



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

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LEGISLATIVE ASSEMBLY ESTIMATES COMMITTEE A

Friday, 29 May 1998

Legislative Assembly

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ESTIMATES COMMITTEE A

The meeting commenced at 9.00 am.

THE CHAIRMAN (Mr Baker): This Estimates Committee will be reported by Hansard and a proof document will be made available to the committee clerk progressively throughout the day. The daily *Hansard* will be available the following morning. I caution members that if the Speaker asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office; only supplementary information which the Speaker agrees to provide will be sought within one week.

It will also greatly assist Hansard if, when referring to the Budget Statements or the consolidated fund estimates, members give the page number, item, program and amount in preface to their question.

As has been the practice of previous Estimates Committees, members should not raise matters of general concern which do not have an item of expenditure in the consolidated fund. The Estimates Committee's consideration of the consolidated fund estimates of expenditure will be restricted to discussion on those items for which a vote of money is proposed. I remind members that we are dealing with the estimates of expenditure, and that should be the prime focus of this committee.

While there is scope for members to examine many matters, they must be clearly related to matters of expenditure. For example, members are free to pursue performance indicators which are included in the Budget Statements while there remains a clear link between the question and the estimates. It will assist in the committee's examination if questions and answers can be kept brief without unnecessarily omitting material information. It is the intention of the Chairman to ensure that as many questions as possible are asked and answered, and that both questions and answers are short and to the point.

The Speaker may agree to provide supplementary information to the committee, rather than ask that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the Speaker to clearly indicate to the committee which supplementary information he agrees to provide. Details in relation to supplementary information have been provided to both members and advisers and, accordingly, I ask the Speaker to cooperate with those requirements.

Division 1: Parliament, \$24 918 000 -

[Mr Baker, Chairman.]

[Mr Strickland, Speaker of the Legislative Assembly.]

[Mr G.W. Davy, Executive Manager, Parliamentary Services.]

[Mr P.J. McHugh, Clerk of the Legislative Assembly.]

[Mr D.K. Carpenter, Deputy Clerk of the Legislative Assembly.]

[Ms J.A. Ballantyne, Manager, Parliamentary Library and Information Services.]

[Mr V. Pacecca, Manager, Building Services.]

[Mr N. Burrell, Editor, Parliamentary Debates.]

[Mr E. Schijf, Manager, Catering Services.]

[Mr R. Lewis, Manager, Information and Communication Systems.]

[Mr R. Hunter, Manager, Human Resources.]

THE SPEAKER: The total budget for Parliament is approximately \$25m. Of that amount, \$6.5m funds the Legislative Council, which is a matter for the President of the Legislative Council, \$10.25m funds the Legislative Assembly and \$8m funds Joint Services.

Of the \$10.25m funding for the Legislative Assembly, \$8m is for members' salaries and allowances. The Legislative Assembly department operates on \$2.25m of which more than \$1m funds the staffing and operations of parliamentary committees.

Members know that there has been a reorganisation of the administration of Parliament, combining the joint services and their funding into the Parliamentary Services Department. The principal aims of the reorganisation are to improve efficiency, increase expertise in several areas, provide a better coordination of ancillary services and focus ancillary services more directly towards the Houses, committees and members. As well as appointing Mr Davy as the new head of that department, we have appointed a Human Resources Manager and a new Catering Services Manager. For the time being, there will be an increase in staff but that will settle down as the reorganisation takes full effect and natural attrition settles staff numbers a little, although I anticipate a small overall increase in staff in the future.

Both the President and I are determined to effect changes for the better in Parliament and there are some short and long term goals. In the short term, changes will be made to the accommodation of staff and members of Parliament, with some staff being moved offsite and a reorganisation of members of Parliament to reduce the overcrowding which now exists. This will involve the relocation of the finance and computer sections to Dumas House, the establishment of a committee room close to the Chamber and the south entrance and later, the moving of Hansard to the upstairs select committee room in Parliament House.

The money required to do this does not appear in the Budget directly but will be provided in part from the Treasurer's advance account, the Government Property Office and, to some extent, internal reallocations. The President and I are extremely keen to see the provision of significant additional accommodation and appropriate renovations within the whole of Parliament House and have discussed this need with the Premier. He largely shares our views and is looking at alternatives for funding. It is essential that any new accommodation be appropriately planned and those people who must use the building will provide the principal input to the planning process.

I am dissatisfied with the funding provided for maintenance for the Parliament, although I acknowledge that recently more funds have been allocated to maintenance than in past years. Maintenance funding, as a percentage of total building valuation, is much less than it should be and members will see evidence of that in and around Parliament House. Members will note page 824 of the Budget Statements contains a list of completed works and new works to be undertaken, and in my opinion that level is inadequate.

An expansion of parliamentary facilities is required in the provision of additional research and parliamentary committees through the Parliamentary Library, and in improvements to the finance systems which administer salaries and allowances, especially in the area of providing more timely, accurate and useful information to members.

As a result of the reorganisation, there are major reviews of policy and financial systems in the Parliament as a whole. We are now on a much better footing administratively than before, with major policy decisions being made by the Management Executive Committee, which comprises the Presiding Officers, the two Clerks and the Executive Manager, Parliamentary Services.

The Assembly's budget has placed considerable emphasis on committees and their investigative capacity over the past 10 years and that again is reflected in the Budget.

The House needs to establish parliamentary committees and part of my role is to ensure that the Clerk is in a position to provide the appropriate level of support for those committees. A considerable amount of funding which is applied to committees goes to staffing and much of the remainder is applied to costs associated with investigative travel.

I closely vet applications for travel which I receive, but I start from the point that the committee is best placed to determine its investigative needs, and great weight is put on the detailed background information provided to me by the committees when they seek policy approval for travel. My role does not unnecessarily restrict committees to meeting a nominal financial limit, as is set in place at the time of the Budget, without knowing what committees will be appointed by the House later in the year, or the extent of the investigations which might prove to be necessary by those committees, or by existing committees.

The House has not yet decided to establish a system of standing committees which would provide a better basis for budgeting, and my intention is to continue to rigorously examine travel requirements and ensure that funding is available where I am satisfied those requirements are appropriate.

Members will note that performance indicators are not provided for the parliamentary departments. Despite my reservations about performance indicators generally, the reason for that is a continuing discussion between the Parliament and the Executive regarding the way in which the Financial Administration and Audit Act could potentially be used by executive Government to unduly interfere in the operations of Parliament. An example of a potential restriction given in the past was a Treasurer's Instruction relating to advances used for travel, which stated that those advances could not be provided without the approval of the Under Treasurer, potentially removing a committee's capacity to travel. The President and I are hoping to resolve that matter in coming months.

Improvements are being made within the confines of the parliamentary budget. The program to provide members with computing equipment should see all members provided with notebook computers and appropriate training by the end of 1998. Hopefully, members have observed the upgrade of the Library which has been completed recently. However, I acknowledge that there is great scope for further development.

[9.10 am]

Ms McHALE: We thank the Speaker for the useful knowledge and information provided in his statement. However, that Ministers must make statements reflects the deficiencies in the Budget Statements. The problem with that is we have now lost 10 per cent of the time available to question the Speaker and the Ombudsman on their estimates. We are concerned about the fact that Ministers provide statements and we will comment on it in the third reading stage.

Mr RIPPER: I note that the money for upgrading Parliament House will be provided in part from the Treasurer's Advance Account. Some will come from the Government Property Office. Can the Speaker indicate how much the Parliament will seek in supplementary funding for these purposes?

The SPEAKER: We have a commitment from the Treasurer for \$500 000 from the Treasurer's Advance Account for the part of the program involving the relocation of Hansard and the establishment of a new select committee room. In addition, the former resident's flat is to be converted to house the Parliamentary Services Department so that a team spirit is generated. The cost of that is in the order of \$400 000. A lot of that money will be found from savings. There has been a dedicated effort to generate savings to achieve that because it will bring offices on stream for members. The relocation of finance and information technology services will require additional allocation from the Government Property Office of about \$180 000.

Mr RIPPER: Are we looking at over \$1m?

The SPEAKER: Just over \$1m, yes.

Ms McHALE: On page 1 of your statement you indicated an increase in staff but said that that will settle down as the reorganisation takes full effect and natural attrition settles the staff numbers. How long do you anticipate that full time increase to last?

The SPEAKER: The Executive Manager, Parliamentary Services, the Human Resources Manager and the Manager, Catering Services are new positions. Most of the positions are executive type positions. It is not clear how long the settling process will take because of the amount of other reorganisation occurring. Most of it should be sorted out over the next year, but we have given a commitment to staff that no-one will be sacked. There is not a problem in that sense.

Ms McHALE: I take this opportunity to welcome the new staff. We look forward to seeing the fruits of your appointments.

Mr BROWN: Is there money in the budget to upgrade the appalling working conditions of the technology people?

The SPEAKER: There is no money in the budget to directly upgrade their facilities. However, we are relocating them to Dumas House. That will cost in the order of \$180 000 for which approval has to be obtained from the Government Property Office. I ask Mr Davy to add to that.

Mr DAVY: The recent publicity about this accommodation in the corridor of the ground floor indicates that there is an issue for us to address. We have finalised negotiations with the Department of Contract and Management Services and Oldfield Knott who are managing the project for us. We anticipate that information technology and finance will relocate to Dumas House. Their offices will be professionally appointed and linked by the appropriate cabling and fibre optics to the House. They should be relocated by August of this year.

Mr BROWN: Is there any intention to have at least some of those people located in Parliament House after the relocation to service those members who are not technically supreme at these things? The officers are of considerable assistance and while their present conditions are appalling they are currently very close to my office, which is extremely helpful. Is there any intention to have at least some facilities or officers here?

Mr DAVY: I will respond in two ways: We will be using what is known as remote control software to facilitate interaction between our IT specialists in Dumas House and members and staff on site here. That will enable people to work without actually physically relocating. We will provide hot seat assistance on site. We will have officers able to work from the building to assist members and staff with IT issues.

Mr BROWN: When will the dedicated lines be put in here so we can use them for our computers?

The SPEAKER: I understand the urgency felt by some members for that. However, we have to look at what is going

on as a whole. We expect that there will be some temporary relocation of members. For instance, two offices near the southern entrance have four members in each of them and we hope to relocate them when we create the select committee room. The offices to do that will come on stream when we have converted the former controller's flat. That will hopefully be before we return in August. Those members may be simply relocated or there may be more of a shift. When we have had time to work out what we can do with Hansard - who are involved in those discussions - a whole lot more offices will come on stream. Those offices are currently occupied by Hansard, which will be relocated above the dining room. We have to consider those things and exactly what is coming on stream before we press the buttons to get all the cabling done. It will be one contract and we will coordinate it as best we can. If we can break it into two components, we will consider that. There is no definite time frame other than we understand the urgency. We hope that during the next session we will be able to fix the problem. It is my understanding that we would put only two lines into each office.

Mr BROWN: I am not sure what that means.

The SPEAKER: Two dedicated lines. Ultimately, we hope to have no more than two members in each office. We have to work out what we are getting.

Mr RIPPER: In my efforts to find information from the Internet I have stumbled across a thing that says "Hansard on the Net". It does not work. I wonder if that is due to my lack of expertise or is that something that is going to happen but has not yet?

[9.20 am]

The SPEAKER: How we can get on the Internet is currently under investigation. A pilot program and some trials have been conducted in preparation for eventually launching the site. There is no access to it because it is a pilot program.

Mr RIPPER: The site is not under the Parliament but seems to be under the Western Australian Government.

Mr McHUGH: I understand that State Law Publisher proposes to develop the site.

Mr LEWIS: I am not sure how the member found that part of the site.

Mr RIPPER: I clicked on to "Government" and then "WA Government". There were then four areas, one of which was "Hansard on the Web".

Mr LEWIS: I am not familiar with that site.

Mr RIPPER: I will show you, if you like.

Mr LEWIS: That site is under development at the moment and is not supposed to be released. Somebody has made an indicator point to it in error.

Mr BROWN: Is any consideration being given to contracting out security work at Parliament House?

The SPEAKER: No.

Mr BROWN: How much is in the budget for select committees? I inquire because in the Parliament last week I put up a proposal which was knocked back. I understand that was not from direct instructions from the House but that one of the motivations was that there was no money to do it, although that was never said to me. I was pretty disappointed and so were a lot of people who are pretty worried about caravan parks in the State and their demise. I would hate to see situations where proposals are put up and the motivation for knocking them back is not the merit of the subject but a hesitancy to provide the finance to investigate it.

The SPEAKER: In this year's budget \$589 000 is set aside for select committee travel. We did go through the nominated budget before the end of last year but I approved travel subsequently. The budget was \$645 000. We spent over \$900 000 on travel. The additional \$300 000-odd was funded through a supplementary allocation from Treasury of \$200 000. Mr Speaker's travel contributed \$21 000 back into the pool because it was under-spent. I will get that point in.

There were also a few other savings. Effectively last year we were funded \$300 000 in round figures beyond what was in the budget. It is very difficult to guess ahead as to what committees may be formed and what their travel may be, but I have indicated that if the travel is warranted, I am prepared to give the approval and take action to get the money.

Mr BROWN: When Parliament takes on research staff outside of the Parliament's own research staff, does the Parliament meet the costs for those research staff?

Mr McHUGH: Staffing is provided in three ways: There are permanent officers, whose salaries are not included in the figures the Speaker has just quoted to you but in the general salaries budget of the Legislative Assembly. Part of those funds goes to paying the salaries of seconded officers and short term contract officers to assist the committees, so that is included in those figures. They would be paid out of that \$595 000 the Speaker has mentioned and which is set aside for committees.

On occasions we get the assistance of officers free of charge. For example, we will do so shortly for the Public Accounts and Expenditure Review Committee, when we will get some assistance from the Auditor General in the short term, which he will provide to us without cost.

Mr BROWN: The reason I ask that is that the committee I proposed would have involved some travel but it would have been intrastate travel. It would probably have required a technical officer from outside the Parliament to work with it - maybe a planning or tourism person.

The SPEAKER: As soon as a committee is formed, we realise that about \$80 000 must be found immediately to fund an office, the capacity for the committee to meet, a research officer and so on, exclusive of travel. Travel interstate or intrastate is not normally a problem as long as there is a reasonable reason for it.

Mr BROWN: Now that I know there is money there, I might have a go at putting up the committee again.

The SPEAKER: Do not forget that existing committees have already applied for funding.

Mr BROWN: That was the question I was coming to. How much of that money is committed for the financial year?

The SPEAKER: At this stage, \$75 000 is uncommitted.

Mr RIPPER: You need \$80 000 for a committee.

Mr BROWN: Things look a bit grim, do they not?

The SPEAKER: That indicates that there is the provision for one more committee.

Mr RIPPER: Will the main beneficiaries of the new office accommodation in Parliament House be Ministers who currently do not have offices?

The SPEAKER: I do not believe that Ministers should get any favoured treatment over members. I believe there can be problems. Arrangements have been entered into where Ministers have shared offices with backbenchers and the backbenchers find it very difficult to get to their phone because of all the meetings going on. We must be conscious of that. Our aim is to get a no worse situation than two members per office. Perhaps we should put two Ministers in one office, and then they can fight it out between themselves if they want meetings there.

Mr RIPPER: So for the first time for quite some time Ministers will be allocated office space in the Parliament?

The SPEAKER: The decision has not been made. If you want my feelings on it, I believe that there will be an allocation which perhaps will allow Ministers some accommodation.

Ms McHALE: One of my observations, Mr Speaker, is that around Parliament we do not do enough recycling. I have a hatred of getting a new envelope every time I receive something from a department. I wonder what programs there are or will be for examining where we can save money by recycling.

The SPEAKER: I will defer the question shortly. Recycling is difficult if one is looking at saving money. From what I can gather from local government and so on, it costs money. However, that does not mean one should not recycle, because it saves in other ways.

Mr CARPENTER: We have an official energy and recycling policy which was developed by the staff through the medium of the Joint Consultative Committee. That recycling policy provides for the recycling of paper, glass and so on and bins were provided. My understanding is that because of the Asian crisis that market for recycling material is no longer viable. We have been advised by the contractors that they are not accepting anything bar selected items such as plain white paper. Therefore, at this stage unfortunately we are not generally recycling. It was always our intention to recycle as much as possible.

Mrs van de KLASHORST: Further to that, I merely wish to put a plug in and say thank you very much to the members and the staff of Parliament who recycle all their envelopes and stamps and give them to me. I take them to my Rotary branch, which made \$17 000 from them. If any members want to add to that, they should bring their envelopes and stamps to Parliament and I will gather them up and take them to Rotary. I want to put that on the record and thank the staff for their assistance. It is a wonderful way of recycling and it is of benefit to underprivileged people who are helped by Rotary.

[9.30 am]

Division 2: Parliamentary Commissioner for Administrative Investigations, \$2 294 000 -

[Mr Baker, Chairman.]

[Mr Strickland, Speaker of the Legislative Assembly.]

[Mr M.J. Allen, Parliamentary Commissioner for Administrative Investigations.]

[Mr A. Errington, Deputy Parliamentary Commissioner for Administrative Investigations.]

Mrs ROBERTS: I refer to one of the significant issues and trends at page 826 relating to community concern about the accountability of police officers and the Police Service. Does the Parliamentary Commissioner's Office oversee all police internal complaints? If so, what is involved in the oversight of those complaints? How many police complaints were overseen in the last financial year? How many complaints were investigated by the Parliamentary Commissioner's Office? Of those, how many were referred by the Commissioner of Police? Has the trend continued of an increasing number of extensions on police investigations?

Mr ALLEN: I can answer some of the questions but not all.

The SPEAKER: The information that cannot be provided now will be provided by supplementary information.

Mr ALLEN: It is true that my office now oversees all police complaints, with the exception of those which properly fall within the jurisdiction of the Anti-Corruption Commission. It is a relatively new arrangement that I put in place with the Commissioner of Police. The process depends on how the complaint is categorised. If it is a minor or local complaint, the police try to resolve it at the local level. We receive a short report and do not conduct a hugely detailed examination, but the main thrust is to make contact with the complainant to find out whether that person is happy with the way the matter has been resolved.

Mrs ROBERTS: Does the office contact every complainant?

Mr ALLEN: We are in the process of putting in place arrangements to contact them all to confirm the advice we receive from the police. That relates to minor types of complaints. If it is a major complaint that is investigated in some detail by the police, we do an assessment of the complaint. That involves looking at the whole police file and the report on how it has been dealt with by the police. The object of the assessment is to satisfy ourselves that it has been investigated properly, that all the issues have been identified, that all the identifiable witnesses have been spoken to, and that the conclusions reached are consistent with the information found and so on. If we are not satisfied that the matter has been investigated properly, we either ask the police to conduct further inquiries or, in some cases, we investigate the matter ourselves.

I will provide information on how many complaints were referred by the Commissioner of Police and how many were investigated. It can be seen from last year's annual report that the figures are separated; for example, of just over 1 700 allegations finalised, 678 were assessed in some detail, as I have just described, or investigated by my office. The numbers this year are in similar proportions. At this stage, the total number of complaints is more than the number received at the same time last year, so the trend is upwards.

The final question was whether I was concerned about the time taken by police to investigate complaints. Last year something like 42 per cent of finalised matters took more than the allotted six weeks, so we received 715 requests for extensions of time. Unfortunately, the situation has deteriorated in the current year. As at yesterday, in 886 matters a request for extension had been received, and that represents nearly 54 per cent of matters finalised. To put it in another way, in the current year about 46 per cent of complaints have been investigated by police within the six weeks that the Parliamentary Commissioner Act allows the Commissioner of Police to conduct his own investigation. That is a matter of some concern to me, because it means complaints are taking longer to complete. Although we are addressing it with the police, and I understand their problems, it is a big issue that we are trying to resolve. It will be resolved only if either the police become more efficient or more resources are devoted to that effort.

Mrs ROBERTS: Two matters flow from that. First, the commissioner has outlined the fact that he now oversees all complaints. That is a very valuable role for him to play, and I am pleased he is setting in place processes whereby all complainants are contacted. Naturally, that involves extra work for the Parliamentary Commissioner's Office. What extra financial imposition does that have on the office, and is the commissioner satisfied that he has the resources to conduct those investigations and the oversight to the extent he would like?

With regard to the extensions of the six week period, I noted the commissioner's complaints in his annual report. Mention was made of some of the reasons that might be occurring. One of the trends, as part of the Delta program and the devolution process, has been for more complaints to be investigated at a local level rather than by the professional standards area. I seek some comment on that.

[9.40 am]

Mr ALLEN: With regard to the question of resources, I am pleased to say the position is satisfactory. We were given some extra staff last year. We are in the process of recruiting some additional staff. We also recruited staff last year. As far as I am concerned, once I have recruited these extra people, it will be fine.

Mrs ROBERTS: Some feedback I get as a member of Parliament is that people often feel that the investigation into a police internal matter is compromised by its being investigated by people who are in the area from where the complaint originated. For example, at the district level, the person being investigated might be involved in a direct chain of command and be associated with those persons on a daily basis. Constituents and other people often contact me to say they feel that they did not get a fair hearing and that their complaint was not properly investigated, because the people who investigated it were closely associated with those to whom the allegations related.

The SPEAKER: The question is "is it true?"

Ms ROBERTS: Yes. Is that a concern of the Ombudsman?

Mr ALLEN: I identified that issue in last year's annual report as one issue of concern. It remains a concern and will always be a concern while we have a system which allows police to investigate a complaint about other police. We are aware of the problem. We try as much as possible to factor that risk into our assessment of the matter. If in a situation it was suggested that the person who conducted the investigation was the best friend of the police officer about whom the complaint was made, or some sort of relationship such as that existed, we would have a real problem with it. It is much more difficult where it is a person who is in line management responsibility, because on the one hand we have the concern you have identified, and, on the other hand, we have a desire to say to line management that it is its job to investigate these things and to take responsibility for them. You can call it an inevitable conflict. It will never be resolved unless management is totally separated from investigation, and I do not want to do that, at least not yet. More benefit is attached to having management involved than not involved. If the whole system was shown to be so bad that favouritism or bias existed in the system, we might have to look at it again. However at this stage I have not reached that point, although I am conscious that it is a perception.

Mrs ROBERTS: The issue raised about line management is because of the nature of the way the Police Service operates. The way the Police Service operates, people higher up the chain of command must take responsibility for the actions of the people lower down. This type of service mentality exists in the Police Service more than in any other public institution; that is, people higher up carry the can for the officers just below them in the direct chain of command.

The SPEAKER: It is exactly the same in a military situation and necessarily so for the operation of the Police Force. However, as the Ombudsman said, when the police are investigating themselves, he is aware of the perceptions of difficulties.

Mr ALLEN: I will say one other thing. In considering the way a matter has been investigated and the substance of the complaint, we always try to look at whether the complaint was caused or might have been caused by some defect in supervision of the police officer concerned. If, when a complaint about a junior constable is being investigated, issues of supervision are identified, we would not expect and would not want the supervisor of that constable involved in the internal investigation, because that conflict of interest would be too close to home. We are always on the look out for that. We would expect some other management person to conduct that investigation, which tends to be the case.

The CHAIRMAN: In the past or in the current year, how many complaints concerning police misconduct have been referred to the Ombudsman by members of Parliament? If you are not able to provide that information, can you provide it by supplementary information?

The SPEAKER: That will be provided by supplementary information.

The CHAIRMAN: In those statistics, could you differentiate between members of the Government and members of the Opposition?

Mr ALLEN: From memory, there have been none, but I will certainly look to establish that.

The CHAIRMAN: How do you define the term "complaint"? Do you differentiate between mere assertions, information, and allegations with or without evidence?

Mr ALLEN: We define a complaint as any matter of concern, any issue about the conduct of an officer, the policies and procedures of the Police Service, the practices of the service, the competence of police officers, and any issue of concern that could amount to misconduct or maladministration.

The CHAIRMAN: Would that range from allegations of a police officer using offensive language or swear words to allegations of a police officer smoking a cigarette in a police car?

Mr ALLEN: Yes.

The SPEAKER: I would assume yes.

Mr ALLEN: I mentioned earlier that a broad division existed between minor and major matters. The procedure that is followed is that issues that involve demeanour or minor attitude, however you want to call it, are attempted to be resolved very much at the local level. Issues of significant misconduct such as assaulting somebody would always be categorised as a major matter.

Ms McHALE: I notice on page 827 that the parliamentary commissioner will be finalising investigations into deaths in prison with administration by the Minister for Justice. Could you indicate when that work will be finalised?

Mr ALLEN: We have imposed an internal deadline of September 1998. We announced the inquiry in February, so we are currently in the middle of it. I am optimistic that it will be done by September.

Ms McHALE: We learnt last night in the estimates committee that the Aboriginal Affairs Department has the responsibility for reviewing the recommendations of the royal commission into deaths in custody and a draft report will go to a council of Ministers. What is the connection between that work and your investigation, if any?

Mr ALLEN: Perhaps the word "review" is not quite the right word, as I understand it. I understand that the Aboriginal Affairs Department coordinates a document that draws together the actions and plans of various government departments that were affected by the recommendations of the royal commission into Aboriginal deaths which were published in 1991.

[9.50 am]

Two, possibly three, previous documents have been published, and coordinated by the AAD which, in essence, set out each recommendation and what each department has done, or is doing, about each recommendation. I am conscious that that exists and I know there is an update in draft form, although I have not seen it.

One reason I chose to commence the present inquiry is so that I could look at those documents and say that, yes, something is being done about a particular recommendation. On paper, that may be true. However, from dealing with complaints from prisoners, our experience is that in some cases on the ground it was not happening; something might have been put in place to address a specific recommendation of the royal commission, but in practice it looked as though nothing much was happening or nothing had changed. An important part of the inquiry is to look at what is and should be happening in prisons to see whether it is really happening and whether things are being done in accordance with the recommendations and, if they are not, whether there is a reason for that.

Ms McHALE: If we take the two reports together and one says that certain things have happened and the Ombudsman's report says that they have not, who is the ultimate arbiter; who makes a judgment on what has happened?

The SPEAKER: I assume it is the Parliament.

Ms McHALE: If the reports come to Parliament.

Mr ALLEN: The royal commission made recommendations that affected many government agencies, the Ministry of Justice and the police in particular. There is a need for something like the document which AAD coordinates to draw together what everybody has done. That is important. In a number of instances we have observed that what the royal commission recommended has been done; for example, the Ministry of Justice may have produced a director general's rule that says something is to happen and, therefore, it has complied with the recommendation. However, when we look at what is happening in practice, it is not clear that it is occurring. It is not so much a matter of adjudicating, but of saying that, although the paperwork has been put in place to comply with the recommendation, the reality does not match the paperwork. That is an important part of what we are looking at.

The CHAIRMAN: Under the section dealing with recurrent outputs on page 828 there is a reference to a telecommunications interception audit. What is the nature of that audit?

Mr ALLEN: Under the telecommunications interception legislation, which this Parliament passed 18 months or so ago, I was appointed as the principal auditor of compliance by the police. Each year before 30 September we must provide an audit certificate to the Minister for Police to the effect that the rules with which the police must comply when they conduct telephone intercepts, in accordance with that legislation and all the records they are required to keep, have been properly kept and the procedures have been followed. It is very much an audit function that involves

working reasonably closely with the interception unit of the police, monitoring what the police do and how they do it, and at the end of the year providing a certificate stating that the rules have been complied with.

The CHAIRMAN: In relation to the certificate provided in September last year, what was the state of the compliance of the police?

Mr ALLEN: Last year was the first in which a certificate was provided. It was a report on things that had happened prior to 30 June. In fact, there had been no intercepts at 30 June last year. The legislation took effect not that long before that date, although I cannot remember exactly when it was. As I say, as at 30 June there had been no intercepts.

Mr RIPPER: What is the nature and volume of complaints about education matters with which the parliamentary commissioner is dealing?

Mr ALLEN: In the year to June last, we received quite a number of complaints. Chapter 8 of my 1997 annual report deals with that. In fact, we finalised 79 complaints, 59 of which related to the Education Department and schools, and the balance were about universities. We get a number of complaints. That number runs at about one a week about the Education Department. They tend to be about a whole range of issues. A couple that have been topical over the past 18 months relate to school charges - I am sure the member is familiar with that one - and students being excluded from schools for disciplinary reasons and so on. They are two that come to mind, but the complaints cover a range of issues. A number come from teachers complaining about the way in which they have been dealt with by the department.

Mr RIPPER: What is the trend of complaints in the education area? Are there more or fewer?

Mr ALLEN: I am sorry, I cannot tell the member what the position is for the current year; however, I will provide that by supplementary information.

Mr RIPPER: Can the parliamentary commissioner say how it has been over the past three years?

The SPEAKER: It will be provided by supplementary information so that it is accurate.

The CHAIRMAN: Of those 59 complaints, will you provide the number that has originated from state parliamentarians?

The SPEAKER: That will also come by way of supplementary information so that the figure is accurate.

The CHAIRMAN: Could the figure also provide a breakdown between members of the Government and members of the Opposition?

The SPEAKER: That information is not readily available; however, the Ombudsman will endeavour to get the breakdown. Although it may not be readily available, all these figures will be provided by way of supplementary information.

Mr ALLEN: I will put in a plug for my office: In theory, we are not supposed to accept complaints from members of Parliament. A complaint must come from the individual concerned, unless that person has died or is unable to act for himself or herself. This Parliament made that decision 25 years ago when the legislation was first passed. That can be contrasted with the situation in the United Kingdom where the Ombudsman can take complaints only from members of Parliament. There is a philosophical issue there that I will not go into today. The case is that, in theory, we are not supposed to accept complaints from agents, members of Parliament or anybody else. In theory, we should ask the members of Parliament to obtain some kind of authorisation from the constituent to put in a complaint on the constituent's behalf. Some members of Parliament do that, and some do not. We have taken a fairly liberal - that is a small "l" liberal - approach to accepting complaints when members of Parliament have raised them with us, where it is obvious that the person wants the member to refer it to us. We do not know, of course, whether a member has suggested to a complainant that he or she lodge a complaint directly with my office.

The SPEAKER: Given that response, members will understand that there will be very low numbers and that those numbers should be taken with great caution.

[10.00 am]

Mrs ROBERTS: I would like to ask about the complaints which the Ombudsman has oversight of only. How many of those complaints has he found concern or fault with in the way the police investigated those matters?

Mr ALLEN: Are you talking only about police?

Mrs ROBERTS: Just about the police, yes.

Mr ALLEN: There is information in the annual report which I cannot expand upon at the moment. I will update it for the current year, if required.

The SPEAKER: That will be also provided as supplementary information.

Division 52: Heritage Council of Western Australia, \$2 925 000 -

[Mr Baker, Chairman.]

[Mr Kierath, Minister for Heritage.]

[Mr I. Baxter, Director, Heritage Council of Western Australia.]

[Mr E. Munro, Manager Corporate Services, Heritage Council of Western Australia.]

Ms McHALE: I have questions relating to issues raised on page 570. I note that in "Significant issues and trends" there has been a corresponding rise in the number of development referrals that have been presented to the Heritage Council for approval. Does that relate to development applications for places listed with the Heritage Council or does it mean something else?

Mr BAXTER: Those development referrals predominantly deal with places that are on the register. There are a number that are also eligible for the register that we consider as part of that process as a way of assisting local government.

Ms McHALE: Has the rise in the number of development applications had a significant impact on staffing levels?

Mr KIERATH: It has. I attended a Heritage Council meeting recently and the members of that council indicated that their workload now is increasing. I suggested that the appropriate course was to make a submission for an increase in staffing levels. That has not occurred yet but it is currently being prepared.

Ms McHALE: I understand the cost of assessing development plans for registered places is an expensive exercise. If there is an increase in the number of applications, that is a liability for government or has an impact on the budget. Has the 1998-99 Budget provided for the increased numbers in the consequential cost of the process?

Mr KIERATH: The budget is here and obviously we think it can cope. However, as I said to the members of the council, if they think there needs to be a change in the base staffing level, it is up to them to submit an application to me to justify it. If I support it, then I will send that application with support to the appropriate body to deal with it. In framing the budget, albeit it is sometimes tight, we think we can manage in the coming year.

Ms McHALE: Can the Minister refer me to the section in the budget where that has been dealt with?

Mr KIERATH: It has not been dealt with because it has not yet formally occurred. In the budget there is an amount and a staffing level and we think we can cope. However, as often happens during the year, if there is an increase in workload and we anticipate something occurring and existing resources are not able to handle it, then it is up to us to make a submission to - I forget the body, it is in Premier and Cabinet now but it used to be the Public Sector Management Office.

Ms McHALE: That has been identified as a significant issue and trend but the Minister is saying there has been no allocation for additional funding or that the current budget can cope with it?

Mr KIERATH: As I indicated, I was at a meeting of the council recently. It indicated that the workload was increasing and I suggested that the proper way was to make a formal submission for an increase in staffing. That has not been done yet. Obviously, at the moment we are coping.

Ms McHALE: I refer to the third dot point on page 570 in which you note an increase in urgent assessments which the Heritage Council had to undertake to avoid the loss of heritage places. Why has the trend for urgent assessments occurred? Is that a failing in the legislation or in the assessment; or is it just that something else is happening?

[10.10 am]

Mr KIERATH: I believe it is a combination. The most important one is probably the greater heritage awareness of people in the community. In many cases, decisions are made by a body for which we do not even have responsibility - they may be made at local government level - and people who are interested in heritage then refer matters on. We cannot predict those things, because we are not the prime agency.

Ms McHALE: The underlying problem is that if a building was about to be demolished and suddenly there was an outcry from some organisation or person who had just realised that it had social or aesthetic significance and you then did an urgent assessment, that would not be a good process.

Mr KIERATH: No, but with all the best processes in the world, those examples will crop up. It often occurs not because the building is about to be demolished but because someone has made a development application to a local authority, so it occurs earlier on in the piece. When something does come up at the last minute, it is often quite easy to deal with. For example, we dealt with a conservation order on the Armadale tree almost at the last minute, and in the end we issued a conservation order. There are mechanisms for dealing with that if it occurs. The majority of cases that I see involve someone making a development application to a local council, and they start at that level.

Dr EDWARDS: The first dot point under "Major Initiatives for 1998-99" at page 571 refers to the development of a new heritage Act. Is it true that you have torn up the previous drafts? How many previous drafts have there been, given that previous Ministers have told me they were drafting a new Act? Who is paying for the drafting of the new Act? When will the draft be released for public comment?

Mr KIERATH: I have not torn up any drafts; I do not know what other Ministers before me have done. A review had been carried out, and it came up via the Heritage Council and a policy officer in my office, who put it to me for decision. I ticked that off relatively quickly, and I sought and received Cabinet approval for it, and that is being drafted at this time. One of the difficulties is that we may get drafts, but other government priorities over which I have no control then come in over the top, so it has not come out as quickly as I hoped.

Dr EDWARDS: It is not a third wave of heritage Bills?

Mr KIERATH: No. Most people will be pretty happy with it, if for no other reason than they may now be able to understand it. We have high hopes that when people understand it, they will take a stronger and better interest in heritage matters generally.

Dr EDWARDS: The next dot point on that page states that many local government authorities are preparing to review their municipal inventories. I notice from the performance outputs that 20 MIs are targeted for this year and 20 are targeted for next year, and there will be 10 reviews. How many of the approximately 145 local government authorities have prepared municipal inventories?

Mr BAXTER: A total of 107 of the 142 eligible local authorities under the Act have prepared inventories.

Dr EDWARDS: How many of the remaining 35 have started?

Mr BAXTER: They have all started in one form or another. Some of the MIs are fairly incomplete, some are in the early stages, some are well advanced, and some have been completed but not yet adopted by the local authority concerned. There are four categories that are still waiting to be endorsed by local authorities.

Dr EDWARDS: Are they obliged to update them?

Mr BAXTER: The Heritage Act obliges them to update them every 12 months and review them every four years.

Mrs van de KLASHORST: The fifth dot point under "Major Initiatives for 1998-99" at page 571 states that the Heritage Council will be involved in facilitating the conservation of key heritage sites. Several sites are listed, including the Midland Railway Workshops site. What amount of money has been set aside for that site in this budget, and what is planned for that site?

Mr KIERATH: The key heritage areas at the Midland railway workshops site are the buildings, which have been registered as being of heritage importance, but many things other than heritage buildings are on that site. The development of that site is being conducted by the Government Property Office, which is under the control of the Premier.

Mr BAXTER: There is no specific allocation in the Heritage Council budget. The responsibility for ongoing maintenance and for ensuring that vandals do not get in, etc, remains with Westrail, so that is under Westrail's allocation.

Mrs van de KLASHORST: Does that mean the Heritage Council will be involved in providing advice but it will not have a monetary involvement?

Mr BAXTER: Yes.

Ms McHALE: I note from page 572 that the allocation for municipal advice and support has decreased from your estimated amount of \$78 000 to \$61 000. Is that based on the view that only 31 MIs are yet to be completed; and is that allocation sufficient given the significance of municipal inventories?

Mr BAXTER: We believe that is adequate to cover the balance of outstanding MIs.

Ms McHALE: Will that include support for local authorities to review their municipal inventories?

Mr BAXTER: No.

Ms McHALE: For what purpose is that money allocated?

Mr BAXTER: It is for residual assistance to get consultants to finish off the assessment work. We have also budgeted an amount for support for software development to enable the municipal inventories to be on a database.

Ms McHALE: The first dot point at page 571 refers to the demand for regional heritage advisory services. Does that relate to the regional heritage assessment consultants?

Mr BAXTER: Yes.

Ms McHALE: Has provision been made to increase the number of consultants for 1998-99?

Mr BAXTER: No. We have maintained the number at five, but we are increasing the amount of service that is being provided by increasing the number of hours that they can spend in any particular regional area.

Ms McHALE: Is there a consultant for the Kimberley?

Mr BAXTER: No.

Ms McHALE: Is there any reason for that?

Mr BAXTER: The demand has not appeared to be great at this stage, but it is on the books for consideration when we can achieve some more funding.

Ms McHALE: The second dot point at page 571 refers to the heritage grants program. Last year, you explained that the \$1m in new money would be only approximately \$600 000 because of the shortfall in commonwealth funding of \$300 000 or \$400 000. I am interested to note that the demand for conservation planning exceeded expectations. In one of your press releases you indicated that you had received applications to the value of \$10m. How then did you determine that \$4m over four years would be an adequate amount to deal with heritage conservation programs in the community?

[10.20 am]

Mr KIERATH: The heritage grants program was introduced at a time of tight budgetary constraints and it was an achievement to get \$1m a year for a new program. I do not lay claim to that. The former Minister did a fantastic job to squeeze it out of Treasury. At no stage did we say that \$1m a year would be enough, and we hope that allocation will be increased. From memory, 80 per cent of the grants were allocated to regional Western Australia. When \$1m is available under that program and applications total \$10m, that indicates a huge demand in the community. We are keen to see the results of the first four years of the program, and if the demand remains at that level we could put a good case to the Treasurer to increase that grant.

Mr BAXTER: The demand is unpredictable. The priority is to focus on registered places, so that \$1m has been allocated primarily to places that are already on the state register. The committee is made up of a diverse number of groups including representatives from local government.

Ms McHALE: On page 570 concern is expressed about the State Government's heritage assets and reference is made to the State Government's policy. Where will I find that policy?

Mr KIERATH: This year we have recognised that state government buildings are possibly our greatest heritage asset. Recently I discussed with the Heritage Council developing a policy to take to the Government to endorse its handling of heritage buildings.

Ms McHALE: So, at the moment there is no state government policy to manage its assets, which are significant?

Mr BAXTER: We have suggested that the Minister consider incorporating something in the review of the Act to give a more affirmative obligation on government agencies to manage their heritage places more effectively. We are working with the various government agencies involved, such as Treasury and the Government Property Office, to endeavour to get more input into the process. We have also encouraged agencies to produce an inventory of heritage places and to undertake a conservation plan which will provide guidance for any alterations. Cabinet's disposal policy allows us to have an input before a place is disposed of. There are a number of policies in place in practice.

Mrs van de KLASHORST: The estimated expenditure on conservation incentives for property owners has increased by \$700 000. In the Midland area many people hold properties which are listed but they have no way of raising money to do anything with these properties, and so the properties are falling into disrepair. How does that incentive scheme work, and where is it normally applied? How do people in my area access that scheme? I know people with

heritage properties who cannot move one way or the other. They cannot sell them because of a conservation order, and they cannot do anything with them, because they do not have the money.

Mr KIERATH: It is a combination of the State's \$1m heritage grants, and money from the Commonwealth and other programs. Mr Baxter will comment on the Commonwealth's grant. One million dollars in heritage grants is available not only for community property but also private property. This is the first time that money has been available. That \$1m will not satisfy the demand in the short term, but at least some money is available. It is allocated to the highest priority places and that is a difficult decision. In time, once the program has settled down, we will ultimately catch up on the backlog.

Mrs van de KLASHORST: Page 573 shows that there were 140 heritage places in 1997-98 and the target for next year is 150. Are they new heritage places? Will 150 new places be registered or is only a percentage registered? The trend is that more people want more money to develop these new registered places.

Mr KIERATH: They are new places. However, when one considers the interim register there are many places that are still to be assessed.

Mr BAXTER: The two targets are 150 and 115 places. The figure of 150 refers to the assessment part of the process, and 115 is the product of the assessment, so that there is a failure rate associated with places that are assessed. We decide which places go on the register. There is a backlog of places, many of which have come out of the municipal inventory process.

Mrs van de KLASHORST: Do the owners refer these places to you for assessment or is it the municipal process? Do the owners have any say about whether they go on this register? I receive many complaints from people in my area who find they are on registers when they do not want to be. In fact, they would not have purchased the property if they had thought that would happen. That is a major concern in the community.

Mr KIERATH: It would be rare to enter a place on the permanent register without the approval of the owner. We enter places on the interim register if we think that is necessary. However, a decision about placement on the permanent register is made by both Houses of Parliament. If necessary, the Minister, by the stroke of a pen, can make a decision if someone refuses to put something on the permanent list. We do everything possible to get the owner to agree to put a place on the register. In my time as Minister there have been fewer than six cases.

Mrs van de KLASHORST: The interim register is more of a problem. For example, a group of doctors bought an old house to turn into a surgery. It was put on the interim list about six weeks after they purchased it. They held it for two and a half years but could not do anything with it because the council would not let them. In the end they sold the house and lost \$100 000 on the deal.

[10.30 am]

Mr KIERATH: I would like details of that, because it sounds more likely that it was listed on the municipal inventory. Some confusion exists between the Register of Heritage Places and the municipal inventory if the council refuses a development application. People can appeal to the Minister or to the Town Planning Appeal Tribunal, on the development application. We seek advice from the Heritage Council when cases come through. People can appeal to the Minister or the tribunal against any discretionary decision by a council, other than on a rezoning matter. That is probably where the complaints are coming from. When important properties are put on the interim register, we have usually spoken to the owner - so the owner is well aware of the process. Very few properties are put on the permanent register, without the agreement of the owner. I tell people to do everything they can to get the owner's approval.

Many people forget about the bonuses provided within the heritage legislation. The other day the owner of a heritage property came to see me - I hope this will turn out to be something positive. Everyone had been giving him a hard time, and he had a negative attitude. He reacted strongly against people telling him what he could and could not do with his property.

Mr BLOFFWITCH: Councils have a habit of doing that. In Geraldton the council refused a building application to develop an old building in the main street. Councils consider certain buildings have heritage value, but that stops development.

Mrs van de KLASHORST: I did not know that people can appeal.

Mr KIERATH: People can appeal to the Minister or to the Town Planning Appeal Tribunal to override the discretionary decision made by the council. That is where most of the dissatisfaction occurs, because people give up. They should realise that there are bonuses under the Act. We do not want to preserve a building if it does not have a viable life. True long term preservation of a building means that it will have a viable life. If it becomes a cost

burden it is the law of diminishing returns, and the building's future will be bleak. It is always a balancing act between a usable building and preserving the heritage character and value of the building. I have handled difficult cases.

I am very pleased with the work of the Heritage Council. It has had a tough task with people putting together certain deals, but ultimately if the use of a building can guarantee its survival, where possible the Heritage Council has cooperated. On the one hand, it is always a judgment to preserve as much as possible the heritage value and, on the other hand, to accept the need for a profitable or viable commercial development to ensure that the building survives.

Mr BAXTER: The issue is the degree of certainty for owners. The municipal inventory process is fundamental to that. For instance, the Swan Shire is one of three shires that have not completed their registers. The first step is for the Swan Shire to get its act together and complete its municipal inventory.

Mrs van de KLASHORST: That is the problem. The doctors to whom I referred, bought a property, and six weeks later when they owned the property, someone told them that the shire had decided that the property was a heritage building. If the heritage list is not complete, people can be in a state of limbo when they purchase a property.

Mr KIERATH: The Shire of Swan has not completed its inventory but, on the other hand, it lobbies me and others very strongly to get money to do up heritage buildings. The shire claims to have real concerns, but it does not see fit to get its act together and complete its inventory.

Mrs van de KLASHORST: The shire has concerns. I am thinking about owners - the little people.

Mr KIERATH: I do not want to confuse the member. I receive appeals from doctors who buy old houses with the intention of turning them into surgeries, when the town planning scheme does not allow for that. For instance, the Town of Vincent has allocated an area close to St John of God Hospital to allow specialists and doctors to buy buildings to convert into surgeries. However, after the boundaries are set, someone could buy a cheap property across the road - outside the zoned area - thinking it could be converted to a surgery. People should look at town planning schemes to find out whether areas are zoned areas for permitted use, discretionary use or prohibited use.

Mrs van de KLASHORST: In this case, it was a heritage issue.

Division 53: National Trust of Australia (Western Australia), \$600 000 -

[Mr Baker, Chairman.]

Mr Kierath, Minister for Heritage.]

Dr EDWARDS: I refer to pages 792 and 793 which indicate the allocation for the National Trust this financial year and those that follow. The amount received this year is quite a lot more than predicted in last year's budget papers. Last year the trend was slightly downwards; this year it is upwards. What is the reason for that? At page 797, I note that each year the money set aside for salaries has increased. Is the increase due mainly to an increase in salaries? I note also that the trust has not developed performance indicators. Why is the trust receiving more money? Why was the increase not anticipated last year? What has changed, and what is the basis for the increased allocation, given that the trust has not developed any performance indicators?

Mr KIERATH: Unfortunately, the officer from the National Trust is not here. I have asked another adviser if he will explain -

Dr EDWARDS: Officers were not here last year either. Do they ever appear here?

Mr KIERATH: It is a difficult situation. The National Trust is a voluntary organisation. The Government funds some components of it. The trust has an Act of Parliament - and although we provide staff, in other respects, it is not a government agency.

Dr EDWARDS: You are the Minister, and you are responsible for the Act.

Mr KIERATH: I cannot answer the question now, and I cannot provide the information within seven days. Therefore, I ask the member to place the question on notice.

Mrs van de KLASHORST: I refer to a major initiative for 1998-99, which is to evaluate the conservation and interpretation of the C.Y. O'Connor pipeline. The conservation of the pipeline is close and dear to my heart; it was my idea in the first place to do something like this. How much money will be allocated to that conservation, and how much work will be undertaken this year?

Mr KIERATH: The conservation of the pipeline will be funded from a number of sources. First, the Water Corporation has agreed to contribute \$1.3m. The total cost of the project will be around \$6m, which is more than the original cost of the pipeline. The National Trust has appointed a fundraising committee, whose task will be to

raise between \$2m and \$3m. The remainder of the funding required will probably come from local authorities along the pipeline. An interesting concept is that those local authorities will own parts of the old pipeline and undertake to manage it. Everyone associated with the project appears to think that those commitments will be met. There is no doubt about the \$1.3m. The Premier has not ruled out anything further, but at this stage he supports the proposition that local authorities raise funds. It certainly is a project which he has endorsed personally. All parties associated with it, particularly the National Trust, seem to be extremely confident that targets will be met.

[10.40 am]

Dr EDWARDS: I will place my other questions in that regard on notice.

Is it possible to get either now or by way of supplementary information an explanation for the comment on pages 794 and 795 of the Budget Statements that benchmarks are being established for this "extremely difficult indicator". Every other division with which I have been involved has attempted to develop performance indicators, and no-one else has commented on difficulties involved. If such difficulty exists, can more assistance be provided by Treasury to the National Trust to develop performance indicators?

Mr KIERATH: Categorically, the difficulty it has is in the structure of the organisation. From the Government's point of view, it wants performance indicators; every government agency works on them. However, the National Trust is in an unusual position, as its controlling body is a council elected by its members. That is to whom it is answerable. They talk to the Minister and I am responsible for the allocation of money, which simply pays the staff - that is basically it. It is difficult for us to get performance indicators when we do not control the body. I have had discussion with the National Trust, and its members have raised the point with me, that perhaps the current vehicle is not appropriate. Somehow it seems to fall between the stools. Conflicts and difficulties are involved. Although the Government pays for some staff salaries, the National Trust is answerable to an elected council.

Dr EDWARDS: My difficulty with that answer is that non-government agencies have agreements with state government departments for projects or money for services. They have tight contracts and agreements about outcomes.

Mr KIERATH: Those non-government agencies do not have an Act enshrining the difficulties. As I put it to the trust, maybe it should break away and cut the link to government and operate on a contractual basis. The trust is considering whether it should come more or less under the Government's umbrella rather than retain the situation through the current legislation.

Dr EDWARDS: As it has an Act, is responsible to the Minister, is governed by a council with voluntary members and is not a non-government organisation, it is in an accountability black hole. We do not have the accountability we achieve with other agencies. It is not accountable for the money it receives. I do not suggest that a problem exists with the money provided. However, the budget does not indicate a measure of accountability.

Mr KIERATH: I would say it is an area of dual conflict rather than a black hole, which indicates a complete absence. The trust has a problem with conflict. Requirements are placed on the money government provides, and it is responsible to its elected council. Its members are aware of the conflict, and internal debate is being held on the matter. The current situation is not good for all parties. I would prefer that it either come under more government control with performance indicators and more accountability, or less government control. Whatever we do will require a change to the Act. The National Trust has not made a final decision. A strong view is that it should go on its own and money should be provided on a contractual basis. That has not been decided by the trust at this stage.

Dr EDWARDS: I think my final question has been answered: Does the Minister envisage in the next financial year that a review of the Act will be conducted, and will he initiate it or await feedback from the trust?

Mr KIERATH: I do not know whether it will determine its position in the next year. In that time, it will grapple with it more than was the case in the past. From my point of view, it is more likely to be the year after next before action is taken. Discussions have ensued for the best part of a year, and a conclusion has not yet been reached.

Divisions 50 and 51: Ministry of Planning, \$12 248 000; Western Australian Planning Commission, \$32 050 000 -

[Mr Baker, Chairman.]

[Mr Kierath, Minister for Planning.]

[Mr G.N. Prattley, Chief Executive, Ministry for Planning.]

[Mr P.M. Melbin, Director, Corporate Management.]

Dr EDWARDS: The second dot point on page 867 refers to protection for bush land. Is money allocated in the

budget for Bushplan when it is released; when will it be released; and when it is released, will it be out for public comment or be a final policy?

Mr KIERATH: No money is allocated in this budget for Bushplan as it has not been formally adopted by the Government. In the beginning, it was developed with some agencies and conservation groups. It is now at a fairly advanced stage; it has gone, or is about to go, to the Planning Commission. Once it has been through the commission, a formal minute will go to Cabinet outlining a range of funding options. The Government per se has not formally considered it. The proposal has no formal standing yet. Once it has been through that process, there will be a short period for public comment. Most of the conservation groups are happy with it. The biggest difficulty is with property owners who planned developments in the future and found part of their properties included in Bushplan.

Regarding the time frame, the sheer size and scale of Bushplan is one cause of the delay. Some difficulty arose in getting all agencies to agree to it. When we think we have their agreement, we find that another agency has retreated from the starting gate. That is the difficulty. Now it has been sent to the commission - I must be careful here - I am reasonably confident about its proceeding, although I have been confident before in this process.

Dr EDWARDS: About a year ago!

Mr KIERATH: Late last year we saw an agency retreat from it when we thought it was committed to it. Therefore, I must put some caution on my comments. Once the proposal goes through the Planning Commission, we should not see any retreat by agencies. It will then be a political decision for the Government in determining which option to choose.

A delay of seven or eight months has occurred in seeking the agreement of government agencies. When one sees the government agencies involved, one can see why. I am confident that once I gain their agreement, it should be reasonably clear sailing.

Dr EDWARDS: Do you think it will be in 1998?

Mr KIERATH: Yes, I do. If it is before the commission now, it means that those aspects have been ticked off. Whatever difficulties the commission needs to resolve will be determined in one or two months before I formally take something to Cabinet. I will not comment on what decision Cabinet will make.

Dr EDWARDS: On the same page reference is made to continuing negotiations with CALM on the transfer of regional parks. Why the delay? A year ago it seemed it would happen more quickly. Is the delay the fault of the Ministry for Planning or the Department of Conservation and Land Management?

Mr KIERATH: The management transfer for regional parks occurred for Herdsman Lake, Canning River and Yellagonga and Beeliar Regional Parks on 1 July 1997. The Jandakot Botanic Park and Rockingham Lakes transfer will occur on 1 July 1998 and the Darling Range transfer will occur on 1 July 1999. Being chairman of one of the advisory councils on the Canning River provides me with a good insight into the situation. I think that advisory council has been the guinea pig in developing the management plans. It has taken a long while to develop but the community groups and the people on the council wrestled with the issues and put out a draft management plan. I think extensive delays have occurred inside CALM because of the many approval bodies involved such as the executive, and the National Parks and Wildlife Service.

Although our advisory council has suffered delays with its management plan, we have been promised that the others will occur more quickly because most of the difficult issues have been resolved in approving our management plan.

Dr EDWARDS: I have heard a complaint that certain services are provided as a result of the Ministry for Planning managing parks and as the transfer has occurred, people have felt that the service has declined. That is not a criticism of the ministry because people say they prefer the ministry services. Will the Ministry for Planning management plan overcome those problems if that model is adopted for the others parks?

Mr KIERATH: The Planning Commission funds some capital works. However, it also funds some of the management parks. It is funding some of the management programs in Canning. I must be a little bit careful here; I think I have a conflict of interest. Because of the delay, some money has been available and I said to the advisory council I chair that we should submit our application and that if others have been slow, that is their problem not ours. That is self-interest. The ministry is funding other programs. We had no difficulty when we had a priority program which is one of the benefits of a management plan. The community advisory group is now making many of the decisions the agencies used to make. That has placed responsibility on those groups to make decisions although the priorities were fairly clearly identified in the management plan.

Funding has not decreased. I have not seen first-hand the results of not having a good advisory council in place. Those complaints may have arisen as a result of difficulties between agencies.

Mrs van de KLASHORST: I refer to the first dot point at the top of page 869. At what stage is the Gngangara land use and water management strategy? When can we expect it to be in operation?

Mr PRATTLE: We are planning to release the Gngangara land usage and water management study in July 1998. Following the consultation processes and discussion, we expect that metropolitan region scheme amendments will follow finalisation of the study in 1999.

Mr KIERATH: Bearing in mind they take about 12 months to get through.

Dr EDWARDS: The second dot point at page 866 refers to the increasing population and urban growth in Perth. At page 867, the first principle on that is identifying and planning for appropriate means of transport. Did the ministry or the Planning Commission have any input into Transform WA? If so, what was that input?

Mr KIERATH: Not directly. However, the Department of Transport is an appointee to the Planning Commission so many of the projects under the umbrella of Transform WA were agreed on and planned previously. However, the priority and packaging was a Transport initiative. In one form or another most of the initiatives have been through the planning process.

Dr EDWARDS: The first dot point at page 868 refers to initiating a review of the Western Australia planning legislation for consolidation into one planning Act. When did that review commence? What are the terms of reference of that review? Is it possible to get it into one Act? Who is conducting the review? Of whom is the review team composed?

Mr KIERATH: I will not release the names of the members of the team, but it is chaired by Hon Richard Lewis. A handpicked group of people was chosen by me in conjunction with the Ministry for Planning. It is an advisory group to the Minister whose job is to pull together the legislation and prepare a discussion paper by about August this year. The discussion paper will be put out to the public for comment. An original time line took me until the end of next year. However, I said I wanted a discussion paper by the middle of this year. I asked the team to meet in my office so we could drive it and ensure we get something out for people to see. Once we get that out people will be able to make appropriate comment.

I believe it is possible to consolidate the legislation into one Act. The only hurdles to meeting the time frame are priorities such as drafting time and legislative time before both Houses. I am pushing for a Bill to be introduced in November or December and to lie on the Table over that month for consideration in 1999. That is a tough time frame.

Dr EDWARDS: What is the budget for that committee?

Mr KIERATH: There is no budget. Existing resources will come from my office, and the Ministry for Planning. Some travelling expenses will be paid to Richard Lewis. Other than that it will not cost anything. Some very good people are on the committee, who are giving their time free of charge.

Dr EDWARDS: Is Mr Lewis being paid?

Mr KIERATH: We are paying him some incidental expenses such as communications, travelling etc.

[11.00 am]

Dr EDWARDS: One of the performance measures under output 6 dealing with legislation, towards the bottom of page 896, is timeliness. What legislation is envisaged with that performance measure? Is it the consolidation of the appeals legislation and the Planning Legislation Amendment Bill now before the House? It shows a figure of 40 per cent for draft legislation by the end of 1998 and the target for 1998-99 is 100 per cent.

Mr KIERATH: The answer is all of those. The most important aspects will be the consolidation of the Bill and also the appeals legislation. They will be the two big initiatives.

Dr EDWARDS: I commend the Minister, because it is annoying to see in divisions that everything is 100 per cent and will always be 100 per cent, when one knows that is not humanly possible. Is 40 per cent a valid estimate or is the legislative program higher than 40 per cent?

Mr KIERATH: A large amount of time and effort goes into preparing drafting instructions. Once that stage is reached, a period is entered where one does not control the priorities. It is sent to parliamentary counsel - and I am not being critical - for drafting and one is then dependent on other priorities. The priority for legislation seems positive at times and then other urgent legislation will precede it; such as the completely unexpected abortion debate and the amount of time it consumed of this House and of senior parliamentary counsel. That puts all those time frames back. The drafting instructions for the appeals legislation is almost concluded. The group of which Richard

Lewis is chairman will have the discussion paper in August and those drafting instructions will be completed later in the year. That 40 per cent is a reasonable guess of the stage at which those two processes will be at the end of this financial year.

Dr EDWARDS: From what you are saying the 100 per cent is reasonable as well.

Mr KIERATH: I am sure that the appeals legislation will be passed before the end of the year. If the consolidation legislation is not passed by the end of the year, it will not be far off; it will be the beginning of next calendar year, which will be in this new financial year. That is why the existing estimated figure is 40 per cent and next year's target is 100 per cent.

The CHAIRMAN: Is the metro centre's policy under review?

Mr KIERATH: It certainly is.

The CHAIRMAN: When will that review will be completed?

Mr KIERATH: The review has been completed and is with the WA Planning Commission. It is a matter of the WA Planning Commission concluding with it and then sending it to me as Minister. A lot of reviews have been undertaken in the last month and a lot of difficult planning issues have been dealt with throughout the State. We hope most of that will be completed in this calendar year.

The CHAIRMAN: Will the net lettable area caps attached to Whitford City Shopping Centre and the Currumbine Marketplace be lifted in any way or is it premature to even discuss it?

Mr KIERATH: I cannot comment on that specifically at this point. It is true that the thrust of the policy in the past was to put some limits on it. These limits are not definable limits, but are guides in the absence of a retail and commercial strategy by the local authority. They are sometimes used more strictly than that, but that is usually when the local authority does not have an appropriate strategy. Under our critical path, it is expected to go before the WA Planning Commission in June. The next meeting will be the end of June.

The CHAIRMAN: Could it be agreed upon at that meeting?

Mr KIERATH: If agreed to by the WA Planning Commission, it will be sent to me. In the case of Whitford City, a very rare step was taken in the Minister's submission to the tribunal, which has not been done very often, to defend the limitations on the development of that centre.

Mr MELBIN: It is unique for that to occur.

The CHAIRMAN: The electorate of Joondalup is very grateful that you took that step and is vigorously opposed to any increase in the net lettable area caps on the Whitford City Shopping Centre development.

Dr EDWARDS: On the same issue, is the tribunal's decision imminent?

Mr KIERATH: I do not think so.

Dr EDWARDS: It has continued for some time.

Mr KIERATH: It is not appropriate for me to comment on matters before a tribunal.

Dr EDWARDS: I am not asking you to comment on the content, just on the time frame.

Mr KIERATH: I do not control the time frames, so it is not appropriate for me to comment. It is before the tribunal and has been adjourned to some time in July.

The CHAIRMAN: Members are referring to the detail of policy rather than the budget items. A question must be on an item of expenditure, not the policy of the department, as was read out in the initial statement.

Dr EDWARDS: On page 868 of the budget papers, the second last dot point refers to coastal management. Can the Minister provide an update on what is occurring, given that in the Budget last year and the year before, virtually the same statements were put forward as major achievements? However, this year it is a major initiative.

Mr KIERATH: I think it is a major initiative.

Dr EDWARDS: And an achievement?

Mr KIERATH: It is basically a new round of grants each year. If the money dried up, it would disappear from the Budget Statements. I hope that it never disappears and keeps reappearing as a major initiative. As a result of that program, in many cases, of the small amounts of money, huge amounts are returned from the community groups

involved. We receive some of the best value for our dollar from those grants. I have been involved in them. This year's grants have been allocated but have not been announced. We are waiting for the final tick off from the federal Minister. All the preparations and processes have been completed and those announcements are imminent once we receive that tick off. The only interference will be a possible election, which would put a spanner in the works.

Mrs van de KLASHORST: In the budget papers, the last dot point on page 868 states -

Preparation of strategies to deal with natural resource management issues as they affect land use.

Will the Minister update me on what is occurring, where it is at and will there be any major changes in what is currently being observed?

Mr KIERATH: A joint discussion paper from the WA Planning Commission and Agriculture WA has been released which has caused a bit of controversy in some rural areas. The Bushplan in the metropolitan area has sought to combine community groups with government. That is progressing, but has not been finally approved. I am unsure at what point the basic raw materials policy stands. I think a draft has been completed, but not finalised.

Mrs van de KLASHORST: Are any major changes envisaged in the basic raw materials policy, especially in relation to the metropolitan area?

Mr KIERATH: Do you mean the basic raw materials associated with limestone and gravel?

Mrs van de KLASHORST: Yes.

Mr PRATTLEY: No changes are proposed at this stage. A lot of work has been undertaken in the statutory region schemes for Peel and Bunbury and consultants have prepared a raw materials policy in conjunction with other government agencies.

Mrs van de KLASHORST: What about the metropolitan area?

Mr PRATTLEY: No change is proposed for the metropolitan area at this stage.

Mrs van de KLASHORST: Why is that?

Mr KIERATH: That is a responsibility of the Department of Resources Development. When I was handling an appeal in the member for Swan Hills' area recently, we had to seek advice from the Department of Resources Development. I believe the department had a draft basic raw materials policy. I do not know whether that is any different to what it had been using previously. That department is the key player and the source of advice in the development of that policy. The Ministry for Planning is the facilitator of it. Your question needs to be directed to the Minister for Resources Development.

Cape Leeuwin and Cape Naturaliste are important landscape areas. They have been a source of great conflict. The interesting thing about planning is that wherever there is conflict, there is a role for planners and Ministers for Planning. At this rate there is plenty of work out there; the area is alive and well. The department has some of the most difficult issues of all to deal with and they are conflicts of different land use. I hope the Cape to Cape is only a matter of a month or so away from finalisation.

Mrs van de KLASHORST: Is the metropolitan area taken into consideration with all of these? You have mentioned country issues.

Mr KIERATH: The metropolitan area has had a good planning system in place since the early 1960s and the introduction of the Acts associated with the metropolitan region town planning scheme. There are two layers of planning; the local level and the state level, which is now managed through the Western Australian Planning Commission. That has served the State well. People sometimes complain about it but they are a good check on each other and the system keeps the parties basically honest. There is a lot of land use conflict throughout the State. The metropolitan area has been well served by its legislation and regime. The areas of the State which do not have the advantages of that scheme are where work is needed. A Bill is before the House to allow us to expand those schemes into rural regions. We have the greatest conflicts in those areas which have not had a state planning regime.

The CHAIRMAN: Has funding been included in this Budget for the country councils? The department will give statutory powers to some of these country councils. The financial contributions to the Perth metropolitan fund are very important. If the country funds do not have any financial backing they will not achieve a lot.

Mr KIERATH: In this year's Budget, \$3m was allocated and, as a result of extending the scheme throughout the State, an allocation of \$6.9m, rounded off to \$7m, has been made in the 1998-99 Budget.

The CHAIRMAN: There has been an increase.

Mr KIERATH: There certainly has been an increase in this Budget. The allocation is \$7m and that is the amount required each year. When we look at acquiring land for various reasons we do not take a year to year view. A 20 or 30 year horizon is needed from a planning point of view. That is the sort of money needed to fund the scheme over that period. We received additional funding of \$3m in this year's Budget. Obviously a scheme will not be brought out statewide. It will be brought out area by area. Peel and Bunbury are the two highest priorities. They get a guernsey and the money will be there for them. I looked at all sorts of options from new taxes to levies to fund it. In the end, the Premier committed to an allocation from the consolidated fund and I think everybody breathed a sigh of relief.

Dr EDWARDS: I refer to the performance measures for planning on pages 871, 872 and 873. At the bottom of those pages there is a reference to effectiveness and the measurement of quality of life. How does the agency measure the movement in quality of life? What indicators are used as a part of that process? Is that information publicly available? How is the agency able to determine that its activities have a direct to strong influence on the outcomes?

Mr PRATTLEY: This is an interesting indicator. I am new to the State and this is a very innovative indicator. We were discussing it with a professor of public policy from England yesterday. She thought it was the leading edge of indicators. It is a composite of a range of statistical indicators. It is not perfect; we are still trying to evolve and develop it. The Auditor General is working closely with us on that. He is very interested in it as an indicator rather than its just being a simple measure. It includes some of the matters that have been indicated in the effectiveness issue, such as statistics. It also includes other things like health measures, distance from public transport, access to community facilities and education. We are endeavouring to develop it on a rigid statistical basis. However, there is a degree of sensitivity in interpreting the measures.

Dr EDWARDS: Is it possible by way of supplementary information to get a list of what you are using? You have referred to things that were in the state planning strategy.

Mr KIERATH: I think that is in the annual report.

The CHAIRMAN: Is it necessary to provide that information by way of supplementary information or is it included in the report?

Mr KIERATH: The member can refer to the report and if she requires further information I will supply it. Given the time available, she may have to make her request through a question on notice.

Dr EDWARDS: At page 888 some of the major initiatives for 1998-99 were described as major achievements for 1996-97. For example, employment area studies. Does this reflect the on-going nature of some of those studies and the fact that they either are run over a number of years or that you refine them as time goes by? Which employment area studies will be completed in the forthcoming financial year?

Mr PRATTLEY: Kemerton-Bunbury, Geraldton and Kalgoorlie are the major targets for this year.

Dr EDWARDS: According to last year's Budget, Bunbury and Geraldton had already commenced. Kalgoorlie is new. Are there any other new studies?

Mr PRATTLEY: Not at this stage.

Mr KIERATH: Kemerton-Bunbury is under way. Some study documents were released by the Minister for Resources Development and me recently. We have done some studies. We hold onto those, form a position and release it. We have released those studies for comment early in the piece so people can see the sort of information that will form the basis of planning decisions. That will be on-going. There are a number of options and these are broad studies to begin with. More detailed studies will be conducted as a consequence of that. The Geraldton study has recently been released.

[11.20 am]

Mr KIERATH: That is factored into the new developments at Narmgulu and Oakajee estates, and of course, Kalgoorlie. Even though the others may have appeared previously, active work is still going on.

Dr EDWARDS: On page 889, one of the major initiatives for 1998-99 is the review and re-release of the liveable neighbourhoods community design code for a further trial and testing. Does that mean that after it has been out for a year, it will be reviewed and re-released?

Mr KIERATH: When I launched and released the code, it was said that there would be a trial for a year and that we would reassess it at the end of that time. That initiative really relates to that.

Dr EDWARDS: How has it gone to date, given that initially I heard of some complaints that appear to be resolved?

Mr KIERATH: I am not aware of any complaints. I have had the opposite; a few people have told me that it has given them more latitude in design concepts and that they are looking forward to using it. I do not know whether there have been some procedural delays in the system.

Dr EDWARDS: I think the problem is more procedural.

Mr PRATTLE: I am not aware of any complaints. Complaints were anticipated. When we first introduced it, some of the players indicated that they thought there would be problems. We have been surprised at the degree of interest and takeup in it. The only formal complaint of which I am aware is that one of the councils wanted to insist that it was the only way it could be done, which was certainly not the intention of the commission nor the Minister when the code was released for trial. As I say, I am not aware of any complaints since the code has been in place. As we anticipated and everyone expected - the reason for doing the trial - a fair bit of fine tuning is going on, and there is a lot of workshopping and a lot of discussion, but there has been a lot of enthusiasm from both the development industry and local government towards using the principles. We are very pleased about that.

Dr EDWARDS: One of the issues raised with me is the development at Mindarie Keys. The commission had become very involved and was moving it along. Do you know whether that has been resolved?

Mr PRATTLE: I do not know specifically. We are doing a lot of work with the landowners in the Clarkson-Butler area in applying these principles. I think the answer in that context is yes, but I am not absolutely certain.

Dr EDWARDS: Given that it is really so important, what sort of methodology has been designed to evaluate the code at the end of the year and in the longer term?

Mr PRATTLE: We are working on some formal evaluation procedures to be brought in later in the year. At this stage the evaluation has largely been through workshop and partnership arrangements and by trialling the code on the ground and getting some first hand feedback on it, but we will look at more formal evaluation procedures as we come towards the end of the 12 month period. They are not yet finalised.

Mrs van de KLASHORST: On page 889, the third dot point refers to developing improved systems for monitoring land availability in the Perth metropolitan region. It also refers to the pipeline system. First, I would like to know what the pipeline system is. Secondly, what consideration is being given to changing the provision of residential single storey-type dwellings in places such as right in the city of Midland so that as these regional centres develop we do not have in the future another Perth with an empty centre but we get people living in the future cities, which would also save breaking up areas of bushland around the metropolitan area for homes.

Mr KIERATH: In answer to the general question, various zonings cover the metropolitan area. The metropolitan centres policy for shopping centres establishes a hierarchy in areas. Interestingly enough, I think the system has failed Midland in the past. We were there for a Cabinet meeting this week. Midland has, I think, about one-third too much retail space.

Mrs van de KLASHORST: With nobody living in it.

Mr KIERATH: Yes. There has been a huge emphasis on city living. The liveable neighbourhoods community design code is likely to impact on neighbourhoods like Midland. I have seen one or two proposals from the Midland area seeking advice. They propose commercial space at a lower level and residential space at an upper level. That is pretty exciting stuff.

Mrs van de KLASHORST: That is the way to go.

Mr KIERATH: A couple of proposals are in the system at the moment. There is no doubt that in the past, people faced a lot of obstacles and difficulties in getting projects up, but the sorts of things like the liveable neighbourhoods community design code will help those projects get up. I do not know what stage they are at now but the proposers came to see me and sought my input. I tried to give them some encouragement.

Mrs van de KLASHORST: What is the pipeline system?

Mr PRATTLE: The pipeline system is basically an administrative method of making sure that we can relate what is happening at the planning stage to the final delivery of lots, so that there is a better tracking system throughout the rather lengthy process from the original planning through to delivery. The Ministry has a much more accurate system of tracking and monitoring the supply and availability of land.

Mrs van de KLASHORST: Do you plan that you want so many lots by such and such a time or do you wait for developers to pop up and say that they have an idea for a development and can they do it? Is there a baseline, so that when someone comes up with a new development you measure it against that baseline and compare it with your projections? How do you monitor and organise the system?

Mr PRATTLE: The key mechanism is the metropolitan development program, which is one of our major activities. That integrates across government infrastructure development plans in anticipation of urban development. It is a fairly complex process but it starts each year by a survey of developers' intentions. It has been going for a number of years and has been refined even further this year. We have a fairly accurate measure of what the major players in the development industry are planning to do during the coming year. The metropolitan development program, working with the development industry and the government agencies responsible for delivering infrastructure, plots which areas should be released during the year and where the demand will be. It is about achieving a strategic approach to the release of land rather than an ad hoc response to pressure.

Mrs van de KLASHORST: I have in mind five acre plots in the Gidgegannup area that have appeared all over the place and are not selling. They are on good farmland that is being broken up. Was that a planned development by the Planning Commission or did developers simply come forward and ask for it?

Mr PRATTLE: The metropolitan development program has historically focused very much on urban land delivery and not rural type developments. The commission is very conscious of that issue and is trying now to build into the processes a whole range of activities for looking at better management of those kinds of uses on the fringe of the metropolitan area.

Mr KIERATH: If you look at what happens with the metropolitan region scheme, you will see that it gives an indication that broad areas are provided for development. That probably forms the basis of the metropolitan program. Despite that, various land owners want to do something a little different, and so we get various omnibus amendments where bits of land have a zoning change. If we are to do a major review of a corridor, we will change the zoning. No sooner is the ink dry on that than a landowner will come along and say, "Here is the justification for why I should be doing this" and get approval. We have an overall system but we still have the ability for people to do ad hoc developments. You are probably looking at where there was an overall scheme and someone got approval for a bit of ad hoc development. All sorts of problems would be caused if the Government tried to stop that. The right system should be in place to cover the vast majority of cases, and ad hoc developments should be agreed to on the basis of merit.

[11.30 am]

Mrs van de KLASHORST: I refer to developments such as Ellenbrook, which is entirely a dormitory suburb. If it proceeds as planned the suburb will have a population equivalent to the populations of Bunbury and Busselton. As there is no industry near Ellenbrook, it means all those people must travel to work using their cars because there is no public transport. Have the planners changed the rules since Ellenbrook was developed so that these massive dormitory suburbs will not be created in the future? The situation at Ellenbrook is horrific.

Mr KIERATH: I would not say it is horrific; I think it is a fantastic development.

Mrs van de KLASHORST: It is a lovely place but the people driving to work clog up the roads.

Mr KIERATH: When the department released the liveable neighbourhoods community code, also released were the results of a study of employment trends. Within five years, 23 per cent of the population will be working from home, because of technology achievements and so on, inside the public sector. A number of trials have been undertaken, and the practice now is that people doing certain jobs spend a great deal of time working from home. For example, a policy officer may work three days a week at home, using modern technology and the availability of the Internet, and may spend one or two days a week in total in the office for face to face contact with other people. If the member reflects on that for a moment, she will recognise that close to one in four people will work from home within five years. That means a whole different thinking on planning issues. That is being factored in. The liveable neighbourhoods community code takes that into account in the planning process.

With regard to the Ellenbrooks of the future that are being planned at the moment, one example is a development at Yanchep. It is recognised that the community will survive only if there are employment prospects. Consideration is being given to establishing niche industries in a nearby area. Another development at Vasse in the south west will be a high technology cum educational village. Much of the work will be in that community, and the employment prospects are being used to attract people to the development. There has been a tendency for planning to allow for the development of dormitory suburbs.

Mrs van de KLASHORST: But 50 000 people will live in the Ellenbrook area with no employment nearby.

Mr KIERATH: The Alkimos and Eglinton developments are being considered for a population of 50 000, but there will be little village nodes, concepts or communities with a lot of employment in the region. One in four people will be working at home, and the planning for that is also linked to the establishment of Joondalup as a regional centre. A number of people will work there. The Government cannot stop people from living there and commuting to Perth.

Mrs van de KLASHORST: I want to make sure this factor is considered in future.

Mr KIERATH: The current review of the north east corridor structure plan will take into account those facilities in the corridor referred to.

Dr EDWARDS: I refer to page 889 of the Budget Statements at which reference is made to the preparation of a development control policy for the Swan River in conjunction with the Swan River Trust. Will the Minister explain what that means and the process involved? Will it go any way towards addressing the problems developers raise about the Water and Rivers Commission's approvals, sometimes in addition to those required from local government and the Swan River Trust?

Mr KIERATH: I am not sure it will do anything to stop the requirement for approvals because legislative change would be needed for that. Anyone proposing a development will still require those approvals.

Mr PRATTLE: We are trying to achieve through this a much better framework for decision making by both the WA Planning Commission and the Swan River Trust. At the moment we are conducting negotiations between the respective chairmen and CEOs of the commission and the trust. We have agreed on the need to develop a joint vision for the river and a much better framework policy document that recognises the different elements of the river and provides a background against which developments, such as the Raffles Hotel, can be assessed in a better context. I refer to both the landscape and the environment, and the lifestyle we want to create along the river. We are now working at officer level, having reached agreement at chairman and CEO level to proceed jointly, to develop a project for the next 12 months. It will be one of the major initiatives this year. We have not yet worked out the full details. They are being evolved at the moment.

Mr KIERATH: If it is successful it will help overcome some of the problems.

Dr EDWARDS: If it is successful, will you look at local government where some of the problems occur?

Mr PRATTLE: If we develop a framework which sets out more clearly what we are trying to achieve in different parts of the river, it will help everyone, including local government.

Mr KIERATH: The development application begins with local government. That is the first stage, and we are talking about the second stage. Once they have got over that hurdle, we must try to coordinate the statewide view, which comes from the Planning Commission and the Swan River Trust. They both have an overriding view, rather than a local view. With due respect, I do not think we will ever sort that out. It is in the too hard basket.

Mrs van de KLASHORST: I refer to output 7 at page 897 of the Budget Statements dealing with acquisition, management and disposal of land reserved under the metropolitan region scheme. I note a massive increase of about \$5m for this item, which is great. It also states that the reason for the variation is regional. Will that budget item cover the whole State or just the metropolitan area? Will the Minister explain the difference in this budget item?

Mr MELBIN: I take it the member is referring to the difference between the \$5.9m in 1997-98 and \$10.4m in 1998-99. That all relates to the metropolitan region. The major reason for that difference is a substantial carryover of about \$4m. For example, money has been allocated by the Government for development of Port Catherine, and it has not been spent. That was in last year's budget and it has been carried over. The Commonwealth provided money for the Swan greenway path system around the rivers of about \$850 000, and that amount has been carried over. There are other matters of that nature. Two or three big items between \$1m and \$2m account for most of that increase.

Dr EDWARDS: My question relates to the introduction of three major amendments to the metropolitan region, referred to at page 889. Which amendments are these likely to be and what has happened to the amendment for the north west corridor? Will it come to the Parliament soon?

Mr KIERATH: Normally the three major amendments occur in the regions, and are contained in a major omnibus amendment Bill. The amendments usually relate to the northern, southern and eastern areas, with one amendment in each area. We expect the Gnangara water mound amendment to come up next year, and the Jandakot water mound was dealt with last year.

Dr EDWARDS: What about the north west corridor? That has gone through the process but there is now some delay.

[11.40 am]

Mr KIERATH: That is before the House.

Dr EDWARDS: When did that arrive?

Mr KIERATH: Sorry. It had been ticked off from my end; however it is due in the House on 10 June. It has been through Cabinet and through the party room and it is due to be delivered here shortly. I think the Estimates Committee interfered with the tabling of it.

Mrs van de KLASHORST: I refer to page 898, output 8, management of the commission's park and recreational estate. I notice that the performance measurements refer to Whiteman Park. Does the commission manage any other parks, because that is the only one mentioned in the performance management?

I must commend the commission on Whiteman Park. It is well planned and visitors abound there every week. I was recently there with my family.

Mr KIERATH: Whiteman Park is one of the biggest and certainly the most difficult. A proposed plan for the future of Whiteman Park has been released.

Mr PRATTLE: Whiteman Park is the major element. It is the only parkland that operates with such a major organisation and staffing. There are also elements of management of other parkland that the commission owns.

Mrs van de KLASHORST: What about the Darling Range Regional Park? Is that a different type of park?

Mr MELBIN: That is a regional park that is a compilation of other land areas that the commission owns and has under land management pending the transfer to CALM, so it certainly is a commission park.

Mrs van de KLASHORST: Would that budget item cover that as well?

Mr KIERATH: No. That park unit is managed in hectares. The difference between those are that they are normally pooled together and transferred over to some other agency to manage, so they have an interim management basis. However, Whiteman Park and Araluen are specific and we set up a parks boards and controls which we do not intend to hand over to anyone else, so they will be ongoing in the structures they have.

Mrs van de KLASHORST: That is what I wanted to hear - that you are not intending to hand them over.

Division 46: Department of Productivity and Labour Relations, \$7 508 000 -

[Mr Baker, Chairman.]

[Mr Kierath, Minister for Labour Relations.]

[Mrs J.F Cooper, Acting Chief Executive Officer.]

[Mr E.M. MacNeill, Manager, Finance and Administration.]

Mr KOBELKE: The mission statement on page 953 which states, "To promote productive, competitive and fair workplaces". There does not seem to be much in the budget documents that has anything to do with fair workplaces. Will you give some explanation of what you think a fair workplace is, and what policies should be pursued in order to ensure that workplaces are fair?

Mr KIERATH: I will get Jan Cooper to reply to the agency component of it and then I will come back and give you the policy part of it. Some sections relate to fair workplaces, which involves the inspectorate, liaison officers and a range of people.

Mrs COOPER: I direct you to outputs 6 and 7 which are directly related. The division responsible is called the fair workplaces division. The people in that division are the industrial inspectors, our wage line people, the workplace liaison officers, our publicity people. The sum total of their effort is dedicated towards ensuring that the laws are upheld and that people are aware of their rights and obligations and their choices.

Mr KOBELKE: Will you add to that Minister?

Mr KIERATH: No.

Mr KOBELKE: Output 6 relates to the advice and decisions on choice obligations and rights. Does that service apply to employees or predominantly to employers?

Mrs COOPER: It applies to both employees and employers.

Mr KOBELKE: Who are the users given in the quality statement towards the bottom of the page?

Mrs COOPER: The users of this output are the callers to the wage line service which are roughly 50-50 employers and employees.

Mr KOBELKE: It says "users of workplace liaison service". Are they users of the service?

Mrs COOPER: They are predominantly employers, but they are only one part of output 6.

Mr KOBELKE: Are you saying that a fair workplace under output 6 is a phone-in arrangement plus a service that helps employers?

Mrs COOPER: No. The service that is provided to employers is a service that explains to them what their rights and obligations are, so the impact of that is that employers obviously will treat their employees according to the law and therefore will be treated fairly.

Mr KOBELKE: You are agreeing with what I have just put to you that it is not a direct service to employees, other than the telephone wage line?

Mrs COOPER: Not the workplace liaison service, no.

Mr KOBELKE: Minister, looking through the performance measures, while I think they are a bit of a joke and the media has had fun with them, there are also areas that have not yet been developed. I can understand partly that can be the need for the new reporting service. However, one would have thought you might have been able to go a bit further. Given that we have a very clear discrepancy between the wages established under your legislative framework, do you claim that to be a performance measure?

Mr KIERATH: I am not sure about the last part, but I strongly reject the first part. I do not think that the performance indicators are a joke. I have never accepted that, so that may be your comment, it certainly is not a comment that I would make. I would not want any aspect of that to be attributed to me whatsoever. I have to say quite candidly that in my view, the Department of Productivity and Labour Relations, and whatever you may think, I am the Minister currently, is doing an exceptional job. I have never been more pleased with the department than I am at the moment. It is in a difficult position. It has a lot of work to do at the moment with the whole system of enterprise and workplace bargaining, and the government workload has been huge to allow agencies to have the flexibility, but to keep some sort of consistency and quality associated with that. I must be very candid and say I am delighted with the performance of the department currently.

Mr KOBELKE: Be that as it may, you may be delighted with it because it is fulfilling your policies. It is your policies more than the implementation that it has difficulty with. I again ask the question which I attempted to put to you a moment ago: Given that under the workplace agreement the minimum wage for a 38 hour week is now \$55.15 a week or \$2 867.80 per annum lower than under the minimum federal award, are you claiming that as a performance measure of your greater productivity in the workplace?

[11.50 am]

Mr KIERATH: I am not sure whether it is being claimed as a performance measure. We were the first State to legislate for a minimum wage. The federal commission had never thought of it until Western Australia paved the way. The minimum wage is set down on paper, but it is only taken up when it is invoked award by award. It is a Clayton's figure; it appears to be there, but current awards can operate at less than that unless there is an application to have the minimum wage figure inserted. I am not here to slag the federal system. We have a different approach. Our minimum wage is set on a needs basis, and that is what it should be. Above that people can bargain accordingly. Recently at a conference of labour Ministers in New Zealand, I heard about a similar approach there. It was being claimed as a great strength in that system. It was claimed that a weakness of the Australian system was centralised control. I came away delighted because I could say that not only do we lead Australia, we also had the good points of the New Zealand system combined in the one system in Western Australia.

Mr KOBELKE: I ask the Minister to address this point: Given that workers are \$55 a week worse off under this scheme, is the Minister proud of that; and if so, why is it not noted as a performance measure?

Mr KIERATH: This is a stupid part of that sort of a stupid question. It is a legislated minimum, not the normal or the average. This State is doing better than almost every other in Australia in this regard. The people in only one State have a higher take home average pay than that in Western Australia; that is, New South Wales, and it is only by a few dollars. When we take into account the housing costs in New South Wales, people in Western Australia have the highest disposable incomes of all people living in this country. We think that is a pretty good record.

The minimum wage is not the focus. The minimum wage is exactly that - a minimum wage. About 100 000 people were not covered by any of the minimum figures until we brought in that legislation. Now it is applied to those people. From some of the situations we deal with, I can tell the member that quite often that minimum wage is a crutch for certain people to lean on, to make sure they are given their entitlements. Previously those entitlements could not be enforced. I remind members that although it is a needs based wage, when we look at the typical, rather

than the minimum, we get a totally different picture. If the member wants to focus his mind solely on what is the minimum, I will tell him that it is the level of the safety net; it is not the average of what most people are taking home.

Mr KOBELKE: I would like to pursue the Minister further on his misrepresentation of the facts on mean weekly earnings. Because of the mining industry in Western Australia, mean weekly earnings are higher than the national average for men in full time employment. The graphs for mean weekly earnings from 1988 to 1997 indicate that since 1994 when this Government's policies started to have some effect, there has been quite a marked decline. Part time wages for males in this State are more than 10 per cent below the national average and for females, total and part time, the figure is also 10 per cent. Wages for females in full time employment are now 8 per cent below the national mean average wage. That is clearly a result of the present industrial relations policy. If the Minister claims that as an achievement, why has it not been set down as a performance measure?

Mr KIERATH: I reject that. The member talked about the year 1994. Since then there was a 4 per cent difference - that figure is off the top of my head; I cannot remember all the figures accurately - and only about 1 per cent of people in this State at that stage were working under workplace agreements. Even with the most flexible imagination in the world, that can never be blamed on workplace agreements.

Mr KOBELKE: I did not say that.

Mr KIERATH: Obviously that was delivered inside the existing industrial relations system. One of the things I can do -

Mr KOBELKE: Perhaps we can move on, if the Minister does not wish to answer my question. He is wasting the time of the committee.

The CHAIRMAN: I ask the member to allow the Minister to answer the question.

Mr KIERATH: I am pleased to report that the workplace bargaining process has empowered people to get more customised salary and wages -

Mr KOBELKE: Lower wages; lower relative wages.

Mr KIERATH: - packages that are more suitable to their circumstances. In the Department of Productivity and Labour Relations, for example, there is the 48:52 situation, where people take an extra four weeks' leave a year unpaid, but their salary is spread over the full 52 weeks. People who worked full time - basically 52 weeks a year with their annual leave entitlement included in that - used it to meet family commitments or for study or some other purpose. We have found that just below the full time level, there has been a great demand for packages that are not quite full time employment, but just a little below that. People are taking up packages to suit their personal circumstances, far more than accepting the one size fits all mentality that was previously delivered.

The CHAIRMAN: My question relates to the performance measures for output 6 on page 961. I refer to the workplace liaison service. I understand a couple of private sector businesses provide advice fairly similar to that provided by the Department of Productivity and Labour Relations. Is the Minister aware of how many private sector businesses are providing that service?

Mr KIERATH: It is quite a few. When I had negotiations with the industrial bargaining agents, not all of them were in that service, but many were providing it. From memory, between 50 and 100 organisations are offering those services. The officers of the workplace liaison service do not go out and help people to do agreements. We have been trying to be proactive: Officers visit workplaces to make sure the right wages are being paid, and to do that in an advisory role, rather than a policing role in the first place. That is paying great dividends. Instead of people trying to cover up, they have been much more prepared to accept a workplace liaison officer and make sure that all their information systems and all the things they do are above board and carried out in accordance with the law. The returns we have been getting out of that are quite substantial. The officers do not go out and help people to do the agreements. They will provide information packages that are available for anybody who wants to approach the department. If anything, it creates a greater demand, not less, for those people providing those services.

The CHAIRMAN: Does the service charge any fee?

Mr KIERATH: No, none at all.

Mrs van de KLASHORST: I refer to the capital works budget statements on page 966. I see that \$170 000 is allocated for computer hardware and software. Is that related to addressing the millennium bug and, if not, does any line item in the budget specifically relate to solving this problem?

Mr MacNEALL: That amount is specifically for computer hardware and software replacements or upgrading programs for the agency. A departmental committee, which includes information technology people, is addressing

the millennium bug. The expenditure related to any costs incurred for that comes out of the operating expenses in the budget specifically for information technology.

Mrs van de KLASHORST: I take it there is no specific budget to deal with this issue.

Mr MacNEALL: No.

Mrs van de KLASHORST: Is the department aware of the estimated costs?

Mr MacNEALL: I have no idea. I do not think we have gone through an estimated costing exercise. We have accepted it as part of the current operating expenses. We must address these issues. We do not expect it to be a significant amount.

Mrs van de KLASHORST: Is there a time line for it; is it time critical?

Mr MacNEALL: I cannot answer that specifically.

Mrs COOPER: We are on time. We have had tick offs from the relative agencies in respect of the audit of our policy for our liability for exposure.

Mr KIERATH: When replacing information technology equipment and software, we would not buy anything now that does not cater for the millennium bug. It would be rather stupid to do so. In many cases those things will be updated and replaced as time goes on.

[12 noon]

Mr BLOFFWITCH: How many workplace inspectors are there to inspect awards and agreements to ensure that people are being paid correctly in accordance with those agreements?

Mrs COOPER: In the metropolitan area, we have 12 industrial inspectors. In the regional centres we have five inspectors plus support staff. They not only look at workplace agreements to ensure that people are being paid correctly, but also they are primarily associated with the award system. However they do provide advice, when asked, on the other part of the system.

Mr BLOFFWITCH: Has there been an increase in numbers, or have they shrunk over the past two years?

Mrs COOPER: Over the past two years they have increased.

Mr KOBELKE: From what to what?

Mrs COOPER: They did not increase last year. I think the increase occurred in the previous financial year; from memory, by three or four.

Mr BLOFFWITCH: I understand the complexities. A number of small businesses have ended up in the industrial courts with problems relating to awards and underpayment. We should be doing a better public relations job. As a PR exercise, we should have inspectors explaining to businesses that part-time and casual employment are two different things. This would prevent a lot of industrial trouble.

Mr KIERATH: There was an increase in numbers two years ago. I think it was five but it may have been only four. I gave a commitment at that time to increase the numbers. Therefore, when you work that back, if there were four previously, it would have been eight. That would have been a 50 per cent increase of the numbers in the metropolitan area. That is a substantial increase.

Mr KOBELKE: The Minister's parliamentary questions indicate there were 21 in 1991.

Mr KIERATH: Just hang on a second.

The CHAIRMAN: Order members! The Minister is answering a question.

Mr KIERATH: I will come back to that question. One of the key roles of the workplace liaison officers, of which I think there are four, is to do that. One of the difficulties is when the industrial inspector comes out. If there has been a problem - and usually the only reason they come out is when there has been a problem - employers are reluctant to cooperate. They are confronted with a policeman knocking on their door; and employers tend to clam up and refuse to provide information. The role of the workplace liaison officer is to do exactly as the member for Geraldton suggests - that someone come out and discuss with them their obligations without the fear of prosecution following. That is why we separated those roles because when we tried to put them together we could not get that trust arrangement. We did it on a trial basis and the results have been outstanding. That is why we are continuing on that basis.

Mr KOBELKE: Just to elucidate, in 1991-92, according to the records from the annual reports, there were 21 inspectors as against 17 now. The trouble is they keep changing the definition of which people fit into which category, therefore it is hard to work out which people are doing the job. Can we have some understanding of the seven output areas on which the budget is structured? There is no continuity with last year at all.

Mr KIERATH: I will answer the first comment and then take the second one. I absolutely reject the first comment. There has been no reduction in the number of industrial inspectors on the ground since 1993; in fact there has been an increase. However, in that division a number of other functions are performed by the staff of that division and some of those people are doing quite different functions. They were not, effectively, inspectors on the ground; if the member for Nollamara is referring to something that had been transferred to another department, section or directory inside the Department of Productivity and Labour Relations, that could have occurred. However, there has been no reduction. There has actually been an increase of inspectors on the ground.

Mr KOBELKE: Can the Minister give greater meaning and explanation of the seven output areas in the way the presentation is structured in the budget papers? Given that there were only three divisions last year, is this a reorganisation of divisions or just reporting on a totally different basis? In particular, how many FTEs are allocated to each output area?

Mrs COOPER: I assume you want to know which outputs relate to which areas in the department?

Mr KOBELKE: Yes.

Mrs COOPER: We, as a department, underwent a fairly extensive planning process at the beginning of this year and developed some outputs which we put to Treasury to include in the budget papers. Unfortunately, the timing was not compatible and we had to negotiate with Treasury in relation to our outputs. Therefore, the output description is the output we hoped to have included in future budget papers. Output 1 relates to the labour relations services division, the people working in the public sector area. I believe they have 26 FTEs. Output 2 is also the labour relations services division.

Mr KOBELKE: The 22 FTEs cover both outputs 1 and 2?

Mrs COOPER: Yes.

Mr KOBELKE: Output 3?

Mrs COOPER: Outputs 3, 4 and 5 relate to the policy and legislation area which has 18 FTEs. Outputs 6 and 7 relate to the fair workplaces area. I do not have the FTE figures; however it is 42.

Mr KOBELKE: If we assume that is 41, they still add up to just over 80; whereas the FTEs last year were 105 and, I presume, are still 105.

Mrs COOPER: They are still 105. The remaining FTEs are in the corporate services area, the chief executive officer and support staff.

Mr KOBELKE: Last year the Minister, or it may have been the chief executive officer, indicated that not all those positions had been filled. How many of the 105 positions of your establishment currently are filled?

Mrs COOPER: I do not have those figures with me.

Mr KOBELKE: Is that close to 105?

Mrs COOPER: It would be probably 95 to 100.

Mr KOBELKE: Therefore, you are five to 10 down at the current time?

Mr KIERATH: We will provide that by supplementary information within seven days.

The CHAIRMAN: That is noted.

Mr KOBELKE: The Treasury requires of departments a productivity bonus. Is that also required of DOPLAR? If so, how much does that take out of the 1998-99 budget?

Mr McNEALL: I am aware of productivity bonuses. So far as I am aware, we have not had specific advice from Treasury on the details of that bonus. I understand that it is a bonus that relates to 1 per cent of budget. I have heard this from a third party. We have no figures to provide in relation to that because we have had no specific advice.

Mr KIERATH: I think Mr McNeill is talking about a new initiative that is coming through. I think the member for Nollamara is talking about the setting of the budget last year; and this year there has been a productivity bonus applied.

Mr KOBELKE: I think that was one and a half per cent.

Mr KIERATH: Yes, but that would be reflected in the budget. I guess the question is: Are you managing within your budget? Have you any difficulty meeting it?

Mrs COOPER: In answer to that, we are certainly managing within our budget.

Mr KOBELKE: I move now to questions on most of the output areas, firstly output area 2 on page 957. The last part of the statement at the bottom of the page says -

The effectiveness of outputs is to be measured by undertaking a survey of targeted private sector organisations.

Can the Minister provide a list of the targeted sector organisations?

[12.10 pm]

Mrs COOPER: No list is available at the moment.

Mr KOBELKE: When will that list be determined, and what criteria will be used to establish whether a private sector organisation is likely to be targeted for this survey?

Mrs COOPER: I do not know that it was intended to prepare a list at the beginning of the financial year. We are identifying organisations that we will target, initially by type, and the list will develop as the year proceeds.

Mr KOBELKE: Output 3 at page 958 is competitive labour market analysis and advice, and the performance measure under the heading "Quality" is the Minister's perception of the extent to which DOPLAR developed and facilitated a more efficient and competitive labour policy and legal framework. I will not ask the Minister for the rational basis for his perception as being 75 per cent, but did the Minister intend not to mention the word "fair" so that his perception is based totally on a more efficient and competitive labour market and does not need to consider whether it is fair?

Mr KIERATH: This is not an indicator for which I asked; it is an indicator to which I have responded. I am not always convinced that the indicators are the right ones. In this case, it is an indicator that DOPLAR asked for. It wanted to know the views of the Minister about those areas, and that is quite right and proper. In my view, in the past five years the department has been working the best that it has ever worked, so it will get a high rating from me.

Mrs COOPER: There was no deliberate attempt to exclude an assessment of fair workplaces from that measure. I draw attention to the high level outcome of the department's mission statement, which includes a reference to fair workplaces. Obviously the development of a more efficient and competitive labour policy and legal framework will be judged in accordance with the mission statement.

Mr KOBELKE: It is stated at the bottom of page 958 that the effectiveness of outputs is measured by a survey of the Minister for Labour Relations. What does that mean?

Mr KIERATH: I responded to a survey from the department.

Mr KOBELKE: Does that mean the survey was of the Minister?

Mr KIERATH: The Auditor General has also written to me and asked me to complete a survey on him. It is a pretty regular occurrence that agencies survey the people to whom they are providing services. The department is the source of major policy advice to the Minister, and it also has an industrial advisory and advocacy role with various agencies, so it needs to deal through the Minister on many occasions. The survey was not something that I asked it to do, but when it sent it to me, I filled it in accordingly.

Mr KOBELKE: It is a survey of the Minister, where the Minister receives a survey form and fills it out, and that is the measure of its effectiveness?

Mrs COOPER: It is related to the quality indicator which deals with the Minister's perception, and we find out the Minister's perception by way of survey.

Mr KOBELKE: Do you give the Minister a survey form?

Mr KIERATH: Yes, as does the Auditor General.

Mrs van de KLASHORST: Output 7 is the promotion of productive, competitive and fair workplaces. The proportion of complaints received and resolved without recourse to legal action is 75 per cent, and your budget target is also 75 per cent. Should that not be higher? Are you not trying to have more matters resolved without going to

the court, because that is a much better way? I do not know how the member for Nollamara could not have picked up the word "fair", because it is on every page of the outputs.

Mr KOBELKE: It was left out of that measure.

Mr KIERATH: The reason for that figure of 75 per cent is that 25 per cent of the cases are the intransigents, or the recalcitrants, as I think Keating called them, and we need to take legal action because no amount of negotiation will persuade them. We have tried to improve that situation, but it is very difficult, because when a case gets to that stage, the relationship has soured dramatically and it is difficult to get people to cooperate. That is why the effort is going into the workplace liaison officer end to try to educate people ahead of the pack so that we do not get to that stage; and in time, if we get that right, we will have a smaller number of hard-core people against whom we will have to take legal action. Many people do it through ignorance, or whatever the case may be, and we can usually resolve those cases. However, the people who deliberately flout the law end up being the hard-core ones whom we have to prosecute.

Mrs van de KLASHORST: Do the 25 per cent of people whom you have to take to court tend to be the same people over and over again or are they new people?

Mr KIERATH: There are some notorious ones. One year we had one that had about 20 000 cases. Once we are aware of particular industries or people, we can target them and make sure they do the right thing. A core of people throughout a number of industries keep coming up, and they are the ones with whom we try to negotiate, but if we cannot, we need to prosecute.

The CHAIRMAN: Do any of the complaints referred to under performance measures for output 7 at page 962, under the heading "Quantity", relate to alleged offences against section 96M of the Act, which deals with discriminatory and injurious acts against persons because of non-membership of employee organisations?

Mrs COOPER: No. I understand that in the last financial year we had no such complaints.

Mr KOBELKE: A key performance measure for output 6 is the WageLine Service. The performance measures do not indicate the number of calls that were made. Problems were mentioned during the estimates debate last year, and I see under capital works that \$51 000 has been allocated to improve the telephone technology. What were the number of calls to WageLine, and what percentage of calls get through?

Mr KIERATH: The number of calls to WageLine increased by 6 per cent when compared with the first 10 months of 1996-97.

Mr KOBELKE: To what level?

Mr KIERATH: I will come to that. At the current rate, WageLine will receive 152 000 calls this financial year, which will be an increase of some 8 600 over last year's total of 147 474. The response rate for the financial year to date is 90 per cent, for 1995-96 it was 79 per cent, and for 1996-97 it was 88.1 per cent.

Mr KOBELKE: Has the new telephone system been fully implemented; and, if so, can any judgment be made about whether it has helped to improve effectiveness?

Mr KIERATH: I understand the system has been installed and has a new 1300 telephone number for both metropolitan and regional callers.

Mrs COOPER: We believe that the new telephone system is responsible largely for that increase in response rate.

Mr KOBELKE: It has gone up by 1 per cent.

Mrs COOPER: Yes.

[12.20 pm]

Mr KOBELKE: Why not use the number of calls and the response rate as the performance measure? They clearly show an improvement, and it would give some meaning to the effectiveness of the wage line?

Mrs COOPER: We believe that a better performance measure is whether people are satisfied with the information and understand what they are being told. We could have a high response rate but those people might not understand or be satisfied with the information.

Mr KOBELKE: What methodology was used to establish that satisfaction rate?

Mrs COOPER: A survey based on a random sample was conducted of people calling into the wage line.

Mr KOBELKE: That means you speak only to people who have got through, so that survey does not include the people who do not get through and become discouraged?

Mrs COOPER: No. However, we find that a large proportion of the people who use the wage line are frequent users of the wage line, so they have had a long experience with it.

Mr KOBELKE: Output 6 is one area in which there is a marked cut: 8 per cent in dollars and 11 per cent in real terms. What part of the service will be reduced, or what efficiencies have been found to allow such a large reduction?

Mr MACNEALL: There is no specific cut in that allocation. It relates to the accounting treatment in the budget process. The decrease in the net cost of output against that area is a product of a carry forward of unexpended funds from the previous financial year into the current 1997-98 year, which leaves the total cash expense of that output for the current year to be higher than for the 1998-1999 year. That is the basis of the difference.

Mr KOBELKE: The performance measure for outcome 7 on page 962 is the proportion of complaints received and resolved without recourse to legal action, rather than the number of successful prosecutions or number of cases handled. The department could use many other measures, including those which have been used in its annual reports.

Mrs COOPER: That measure has been supported by the Auditor General as a good indicator of our success in resolving matters. Therefore, it enables us to measure how our officers go about their work.

Mr KOBELKE: I imagine the police would be happy with a performance indicator which rates its success on the number of matters that it resolves without recourse to legal action.

As your office is required to ensure that wages are paid according to the law should it not be looking at the level of compliance, rather than how many people it can get off its books? What measures are there on the level of compliance in the community with both award conditions and other contracts of employment?

Mrs COOPER: The nature of the award system makes it difficult to identify who should be complying with it. It is the kind of data that would be extraordinarily difficult to obtain. We have data on the number of people who make complaints and which awards they are dealing with. However, that broad data set would be problematic.

Mr KIERATH: Without specialised programs to find out the level of compliance, historically the measure has been number of prosecutions and resolution of complaints.

Mr KOBELKE: When prosecutions are undertaken by DOPLAR are they handled by the staff? If so, are any of the staff of DOPLAR legally qualified? If not, and outside legal expertise is used, who is contracted to take the prosecutions?

Mrs COOPER: Whether our staff proceed with the prosecution depends on the case. If it is a case that we believe our people are capable of handling then they will handle it. If it has some peculiarities or there are detailed legal points to be argued we would get the Crown Solicitors's Office to do it. A number of our officers are legally qualified, but they are not recruited on the basis of their legal qualification.

Mr KOBELKE: How many new prosecutions were initiated in the 1997-98 year, for the whole range of Acts that DOPLAR is required to uphold?

Mrs COOPER: There was one prosecution for an award breach and there are about five pending.

Mr KOBELKE: Were these initiated in this year as opposed to ongoing cases from the previous year?

Mrs COOPER: Yes.

Mr KOBELKE: The Minister put out a press release last year indicating that \$90 000 had been recovered as part of the program through the northern suburbs that targeted certain industries for underpayment of wages. What amount was recovered for employees who made claims for underpayment of wages in this financial year, or on a different collection basis if the figures are not available for this year? What are the most recent figures on an annualised basis?

Mrs COOPER: The amount to date is \$406 000.

Mr KOBELKE: Do you also have any figures on the total amount of underpayment of wages which was claimed by the employees who made complaints to DOPLAR?

Mr KIERATH: That would not be readily available.

Mr KOBELKE: We do not know whether that \$400 000 is 1 per cent, 10 per cent, or more, of the amount claimed.

Mr KOBELKE: The cost for file closure is shown as \$0.241. What does that mean?

Mr MACNEALL: The amount of \$241 is a calculated cost arising from direct costs of the processes involved with file closures within that area and on costs for corporate support services and things like that.

Mr KOBELKE: Does the calculation relate to the net cost of the number of files closed?

Mr MACNEALL: Yes, it would.

Mr KOBELKE: You indicated earlier that you do not have any measure of compliance across the community generally. Does DOPLAR believe that particular industries have a problem of compliance with the requirements of paying award wages or meeting the other legal requirements under contracts of employment? If so, which industries?

[12.30 pm]

Mrs COOPER: We have indicated in previous years that we identified the hospitality area as one having problems with compliance. We have been involved in an extensive education campaign in that industry, and that has gone on for some time. Recently we identified the service station industry which has had changes to trading hours and its award, and is having a problem dealing with that as well. Therefore, we are about to engage in another education campaign for that industry.

Mr KOBELKE: How is that information obtained? Is it picked up from the general level of complaints?

Mrs COOPER: We do a lot of analysis of complaints, and measure them against awards and industries so that we can direct our education resources in the most appropriate way.

Mr KOBELKE: Has DOPLAR done an independent survey or audit to be able to judge the effectiveness of programs to ensure award compliance?

Mrs COOPER: No.

Mr KOBELKE: Why is the degree of compliance with the legislation not picked up in some form of performance indicator?

Mr KIERATH: We have already answered that question.

Mr KOBELKE: Moving to the role of statutory inspectors, as they will take matters back and proceed to prosecution, does the department have a prosecution policy; and, if so, what was the date of implementation of the last version of that policy?

Mrs COOPER: We certainly have a prosecution policy. I cannot recall the date of the last one that was issued. It is probably the one that I have provided previously.

Mr KOBELKE: It is the one that has been in place for some years?

Mrs COOPER: Yes.

Mr KOBELKE: Does the department have an enforcement policy?

Mrs COOPER: There are peripheral guidelines for people in respect of some of the new legislation. People obviously must have guidance to work with the new legislation. However, we do not necessarily build that into our overall policy and guidelines.

Mr KOBELKE: Is the Minister willing to make available as supplementary information that enforcement policy?

Mr KIERATH: I do not think we have an enforcement policy as such; we have some guidelines. I do not know if it would be in that form.

Mrs COOPER: They are documented, but we are reasonably cautious about the extent to which we make available the way we go about doing our work in that regard.

Mr KOBELKE: That is a big issue. Perhaps I will return to that. Does DOPLAR obtain or keep statistics from the Industrial Relations Commission relating to breaches of awards, in order to be cognisant of the general areas in which action is taken and is successful?

Mr KIERATH: Breaches of awards come under the Industrial Magistrate's Court.

Mr KOBELKE: Does the commission keep records?

Mr KIERATH: The Industrial Magistrate's Court does.

Mr KOBELKE: Regardless of the technicalities, does DOPLAR keep itself cognisant of the trends and figures; and, if so, how does it use that information to feed it into its programs?

Mrs COOPER: We keep a watching brief on what is happening in that jurisdiction. Obviously, we build it into other programs, about which I have already spoken.

Mr KIERATH: DOPLAR would be aware of that early. In many cases, it initiates action; and other parties initiate actions as well.

Mr KOBELKE: What directions have you given to the industrial inspectors under section 98?

Mrs COOPER: The directions given to industrial inspectors by the Minister relate to the general authority for them to perform their duties. The prosecution matter relates to the workplace agreements Act.

Mr KOBELKE: Is the Minister willing to provide as supplementary information a copy of that directive?

Mr KIERATH: Yes.

Mr KOBELKE: Have reports been prepared in relation to section 98; and, if so, what were the contents of the reports?

Mr KIERATH: I do not think I can reply to that question.

Ms COOPER: I am not aware of any.

Mr KOBELKE: I refer now to the resolution of complaints through mediation. I seek guidance from the Minister whether I should be more specific. Some matters are referred to as deeds of settlement, or by private settlement, and they may be placed in different categories. Lumping them together for the moment as mediation, what is the statutory basis for DOPLAR acting in a mediatory role in order to arrive at a deed of settlement or a private settlement with the complainant?

Mrs COOPER: Private settlements are those arrived at between the employees and the employers. They are not settlements made by the department.

Mr KOBELKE: What is the role of the department?

Mrs COOPER: Obviously we initiate investigations, and frequently in investigating and finding out some of the facts behind a complaint, we reveal other issues that the employees and employers are happy to deal with, away from the department.

Mr KOBELKE: Does that approach place officers in a position of jeopardy in which they may be open to complaint that they are not upholding the law as required as a sworn officer under particular Acts?

Mrs COOPER: The department makes it clear that if an employee came to the department and no longer wanted to abide by the agreement previously made, the department would pursue the matter irrespective of the agreement.

Mr KOBELKE: That relates to a change of mind after an agreement was formulated. If a formal complaint is made to the department, which relates to a direct breach of a law, and the department resolves the matter by mediation, so that the two parties on the advice of the department simply do not proceed - but DOPLAR is aware of a breach of the Act - is the DOPLAR officer fulfilling his or her obligation as a sworn officer in upholding the Act?

Mr KIERATH: DOPLAR would not be giving advice. Often DOPLAR is in the process of taking action and the parties reach an agreement. I referred to a case earlier of a huge number of breaches of time and wages records. I asked DOPLAR to throw the book at that person. However, the parties resolved some issues over the payment of wages, and were happy to leave it at that. On that basis they did not want further action taken; but further action was taken over attempts to deal with the records. In the case of the underpayment of wages, the parties arrived at an agreement and did not want DOPLAR to take further action.

Mr BAKER: Can you advise whether these objects of the Act -

- (b) to encourage, and provide means for, conciliation with a view to amicable agreement, thereby preventing and settling industrial disputes; . . .
- (d) to provide for the observance and enforcement of agreements and awards made for the prevention or settlement of industrial disputes;

would have a bearing on the department's policy?

Mr KIERATH: I do not think I could have said it better myself.

Mr BAKER: Is the department's policy consistent with those objects?

Mr KIERATH: Yes.

Mr KOBELKE: What criteria is used to determine which award breaches are investigated, and how does the department establish priorities in taking up particular matters?

[12.40 pm]

Mrs COOPER: The decision is obviously based on the facts before the inspector. It is difficult to make a decision without preliminary investigations. Once they have occurred, and the officer is satisfied that a prima facie breach of the award is evident, they continue with the investigations.

Mr KOBELKE: I understand the way the office operates. What guidelines are available to ensure consistency so officers follow some priority given the large number of complaints I know the department receives, and its inability to take up all cases to the extent that complainants would like?

Mr KIERATH: Most cases are taken up as far as they can possibly go. People occasionally write to me and say they are unhappy with how the Department of Productivity and Labour Relations has handled a matter. However, when I look at the facts of these cases, invariably the conditions involve some aspect for which the department has no jurisdiction. For example, a contractor may say he is not paid the right wages and conditions. One person stays in my memory as he is a constituent: He kept complaining on the basis that he signed documents which suggested he was a genuine contractor. Therefore, we could do nothing for him. He is unhappy, but he does not understand the intricacy of the law. He thinks that the department should have wide ranging powers to tell people to pay certain items. Contractors are not under the jurisdiction of the Industrial Relations Act.

Mr KOBELKE: That is not my experience. The department is not able to help people. It may be in part due to the complexity of the issue, and establishing rights at law may be difficult and require a lot of work. The pressure of work may mean that the department cannot proceed as far as the complainant would like.

Mr KIERATH: I am not aware of any cases in which the department has not been prepared to go as far as it is legally entitled to go. Sometimes people's expectations go beyond the entitlement of the law.

Mr KOBELKE: Is the Minister satisfied with how the fair workplaces program has been able to protect work entitlements?

Mr KIERATH: It is an area in which improvement can always be made, and I would like further improvement. However, I am reasonably satisfied.

Mr KOBELKE: Page 964 lists a pre-payments item. What are pre-payments and what items are covered by that line?

Mr MacNEALL: Those pre-payments would be claims on hand for the agency to pay for services or goods. Those pre-payment are amounts paid in advance subject to any contract arrangement or whatever for a yearly service. They are accounted for at the end of the financial year. The figure is an estimate based on history.

Mr KOBELKE: Are any of those contracts major contracts, or are they such things as paying the milk bill in advance?

Mr MacNEALL: Yes.

Mr KIERATH: One may have a contract for six months to be paid in stages, and that would be covered. Certainly, it would not be to pre-pay the milk bill!

Mr KOBELKE: I used that in a lighthearted fashion, as I think the Minister understands.

Total equity is shown as a deficit at the bottom of page 964. Total liabilities and equities becomes a surplus. How are those figures arrived at?

Mr MacNEALL: It is an accounting exercise in the financial statements. Are you questioning any particular figure or both sets?

Mr KIERATH: Adding the \$745 000 to the \$387 000 gives \$1 132 000.

Mr KOBELKE: I thank the Minister. I am trying to understand the preparation of the figures as a result of the new accrual accounting method. This department is not involved in any business operation of any significance. I want to understand what it means to have an equity with the major deficits of nearly \$1m. Is that simply taken up with liabilities with staff, superannuation and so on, or is that off-budget and covered by Treasury generally?

Mr KIERATH: The first important figure under assets, current and non-current, is \$387 000. The current liabilities are \$1 124 000 for employee entitlement - that is most of it. Accounts payable is \$8 000, and the net difference is \$1 132 000. The total liability in plain numbers is \$1 132 000. The equity of accumulated surplus or deficit is the \$387 000 taken away from \$1 132 000. As the liabilities are greater, it is shown in brackets. The total liabilities and equities at the bottom of the page reflect the total assets at the top of the page.

Mr KOBELKE: Page 965 outlines other payments in the 1998-99 budget of \$2.062m. What will constitute other payments?

Mr MacNEALL: The amount of \$2.062m for 1998-99, other payments, comprises cash operating expenses the agency incurs in the normal course of business.

Mr KOBELKE: How much is related to advertising?

Mr KIERATH: That is in another section.

The CHAIRMAN: Advertising in respect of what - advising the public of their obligations?

Mr KOBELKE: Advertising through news print or electronic media.

Mr KIERATH: The figure for 1997-98 was \$444 000, but it had a carryover of \$144 000. It is usually \$300 000, which is the amount allocated in this budget.

Mr KOBELKE: What was the final wash up for the ill-fated third wave television advertising? You had a lot of booked televised advertising space for which you were liable unless the time could be filled.

Mr KIERATH: It is very simple: It is not finalised.

Mr KOBELKE: It is ongoing?

Mr KIERATH: It is not finalised.

Mrs van de KLASHORST: Where is that in the budget?

Mr KOBELKE: That is what I am asking the Minister, and he says it is not finalised. When will it be finalised?

Mr KIERATH: We are awaiting guidelines from the Australian Broadcasting Authority. Once they are released, I would imagine it will be soon after that.

Mr KOBELKE: I have not made the question clear or the Minister has misunderstood. I am well aware that in booking the advertising, if it is not cancelled by a certain date, one incurs a debt or liability for the advertising booked even if it is not used. Given that the Government had to withdraw the advertising, potentially a debt must be paid. That would be reduced by the extent that the agency could have other government agencies use the space. How much of that liability or debt remains, and how has it been brought to account in this budget?

Mr KIERATH: I answered it in the first part: It has not been finalised yet.

Mr KOBELKE: It is open-ended?

Mr KIERATH: We are waiting to conclude our advertising program.

Mr KOBELKE: The time that was booked has gone.

Mr KIERATH: Advertising programs can be lengthy between the start and finish. We have started it and not yet finished it.

Mr KOBELKE: Is it shown as a value in the budget?

Mr KIERATH: If it is from a past year, and it has not been spent, it will be a carryover. Last year, \$144 000 was carried over. What is not spent at the end of this financial year will be carried over to next year's budget. It will be over the \$300 000 estimated and will be part of this budget.

Mr KOBELKE: What is the potential bill which the department may have to meet for booked advertising as part of the Minister's third wave campaign which was not used?

[12.50 pm]

Mr KIERATH: The program has not yet concluded. We are and have been spending the moneys from the program.

The CHAIRMAN: The member for Nollamara indicated earlier that it is possible to "transfer" that advertising to

another government department with an internal accounting adjustment between the two agencies. Does the Minister foresee any loss to the State because of those costs?

Mr KIERATH: That campaign is continuing; it has not been concluded.

Mr KOBELKE: He does not want to answer your question either, Mr Chairman.

Mr KIERATH: If we were unable to spend money on that campaign the credit would be transferred to either another campaign by the Department of Productivity and Labour Relations or another agency. It is done through a centralised booking agency. Our advertising program is running and we do not expect that at the end of the program any funds will be left over.

The CHAIRMAN: At the end of the day in the worst case scenario will there be any loss to the State?

Mr KIERATH: Definitely not.

Mr KOBELKE: That is not the case. When you contracted to place television advertising with Perth television stations as part of the contract for that advertising the withdrawal of the placement could incur a cost to government, regardless of whether the campaign was finished. There is an escape from having to meet that cost if the space can be placed with another government agency or another user whether government or not. Is there a remaining liability with respect to the unused advertising regardless of the overall budget? If so, what is the extent of it?

Mr KIERATH: There is no liability. The television advertising is part of a campaign. That advertising can be prepaid and not be used towards the latter part of the campaign. As it is not finished I cannot say whether the moneys will be spent. Hypothetically, when that campaign concludes - I said previously there was about \$64 000 in credit - we do not expect to have one cent unused.

Mrs van de KLASHORST: At page 967 the proceeds from the provision of labour relations training services amounts to \$30 000. What is covered in the estimated miscellaneous revenue figure of \$15 000?

Mr McNEIL: It covers items such as contributions to the executive vehicle scheme for senior officers and refunds of expenditure from expenses incurred in the previous financial year.

Mr KOBELKE: I refer to general items covered under outputs 3 and 4 which relate to the Western Australian labour relations legal framework at pages 958 and 959. Who is responsible for upholding the legislation to be put in place as part of the third wave legislation?

Mr KIERATH: There was no third wave; other people gave it that title. I called it the modified second wave. It is the Industrial Relations Amendment Bill 1997. The enforcement of a fair amount of that is with the Department of Productivity and Labour Relations. An amount of enforcement is with the Western Australian Industrial Relations Commission, and there are some other areas.

Mr KOBELKE: You indicated earlier that you do not have an enforcement policy relating to those changes in your 1997 legislation. When will an enforcement policy be established?

Mrs COOPER: It depends on what section and what definition we are using in relation to policy. Our existing prosecution policy is generic enough to apply to the sum total of our activities. As I previously indicated, we have a set of guidelines for inspectors under the new legislation.

Mr KOBELKE: Will you provide that set of guidelines as supplementary information?

Mr KIERATH: If you want something specific put it in a question on notice.

Mr KOBELKE: Why are you failing to uphold the right of entry provisions in your 1997 legislation when there are numerous examples of people flouting the law?

Mr KIERATH: We are upholding the provisions. The people about whom I think the member for Nollamara is talking are some of his cohorts who think they can manufacture circumstances and that everyone will complain to DOPLAR. No-one is complaining about those activities. Everybody is happy with the way the right of entry provisions are proceeding. We have had only two inquiries and I think most were media inquiries.

Mr KOBELKE: What happened with the two inquiries?

Mrs COOPER: I do not have the specific details but I understand most were from the media about whether we have received any complaints.

Mr KOBELKE: My advice is that agencies or departments who sought advice from DOPLAR have been told to drop the issue.

Mr KIERATH: I am not aware of that.

Mr KOBELKE: I can give you numerous examples - the media have provided some - of where union officials have sought access to records outside the requirements of the Act relating to right of entry. Why do you not want to take action?

Mr KIERATH: The issue of right of entry is an area of law based on receiving complaints. If employers and employees are happy with the arrangements and do not complain, action will not be taken.

The CHAIRMAN: Is that consistent with your department's general philosophy of conciliation and negotiation and resolving disputes rather than jumping into a prosecutorial process?

Mr KIERATH: In part. The legislation requires some notification to DOPLAR where breach of the provisions occurs. A number of media requests have been made and two requests from unions who wanted access to the time and wages records. Both have progressed without incident. We have had no other formal complaint under that section. There is nothing against which we can take action. The member is trying to insinuate that the law is being breached. Those rights of entry provisions are in law, but the parties can make additional arrangements on top of that.

Mr KOBELKE: Another provision that seems to be flouted is the requirement for secret ballots. In how many instances have people in some way initiated the steps requiring a secret ballot under your legislation?

Mr KIERATH: That is an inappropriate question under this division and should be asked under the Western Australian Industrial Relations Commission division.

The CHAIRMAN: So ruled.

Mr KOBELKE: In both these areas we are talking about an output description relating to the Western Australian labour relations legal framework to be promoted by DOPLAR.

Mr KIERATH: Surely you are not that dumb. The legislation imposes some conditions on the department to enforce and other conditions on the WAIRC to enforce. Having participated in the debate, you should know better than anyone else in Western Australia the secret ballot provisions. You can ask that question during the WAIRC segment.

Mr KOBELKE: Are you saying DOPLAR has no role to play in breaches of the secret ballot provisions of the Act?

Mr KIERATH: All the provisions associated with the secret ballot are with the WAIRC. I will give that answer in that division.

[1.00 pm]

Mr KOBELKE: Your answer is no; that Department of Productivity and Labour Relations has no role to play in upholding the secret ballot provisions of the Act?

Mr KIERATH: I did not say that at all. I said that when we get to that particular section -

Mr KOBELKE: If it does have a role to play -

The CHAIRMAN: Order, member! Please allow the Minister to answer the question.

Mr KOBELKE: What is DOPLAR's role, Minister?

Mr KIERATH: I have said what I will do when we get to that particular section.

Mr KOBELKE: When we get to the WA Industrial Relations Commission division I cannot ask a question about DOPLAR.

Mr KIERATH: The secret ballot provisions by and large rest with the WAIRC. There may be some other links of which I am not sure. If I were sure, I would say categorically that there are no other links. There may well be some roles for industrial inspectors who go out and ascertain certain things because, for a start, under those provisions they might have had to go through an award, and employers or a union might be in breach of an award. Therefore, although the role is not directly there, it might involve some activities by the industrial inspector to see whether that award is breached, but the secret ballot provisions of the Act rest with the WAIRC.

Mr KOBELKE: I will turn to that, Minister, when we get to the WAIRC. On page 954 the second dot point relates to the delivery by DOPLAR of the Federal Department of Workplace Relations and Small Business advisory and compliance service in Western Australia. I would like some advice as to what is entailed in that, how many officers on an FTE basis would be involved and whether the Commonwealth is contributing any funds towards undertaking that program.

Mr KIERATH: The contract has been signed. The program starts on 1 July. This is a case of the State and Commonwealth Governments cooperating to make it easier for the public. If we have one enforcing agency enforcing both state and federal rules, it seems to make an awful lot of sense. A lot of people do not understand the jurisdictional boundaries of the two. I must confess that even when we are involved in it every day, we do not always know the extent of the limits. We think this is a major step forward. We will have the enforcement of both rules by one group of people.

Mrs COOPER: There will be three additional staff - two industrial inspectors and one inquiries officer. The contract fee to deliver both of the services is \$260 000 but in the first year some additional moneys are coming our way to deal with start-up costs.

Mr KOBELKE: What is the period of the contract?

Mrs COOPER: I believe it is for one year but I am not absolutely certain of that.

Mrs van de KLASHORST: On page 954, the last of the major initiatives is a challenge for DOPLAR to ensure that the many small public sector agencies are sufficiently skilled. Does this assistance extend not only to public sector agencies but also to shires and other groups of people in local government? I have one group in mind.

Mr KIERATH: When one sits in the position that I do when chairing the labour relations subcommittee of the Cabinet and one sees the various negotiations coming up from various agencies, one finds there is a lack of knowledge from some of the smaller agencies. Most of the agencies could now perhaps handle labour relations relatively well and they do not need a great deal of guidance and help from us. They need it only on the rare occasions when they try to go outside the boundaries of the various policies. Generally they are relatively competent. A lot of the smaller agencies need a lot more help and specialist advice in that area. That is what that dot point refers to.

Your question indicated some other groups in the community which did not fall under the government umbrella. That area is covered by the role of the workplace liaison officers. Their role is to be out there advising those groups of what options and avenues they have. Our role is to make people aware. When it comes to the provision of those services, we step out of the picture, and industrial bargaining agents or other people providing those services step in and facilitate the process. We must tread that line very carefully, as the Chairman knows. If we tread over that line, those facility providers get quite agitated and say that the Government is doing work which they should be doing. Therefore, our role is to educate and reform but not to be in there as a player except in the area of government where we are a doer in that case because we supply the advocacy and advice in many cases. Our doing role is limited to the government area.

[1.05 pm]

Mrs van de KLASHORST: Advice can be given.

Mr KIERATH: Advice can be given, and the office of the Commissioner of Workplace Agreements gives lots of advice and helps people work through the options and opportunities they have.

Mr KOBELKE: I refer to outputs 1 and 2 on pages 956 and 957 of the Budget Statements. When will part IIIB of the Labour Relations Legislation Amendment Act 1997 be operative?

Mr KIERATH: On 5 June.

Mr KOBELKE: What unions are targeted by those provisions of coverage under federal awards? The Minister has said in this House that the State School Teachers Union is one. Is it still a target and are other unions a target of that legislative change?

Mr KIERATH: No unions are targeted. The provisions apply to any union with a federal application in some form or another that has not been decided, and they will be affected by that part of the Act.

Mr KOBELKE: The changes in part IIIB place a requirement on the Registrar of the Industrial Relations Commission. They will involve a fair amount of cost if the commission must go through a range of claims, some of which may have been put in place many years ago, because they may be a trigger for that section. What provisions have been made for the department to deal with its responsibilities if disputes arise through the implementation of these amendments?

Mr KIERATH: Most of these provisions relate to the Western Australian Industrial Relations Commission. From memory, I agreed to some changes to the legislation following an approach from members of the Australian Labor Party to take the Minister out of the process, which would have involved my department, and to put it into the hands of the umpire - the Industrial Relations Commission. I have asked my department to give general policy advice on

this matter, but the application of the provisions and decisions are made by the IRC. I have asked the policy side of the department to provide me with advice about what unions might be covered by that. I can say quite confidently that two unions have made a decision in the past few months to retreat from the federal jurisdiction, and one delivered about 10 000 members back to the state jurisdiction. I am absolutely delighted at that. The provisions, which the Opposition said would never work, are already working even though they have not yet been proclaimed.

Mr KOBELKE: It may have nothing to do with the legislation.

Mr KIERATH: I know that it does because I have spoken to the union concerned. I can assure the member that that is precisely why it was done. The union said it would not trust some of the other unions it normally organised with if its membership were left open to other claims.

Mr KOBELKE: The Minister can utilise a writ of mandamus with respect to part IIIB. Has he looked at any issues in which he might require to do that in future?

Mr KIERATH: The provision has not yet been proclaimed. It is a hypothetical situation.

Mr KOBELKE: Has the Minister looked at areas in which he might need to use that in the near future?

Mr KIERATH: It is a hypothetical question so it is hard to answer. I have given the information I can. I have asked the department to give me an overview of who might be affected and the number of people who might be involved, but I have not progressed it further. I have not made any decisions and I do not intend to at the moment. The member is talking about something that has not been proclaimed, and it is impossible to answer his question.

Mr KOBELKE: It sounds like a yes.

Mr KIERATH: I would not like the member's interpretation to be placed on it.

Mr KOBELKE: Has the Minister taken account of potential legal costs if challenges to these provisions go to the High Court?

Mr KIERATH: I do not think it will be challenged, but it is possible. I have heard rumours from the union movement that it will, but if I based a budget on every rumour I heard from the union movement the Government would be in dire straits. Members opposite said that wages would be slashed by 25 per cent and, in fact, they have increased. I will not react to ill-founded rumour, because often the exact opposite happens in practice. The chances are it will not happen, so I do not need to make allowance for it.

At one stage I looked at contracting out industrial relations legal advice, but Crown Law said it considered that to be a core function. I have had good service from Crown Law in industrial relations advice. Very rarely, except when I need the advice of a QC on any High Court matter, is Crown Law not used. Almost all work is carried out within the confines of Crown Law and any expense is covered under that global allocation. When I made the High Court challenge, substantial parts of which were successful, the cost was about \$100 000. I need to check the facts and figures, because that is not part of this year's budget, it was some time ago.

Mr KOBELKE: I refer to the advice the Minister receives. Is it true that he has received advice of major difficulties in making part IIIB workable?

The CHAIRMAN: Will the member refer to the page number and item of expenditure to which his question relates?

Mr KOBELKE: Pages 956 and 957 relating to the legislative framework for labour relations.

[1.10 pm]

Mr KIERATH: The advice I have received is hypothetical because that part has not yet been proclaimed. Obviously, the Government took legal advice when it framed the legislation. When proclaiming different pieces of legislation, we look at all avenues of enforcement. We try to anticipate what people will say and do. We listen to the industrial relations community. We read newspapers and magazines. Obviously, in making our forward plans, we try to take into account what people say they will do but, in many cases, we discount that according to the reliability of the person uttering the statement. I must say that some of the people uttering statements now have a very low reliability rating.

Mr KOBELKE: What is the allocation for the building and construction industry task force in the 1998-99 financial year? How many FTEs will be met from this budget?

Mr KIERATH: The funding of those FTEs is under the Minister for Works; the reporting is to the Minister for Labour Relations.

Division 47: Commissioner of Workplace Agreements, \$1 919 000 -

[Mr Baker, Chairman.]

[Mr Kierath, Minister for Labour Relations.]

[Mr R.G. Cooper, Commissioner of Workplace Agreements.]

[Mr A.A. Scott, Assistant Commissioner of Workplace Agreements.]

Mrs van de KLASHORST: I refer to the second point within the significant issues and trends item which states, in part, that the Workplace Agreements Act enables local employment arrangements to be registered. How are the number of registrations progressing? Are registrations increasing? Has there been a general increase in the trend since the legislation has been in place? What growth has there been?

Mr KIERATH: There has been substantial growth. The commissioner will provide the latest details. It has exceeded all my expectations. In April a record number of 5 000 agreements were registered, covering 5 319 employees. It continues to grow at a substantial rate.

Mrs van de KLASHORST: Do the records show the breakup of that number as to males and females? Are females taking up workplace agreements at the same rate as are males?

Mr COOPER: We have some figures for the gender breakup. In the year before last the breakup was about equal. In the annual report for the year ended 30 June 1997, the percentage for male employees was 57.89, and for females it was, of course, 42.11. We will publish a similar figure in the annual report later this year.

Mrs van de KLASHORST: Have any measures or specific programs been put in place to encourage more females to take up workplace agreements? There seems to be about a 15 per cent difference in the take-up rates. Has any research been done to provide an explanation for that?

[1.15 pm]

Mr COOPER: No. The split was very close in previous years. This was the first year that indicated a change, and it will be interesting to see whether that continues. My office does not adopt any proactive strategies to encourage either gender or people in certain industries. We publish information which we sometimes direct more towards young people, but perhaps that is something that we can consider.

Mr KOBELKE: I would like to follow through on matters of the same type as asked by the previous member. At page 222, under the quantity of workplace agreements, the number of employees who are party to a lodged agreement is 86 348. I take it that it is the number of agreements lodged or estimated to be lodged in the current financial year.

Mr COOPER: It is fortunate that we have been directed to that figure, because it needs to be corrected. The figure of 86 348 is correct, but it is really a measurement of parties to lodged agreements. It is not the sort of figure that we usually publish. It is the number of employees, parties to agreements, plus the number of employers, because each time we direct our resources to registration, we look at outputs. Every time an employer lodges an agreement, they are included in that figure as well as the appropriate employee. We raised that with Treasury after this was published and pointed out that this should have read "parties to lodged workplace agreements". It is a measure of output and is not really aligned with the usual statistics that we maintain.

Mr KOBELKE: How many agreements have been lodged or are estimated to be lodged in the 1997-98 year, or can you give years to the last reporting month if you like - the figures for this financial year?

Mr COOPER: I have the figures for the past six months.

Mr KOBELKE: Is it the first six months of the current financial year?

Mr COOPER: The last six months up to the end of April 1998.

The CHAIRMAN: I am sorry to interrupt, Mr Cooper. The sessional orders for Estimates Committees do not permit you to answer questions on behalf of the Minister when the Minister is not present in the Chamber. I will allow you to complete the answer on behalf of the Minister because he has authorised you to answer a particular question; but on future questions, we must wait until the Minister returns to the committee.

[1.20 pm]

Mr COOPER: I could give them to you by each month. Unfortunately, I have not added the aggregate. I just took the average. However, if we could go through those figures, would that be suitable?

Mr KOBELKE: Yes, the average figure would do.

Mr COOPER: The average over that six months -

The CHAIRMAN: I am sorry to interrupt you again, adviser. I have now been advised that the Minister's physical presence is required in the Committee at the same time that you give the answer.

Mr KOBELKE: I thought he had omnipotence!

The CHAIRMAN: The Minister is here now. Please continue with your answer, adviser.

Mr COOPER: Over the last six months the average number of agreements lodged was 4 101, and involved 4 261 employee parties. I am referring only to those under section 30 of the Workplace Agreements Act. I have separate figures for those under part 2A.

Mr KIERATH: This is per month though, is it not?

Mr COOPER: Yes, this is the monthly average. The average number of new employers over that period is 97 per month. That does not include the part 2A figures.

Mrs van de KLASHORST: On page 222, in relation to workplace agreements, it shows the total cost of service per party as \$22.36 in 1997-98, decreasing to \$18.75 in 1998-99. I presume that is because of the larger number? Can you confirm that, or is there any other reason that it will decrease? The average time of 29 days has not changed in either column. Is that considered a satisfactory time by most of the people for whom you are registering agreements, or could that be improved? Why is it taking 29 days?

Mr COOPER: You are correct in your assumption regarding the cost. We have found over the last three or four years that the cost per party to agreement has decreased. This is related to economies of scale and also, I believe, to improvements in our productivity and procedures.

Mrs van de KLASHORST: As you get used to doing them, you pick up on the clues quicker.

Mr COOPER: We improve our methodology and, hopefully, we are more efficient.

The second question in respect of the 29 days is consistent with what we have done over the last four years. The figure has varied between 29 and 31. Our indications are that that will continue. Our clients indicate in surveys that they are happy with that turnaround time, particularly with individual agreements and additions to collectives, which usually have an operative effect from the date they are signed. In most cases, they are not affected by the time it takes to register. We believe that figure leaves a reasonable balance between the process and servicing the clients.

Mrs van de KLASHORST: Even though the cost has gone down and you will have a larger number to handle, you do not see that figure of 29 days blowing out because you are handling more work?

Mr KIERATH: When you look at the processes that have to be undertaken, it is very hard to reduce that 29 days any further. When an agreement is lodged, time must be given to employees to give them a chance to communicate with the commissioner's office on any difficulties. With all those procedures, it is very hard to reduce the time below that; it is plateauing out. Its variances have not been great in any event.

[1.25 pm]

Mr KOBELKE: We have been told that the average number of workplace agreements under section 30 is 4 100 per month. Does that indicate that the figure for the current year is likely to be in the order of 50 000?

Mr COOPER: The figure for the six months prior to that would be slightly less, but it will approach 45 000 to 50 000 for the full year.

Mr KOBELKE: Do you know the average duration of a workplace agreement?

Mr COOPER: No. We published some years ago a fairly large sample of the duration of agreements, including those that had a section 19 provision, which gave some other arrangement that existed after the life of the agreement. This year, for a period of about five to six months we recorded the same sort of information, and I expect to be able to publish that later this year.

Mr KOBELKE: You cannot indicate now the average duration of a workplace agreement?

Mr COOPER: No. We found from the statistics last time that it varied considerably from one year through to five years. Last time we measured it, it was predominantly one or five years.

Mr KOBELKE: Last year, I sought some information about how many workplace agreements are in existence at a

given time. I appreciate there are some difficulties in getting that data, but given that page 223 indicates that customer surveys are conducted, have you sought to ascertain how many workplace agreements are in existence at any time?

The CHAIRMAN: When you say "in place", do you mean registered?

Mr KOBELKE: No, because workplace agreements can be cancelled or can expire; therefore, what we are looking at is not simply registration. There may be 100 000 registrations in a given year, but at a given point be less than 100 000 in place.

Mr COOPER: I understand the point. There are a number of issues, such as cancellation or expiry, but the issue that causes the most difficulty with this type of estimate is where the employment relationship ends and the agreement no longer has effect. We are unable to collect that data from our office. We have not considered whether to do a survey of employers to ascertain that; and it would be a mammoth job.

Mr KOBELKE: A survey of a small number might have a low level of reliability, and you would need to address the level of reliability, but you could certainly get a figure from the surveys that you were doing.

Mr COOPER: The surveys that we do are at point of registration, where we enter into the database the length of the agreement and whether it has a section 19 provision.

Mr KOBELKE: I was talking about the surveys that you did last year after the registration to measure satisfaction with the process. Could not those surveys be used to get some measure, leaving aside the reliability of the measure, of how many workplace agreements were continuing?

Mr COOPER: That would be possible. I would need to give that some thought.

The CHAIRMAN: I refer to page 223, performance measures for output 2, under the heading "Quality", which indicates a high satisfaction rate of 90 per cent with the information received when contacting the office. I gather from the description under "Effectiveness" that that figure is the result of customer surveys. Can you give the break up within that figure of employees and employers?

Mr COOPER: This performance measure relates mainly to employers who have contacted our service to seek information on what is required for the registration of agreements. It sometimes includes employees, because it is quite common for employees to ask someone from my office to explain the system.

Mr KOBELKE: Is it current government policy that new public sector employees be employed under workplace agreements? It relates to page 220 and the agency's mission to facilitate and process applications to register workplace agreements and the Government's policy relating to that.

[1.30 pm]

Mr KIERATH: That was an issue in the previous division. It is not a policy issue associated with the Office of the Commissioner of Workplace Agreements.

Mrs van de KLASHORST: Page 220 states that amendments to the Workplace Agreements Act have introduced new jurisdictions to enable parties to enter into agreements which prevail over federal awards. Are many people taking up that change in the Act and are there figures for that?

Mr KIERATH: We did expect that the take up would be fairly slow to begin with. We did not expect that it would be taken up as quickly as it has been. I will get the commissioner to get the latest figures.

Mr COOPER: These figures are up to 26 May 1998. I will go through the breakup. The number of collective agreements lodged is 59. The number of additions, which are other agreements to be added to those collectives, is 231. The number of employees involved in those agreements is 826. I have other figures regarding the number of registrations or refusals, but that will give the member an idea of the take up.

Mrs van de KLASHORST: Can you explain what you mean by collective?

Mr KIERATH: The only type of workplace agreements that will overcome the federal Workplace Relations Act is a collective workplace agreement. A collective is more than one person. Under the federal law a collective agreement must be offered to all eligible people, so if there are five people in a workplace the agreement must be offered to all five. All five do not have to accept.

Mrs van de KLASHORST: If it is offered to all five employees and only three sign up will that still be valid and the other two could continue on under the federal award? Can that be done in large workplaces?

Mr KIERATH: Yes. Those people who traditionally operate under federal awards, like transport organisations and others, are starting to use this in a substantial way.

[1.35 pm]

Division 48: Registrar, Western Australian Industrial Relations Commission, \$6 163 000 -

[Mr Baker, Chairman.]

[Mr Barnett, Minister for Resources Development.]

[Mr J. Spurling, Registrar.]

[Mr A. Watt, Director, Corporate Services.]

Mr KOBELKE: I refer to significant issues and trends at page 1007, and seek advice on how harmonisation with the Australian Industrial Registry will provide one stop service delivery to the community. How far has that progressed?

Mr BARNETT: My observation is that there is increasing harmonisation and cooperation between the two jurisdictions.

Mr SPURLING: We are working together with the federal registry in the same building trying to provide a single service at the front counter, which means the intermingling of staff, legislation and the registration process.

Mr KOBELKE: The single front counter has been in operation for some time. What other parts of the integration have been taken up since then? What degree of training has been provided for staff so that they can be fully conversant with both regimes?

Mr SPURLING: Detailed training began two weeks ago to ensure that both state and federal staff can deal with whatever comes across the counter. That is the next major step in progress to look at harmonisation.

Mr KOBELKE: Under the Labour Relations Legislation Amendment Act 1997, new part IIIB, which is about to come into effect, requires the registrar to be informed on certain matters. Has any work been started on that requirement to be informed, and can you quantify staff numbers or costs as a result?

Mr SPURLING: The legislation which takes effect on 5 June is to do with notifications about federal awards. The legislation requires me as the registrar to do certain things when I become aware of particular things. I am not yet aware of anything - obviously the legislation has not had an effect. I am doing preliminary work to be prepared in case I am required to do anything. I do not believe that staff or additional cost will be involved. To the extent that there is, in hindsight, if I see additional costs, we have an arrangement with Treasury that it is recognised. You will appreciate that the Industrial Relations Act has been changed several times in the past few years, and has required the industrial commission to conduct a number of reviews, which have incurred costs. Treasury understands that, and reacts accordingly at the end of each year. If as a result of legislative change we have incurred more costs, Treasury recognises that and re-funds.

Mr KOBELKE: Is that a standing arrangement or is it new as a result of new part IIIB?

Mr SPURLING: There is no arrangement with Treasury. It is recognition by Treasury rather than making adjustments on every occasion that we incur additional costs. It recognises that we are incurring additional costs for a particular reason, and makes sure we do not lose out in the budget at the end of the year.

Mr KOBELKE: It may come down to whether one has a minimalist position on the potential for work in this area. A matter could have taken place some years ago but not been acted on. It could be an ambit claim which has lapsed but under the legislation still could be a trigger about which the registrar should be informed. That could involve a heavy workload. Perhaps the registrar is taking a conservative approach; he will sit back and wait to see whether there is a requirement to do that amount of work or whether he feels there may be a need for a program to search out the potential triggers, through previous claims which are no longer in effect but could be triggers for the legislation.

Mr SPURLING: I have taken some legal advice on this question. My role is seen as a passive one. I respond to what is put to me. I am not unaware of activities in the area, and I can make preliminary inquiries in case someone says something to me. I am not sure. My role is simply to notify the chief commissioner and to place advertisements in the newspaper about certain things. As to what comes from that, would be potentially difficult to deal with. My role is not all that onerous, other than to satisfy myself that something must be done.

Mr KOBELKE: Can the registrar provide figures on unfair dismissals, by category, to indicate whether there has been a shift from federal to state jurisdiction? The annual report last year indicated a shift. I am keen to know whether that has continued or stayed at the same rate.

Mr BARNETT: I am not sure how the figures on unfair dismissals would indicate a shift in jurisdiction from one to another.

[1.40 pm]

Mr KOBELKE: As a result of the change in commonwealth legislation, people sought to uphold their rights under state legislation. That resulted in a large increase in the workload of the registrar. I seek the figure on the number of cases, if available.

Mr SPURLING: The figures are available. I have aggregate figures, but not with me. The member is right: From about January 1997, the figures roughly doubled in the number of applications lodged. We received approximately 10 or 11 a working day, or 200 a month. We have accurate figures which can be provided if required.

Mr BARNETT: I will provide that by way of supplementary information.

Division 49: WorkSafe Western Australia, \$12 160 000 -

[Mr Baker, Chairman.]

[Mr Barnett, Minister for Education.]

[Mr N. Bartholomaeus, WorkSafe Western Australia Commissioner.]

[Mr G. Vivian, Manager Finance and Resources.]

Mr KOBELKE: One of the key objectives is a reduction in the number of workplace accidents and fatalities. When is a fatality judged to be a workplace fatality; is there a standard definition?

Mr BARTHOLOMAEUS: The definition is rather complex, but a bottom line is whether, if we conducted an investigation of the fatality, there is a foreseeable likelihood of action for a breach of the Occupational Safety and Health Act. It feeds back to whether, given our primary responsibility of administering the Occupational Safety and Health Act, the investigation of a fatality is the appropriate use of public resources in the context of the Act. However, over the past decade or so, the results have been more expansionist; that is, we include more fatalities than would have been included in the past. For example, a fatality this year was associated with a recreational diving charter at the Rowley Shoals in the north west of Western Australia. In years gone by, that would not have been included. Also, the Cyclone Bobby multiple fatalities in years gone by would not have been included.

Mr KOBELKE: Is there a guideline or criteria we could have?

Mr BARTHOLOMAEUS: I would be happy to forward those to you.

Mr BARNETT: It will be provided as supplementary information.

The CHAIRMAN: Are deaths on minesites under your jurisdiction?

Mr BARTHOLOMAEUS: They do not fall within the jurisdiction of WorkSafe WA and the Occupational Safety and Health Act. In a statistical database we collect the information in the context of the WorkSafe Western Australia 2000 vision of halving fatalities from 1995 to 2000, we have a keen interest in the results in the mining sector and follow that closely.

Mr BLOFFWITCH: I compliment you on the program you run with Mr Jakovich in WorkSafe, and other programs in the public educational role as better government programs as they give instructions and relate to younger people. What is the total cost of the program? Is Glen Jakovich on contract? What sort of money is he paid for the role he plays?

[1.45 pm]

Mr BARTHOLOMAEUS: We will provide a detailed breakdown of the costs. The costs are distributed across two or three line items in the Budget. The total cost of running the ThinkSafe campaign is in the order of \$550 000. I trust I am not breaching any confidentiality in indicating that Glen Jakovich's contract is worth \$90 000 a year. That secures exclusivity for television and radio advertising for the use of Mr Jakovich for the ThinkSafe campaign. It is a relatively modest fee compared to an appearance fee for individual advertisements produced during our campaign. Other than the ThinkSafe campaign, Mr Jakovich has residual advertising commitments with the West Coast Eagles. After his primary commitment as a player to the West Coast Eagles he is contracted to WorkSafe Western Australia and spends much of his time in our building and at workplaces and other areas on our behalf. The rest of the information to be provided by supplementary information.

Mr KOBELKE: I refer to the fatalities classified as work related. Is the *Westralia* disaster as a military operation automatically excluded from your definition as a workplace fatality?

Mr BARTHOLOMAEUS: Our database does not include employees of the Commonwealth including defence personnel. However, we have a relationship with the Commonwealth Government under which it can direct officers of our department to investigate fatalities and serious injuries in the commonwealth jurisdiction under the commonwealth occupational safety and health legislation.

Mr KOBELKE: Even a commonwealth officer killed at work would not be included as a work fatality under your statistics?

Mr BARTHOLOMAEUS: Not under the Western Australian database because they are commonwealth employees.

Mr KOBELKE: What about a policeman on active duty?

Mr BARTHOLOMAEUS: Police officers are not covered under the Occupational Safety and Health Act. They have not been included as work related fatalities in the past.

Mr KOBELKE: I found it difficult to understand that of the eight people killed at the same time in the Gracetown tragedy, only one was considered to be a workplace fatality. How does the definition allow that categorisation?

Mr BARNETT: A teacher was killed so presumably that was the workplace fatality.

Mr KOBELKE: As we found with the farmer's daughter at Esperance, a person does not have to be a worker to be considered a workplace fatality.

Mr BARTHOLOMAEUS: I think two people were seen as workplace fatalities. In addition to the teacher the proprietor of the store, a self-employed person, was considered a workplace fatality.

Mr KOBELKE: Why were some people recorded as workplace fatalities and others were not?

[1.50 pm]

Mr BARTHOLOMAEUS: That was a challenging event for our agency in terms of jurisdiction. Certainly two of the parties were at the location in the course of their work. The children were there in association with a school activity, and so were the parents. There are possible extensions of the jurisdiction of the Act to include workplaces beyond the school. A school excursion was the basis for the multiple fatality, but when the range of tests was applied the only two fatalities that were recorded as directly work related were the teacher and, I believe, the proprietor of the surf shop in Margaret River who was conducting the competition.

Mr KOBELKE: What about the areas of transport and self-employed people, for example, a truck driver or a contract worker? Are they picked up as workplace fatalities if they are killed in the course of their work?

Mr BARTHOLOMAEUS: Certainly self-employed people are included in the work related fatalities database. I have those numbers here as a proportion of the total.

Mr KOBELKE: The question is not whether they are categorised but when someone dies in those circumstances, are you able to pick them up on your database or are there problems with the statistics so that a lot of those deaths are not recorded as workplace fatalities?

Mr BARTHOLOMAEUS: In nearly all those instances, those deaths would be recorded as workplace fatalities. An example that springs to mind is a 50 year old man who had his own business excavating swimming pools. He was killed in the course of taking his bobcat off the back of his truck. That sort of fatality would certainly be included in the database. Self-employed people constitute about 15 to 20 per cent of all the fatalities in our database.

Mr KOBELKE: That would indicate that you are not picking all of them up. The professor who gave a paper to the New South Wales select committee indicated that it was a huge area and had perhaps twice the incidence of other areas. I have inquired of the Minister for Transport who indicated that when there is a road fatality, no record is kept of whether the person was working at the time. A person may be a driver of a light vehicle when he was killed. How do you pick up such a fatality in your records?

Mr BARTHOLOMAEUS: In the detail of the criteria that are used to determine whether a death is a work related fatality within the jurisdiction of the Occupational Safety and Health Act, as I mentioned earlier, a key determinant would be, what would be the most appropriate jurisdiction if the Government were to intervene through a government agency. At this stage, for motor vehicle related fatalities, unless there was a very obvious work related background - I can cite an example of that - the appropriate agency and the appropriate statistical database would be the motor vehicle fatality database and the appropriate agency the Police Service. However, there are exceptions. A few years ago a fatality occurred of an employee of a state government agency who had been working very long hours in an emergency situation prior to driving from a rural location back to the city. That person drove off the road. The government agency was prosecuted under the Act and found guilty. In such circumstances there is an attempt to

determine the extent of work relatedness as opposed to other factors, such as driving conditions and collisions with other vehicles. The Department of Transport has recently developed a code of practice, which it proposes be approved under the Occupational Safety and Health Act, to cover fatigue amongst commercial drivers. The area will become one of greater focus in the future.

[1.55 pm]

Mrs van de KLASHORST: One of the major initiatives listed at page 1326 of the Budget Statements is that the department will continue to expand its successful Internet based information, education and training services to deliver interactive programs. How long has this been running? How much does it cost to run each year? How many hits does it have? How does the department evaluate the results? I imagine some of this targets young people.

Mr BARTHOLOMAEUS: The Internet service safety line was launched on the tenth anniversary of the Act and the department, in April 1995. It has expanded considerably and progressively over that period. Currently there are approximately 14 000 pages of printed material within that Internet site. There are more than 1 000 users a day, and more than 20 000 hits a day. On average, visitors to the site access at least 20 products. To give an indication of the extent of usage, last year 17 000 secondary school students graduated from the WorkSafe smart move program which is delivered through the Internet. We checked the figure a few days ago, and last week more than 1 000 primary school students became members of the Think Safe club, entirely through the Internet. We have other highly successful interactive education and training programs which are delivered entirely through the Internet. That will soon include, and will project into this year's budget, a full tertiary level course, with more than 100 tertiary level virtual users. We are running that service on less than 1 per cent of our total budget and it is a world leading service.

Mr KOBELKE: My question concerns the prosecution in relation to the death of the young boy at Karratha. That prosecution was knocked over on a technicality in that the commissioner was acting at the time, and that was the basis on which the prosecution was not able to proceed. Were any other prosecutions initiated during that period when the commissioner was in an acting capacity? If so, what action can be taken to ensure that the due process of prosecution cannot be thwarted on a technicality?

The CHAIRMAN: Will that decision be appealed?

Mr BARTHOLOMAEUS: Yes, that decision is being appealed. The appeal has been lodged and is listed for hearing during June. Approximately 30 prosecutions may be affected by the status of a delegation I made during that period. The Minister has approved additional measures, but they have yet to go through the full cycle. It is probably not appropriate to detail those measures beyond appeal should that appeal be unsuccessful or, in any event, measures that might be taken to cover the anomalies that have arisen during that period.

The CHAIRMAN: Has the Minister received legal advice on the likelihood of success on appeal or is it evenly balanced?

Mr BARTHOLOMAEUS: Many of these situations can be equivocal. Our attention has been drawn to legislative actions taken in the past by the Parliament to rectify these sorts of anomalies, and that is occupying our minds.

Committee adjourned at 2.00 pm
