the Minister for Transport:

- (1) Did the evaluation panel, appointed by the Department of Transport to award bus tenders in 1995 and/or 1996, refer a report to the State Supply Commission for its appraisal/comment?
- (2) Did the State Supply Commission consider that report and respond to the Department of Transport?
- (3) Did the Minister consider that report?
- (4) What were the findings of the State Supply Commission?

Hon E.J. CHARLTON replied:

- (1)-(3) Yes.
- (4) In its comments the State Supply Commission recognised the complexity of the tenders, noting technical shortcomings relating to policy and practice, and concluded -

The State Supply Commission accepts that the Department of Transport acted at all times with the best outcome for the State in mind.

The evaluation panel, appointed to award bus tenders, included two officers from WABMA, State Contracts.

MAIN ROADS WESTERN AUSTRALIA - REVEGETATION

Contracts

222. Hon TOM STEPHENS to the Minister for Transport:

- (1) Have revegetation contracts been let by the Main Roads Department?
- (2) Can these contracts be performed by Main Roads personnel?
- (3) If so, have they been in the last twelve months and where and what was the nature of the project?
- (4) If performed by contract when were tenders called for the contracts and what were the details of the tenders as to locality and requirements?
- (5) On what date were the tenders called?

- (6) Who were the successful tenderers?
- (7) What were the terms of the successful tenders?
- (8) Why can this work not be performed by Main Roads personnel?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2)&(8) Main Roads has limited specialised personnel who have been engaged in revegetation works in the past. These staff assist in the management of revegetation contracts as part of the State Government's objectives under the Best Roads policy.
- (3) Main Roads has not undertaken any contracts.
- (4)-(7) Contract 199/96

Advertised - 31 August 1996
Landscape works
West Coast Highway - Rochdale Road to Helston Avenue, City Beach
Contractor - Landscape Australia Pty Ltd
Contract term - 156 weeks

Contract 207/96

Expressions of interest called 21 September 1996
Landscape works
Great Eastern Highway, Burswood
Contractor - Natural Habitat Landscapes
Contract term - 6 weeks

Contract 265/96

Tender documents handed out with documents for Contract 207/96 above
Landscape works
West Coast Highway/Tonkin Highway interchange, Redcliffe
Contractor - Elegant Landscapes
Contract term - 3 months, plus 12 months

Contract 133/96

Select tenders called - did not need advertising under Supply guidelines as it was less than \$50 000
Landscape works
West Coast Highway/Great Eastern Highway Bypass Interchange, South Guildford
Contractor - Elegant Landscapes
Contract term - 4 weeks

Contract 504/95

Advertising 2 February 1996
Landscape works
Kwinana Freeway - Forrest Road to Thomas Street
Contractor - Andrew Greaves & Associates
Contract term - 8 weeks

Contract 505/95

Advertised 24 February 1996
Landscape works
Roe Highway Stage 1 - Tonkin Highway to Welshpool Road, Kewdale
Contractor - Turbo Mulch Pty Ltd
Contract term - 19 April to 30 December 1996

Contract 548/95

Advertised 9 March 1996
Planting on various Highways, Main Roads and Freeways in the Perth Metropolitan area
Contractor - Bluestream Contracting
Contract term - 10 weeks

Contract 504/96

Select tenders called - did not need advertising under Supply guidelines as it was less than \$50 000

Landscape/revegetation works
Great Northern Highway passing lanes, Bullsbrook
Contractor - Apace Aid Incorporated
Contract term - 3 years

Contract 60/96

Select tenders called - did not need advertising under Supply guidelines as it was less than \$50 000
Landscape/revegetation works
North West Coastal Highway - Chapman River Bridge realignment, Geraldton Contractor - Wooree
Wildflower Nursery
Contract term - commenced 22 July 1996; completion dependent on weather, anticipated to be mid June 1997

ENVIRONMENT - GROUPS

Protective Services and Counter Terrorist Intelligence Unit

227. Hon J.A. SCOTT to the Attorney General representing the Minister for Police:

- (1) Have any conservation/environment groups, or their spokespersons in Western Australia, been visited by the State's Protective Services and Counter Terrorist Intelligence Unit during 1996/97?
- (2) If yes, which groups, when and on whose direction were these visits made?
- (3) Has the Minister for Police had advice that any conservation/environment groups in Western Australia are considered as threats to public safety?
- (4) If yes, which ones and what information has been provided to substantiate such opinions?
- (5) Has the Protective Services and Counter Terrorist Intelligence Unit compiled dossiers on environmental activists and their organisations?
- (6) If yes, why are they kept and to what uses are they put?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Since 1994 proactive liaison and partnerships have been established and are ongoing between the protective services unit, the Conservation Council of Western Australia and the Western Australian Forest Alliance due to their concerns regarding the personal safety of protesters on logging and mining sites within our south west. In addition, strategic alliances have been formed with the logging and mining industries to ensure the safety and security of the public, protesters, mining and forest workers and the police. Meetings are instigated by any party as required.
- (3) No.
- (4) Not applicable.
- (5) No.
- (6) Not applicable.

FORESTS AND FORESTRY - FOREST INDUSTRIES FEDERATION OF WESTERN AUSTRALIA

Levy Collection

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

- (1) Does the Department of Conservation and Land Management still collect a levy for the Forest Industries Federation of Western Australia which is paid for by buyers of logs from CALM?
- (2) If yes -
 - (a) do all buyers of logs pay the levy, and if not, which buyers do not pay the levy;
 - (b) how is each buyer's levy calculated;
 - (c) how is the levy paid to CALM; and
 - (d) how does CALM transfer the amount collected to FIFWA?

- (3) For each of the past five years, how much was collected by CALM and how much was transferred to FIFWA?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a) No. Present buyers of logs from CALM who do not currently pay the Forest Industries Federation (WA) Inc. levy are as follows :
- A & B Mulch
 - A & K Joinery
 - AGK Quality Woodware
 - Alljay Pty Ltd
 - Anderson P
 - Ashkate Timber
 - Atwell C
 - Auswest Timbers Pty Ltd
 - Axeman's Council of WA
 - Baldock CW
 - Balmulnew
 - Beaman DG & JT
 - Beaman G & C
 - Beccarelli & Castle
 - Bedford Bros
 - Blackies Tree Lopping & Firewood Service
 - Bob's Treelopping Service
 - Burek HM & MH
 - Cackleberry Farm
 - Campbell CW & LJ
 - Cape to Cape Agriculture Timber Supplies
 - Capel Timber Sawmilling
 - Carmichael A
 - Central Dist. Employment Centre Aboriginal Corp
 - Clark Constructions
 - Creative Milling
 - Crisp DM
 - Crouch LM & EA
 - Cycad Pty Ltd
 - Dawson Contracting
 - Deadwood Sawmilling
 - Denbarker Sawmill
 - Denmark Wood Supplies
 - Desert Timber Products Pty Ltd
 - Direct Timber Supplies
 - Dryandra Timber Products
 - Eaton KR & SM
 - Erceg SG
 - Esperance Treated Timbers
 - Espinos KG
 - Ferguson CJ
 - Forest Floor WA
 - Francis B
 - Fredericks J & S
 - Fullgrave AH
 - Gilchrist R
 - Golden Mile Timber
 - Goldfields Boutique Timbers
 - Goldfields Wood Supply
 - Hall MA & LP
 - Ayers PNL & A
 - Hatfield RA
 - Heffernan MJ & DF
 - J A House Sawmilling & Grazing Pty Ltd
 - Inglewood Products Group
 - Jackson DC & DH
 - Jaken Contractors
 - Jarra Case Factory
 - Jarwood Supplies
 - Johnson D
 - Johnson T
 - Jones J E
 - Just Slabs

K & W Timber
 Kurrawong Aboriginal Christian Community Inc.
 L & H Firewood Supplies
 Lamb Enterprises
 Lee R
 Lewisaw Pty Ltd
 Lime Industries Pty Ltd
 Malatesta DM
 Mader K
 Mark R & Michael T
 Merenda Transport
 Middlesex Mill Pty Ltd
 Millwood Forest Products
 Mobility Milling
 Muller F & Co
 Murphy KL & G
 Native Hardwoods
 Nettleton B
 Nezic S & H
 North Walpole Sawmilling
 Owens BA & CA
 Payne C & Shuttleworth M
 Pepper AJ
 Pieri Timber Supplies
 Pitts & Aitken
 KD Power & Company
 Readhead O
 Reeve TG & MA
 Reid G I
 Richardson CM
 Ridolfo V & D
 Reigate Pty Ltd
 Riegert JD
 Rossi L
 Rowney CG & KL
 Roycroft K & C
 Russell CC & J
 Sarich C
 Saxon Holdings
 Simcoa Operations Pty Ltd
 South West Mobile Timber Mill
 SPD Wood Supplies
 Strawbridge PD
 Taylor B & PM
 Taylor BL
 Thomson C
 Tilbrook TM
 Timeless Timber Treasures
 Tough J
 Valck K
 WACAP
 Wadsworth PJ & MJ
 Wake & Beacham Sawmillers
 Wallbank C
 Walsh M
 Ward R
 Waugh Ray
 Waugh Ron & TJ
 White Bros
 Windfield I J
 Zanki I & G

- (b) FIFWA advises CALM the unit value of the FIFWA levy per tonne or cubic metre. The levy to be paid is calculated from the quantity of log timber purchased by the log buyer from CALM multiplied by the value of the log levy.
- (c) CALM invoices the log buyer as part of CALM's normal invoicing process dealing with log sales by CALM to log buyers.
- (d) At the end of each calendar month the total value of the levy collected by CALM is paid to FIFWA with advice detailing the amount paid by each log buyer for that month.

- (3) The value of the FIFWA log levy collected by CALM and paid to FIFWA is :

	\$
1991/92	189 556.40
1992/93	195 318.67
1993/94	224 706.69
1994/95	330 719.69
1995/96	365 959.35

PUBLIC SERVICE - AMALGAMATION OF DEPARTMENTS

Government Plans

237. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) Does the Government have plans or proposals to further cut the public sector by amalgamating existing departments and agencies to create super departments?
- (2) If so -
- (a) which departments or agencies are to be amalgamated;
- (b) over what period will these amalgamations occur; and
- (c) how many Government employees will lose their jobs as a result of these amalgamations?

Hon MAX EVANS replied:

- (1)-(2) The Government has no plans to cut the public sector through the creation of super departments as suggested in the member's question. The Government will, however, continue to review the structure of the public sector to improve efficiency and accountability and deliver the policy outcomes the Government was elected to achieve.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY - MOORA RESIDENTIAL COLLEGE

Government Plans

254. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

- (1) Does the Government intend to close down the Moora Residential College of the Country High School Hostels Authority?
- (2) If not, what are the Government's plans for the college?

Hon N.F. MOORE replied:

- (1) The Government has no intention of closing down the Moora Residential College.
- (2) As with all residential colleges under the Country High School Hostels Authority, the Government will not consider the closure of Moora Residential College until such time as demand for its services no longer justifies its existence.

ELECTORATE OFFICES - PERMANENT

Allocation

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

- (1) How many members of Parliament are still waiting for permanent electorate office accommodation?
- (2) Which members are waiting for permanent electorate office accommodation and which political party do they represent?

Hon N.F. MOORE replied:

- (1) 13.
- (2)
- | | |
|-----------------------|------------------------|
| Member for Midland | Australian Labor Party |
| Member for Willagee | Australian Labor Party |
| Member for Thornlie | Australian Labor Party |
| Member for Rockingham | Australian Labor Party |
| Member for Wanneroo | Liberal Party |
| Member for Joondalup | Liberal Party |

Member for Yokine	Liberal Party
Member for Ballajura	Liberal Party
Member for Mitchell	Liberal Party
Member for Carine	Liberal Party
Member for Southern River	Liberal Party
Member for Vasse	Liberal Party
Member for Ningaloo	Liberal Party

PLANNING - APPEAL

Shire of Capel - Lot 2, Allenville Road, Gelorup

278. Hon GEORGE CASH to the Attorney General representing the Minister for Planning:

- (1) Has the Minister for Planning recently considered an appeal against the Shire of Capel to refuse an application for planning consent to establish a sand and basalt quarry on Lot 2, Allenville Road, Gelorup?
- (2) What was the Minister's determination in respect of this matter?
- (3) What were the reasons for the Minister's determination?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The appeal was upheld subject to the imposition by the shire of appropriate conditions.
- (3)
 - (a) The reserve of basalt in this location has been identified by the Department of Minerals and Energy as a valuable basic raw material of premium quality which is easy to extract.
 - (b) There are already two basalt quarries operating on land almost immediately adjacent to the subject site and, therefore, the impact of extractive industry activity would not significantly affect the character of the area.
 - (c) The proposal had been evaluated by the Department of Environmental Protection as having no overall severe impact on the environment requiring formal assessment. The Minister for the Environment has set formal conditions for the operation of the quarry.

PLANNING - APPEAL

Shire of Capel - Lot 2, Allenville Road, Gelorup

279. Hon GEORGE CASH to the Attorney General representing the Minister for Planning:

- (1) Did the Shire of Capel advise that the external impact from the operation of a hard rock quarry at Lot 2, Allenville Road, Gelorup was unacceptable?
- (2) What were the reasons for the Shire of Capel's decision not to approve a sand and basalt quarry at Lot 2, Allenville Road, Gelorup?
- (3) Which elements or issues raised by the Shire of Capel were not accepted by the Minister for Planning?
- (4) For what reason were these elements or issues rejected?

Hon PETER FOSS replied:

- (1) Yes.
- (2)
 - (a) The external impacts of the operation of a hard rock quarry, even when managed within EPA and Department of Minerals and Energy guidelines, are unacceptable in this locality.
 - (b) The application of a 1 kilometre recommended buffer zone around the quarry will sterilise an unacceptably large area of adjoining land with identified long term urban and rural/residential potential.
 - (c) There are already existing dwellings within the 1 km buffer.
 - (d) The nature of the quarry activity is such that it limits the future usefulness of land to such an extent that it is neither sustainable nor acceptable in the long term.
 - (e) It is not possible to assess the impacts of the proposed sand removal due to the close relationship to the proposed removal of basalt.

- (3)-(4) The unacceptability of the proposed use was not quantified except that the use would affect the future use of land and established dwellings within the 1 km buffer zone. Those reasons were rejected on the basis that the basalt in this location is a premium quality resource not found in the same quality in the region with the same ease of extraction.

The sterilising impact of the 1 km buffer zone on surrounding land is already being experienced due to the existence of two other basalt quarries nearby and, similarly, established dwellings in the area are already affected by existing quarry operations.

PESTS - RATS

City of Wanneroo

280. Hon GEORGE CASH to the Minister for Transport representing the Minister for Local Government:

- (1) Has the City of Wanneroo received recent complaints concerning an influx of rats in the area generally bounded by Davallia Road, Berndale Way and Carnwrath Way, Duncraig?
- (2) Is the City of Wanneroo able to advise on the likely reasons for this increase in the rat population in this area?
- (3) What action is being taken by the City of Wanneroo to combat this matter?

Hon E.J. CHARLTON replied:

- (1) The City of Wanneroo reports that since April 1996 there have been seven complaints regarding rats in the Duncraig area.
- (2) The City of Wanneroo does not consider that there has been an increase in the rat population in the area.
- (3) The City of Wanneroo advises that the normal procedure for dealing with rodent complaints is that rodent baits are issued to the occupier and an environmental health officer or pest control officer visits the site of the complaint to give advice.

PORTS AND HARBOURS - EXMOUTH

Construction

285. Hon TOM STEPHENS to the Minister for Transport:

- (1) Has the management of the Exmouth boat harbour construction project been taken from the Department of Transport and contracted to the private sector?
- (2) If so -
 - (a) what prompted the Minister to do this; and
 - (b) what is the expected cost of this measure?

Hon E.J. CHARLTON replied:

- (1)-(2) The Department of Transport is still the agency responsible and the superintendent of the works. The department initiated the use of Kinhills to be employed for site supervision. This contract is for \$141 600 and will result in savings to the Department of Transport.

PORTS AND HARBOURS - EXMOUTH

Seismic Survey

286. Hon TOM STEPHENS to the Minister for Transport:

In relation to the Exmouth boat harbour project -

- (1) What was the total cost of the seismic survey done at the Exmouth quarry?
- (2) What area did that seismic survey cover -
 - (a) the initial Civcon quarry; and
 - (b) the extended Thiess quarry?

Hon E.J. CHARLTON replied:

- (1) \$3 672.56.

- (2) (a)-(b) There was a total of 327 metres of seismic line. Of this, 271 metres was within the original quarry boundary and 56 metres was within the quarry area that had been extended at Civcon's request.

PORTS AND HARBOURS - EXMOUTH

Consultants

287. Hon TOM STEPHENS to the Minister for Transport:

How much has the Department of Transport spent on consultants for work carried out on the quarry for the Exmouth boat harbour project from -

- (a) March 1, 1996 to August 20, 1996; and
(b) August 21, 1996 to January 31, 1997?

Hon E.J. CHARLTON replied:

- (a) March 1996 to August 1996 \$84 147.02
(b) September 1996 to January 1997 \$82 404.08

It should be noted that a significant portion of the cost after August 1996 related to dealing with claims from Civcon.

PORTS AND HARBOURS - EXMOUTH

Gazetted Quarry

288. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the Minister confirm that the department does not have a gazetted quarry in Exmouth?
(2) If so, when did the Minister and the department become aware of this fact?

Hon E.J. CHARLTON replied:

- (1)-(2) The quarry was established under the Public Works Act for the purposes of public works in a reserve vested in the Crown. As such a gazettal was not required.

PORTS AND HARBOURS - EXMOUTH

Quarry Boundary

289. Hon TOM STEPHENS to the Minister for Transport:

In relation to the Exmouth boat harbour project -

- (1) Did the department and/or its subcontractors stay within the amended quarry boundaries as submitted to the Environmental Protection Authority and approved after Civcon suspended works?
(2) If not, why not?

Hon E.J. CHARLTON replied:

- (1) Without approval from the department, the contractor moved outside the quarry boundaries due to a survey error and to provide access to the southern quarry face.
(2) The department is investigating this survey error.

NATIVE TITLE - ABORIGINAL LAND COUNCILS

Pastoral Industry

291. Hon P. SULC to the Leader of the House representing the Premier:

- (1) Is it correct that Aboriginal Land Councils in Western Australia offered to negotiate with the Government three years prior to the Wik High Court decision, on the matter of native title on crown owned leasehold lands?
(2) If so, why didn't the Government take up this offer and thereby prevent some of the uncertainty presently experienced by the pastoral industry?
(3) If not, why didn't the Government consider initiating these negotiations itself in an effort to prevent expensive litigation, as this issue was not dealt with in the Native Title Act 1993?

Hon N.F. MOORE replied:

- (1)-(3) The commonwealth Native Title Act 1993 was enacted on the premise that native title on pastoral leasehold land was extinguished. This understanding was expressed in the preamble to the Act. All governments, federal and state, operated on this understanding. Despite this, the Western Australian Government has been engaged with mediations under the Native Title Act since 1994 on all forms of tenure. The Western Australian Government has also been involved since 15 March 1995 in the future Acts regime of the Native Title Act on most forms of leasehold tenure.

TRANSPORT - DEPARTMENT

Revenues

292. Hon TOM STEPHENS to the Minister for Transport:

I refer the Minister to page 76 of the Department of Transport's Annual Report 1995/96, in which it states under Operating Revenues that Other Revenues have grown by \$49 828 000. Can the Minister detail what he can attribute this growth in revenue to and what constitutes "other revenues"?

Hon E.J. CHARLTON replied:

The growth in revenue is largely attributable to the Department of Transport assuming responsibility for driver licensing and vehicle registrations from August 1995. Growth has also occurred due to grants from the Commonwealth and the City of Perth for the establishment of the central area transit system. The "other revenues" item consists of the following -

	1995-96 (\$'000)
Grants and contributions	5 385
Sundry income collected	5 645
Motor vehicle recording fees	22 698
Motor vehicle transfer fees	4 879
Motor vehicle examination fees	3 218
Motor vehicle plate fees	3 514
Variation in inventory stocks	(55)
Motor vehicle other	362
Motor drivers application fees	3 168
Motor driver other	285
Recoups for services	5 619
Vehicle executive scheme	3
Off road vehicle trust revenue - 4WD	
Registration renewals	6
Vehicle plate fees	3
Total	54 730

TRANSPORT - DEPARTMENT

Operating Activities

293. Hon TOM STEPHENS to the Minister for Transport:

I refer the Minister to page 80 of the Department of Transport's Annual Report in which it states under 'Cash Flows from Operating Activities' that user charges and fees receipts have fallen by an amount of \$399 000 -

- (1) Is this a result of reduced patronage of the public transport system?
- (2) If so, does the Government attribute the decline in these receipts to a decline in the standard of public transport in this State?
- (3) Does the Government accept that this decline is contributing to further congestion on our roads system and thereby causing inconvenience to commuters?
- (4) If not, what does the Government attribute this decline in receipts to?

Hon E.J. CHARLTON replied:

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

- (4) The decline in receipts is attributable to the Department of Transport withdrawing from the provision of pilotage services at all locations except Broome and Wyndham. Private and port authority operators now make their own arrangements for pilotage services.

HERITAGE - REGISTER

Carnarvon One Mile Jetty

315. Hon TOM STEPHENS to the Attorney General representing the Minister for Heritage:

In light of the Carnarvon One Mile Jetty being placed on the State Register of Heritage Places -

- (1) Will the Minister for Heritage now reconsider his rejection of an application for funding to restore the jetty?
(2) If yes, when will funding be made available for restoration of the jetty?
(3) If not, why has the Minister rejected the application?

Hon PETER FOSS replied:

- (1) Under the grants administered by the Heritage Council of Western Australia, funding has not been rejected for the Carnarvon One Mile Jetty. In 1996 conservation incentives program funding was provided for the preparation of a conservation plan to guide the conservation of the jetty. Under the current grants administered by the Heritage Council of Western Australia, there is no funding application to be reconsidered.
(2)-(3) Not applicable.

LAND - TRANSFER OF LAND AMENDMENT ACT 1996

318. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Lands:

- (1) Is it the case that parts of the Transfer of Land Amendment Act 1996 are yet to come into operation?
(2) When will those parts of the Act come into operation?
(3) Why the delay to date?

Hon MAX EVANS replied:

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

PERTH MINT - JEWELLERY INDUSTRY

Competition

326. Hon TOM STEPHENS to the Minister for Finance representing the Treasurer:

- (1) Is the State Government aware of industry concerns that the Mint has moved into direct competition with the jewellery industry that is owned and operated by private citizens of Western Australia?
(2) On what basis has the Mint moved into such direct competition?
(3) Will the State Government accede to industry requests and ensure that the Mint moves away from competing in the jewellery industry?
(4) If not, why not?

Hon MAX EVANS replied:

- (1) The Treasurer is aware of concerns expressed by some members of the WA jewellery industry over the role of the Perth Mint Shop. However, he believes those concerns are misplaced.
(2) The Perth Mint does not consider that it has moved into direct competition because -
It services a market created when people inspect the Mint's activities.
The Perth Mint supports a growing number of local jewellers who produce jewellery for sale at the Perth Mint Shop.

- (3)-(4) The State Government will continue to encourage the Perth Mint to add value to Australian gold and encourage consumer demand for Australian gold products. The Government is also aware that many local jewellery retailers depend upon manufactured jewellery imported from overseas.

LOCAL GOVERNMENT - CARNARVON SHIRE COUNCIL

Security - Private Firms

327. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Is the Minister for Local Government aware of the proposed working party to be established by the Carnarvon Shire Council to investigate the feasibility of paying a private security firm to provide an all night security patrol for the town?
- (2) Does the Government support the concept of the shire council paying a private security firm to provide an all night security patrol for the town?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) The Local Government Act 1995 allows, in certain circumstances, for such a proposal to be undertaken. Recently the City of Bayswater began a similar exercise.

HOSPITALS - MANDURAH

Nursing Staff

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

- (1) Can the Minister for Health assure the House that all nursing staff currently employed at the Mandurah Hospital will be offered employment at their current level and status at the new Mandurah Hospital?
- (2) If no, can the Minister explain the staffing arrangements with regard to the nursing staff at the new hospital?

Hon MAX EVANS replied:

- (1)-(2) Should the Health Services contract with Health Solutions be effected all permanent part and full time nursing staff at Mandurah Hospital will be offered employment by Health Solutions. Positions for transfer will be offered on a like to like basis as outlined in the Peel Health Services human resource plan. A direct transfer will result to a position that has at least 50 per cent likeness to the staff member's current position's major functions and responsibilities. Nursing staff, should they elect to transfer, will do so at their current level; however, they may apply for promotional positions where they become available and via normal selection and recruitment processes.

HOSPITALS - BUNBURY REGIONAL

Nursing Staff

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

- (1) Can the Minister for Health assure the House that all nursing staff currently employed at the Bunbury Regional Hospital will be offered employment at their current level and status at the new Bunbury Hospital?
- (2) If no, can the Minister explain the staffing arrangements with regard to the nursing staff at the new hospital?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.

NURSING HOMES - BUNBURY

Respite Beds - Forrest Lodge

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

- (1) Can the Minister for Health inform the House how many respite nursing beds are available at Forrest Lodge in Bunbury?
- (2) Apart from Forrest Lodge are there any other nursing respite beds available to public patients in Bunbury?

- (3) If yes to (2) above, where are they located and how many are available to public patients?

Hon MAX EVANS replied:

- (1) Forrest Lodge has been approved for three respite nursing beds. Respite is provided on an as needs basis and at present one bed is occupied by respite care.
- (2) There are no other nursing home respite beds in Bunbury. However, respite care is available through hostels.
- (3) Wattle Hill Lodge, Ocean Star Hostel and Tuia Lodge, Donnybrook, offer respite accommodation. All nursing homes are eligible for offering respite accommodation to the community.

CONSUMER AFFAIRS - PROSSER POWER

Complaints

342. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Fair Trading:

How many complaints has the ministry received against the firm Prosser Power over the past three years?

Hon MAX EVANS replied:

Thirteen.

CONSUMER AFFAIRS - SUBIACO COMPUTER WAREHOUSE

Complaints

343. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Fair Trading:

How many complaints has the ministry received against the Subiaco Computer Warehouse in the past two years?

Hon MAX EVANS replied:

Eighty-seven.

AIRSTRIP - MUNJINA

Maintenance

347. Hon MARK NEVILL to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the Munjina airstrip about three kilometres west of the Auski Roadhouse in the Fortescue Valley -

- (1) Who is responsible for maintenance of the airstrip?
- (2) Who is in charge of the airstrip?
- (3) Who is responsible for airstrip inspections?
- (4) Who is in charge of emergency lighting at the airstrip?
- (5) What training has the person in charge of the airstrip received?

Hon N.F. MOORE replied:

- (1) The Munjina airstrip was constructed by the State Government as an emergency landing ground. The Department of Transport has yet to resolve ongoing maintenance of the airstrip.
- (2) The airstrip is owned by the State Government.
- (3) The airstrip does not require regular inspections. Use of the airstrip is at the discretion of pilots wishing to use it.
- (4) The Manager of the Auski Roadhouse has delegated authority to put lighting out when required.
- (5) Some on-site advice has been issued to the Manager of the Auski Roadhouse by the Royal Flying Doctor Service.

AIRSTRIP - MUNJINA

Costs

348. Hon MARK NEVILL to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the Munjina airstrip about three kilometres west of the Auski Roadhouse in the Fortescue Valley -

- (1) What was the capital cost of the runway and ancillary works and equipment?
- (2) What maintenance costs have been incurred since the construction of the airstrip and what is the breakdown of these maintenance costs?

Hon N.F. MOORE replied:

- (1) \$305 295.
- (2) Nil.

AIRSTRIP - MUNJINA

Emergency Lighting

349. Hon MARK NEVILL to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the Munjina airstrip about three kilometres west of the Auski Roadhouse in the Fortescue Valley -

- (1) What form of emergency lighting has been provided for the airstrip?
- (2) Who is responsible for ensuring the lighting is maintained?
- (3) Are all the emergency lights in operating condition as at March 28, 1997?

Hon N.F. MOORE replied:

- (1) Portable battery operated runway lighting - ELF/80.
- (2) The Manager, Auski Roadhouse has the authority to use the lighting.
- (3) When last used in February 1997 all lights were found to be in working order.

AIRSTRIP - MUNJINA

Creek Diversion

350. Hon MARK NEVILL to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the Munjina airstrip about three kilometres west of the Auski Roadhouse in the Fortescue Valley -

- (1) What work is planned to be undertaken to divert the creek at the eastern end of the airstrip?
- (2) Does the Government consider that creek is in a dangerous position in relation to the airstrip?
- (3) What inspections have been done after the recent heavy rains in the area?
- (4) Who is responsible for those inspections?
- (5) What expertise has that person to undertake inspections?

Hon N.F. MOORE replied:

- (1) None.
- (2) No.
- (3) Inspections of the airstrip are often made by staff from the Auski Roadhouse prior to aircraft landings. No concerns with the condition of the airstrip have been reported.
- (4) There is no formal responsibility assigned.
- (5) Not applicable.

AIRSTRIP - MUNJINA

Inspections - Mr Frank Timewell

351. Hon MARK NEVILL to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the Munjina airstrip about three kilometres west of the Auski Roadhouse in the Fortescue Valley -

- (1) Has Mr Frank Timewell, the former unpaid caretaker of the Wittenoom airstrip, been involved in any work or inspection associated with the airstrip?
- (2) If yes, how much has he been paid?

Hon N.F. MOORE replied:

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

MINING - TENEMENTS

Local Government Rating

353. Hon MARK NEVILL to the Minister for Transport representing the Minister for Local Government:

In respect to mining tenements which cross local government boundaries -

- (1) How are councils required to rate each type of mining tenement?
- (2) Do councils have a uniform approach to the rating of such tenements?

Hon E.J. CHARLTON replied:

- (1) The Valuer General provides a separate rating valuation to each local government for the portion of land in each local government area. The local government then applies its rate in the dollar to the valuation. Often the valuation is so low that the minimum rate takes effect.
- (2) No. Rates in the dollar may vary and the minimum rate may vary.

LOCAL GOVERNMENT ACT 1995 - AMENDMENT

Road Making Material

355. Hon MARK NEVILL to the Minister for Transport representing the Minister for Local Government:

Does the State Government intend to amend the Local Government Act 1995 to give local government the power equivalent to the Main Roads Department of Western Australia in respect of the taking of road making material from private property, crown land and mining tenements?

Hon E.J. CHARLTON replied:

Not at this time. The Local Government Act 1995 provides for local government to enter land that is not owned by the local government to remove materials - schedule 3.2 - subject to some exclusions - section 3.27. Compensation may be payable to landowners under section 3.22.

HOSPITALS - ROSTERING SYSTEM

ROSTAR - Instigators

359. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 204 relating to the ROSTAR system -

- (1) Are the people who recommended that use of the ROSTAR system still working for the Health Department of Western Australia?
- (2) Who within the Health Department of Western Australia recommended the use and development of ROSTAR?

Hon MAX EVANS replied:

- (1)-(2) Many people have been involved in the recommendations and decisions regarding the development and use of the ROSTAR system. Rostering functionality was originally specified as part of the design of a human resources information system approved in 1992. None of the bidders for this system was able to satisfy the specified rostering requirements and development of a separate but integrated rostering system was commissioned. Following approval by the then Department of State Services, tenders were called in 1994 and a contract with Ferntree Computer Corporation to develop the ROSTAR system was concluded in early 1995. Some of the people involved in these processes are still working for the Health Department of Western Australia, or the wider health system, and some are not. It would be neither practicable nor appropriate to identify all those individuals involved.

QUESTIONS WITHOUT NOTICE

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - CROWN LAW DEPARTMENT

Advice

222. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:

I refer to the comments of the Minister for Labour Relations yesterday that he was in receipt of advice from the Crown Law Department that the Labour Relations Legislation Amendment Bill was in breach of Australia's international treaty or convention obligations.

- (1) Will the Minister table that advice from the Crown Law Department?
- (2) If not, why not?
- (3) Will the Minister, at least, make available a summary of the Crown Law advice to the Parliament in fulfilment of undertakings given to the Opposition?
- (4) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) The basis of the question is not correct. The Minister for Labour Relations has not made such comments.
- (3) A summary of advice received on International Labour Organisation conventions has been provided to the Opposition spokesperson on industrial relations.
- (4) Not applicable.

INDUSTRIAL RELATIONS LEGISLATION - NEW

Cabinet Approval

223. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:

- (1) What are the two further pieces of labour relations legislation the Minister intends to introduce to Parliament shortly?
- (2) Specifically what is the name and the purpose of each of these proposed Bills?
- (3) Has the Cabinet given approval for the general principles and drafting instructions for this legislation?
- (4) If so, when was Cabinet approval given?
- (5) When were the drafting instructions relayed to parliamentary counsel?
- (6) When does the Government intend to introduce these Bills to Parliament?

Hon PETER FOSS replied:

- (1)-(6) I thank the member for some notice of this question. As some of the information will take some time to collate, I ask that the question be placed on notice.

LAND - PORT KENNEDY

*Financing***224. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:**

I refer the Attorney General to the statement by the former Minister for Planning, Richard Lewis, in the Legislative Assembly on 30 March 1994 in which he said that the Port Kennedy Development Agreement Act states in clear terms that the whole of the proposition shall be presented to the Government for approval, and the bona fides and the ability of the proponents to finance the proposition must be placed on the table for all to see and for the Government to approve. The current Minister for Planning, in answer to question on notice 56 of 1997, has stated that the developers of Port Kennedy have furnished the Minister with evidence demonstrating the availability of finance necessary for the carrying out and completion of the whole project, and I ask -

(1) Will he now table the documentation for all to see?

(2) If not, why not?

Hon PETER FOSS replied:

(1)-(2) I thank the member for some notice of this question. As the response could not be provided in the time available, I ask the member to place the question on notice.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - ADVERTISING CAMPAIGN

*Cost***225. Hon P. SULC to the Attorney General representing the Minister for Labour Relations:**

(1) How much money has the Government spent on advertising the benefits of the Labour Relations Legislation Amendment Bill?

(2) What costs were incurred during preproduction of, firstly, the newspaper advertisements; secondly, the television advertisements; and thirdly, the radio advertisements?

(3) Who received the contract for the preparation of firstly, the newspaper advertisements; secondly, the television advertisements; and thirdly, the radio advertisements?

(4) What remuneration did these recipients obtain, or has been pledged to them, for this contract?

(5) What is the total budgeted cost for this campaign?

(6) What is the total budgeted cost for firstly, the newspaper advertisements; secondly, the television advertisements; and thirdly, the radio advertisements?

Hon PETER FOSS replied:

It can probably be gathered by the rather compendious nature of this question that it will take some time to assemble an answer to it, and I ask that it be placed on notice.

TOURISM - ELLE RACING

*Initial Discussions***226. Hon TOM STEPHENS to the Minister for Tourism:**

With regard to the Elle project -

(1) When was the proposal first discussed with the Western Australian Tourism Commission?

(2) Who initiated the discussion?

(3) When did the proposal first come to the Minister's attention?

(4) Was the proposal presented to the Premier before it came to the Minister for Tourism?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) EventsCorp's Whitbread office sent a letter to John Harvey in June 1996 congratulating him on the Elle Racing team's entry in the Whitbread round the world race 1997. As a result of that letter, discussions ensued between Harvey and EventsCorp.
- (2) As a result of that letter in June 1996, an initial proposal was discussed by John Harvey.
- (3) The first proposal came in August 1996.
- (4) A presentation was made to me on 22 August 1996, and a presentation was made to the Premier and me on 23 August.

TRANSPORT - CONCESSIONAL FARES

Change

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

On what basis does the Minister justify an increase of 150 per cent in public transport fares for pensioners, disabled workers and students in the Mandurah region, by virtue of the ban on the use of concessional multirider tickets before 9.00 am?

Hon E.J. CHARLTON replied:

The change to the 9.00 am use of concessional fares was to bring those fares into line with the standard fare which could not be used before that time. Because of this anomaly, it is inaccurate to suggest an increase of this order in these fares. There has been a significant demand for increased services which we are providing and will continue to provide, particularly in the Mandurah area. To cater for this, an express bus service has been provided. That service has been increased and changes have also been made to the scheduling of bus services in the Rockingham-Kwinana areas. Given that we want to do those things, it does not seem logical to allow an all-day ticket to be used prior to 9.00 am by those who do not have a requirement to travel in that peak time.

Hon J.A. Cowdell: But many do.

Hon E.J. CHARLTON: We have given those people an opportunity to continue to use an all-day ticket after 9.00 am on a concessional basis at a cost of \$2.50. Some people who need to travel to medical centres to attend nine o'clock appointments have told us that on many occasions they have waited for hours before their appointments are attended. This demonstrates a problem with the system of scheduling those hospital appointments.

Hon J.A. Cowdell: What about the students? They don't fall into that category.

Hon E.J. CHARLTON: I will come to them in a moment. I am talking about the elderly now; I am sure the member is interested in them, too. That time is not very far away for him. I am getting very close to it, myself, and I am very interested in it.

Hon Cheryl Davenport: Aren't we all.

Hon E.J. CHARLTON: I have spoken to the Minister for Health about the hospitals scheduling appointments in a standard way for 9.00 am, and perhaps arranging them for a later time so that people can avoid travelling at peak times in the morning.

Students who travel between zones 1 and 5, inclusive, do not suffer any financial impediments as a result of the change. The great majority of students travel within a maximum of four zones and, therefore, are not affected by the change. We will look at the response from children and students who are travelling up to eight zones to see whether any other measures can be put in place.

PORT KENNEDY RESORT - COMPLIANCE AND PROJECT REPORTS

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

- (1) Have the developers of the Port Kennedy resort submitted their compliance and project report to the Department of Environmental Protection for the years 1995 and 1996?
- (2) If not, why not?
- (3) If not, when are they expected to?
- (4) Are the developers obliged to submit these reports; if so, what actions can be taken to ensure compliance?
- (5) What actions does the DEP intend to take?

(6) If none, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) The development phase of the Port Kennedy regional recreational centre commenced in 1995. Port Kennedy Resorts Pty Ltd was required to submit a progress and compliance report in the second half of 1996. However, it requested a deferment of this report to resolve items related to implementation of one of the conditions.
- (3) The 1996 report is expected to be submitted within the next month.
- (4) Port Kennedy Resorts Pty Ltd is required to prepare periodic progress and compliance reports in consultation with the Department of Environmental Protection. Where a project is considered to be in non-compliance I can take action under section 48 of the Environmental Act.

ELLE COMMERCIALS - COST

229. Hon TOM STEPHENS to the Minister for Tourism:

What was the total cost incurred by the Government in making the Elle commercials?

Hon N.F. MOORE replied:

I indicated in response to similar questions a little time ago that I would be making a statement to the House on the total cost. I regret that it has taken longer than anticipated but the House has not been sitting for the past two weeks. The statement will be delivered either this week or next week and will contain all the details that anybody might want to know.

GOLD ROYALTY - OUNCES EXEMPT, AND LIABLE FOR ROYALTY

230. Hon MARK NEVILL to the Minister for Mines:

I refer to the proposed gold royalty announced in the recent Budget.

- (1) How many ounces of production in total does the State Government expect will be exempt from the new state royalty?
- (2) On how many ounces of production in the six months from 1 January 1998 to 30 June 1998 does the State Government expect the royalty to be paid?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) It is expected that 150 000 ounces of gold per annum will be exempt from the new state royalty, using the 1 000 ounce exemption level as estimated in the state budget papers.
- (2) Using the budget proposals, it is estimated that 3.25 million ounces will be liable for royalty in the six months from 1 January 1998 to 30 June 1998.

ELLE RACING PTY LTD - YACHT

Construction

231. Hon TOM STEPHENS to the Minister for Tourism:

The question refers to John Harvey of Elle Racing Pty Ltd. If the Minister tells me that the same answer applies and that the information will be contained in a statement, I will desist. However, I will press on until I have a signal from the Minister.

- (1) When did the Minister last receive information on the progress in construction of the Elle racing yacht?
- (2) Is construction currently in progress?
- (3) When does the Minister expect to see the completed yacht arrive in Western Australia?

Hon N.F. MOORE replied:

I have a large number of questions from the Leader of the Opposition and it takes some time to find them.

Hon Tom Stephens: I am sorry to trouble you.

Hon N.F. MOORE: Perhaps he might do something about it in the future. Forty-four questions every day are impossible to deal with. I thank the member for some notice of this question.

- (1) The last formal briefing was held on 3 April of this year but I have been informally kept aware of what has been happening since then.
- (2) Yes, to my knowledge.
- (3) I do not know at this time.

ROADS - KWINANA FREEWAY

Extension to Folly Road

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

- (1) What is the Government's timetable for -
 - (a) the extension of the Kwinana Freeway to Folly Road?
 - (b) the extension of the Kwinana Freeway from Folly Road to Pinjarra Road?
- (2) What funds have been budgeted in the forward estimates for the freeway extension?
- (3) Has the Government sought federal assistance, in the form of funds from the roads of national importance program, for the Kwinana Freeway?
- (4) If yes, with what result?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) (a) Work on the section from Thomas Road to Folly Road is scheduled to commence in four years.
(b) Folly Road southwards is not currently funded.
- (2) Thirty-nine million dollars has been included in Main Roads' program for the extension to Folly Road.
- (3) Yes.
- (4) The submission to fund the extension of the Kwinana Freeway was not successful.

The extension of the Kwinana Freeway is a very serious issue. Its construction time should be brought forward. The Narrows Bridge should be widened to meet the increased demand from traffic moving along the freeway. The member will be aware that the councils of Gosnells, Armadale and Serpentine-Jarrahdale have met me on a number of occasions and have put a very strong case that Tonkin Highway should also be extended south, well past Armadale, to ensure that through traffic is not going down Albany Highway through Armadale. Brookton Highway, Albany Highway and the South West Highway should be linked and should intersect with an extension of Tonkin Highway, which would enable all the heavy haulage supplying services to the south and east of the State to be put in the escarpment somewhere to enable the movement of increasing traffic in a developing area.

Hon J.A. Cowdell: Which year is the proposed construction?

Hon E.J. CHARLTON: The extension of the freeway is scheduled for four years' time. The communities in the area are quite rightly pointing out to the Government that they do not think they can wait that long. We must try to work out how to deal with that issue as well as the many other issues coming forward.

WHITBREAD ROUND THE WORLD YACHT RACE - FREMANTLE STOPOVER

233. Hon TOM STEPHENS to the Minister for Tourism:

The Western Australian Tourism Commission and the Minister have claimed that they have been informed that the Whitbread round the world race will bypass Fremantle unless there is an Australian entrant in the race.

- (1) Will the Minister table the correspondence from the Whitbread organisers which explains this condition?
- (2) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) There is no correspondence. However, during the hosting of the previous Whitbread round the world race, and in particular during a bid presentation to the race management for the 1997-98 race to again allocate Fremantle as a host port, it was put to the Western Australian Tourism Commission by race management that if Australia did not field an entrant in the next event, it was likely the next race would bypass Fremantle. Whitbread's primary reason for this was the lack of national media coverage received in Australia because of the fact there was no local entrant to follow.

POLICE - PINJARRA**234. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:**

- (1) Is the Minister aware of the concerns of the Murray Districts Business Association in respect of the adequacy of the police services in Pinjarra?
- (2) Does the Minister concede that the effective presence of five officers in Pinjarra is detrimental to the safety of the community and places an unrealistic workload on the existing officers?
- (3) Will the Minister ensure that funding is available to provide additional officers for a daily afternoon patrol and a regular night patrol on Thursday, Friday and Saturday nights?
- (4) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(4) The Commissioner of Police, who is responsible for the deployment of police resources throughout Western Australia, has advised me that a comprehensive review of policing requirements in the Mandurah-Pinjarra area was instigated recently by the Southern Regional Commander, Assistant Commissioner Porter. This review is being undertaken to establish the appropriateness of current resourcing in the area together with requirements for the foreseeable future. Input to the review will be sought from relevant stakeholders, such as the Murray Districts Business Association, by the review team during the course of the review. In the interim the police district officer at Bunbury is addressing any immediate requirements which will be resourced from within the Bunbury district.

HARVEY, MR JOHN - ELLE RACING PTY LTD*Financial Checks***235. Hon TOM STEPHENS to the Minister for Tourism:**

I refer the Minister to his answer to question without notice 201. The Minister appears to have misread the question, which quite specifically referred to checks on the financial background of Mr Harvey of Elle Racing Pty Ltd.

- (1) Did EventsCorp carry out a preliminary check on Mr Harvey's financial background?
- (2) If yes, what did this check entail?
- (3) Did the check include obtaining information available through the Australian Securities Commission?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) As previously advised EventsCorp did make checks on Mr John Harvey; however, it did not undertake a specific financial background check. Rather it sent a senior officer to New York for discussions with Elle Macpherson's management to be satisfied of her support for Elle Racing Pty Ltd. In addition to the above, EventsCorp spoke at length with the skipper of the syndicate, Ms Adrienne Cahalan, and Mr Ian Bailey-Wilmot, the chief executive of the Whitbread round the world yacht race, as to the viability, structure and likely success of the Elle Racing syndicate. EventsCorp was also aware that Mr Harvey was involved in the *One Australia* America's Cup challenge. As I have already said, a number of other parties were consulted as to the sponsorship potential of the syndicate.

(2)-(3) Not applicable.

POLICE - OFFICERS

Compensation for Injury

236. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

- (1) Given that police officers are not covered by the Workers' Compensation and Rehabilitation Act, what provision is there for the payment of hospital and medical expenses and compensation to an officer who is injured in the line of duty?
- (2) Is the continued provision of medical and/or compensation payments affected if an officer so injured ceases to be a serving member of the force?
- (3) If yes, what alternative forms of support are available for an injured officer?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Regulation 1306 of the Police Force Regulations 1979 provides that the Commissioner of Police shall pay the reasonable medical and hospital expenses incurred by a member as a result of illness or injury arising out of or in the course of the member's duties or suffered by him in the course of travel to or from a place of duty.

Provisions similar to those in the Police Force Regulations 1979 are also incorporated in the West Australian Police Service Industrial Agreement for Police Act Employees 1996 which applies in lieu of the Police Award 1965. There is no provision for payment of compensation; however, requests of this nature are examined by the Commissioner of Police on an individual case by case basis and, where appropriate, approval is sought from the Minister for Police for assistance by way of an act of grace payment.
- (2) Yes.
- (3) The retired member enters either the private or public health systems. However, Police Legacy - where assistance is given to surviving spouses/de factos and dependants generally in cases of the death of a member but more recently to living members - and the Police Family Advisory Council may provide support on a case by case basis through contributions offered by their membership.

NORTH WEST CAPE - LIMESTONE MINE AND BOREFIELD EXTENSION

Environmental Protection Authority Approval

237. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

I refer the Minister to reports in *The Northern Guardian* relating to the Environmental Protection Authority's decision to approve a limestone mine and borefield extension in the North West Cape.

- (1) When will the karst report be released?
- (2) Was the decision to allow a limestone mine and extension to the Exmouth water supply borefield taken after consideration of that report?
- (3) If not, why not?
- (4) If so, why has the report not been released?
- (5) Is it appropriate for development to be approved prior to the finalisation of that report?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1),(4) The Environmental Protection Authority has not released the karst report in its current form because legal advice indicated that some of the author's original comments were potentially defamatory. The Department of Environmental Protection, on behalf of the EPA, is in the process of resolving these issues in consultation

with the report's author before the report is released to the public. When the work is complete the report will be released.

- (2)-(3) Yes. The EPA had access to the karst report and peer review documents when preparing its recommendations and advice on the limestone mine and extension to the Exmouth water supply borefield .
- (5) The approval of development prior to the finalisation of the karst report can be considered appropriate given that the EPA had access to the karst report and peer review documents when preparing its recommendations and advice. It is also appropriate to point out that this report combines existing knowledge with karst expertise of the author and will not be a policy document in itself.

TOURISM - ELLE RACING

Contracts

238. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Can the Minister confirm that a representative of the Government recently flew interstate to discuss or examine the contracts between the Western Australian Tourism Commission and EventsCorp and John Harvey of Elle Racing Pty Ltd?
- (2) If yes, who was this representative, and what were his qualifications to represent the Government?
- (3) Under whose authority did the representative make the trip?
- (4) Was the representative satisfied that all sections of the contract were being complied with?
- (5) If no to (4), what contractual obligations are not being complied with?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I have been provided with a response by the Tourism Commission, but it is incomplete and I do not propose to provide the answer until I have had a chance to talk to EventsCorp.

Hon Tom Stephens: I will take an incomplete answer as opposed to none.

Hon N.F. MOORE: I suggest that the member place the question on notice or ask me tomorrow.

ENVIRONMENTAL PROTECTION AUTHORITY - EXMOUTH CAPE RANGE REGION

Development Policy

239. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

- (1) Does the Environmental Protection Authority intend to develop a policy on development within the Exmouth Cape Range region?
- (2) If so, when will this be finalised?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes, the EPA is developing policies to guide the planning and environmental management of development of the Exmouth Cape Range region on a bioregional basis including adjacent and marine waters.
- (2) The first of the policies is being prepared and will be finalised as soon as possible after appropriate stakeholder consultation.

TOURISM - ELLE RACING

Contracts

240. Hon TOM STEPHENS to the Minister for Tourism:

With regard to the 28 or so documents that make up the contracts connected with the Elle project -

- (1) Which government departments and agencies were involved in the framing of these documents?
- (2) (a) How many contracts exist between the Government and Elle Racing Pty Ltd?

- (b) Who are signatories?
- (c) What is the total value of each contract?

I would accept an incomplete answer, or any sort of answer.

Hon N.F. MOORE replied:

The honourable gentleman has today asked something like 30 questions of one agency.

Hon Tom Stephens: And you have not provided any answers.

Hon N.F. MOORE: I have answered all except one. It is time Hon Tom Stephens was a little bit grateful that he gets that kind of service in this place.

Hon Tom Stephens: Now I should be a little bit grateful!

Hon N.F. MOORE: The member should be a little grateful because people go to a lot of trouble to make sure the answers are here on the day that the member asks the questions. However, if the member asks that many questions it is physically impossible to answer them all. If an answer comes to me that is not complete I will not give it, because I have an obligation to provide a complete answer.

On this question, I thank the member for some notice, albeit limited.

- (1) Crown Solicitor's Office.
- (2)
 - (a) One contract between the WATC and Elle Racing Pty Ltd.
 - (b) John Harvey and R. Dixon signed for Elle Racing Pty Ltd; and Kevin Carton and Shane Crockett signed for the WATC.
 - (c) Pursuant to the agreement a sum of \$1m is payable.

TRANSPORT - BUS

Perth-Murdoch University

241. Hon TOM STEPHENS to the Minister for Transport:

- (1) Is the Minister aware of the inadequacy of the bus service to Murdoch University from the MetroBus station in Perth and in particular that -
 - (a) buses do not run after 6.00 pm even though classes continue until after 8.00 pm;
 - (b) the buses are unreliable. They are often late causing students to miss lectures and connecting buses;
 - (c) the number of buses provided in the morning is insufficient and each day students are denied entry on the buses; and
 - (d) the bus services are non-existent on public holidays even though on many of these days the university is still operational?
- (2) Can the Minister advise how many students use the Perth to Murdoch bus each day?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. He will get a complete and accurate answer, which will be quite different from the question.

- (1)
 - (a) During the daytime when the passenger demand is highest Transperth provides an express bus service. Route 185 operates between Perth City busport and Murdoch University. The frequency of this service is every 15 minutes during the morning and afternoon peak times and every 30 minutes between the peak periods. After 6.00 pm route 196 deviates to the Murdoch campus en route to Booragoon bus station where a connecting bus service, route 105, provides the link to the city. The frequency of this service, though not as high as provided during the day, is consistent with Transperth's evening services throughout the metropolitan network. This service is available throughout the evening until after 9.00 pm.
 - (b) The 185, 105 and 196 services are operated by MetroBus and Swan Transit, and the Department of Transport's view is that the service reliability and connections with other links have been consistently

good. Transperth has not received any indication from passengers that the services or connections are untimely.

- (c) The level of service that was previously provided by the 185 route by MetroBus has been significantly upgraded in both frequency of service and bus carrying capacities. No instances have been reported by either passengers or service operators where passengers have been denied entry to the buses.
 - (d) Service levels provided on public holidays throughout the Transperth network are reduced and conform with the service levels provided by the system on Sundays. This longstanding practice is currently the subject of review by the Department of Transport.
- (2) The level of student patronage on the Perth to Murdoch service cannot readily be provided at short notice with accuracy. The department will provide the member with details within a fortnight.

TOURISM COMMISSION - ELLE CAMPAIGN

Advertisements - Jobs Shed

242. Hon TOM STEPHENS to the Minister for Tourism:

The West Australian of 10 April 1997 claimed that the Chairman of the Western Australian Tourism Commission, Kevin Carton, said the commission had shed jobs to pay for the Elle advertisements.

- (1) Is this the case; if so, which jobs and what were the public service pay levels of those jobs?
- (2) How many staff were employed by the WATC on 1 January 1996, 1 January 1997 and 28 April 1997?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The chairman's speech referred to organisational restructures within the commission undertaken in 1996 which resulted in additional resources being channelled into marketing activities generally. The production of promotional commercials is but one aspect of the commission's marketing activities. Thus the reallocation of staffing resources from, say, a corporate service function to undertake a marketing function has ensured a greater emphasis on the core business of the commission. The general shift of resources towards marketing was a strategic decision which emphasised that the commission is essentially a marketing organisation which promotes Western Australia as a tourist destination. The FTE allowance for the commission from January 1996 to the present is basically unchanged. Details are provided below.
- (2) The WATC staff employed at the nominated dates are as follows -
 - (a) 1 January 1996 - 144.75 FTEs
 - (b) 1 January 1997 - 143.75 FTEs
 - (c) 28 April 1997 - 144.95 FTEs.

The approved FTE staffing level is 146.25 FTEs.
