

Legislative Council

Thursday, 15 September 1988

THE DEPUTY PRESIDENT (Hon D.J. Wordsworth) took the Chair at 2.30 pm, and read prayers.

SWAN RIVER TRUST BILL

Third Reading

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Community Services), and returned to the Assembly with amendments.

BILLS (2) - REPORT

1. Agriculture Bill
 2. Acts Amendment (Children's Court) Bill
- Reports of Committees adopted.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 14 September.

HON N.F. MOORE (Lower North) [2.35 pm]: This Bill gives members the opportunity to discuss the Budget without having to discuss the Bills attached to it. The motion to consider the tabled paper is a device which enables members in this House to consider Budget issues without waiting for the Legislative Assembly to complete its deliberation of the Budget Bills before sending them to this House. I take this opportunity to say a few words about the Budget, firstly, in general terms and, secondly, in relation to the education budget. I will seek to demonstrate that the publicity associated with the Budget, particularly in respect of education, has been quite farcical and has represented a massive con job on the Government's part.

The Budget contains some interesting information from the point of view of the taxpayer: In the year 1982-83, when this Government came into office, the actual receipts from State taxation were \$475 million. The estimated receipts from State taxation for 1988-89 are \$1 172 million; they will increase by two and a half times in that six year period. The inflation rate since 1982-83 has been roughly 10 per cent per annum, and on the basis of increasing the taxation rate at the same level as the inflation rate, the estimated taxation revenue total for this year should be about \$840 million.

Hon T.G. Butler: Don't try to put that over.

Hon N.F. MOORE: Hon Tom Butler is suggesting that the people of Australia should be required to pay State taxation at a rate considerably greater than the rate of inflation - in fact about \$300 million more than the rate of inflation would have provided - and should accept that. The new Premier and Treasurer often tells us that he is seeking to maintain costs to the public at just the rate of inflation, and he regards that as an achievement. We have been told that there will be no increases in Government charges during this pre-election period. The simple fact of the matter is that the Budget papers clearly demonstrate that State taxation has grossly exceeded the rate of inflation, and it is now two and a half times higher than it was in 1982-83 when this Government came to power.

Hon Tom Stephens: You know it has to do with increased building activity; you know that is the reason.

Hon N.F. MOORE: At times I am amused by Hon Tom Stephens; some of his interjections are so ridiculous that he has obviously been programmed, like some of his colleagues, to the Government's line. He is believing the Government's rhetoric, and when a member starts doing that he is generally due for the chop. When Governments start to believe their own rhetoric they are ready to be tossed out because they have lost touch with reality.

Hon Tom Stephens: You have lost touch with reality. You are a school teacher.

Hon N.F. MOORE: The simple fact of the matter is - and let the people judge this for themselves - that taxation in Western Australia has gone up two and a half times. That is just the straight taxation items in the Budget. It does not take into account territorial income or a whole range of other income that this State happens to get through law courts, departments, public utilities, and all the rest. All I am talking about is the item titled "Taxation", under the summary of revenue in the Budget. It is not all those other things that members opposite might suggest relate to economic activity.

Hon Tom Stephens: You did the wrong units at university.

Hon N.F. MOORE: Well, I did some, which is more than a whole lot of other people around here have done, I might add.

Hon T.G. Butler: That is a snobbish response.

Hon N.F. MOORE: I cannot help it if Mr Butler is under educated - that is his problem - but even with his knowledge and education he must realise that two and a half times the increase in the amount of taxation is a considerable increase, and is considerably higher than the nominal inflation rate of 10 per cent which I mentioned, which would give us something like an \$800 million instead of a \$1.17 billion income. I might add that the rate of inflation has been less than 10 per cent in each of the years since the figure I mentioned.

Hon T.G. Butler: It has been a much more buoyant economy.

Hon N.F. MOORE: I do not agree with that.

Hon Garry Kelly: Is the economy stagnant?

Hon N.F. MOORE: I would like to hear the member's speech on that.

Hon T.G. Butler: He is ducking the question. It is a hard question.

Hon N.F. MOORE: I am not ducking hard questions.

Hon T.G. Butler interjected.

Hon N.F. MOORE: Well, I did not hear his question.

The amount budgeted for education in 1982-83 was 25 per cent of the State Budget. In 1988-89, amid a great fanfare of what a wonderful job this Government is doing for education, we find that 23 per cent of the Budget is being allocated to education, which is a reduction of some two per cent. That needs to be brought home to those people who believed the hype that was associated with the launch of the Budget. The day after the Budget was released *The West Australian* came out with a heading saying how wonderfully well education was doing in the 1988-89 Budget. However, that was a reflection of a very cursory glance at the figures contained in the Budget.

I want to spend some time today by suggesting that the launch of the Budget in respect of education was nothing other than a con job designed to create a sense of expansion and concern for education, when the facts do not bear that out. The Treasurer talked in his Budget speech about the appointment of an additional 500 teachers and 250 support staff. When one reads that, it sounds wonderful, because everybody involved in education knows that is what is required. However, when we start to look beneath these figures we find that the truth is a bit harder to bear. In my endeavours as a member of Parliament to find out what are the true figures, I have gone through the Budget papers for the last five or six years, comparing estimated numbers of personnel in the different categories of employment in the Education Department. I have been able to work out and graph the estimated number of people that the Budget indicates would be employed in the education system each year. The problem is that by using the Budget papers we are unable to find out the actual number of people employed. The Budget documents tell us the estimated amount of money to be spent in a particular financial year and they tell us also the actual amounts spent in the previous year, but in terms of the number of persons to be employed we do not get the actual figures for the previous financial year. So in order to be fair to the Minister when I responded to this part of the Budget I sought to find out from her office, by means of a parliamentary question, the actual number of people employed in the various sections of the Education Department.

Last week in question 332 I asked the Minister for Education how many teaching staff,

teacher aides, clerical and ancillary staff, and cleaning and wages staff, were employed by the Education Department. I asked for those figures for the financial years 1982-83 to 1987-88. I asked that question so I could compare the estimated number of employees in each of the Budget documents with the actual number employed, which would give me a fair way of assessing what this current Budget does. Unfortunately, the answer came back in these terms: "Tables, as detailed below, in the annual reports and 'Education Statistics Bulletin' answer the above questions." It then outlined the annual reports and the years, and the tables and the pages upon which the information was located. It said the July 1988 statistics were not yet available. Members will know that it is difficult to find the time to do the sort of research that is necessary to get these figures. The backbench members of Parliament have a secretary or typist as their only employee. This answer is saying to me that the Education Department will tell me which pages of which reports to look at, and I can spend my time going through those reports, trying to compare like with like, and I can answer my own question. It seems to me that the Education Department would have the answer to this question at its fingertips because every time it prepares a budget, it would work out the number of people it is seeking to employ in each of the categories outlined in the Budget, and would know how many people it has employed in the previous year. A further problem I had is that when I looked at the tables referred to in this answer, the numbers were indicated in categories which were different from those about which I was requesting the information. It was rather annoying.

I have said this before, and I had to say it again the other night in an adjournment debate in respect of an answer I received from the Minister: The quality of the answers bears little relationship to the quality of the questions. It is a pity that some Ministers seek to use answers to questions as a means of trying to malign the person asking the question or as a means to - as in this case - suggest that I should be doing some more work in this area, and the department should not have to do it. We find also that the replies are often vague and misleading and rarely answer the question. I suggest to Ministers who use this way of answering questions that every dog has his day. There will come a time when those members who are now Ministers will be asking questions of some other Minister and will be expecting, when they ask a forthright, simple question about statistics, to get a forthright, simple answer. It is not good enough. So what I have now had to do in order to make this speech is go through a whole stack of papers in my own time, which I do not have a lot of, to try to compare like with like when I start to argue about this Budget. Members who read Budget papers carefully will know it is very hard to get the sort of information we want out of Budget papers. However, I suggest that this argument about an additional 500 school teachers is nonsense, that it is a con job, and that the Government is misleading the public by the figures it has put forward to us in the speech made by the Treasurer.

If we look at the estimated number of teaching staff to be employed in our schools over the years we find that in the 1986-87 financial year it was projected that 15 215 teachers would be employed. I do not know how many were actually employed in that year. In the 1987-88 financial year we were told in the Budget papers that 14 748 teachers were to be employed; so from 1986-87 to 1987-88 there was a reduction of 467 teachers to be employed, according to the estimates. I am told from sources which I cannot verify that in fact the number of teachers employed in 1987-88 was 14 525; that is, about 180 less than the number the Government had budgeted to employ. I will make that point again: In 1986-87 the estimated number was 15 215 and in 1987-88 it was 14 748, a reduction of 467; yet I am told that the actual number of teachers employed in 1987-88 was 14 525, some 180 less than budgeted for. I asked the Minister by way of question on notice how many teachers were employed and I was told that the 1988 statistics were not yet available. That raises an interesting question: If the Minister can say there will be 500 new teachers and if the Government does not know how many were employed in 1988, how does it know that next year it will employ 500 more? What I am saying is that the Minister knew the answer yet did not give it to me. For her to know that 500 more teachers will be employed next year she must know how many were employed this year. Does not that make sense, even to someone as educated in mathematics and subjects of that nature as is Hon Tom Butler?

The number of teachers estimated to be employed in 1988-89 is 14 863; that is, an increase over the projected number to be employed last year of only 115. If we take into account that the Government underspent and underemployed last year by 180, then in fact the real

increase from last year to this year is not 500 as the Government said but 320, coming from a base which is 180 less than it should have been anyway. What the Government did was to reduce the teaching staff for last year and then increase it again in this pre-election year and claim a massive increase. It is an absolute sham, it is a con job, and it is a virtual, basic lie. This sham is even more obvious when one looks at the other categories of employment - teacher aides, for example. There was a decrease in the number of teacher aides of 470 from 1986-87 to 1987-88, but there has been an increase in this Budget over the projected number for the previous year of 163. If these figures were represented on a graph it would show a steady increase in the number of aides employed from 1983 onwards, then a great big dip downwards in 1987-88, and then a turn upward again in 1988-89. The Government got rid of a stack of people two years before the election, and in the pre-election year it is increasing the numbers again and telling everyone how wonderful it is.

This situation is analogous to the financial institutions duty brought in by this Government. Initially the rate of this new tax was 5c per \$100, but in the following Budget the Government reduced it by half and was patted on the back by the media for reducing taxation. Before this Government came into office there was no taxation in respect of financial institutions duty at all. We are still paying more yet the Government was patted on the back because it had reduced taxation. This sort of strategy has been used again in respect of teacher employment figures.

Hon Tom Stephens: You are like an Opposition secret weapon for the Government.

The DEPUTY PRESIDENT (Hon John Williams): Order!

Hon N.F. MOORE: One of these days the quality of the interjections may be the equal of the quality of the speeches in this place. We may have an amalgamation of Hon Tom Stephens' interjections in the form of a speech so that we can assess what he is about. We do not know what he is about because we never hear from him.

The same situation exists in relation to the numbers of ancillary staff in schools. In 1986-87 the Government estimated it would employ 2 700 ancillary staff and in 1987-88 it reduced that figure by 700. When the Government sees our policies -

Hon John Halden: We have been waiting long enough.

Hon N.F. MOORE: - it will know it has a real battle on its hands, and it will know that what *The West Australian* said this morning is true - that the Government is right on the line to be tossed out at the next election. If members opposite look at the Morgan Gallup Poll they will see they are right on the line - and that is before our policies come out. Government members should wait until they do come out.

Hon Graham Edwards: When is the next leadership challenge coming?

The DEPUTY PRESIDENT: Order!

Hon N.F. MOORE: The Government reduced the number of ancillary staff for 1987-88 by more than 600, but has increased it by 94 in this Budget and claimed a big increase. The whole exercise has been a sham. The Government significantly reduced the number of employees in the Ministry of Education in the year prior to this Budget, and then increased it. In some cases the number of people employed in the education system is smaller now than it was five years ago; in fact, the number of people in administration in education is 230 maller than it was last year. The Government is sacking people right, left and centre. More teacher aides were employed in 1982-83 than in 1988-89.

Hon John Halden interjected.

Hon N.F. MOORE: So the member is happy that 200 people have been moved out of head office?

Hon John Halden: Yes, it is a rationalisation.

Hon N.F. MOORE: That is okay, just as long as those people know the member is happy that they were sacked, as many of them were. They will judge members opposite for what they are.

Hon John Halden: I prefer them to be out in the schools teaching.

Hon N.F. MOORE: But they are not out in the schools teaching.

The DEPUTY PRESIDENT (Hon John Williams): Order! Members know that interjections are disorderly; they should not make me exercise my prerogative.

Hon N.F. MOORE: They are not out in the schools teaching. The number of teachers in our schools is approximately the same as it has been for many years and in fact there are fewer now than there were in 1986-87, yet members opposite talk about reducing class sizes. Western Australia has the biggest class sizes in Australia, and that is not out of my mouth but out of the mouths of the Government's friends at the State School Teachers Union. We have the biggest class sizes in Australia, and Hon John Halden says the people who have been sacked are out in the schools teaching. If we were to believe the rhetoric of the Government in promising an additional 500 teachers, I might ask where they are to come from because there are none to employ. If members opposite were to talk to some of the principals in the schools in their electorates about the difficulties of getting relief staff when teachers are away, they would realise that none can be found.

Hon Mark Nevill: We will give you a job.

Hon N.F. MOORE: Congratulations! I could not say the same for Hon Mark Nevill.

Hon John Halden: He will not need one - he has one here.

Hon N.F. MOORE: Is it not a pity that the backbench members on the other side of this House treat every debate in this place as an occasion for inane, witless interjections? I am putting to this House a demonstration in actual figures that this Government is lying to the public.

Hon T.G. Butler: The member said that the figure was not verified.

Hon N.F. MOORE: It has been used in the Press and never disputed. This Government deliberately reduced the number of people employed last year in teaching; it then sought by increasing that number this year to give an impression of a massive increase. If one looks at the total amount expended in previous Budgets on salaries in the Education Ministry one will see that last year the Government spent \$10 million less than it budgeted for in that area. That is, 120-odd teachers not employed last year, who could have been employed last year because the Government certainly had the money to employ them. The Government will fill those jobs this year in an attempt to create an impression that it is concerned about education.

Hon John Halden: This is so boring.

Hon N.F. MOORE: Do I have to put up with that, Mr Deputy President?

Hon Graham Edwards: You hand it out when you want to.

The DEPUTY PRESIDENT: Order! I will put the situation right. I warn members, and next I will name members.

Hon N.F. MOORE: I do not mind members' interjecting on issues, but I do object to inane interjections. If members do not like the figures I quote they should produce other figures.

Looking at the Capital Works Program I note that new schools will be built and money spent, but looking at the actual figures, compared with previous figures, the amount spent this year in primary and secondary schools is 25 per cent less than in 1985-86. In that pre-election year this Government spent \$51.7 million in that area; in the following year it spent \$47.6 million and in 1987-88 \$41.8 million. That amount has been decreasing just as the number of teachers has decreased. The figure has decreased from \$51.7 million in 1985-86 to \$41.8 million within that period. However, in the next pre-election year the figure is back up to \$51.9 million. The Budget allocation in this current year is exactly the same as the 1985-86 figure but everyone knows, taking inflation into account, that represents an actual reduction of about 25 per cent. That demonstrates the lie that is being told regarding the wonderful job that this Budget will do in respect of schools and school buildings and other facilities for education.

Capital works in TAFE is another area where the Government says it will do a wonderful job. In 1985-86 this area received a Budget allocation of \$25.2 million; the following year, \$19 million; and in 1987-88, \$25 million. So the figure in the current Budget of \$25.7 million is a slight increase over what was spent in 1985-86 - but a reduction in real terms of about 25 per cent. The Government is not doing big things in education; it has short changed that area and reduced expenditure in real terms since the last election. Now it

increases that figure but has forgotten to tell people about the decrease of 25 per cent in real terms.

Turning to maintenance in schools, the Leader of the Opposition stated at a Press conference some time ago that according to papers made available to the Opposition \$3 million had been underspent on school maintenance in the last financial year. A Press statement put out by Dr Lawrence on 11 August 1988 reads, in part, as follows -

The Opposition leader is totally wrong in his allegation that the Budget for schools was underspent by \$3 million, Education Minister Carmen Lawrence said today.

Dr Lawrence said work had been carried out to the full value of the 1987/88 allocation for minor works by both the Education Ministry and the Building Management Authority.

Let us look at the figures in the Budget. The maintenance allocation for school buildings and grounds shows the following information: In 1987-88 it was estimated that \$15.98 million would be spent on school buildings and maintenance. The Budget papers this year show that in 1987-88 the Government expended \$13.05 million; that is, \$2.93 million less than allocated in the previous Budget. The Government underspent almost \$3 million of the Budget allocation for school maintenance. There appears to be a vacuum of truth in the Minister's statement. The Budget papers prove the under expenditure and now the Government makes a big deal with school teachers and P & C associations talking about increases in maintenance this year. The Budget allocation of \$14.7 million is still \$1.2 million less than last year's allocation, and a mere increase of \$1.65 million over what was spent. The bottom line is that the Government saved \$3 million last year in maintenance and has allocated an extra \$1.5 million this year. That is a cynical action when we consider the hype attached to media releases at the time of the Budget.

At the present time in Western Australia the number of teachers retiring or resigning is increasing at an unfortunate and unhappy rate. The number of retirements in 1982 was 52, and in 1985 the number was 124 which represents a significant increase in that period. In 1984 there were 54 retirements and in 1985 the figure was 124. I guess some of that is attached to the different superannuation deals and the fact that some people were given a golden handshake in a way they did not expect or even want. The resignation rate in 1988 has reached 216 in the first half of the year compared to 310 in the previous year. Real concern exists in the schools in this State that people are retiring and resigning to do other things at a rate greater than ever before. A cynicism is developing among teachers that the sort of media coverage of the Budget and the so called increase in staff is just so much tripe, and all part of the Government inspired media machine that churns out one glossy brochure after another telling people how happy they are when they are not happy.

We have just been given another two glossy brochures. The brochure "Putting Families First" is a magnificent document and a great credit to whoever printed it from the point of view of the quality of printing and the putting together of the document. What is in it is the problem. When I asked how much it cost I received the answer that the Government did not know. I guess we will find out after the next election when we get a chance to have a look at where all the money has gone. Hot on the heels of that document came another from the Treasurer and the Minister for Education all about Government schools. I will save my comments about that for another time. It was full of half truths, innuendo, virtual lies and a whole string of adjectives and phrases designed to create the impression that all is well when everyone knows it is not. Not only is the Government spending its money on those sorts of things, but it is not telling us how much it is spending. It is taking large numbers of people to breakfast and lunch. The Government works on the basis that if it buys everybody a feed, those people will take no notice of the fact that their taxes have increased by two and a half times. It is taking everybody in the Ministry of Education to breakfast and lunch.

Hon Neil Oliver: Silver service.

Hon N.F. MOORE: I heard about that. These people can virtually have what they want with it all paid for by the taxpayers.

Hon P.G. Pendal: They did this with people in the south west and got done like a dinner.

Hon N.F. MOORE: People will not be bribed and are cynical about bribery attempts. I understand that the new marina in the northern suburbs was recently engaged for a breakfast. Was Hon John Halden there?

Hon John Halden: Yes, I was.

Hon N.F. MOORE: Did the member pay for his own breakfast?

Hon John Halden: No.

Hon N.F. MOORE: So we paid for his breakfast, because I can guarantee that the ALP did not. How many teachers turned up? Half a dozen?

Hon John Halden: No, more than that.

Hon N.F. MOORE: I suppose that was not too bad considering the size of the area they come from. It was a great breakfast and a great venue at great expense to the taxpayers. I asked a question about these breakfasts because I have heard people say that all the Liberal Party can turn on is a cup of coffee and a biscuit. It is all we can afford, because we do not have access to the taxpayers' dollar as does the Government. We cannot afford five star service.

Hon John Halden: Breakfast is hardly five star service.

Hon N.F. MOORE: Okay, one star service. If it only costs 60c we would like to know because I could not be any more angry at the moment if that is all it cost.

On Tuesday 13 September I asked the Minister for Community Services -

- (1) Which teacher groups or associations have attended breakfasts or lunches provided by the Ministry of Education in recent months?
- (2) What has been the purpose of each function?

The answer to both questions was -

It is Ministry policy to provide lunch or breakfast where appropriate to invited groups providing advice and expertise to the Ministry as part of the consultative process promised by this Government. It is also policy to include these costs in professional development initiatives.

That means that the professional development of teachers will be enhanced by their having breakfast with the Minister and local members of Parliament who will shove down their throats all of the hype and propaganda that this Government is churning out in every field it is involved in. The Government churns out glossy brochures, hype and propaganda at breakfasts and lunches to get in the ears of teachers about what a wonderful job it is doing. The Government calls it professional development. It has cut out in-service courses and services for support staff and now provides teachers with virtually no help at all in the areas in which they need it. The Government was proud to get rid of the 200 officers from head office who provided assistance to teachers throughout Western Australia. It now regards professional development as taking teachers to breakfast and having the Minister tell them about what the Government is doing for them. It is a disgrace and typical of the priorities of this Government. It has taken away proper services which teachers need and is taking them to breakfast! The third question to the Minister was -

- (3) What was the cost of each function?

As a taxpayer and a member of Parliament I am entitled to know the answer to that question. The Minister said -

Each responsible officer has the task of judging the appropriateness and budget for these occasions and is expected to operate at minimum costs.

That was the answer to a question, "How much did it cost".

Hon John Halden: Fair enough.

Hon N.F. MOORE: But we should have been given a figure. We should have been told that the breakfast at the Hillarys Marina cost \$5 300 or whatever it cost, or that the cost of the lunch at Parliament House cost X dollars. That was the question and the answer bears no relationship to the question. The Government treats parliamentary questions with a contempt that is unacceptable. I then asked -

- (4) Is it planned to hold further such functions and, if so, which groups or associations are to be invited?

The answer was -

Yes. I do not know at this stage.

It is regrettable that Dr Lawrence, for whom I have a great deal of regard as a person, has fallen into the same old habits as her predecessor, that educational vandal, Bob Pearce, and is treating everyone with contempt. These sorts of answers are typical of the answers I received from Bob Pearce. That is his nature and style.

Hon Tom Stephens: That is treating you with contempt.

Hon N.F. MOORE: Dr Lawrence has integrity but, by supplying answers like that and the previous one I spoke about, she is demonstrating that she has fallen into the same mire in which Bob Pearce spent most of his time. We are entitled to know how much those breakfasts and lunches cost, whom the Government intends to invite in future, and how much they will cost in the future.

Hon Tom Stephens: Barry Hodge invited your colleague, Hon Phil Lockyer, to a dinner tonight. What is wrong with that?

Hon T.G. Butler: Mr Moore was not invited, that is what is wrong with it.

Hon N.F. MOORE: Had I been invited I probably would have refused if all the Minister was going to do was tell me what the Government was doing. I do not care how much the Labor Party spends on teachers or on my colleague, Phil Lockyer. However, I care about how much of the taxpayers' funds are being spent on television advertisements telling everybody in Western Australia how wonderful the education system is. I asked, on notice, who was paying for the ads, the Government or the ALP, and if the Government was paying for them, how much they had cost?

Hon T.G. Butler: The ads tell the viewers that they are being paid for by the ALP.

Hon N.F. MOORE: That is good. I do not even watch the ads because I have been told how dreadful they are.

Hon T.G. Butler: At least we are working and not rowing boats.

Hon Tom Stephens: You are about the best thing that we have got going for us.

Hon N.F. MOORE: It is not justified for a Government to spend taxpayers' money on blatant political propaganda.

Hon John Halden: Prove it! You cannot do that. You are making an outrageous comment.

Hon N.F. MOORE: I can say whatever I like. Governments cannot justify spending taxpayers' money for blatant political purposes. Hon John Halden is quite entitled to argue with me by saying that there was no politicking at the breakfast. It just so happened that he was there; that the Minister was there; and that the shadow Minister was not invited. If the Government thought that such a breakfast was a good way of putting two different points of view in respect of education, that would have been fine. Had the Government wanted to put both sides of the argument and invited the schoolteachers to the breakfast because it wanted them to be politically au fait with the position of the Government in respect of education and allowed them to make up their own minds about what was right and wrong, it should also have enabled the Opposition to put its attitude to education. That would have been a legitimate way of putting two different points of view. But the Government did not invite me. It did not invite the Opposition. What the Government does in the parliamentary dining room every week is invite different members of the community to lunch so that it can churn out Labor Party propaganda and thrust it down people's throats along with the free food.

I conclude my comments on this part of the Budget by reiterating that the additional number of teachers to be employed in this Budget is a sham in respect of the way in which it has been promoted. There was a deliberate reduction in staff last year and an underspending of about \$10 million for salaries. That reduction in the number of people employed makes the increase this year look much better than it really is.

Hon T.G. Butler: Are we back on that again?

Hon N.F. MOORE: I am making sure that it sinks into the member's thick skull. The same thing applies to teacher aides and ancillary staff in the schools. There was a massive reduction in employment in 1987-88. In many cases the projected increase for 1988-89 is

not as high as it was the year before. Thus it is a sham and a lie. It has been designed to misinform people. Capital works and maintenance program estimates in the Budget are also a sham. The amount being expended this financial year is exactly the same in actual dollars as it was at the last election. In real terms, it is a reduction of 25 per cent for both secondary and primary school buildings. That same reduction percentage also applies to TAFE buildings. The Minister's Press release saying that the maintenance budget had been totally spent was a lie. The Budget proves it is a lie. The Budget shows that the Government underspent \$3 million last year on maintenance and that it has increased the amount by only \$1.6 million in this Budget. That also gives the lie to the argument that the Government cares about the maintenance of school buildings. All one has to do is look at school buildings to find out the state they are in. I have talked about that before in relation to a couple of schools.

Finally, it is my view that members of Parliament who ask questions in the House are entitled to factual answers. The two questions I referred to in my comments today - the question I asked about the number of people employed and the question I asked about the cost of breakfasts and lunches - should have been answered in a factual way. The Minister should not have gone off at a tangent, trying to give the impression that something was wrong with the question, which was not the case.

I do not support the Budget because I think it represents the culmination of a pile of strategies designed to try to create in a pre-election environment a sense of wellbeing out there, when everyone knows taxation has gone up enormously. I think I have proved that the hype about education, in particular, is just so much hype.

HON GARRY KELLY (South Metropolitan) [3.25 pm]: Unlike the previous speaker, I strongly support the Budget. Many of the so called facts recounted by the previous speaker were carefully selected to produce an argument to convince himself. By any measure the Budget that was brought down earlier this session represents an excellent statement of the intent of the Government in terms of expenditure and revenue. In the documentation that went with the Budget the Government said that the objectives of the Budget could be summarised as "to facilitate and encourage the sound economic development of the State and to distribute the benefits arising from economic growth to all Western Australians". That last statement sets this Government apart from the Opposition and conservative administrations around the world. It is important that in any society or community the fruits of the economy are shared as fairly as possible. They should be shared as evenly as possible among all members of that community. The Budget that was brought down by the Treasurer seeks to do that. I am sure that it will do it in the best possible way.

The Government will expand essential services in key areas. They have already been referred to in somewhat disparaging terms by the previous speaker. The Budget will address the areas of education, housing, health and community safety, which is bound up with the fight against crime package and many other areas of community development. In producing the Budget the Government has demonstrated as a matter of deliberate policy considerable revenue restraint. The 1988-89 Budget contains no new taxes. For the third successive year the Government has been able to introduce significant tax reductions and reforms in the Budget. The fact that the Government was able in the past to hold down increases in State taxes and charges to a rate at or below the inflation rate and to have no increases in those charges in this Budget means that the Government has demonstrated sound economic management skills.

The Opposition keeps berating the Government about payroll tax. I would be the first to agree that payroll tax is an iniquitous tax and should be abolished as quickly as possible. In successive Budgets the Government has taken steps to do that by reducing the rate of payroll tax and reducing the number of businesses to which payroll tax applies. I understand that the Leader of the Opposition has promised to abolish payroll tax; he does not quite say when or how. As bad as it is, payroll tax is about the only tax that depends on growth in the economy from which State Governments can raise revenue. Thus, abolishing payroll tax in isolation would leave a gaping hole in State revenue which would have to be made up somehow. I assume that if the Opposition abolished payroll tax, other taxes and charges would have to rise to compensate for that impact. The other alternative would be gradually to wean the Government off the need for payroll tax as such by having it share in economic growth and prosperity generally through activity in the economy.

Hon P.G. Pental: This will be good! More dodgy deals!

Hon GARRY KELLY: I know that attitude has been criticised. The Opposition may rue the day it was so critical of that principle because it must be conceded that there is a limit to how much a Government can tax the people directly to produce revenue. No matter how great the electorate's desire for services, there comes a time when the law of diminishing returns applies. The electorate may want new schools and hospitals, but they are not prepared to cop the necessary increase in taxes to achieve those services. Therefore, other ways must be found to generate revenue. Payroll tax is a tax on labour and as such is a regressive tax which encourages employers to put in new plant and equipment rather than to employ people, which I think is to be deplored.

I turn now to the expenditure side of the Budget. The major initiatives have already been referred to but include such things as 500 extra teachers and 250 extra support staff; completion of seven new schools in 1989 with at least eight extra schools to be opened in 1990; 18 preprimary centres to be opened throughout the State; and expanded programs for four year olds.

Hon P.G. Pental: Not again. These kids will be 84 and will still not have what was promised by you.

Hon GARRY KELLY: The Government made a commitment to create places in the preschool system for four year olds. That program will continue and people will be able to enrol children in preschools if they wish. The creation of these family centres will provide another avenue of addressing the needs of four year olds. We are not really talking of four year olds but children of three years plus.

Hon N.F. Moore: That's what you promised before, and I bet you promise it again this time.

Hon GARRY KELLY: I am not denying that.

Hon P.G. Pental: Did you have a raffle to come up with family centres?

Hon GARRY KELLY: Family centres are a brilliant innovation and, judging from the acceptance of them in the community, once the first centres are built the demand for family centres will increase. There is something undesirable about putting children of three years plus in a formal, structured education system.

Hon N.F. Moore: No-one intends that. It involves two half-days a week.

Hon GARRY KELLY: For those parents who think their children need that sort of structured learning at an early age it will be available.

Hon N.F. Moore: They are not arguing for structured learning.

Hon GARRY KELLY: It is structured. Teachers to whom I have spoken do not want children of this three years plus age group coming into their schools.

Hon N.F. Moore: That has not been suggested by the Playgroup Association.

Hon GARRY KELLY: I am not speaking of the Playgroup Association but saying administrators in primary schools do not want children of that age coming into their schools unless their mums come with them, and that would be impracticable, if not impossible if they have other younger children at home.

Hon N.F. Moore: Are you opposed to the promise?

Hon GARRY KELLY: I am saying that that promise will be met, but will not be met overnight.

Hon N.F. Moore: It was made in 1983.

[Quorum formed.]

Hon GARRY KELLY: Primary school teachers and administrators do not relish the idea of a massive influx of children in that age group, because of their immaturity. The advent of the family centre will provide an alternative that parents of those children are seeking.

Another expenditure item in the Budget is the housing allocation of \$25 million for first home buyers and low income families. When I was first elected in 1982 most of the housing problems were related to what was then the State Housing Commission. If one rang the

commission with a problem it confirmed the problem existed and then there was nowhere to go. That was it, people were on the waiting list and had to wait their turn. It was virtually impossible for the commission to assist people who were waiting for rental housing. There was virtually no money being spent on building new rentals, so those people were condemned to long periods on waiting lists while usually living in substandard accommodation, with relatives, and so on. With the advent of the Labor Government in 1983, the restructuring of the commission and the advent of Homeswest alternatives were offered. People wishing to gain accommodation are manifold and Homeswest is to be commended for the excellent job it has done in helping people into accommodation, and not simply rental accommodation but purchased accommodation as well. Money which would have gone in rent in the past is now being spent purchasing an asset which will be of use to people later on.

The list of Budget expenditure continues: Redevelopment and upgrading of State hospitals and health facilities, \$58 million; further reduction of hospital waiting lists, \$75 million; an amount of \$125 million to be spent on the family foundation; an additional \$30 million concession to Western Australians with special needs - and this is a terrible waste of money according to the Opposition; 25 new family centres, which I have referred to, and 15 existing buildings to be upgraded; six new child care centres; 2 000 additional TAFE training places at a cost of \$2 million; 1 000 additional police officers over three years, which is part of the anti crime package "Working together to beat crime"; creation of more employment and training opportunities, especially for long term unemployed women and Aboriginal people; and \$8.2 million in specific support for the economic and social development of regional Western Australia.

I hate to get back to the matter of electoral reform but a lot has been said from the other side of the House about the representation of rural and remote Western Australia and the need to make allowances for isolation by the weighting of those areas.

Hon E.J. Charlton: Do you agree with that?

Hon GARRY KELLY: No, I do not.

Hon P.G. Pandal: It was overwhelmingly endorsed last Saturday week by the people of Australia.

Hon E.J. Charlton: So would you have the same costs for education, fuel and freight for country people when you talk of equal representation?

Hon GARRY KELLY: How many questions does the member want me to answer at once? All I say is that in all the years the Liberal Party held power in this State, which has been the great bulk of the time, little was done to address any of the problems Mr Charlton has just mentioned in relation to isolation and education. The drift to the cities went on and members opposite did nothing about decentralisation. It has taken a Labor administration to address the problem. If I wanted to be unkind I could say members opposite had a vested interest in making sure the country areas remained underpopulated and underresourced so that there could be some justification for weighting the votes and representing them. All members opposite were doing was making sure they were handicapping anyone politically opposed to them.

Several members interjected.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order!

Hon GARRY KELLY: I cannot let go the interjection Mr Pandal made without making a comment on it. My comment about equal votes he said was endorsed at the referendum a few weeks ago. That is absolute rubbish.

Hon E.J. Charlton: What was it?

Several members interjected.

Hon GARRY KELLY: Just let me explain.

Hon P.G. Pandal: This could be quite good.

Hon GARRY KELLY: If the no campaign had been conducted on the questions asked, if the people of Australia had heard the yes case on those questions, and the answer had been for noes, I would have said, "Fair enough, people do not want it."

Several members interjected.

Hon GARRY KELLY: What I am trying to say is that the no campaign did not address the questions at all.

Hon E.J. Charlton: The questions did not address the questions.

Hon GARRY KELLY: I do not think I saw one campaign statement or document which addressed the questions. Talking about equal votes, there was no debate about the merits or otherwise of giving people in remote areas or other areas, depending on where they lived, greater value. That was not discussed at all. The no campaign for the four questions came down to the 33 amendments to the Constitution, the hidden agenda -

Hon E.J. Charlton: That's right.

Hon Tom Stephens: Green monsters coming in.

Several members interjected.

Hon GARRY KELLY: - and if in doubt vote no.

Several members interjected.

Hon GARRY KELLY: I think Sir Charles Court's contribution was, "If in doubt, vote no." When one side of the campaign is launching a smear and fear campaign, it is hard to claim that the no vote represents anything more than an acceptance of fear.

Several members interjected.

Hon P.G. Pental: Your Prime Minister frequently refers to the intrinsic intelligence of the Australian people.

Hon E.J. Charlton: It is true.

Hon P.G. Pental: It is. Why all of a sudden are the Australian people dummies because they throw you out?

Hon GARRY KELLY: All I am saying is, when we have the Constitution in this country amended -

Hon P.G. Pental: Which is not often, thank God!

Hon GARRY KELLY: - it is the conservative parties -

Hon P.G. Pental: They will wake up; you have lost touch.

Several members interjected.

Hon Garry KELLY: Do members want to hear what I have to say? When the Constitution is amended, usually it is the conservative parties which pass the legislation through the Parliament. If it is half way decent the Labor Party says, "We will support that", but when the shoe is on the other foot and the Labor Party puts legislation forward -

Hon P.G. Pental: It is never half way decent.

Several members interjected.

Hon GARRY KELLY: - the conservative parties make a decision to vote no. They are not at all prepared to discuss the Constitution.

Several members interjected.

Hon E.J. Charlton: It was the verdict of the people.

Hon GARRY KELLY: The conservative parties were not prepared to argue the case on any of the questions.

Hon E.J. Charlton: Of course we did.

Several members interjected.

Hon GARRY KELLY: You took the easy way out and said, "Vote no on the whole lot."

Several members interjected.

The DEPUTY PRESIDENT: Order!

Sitting suspended from 3.45 to 4.00 pm

[Questions taken.]

Hon GARRY KELLY: Before the afternoon tea suspension, we had a fairly heated debate about constitutional reform and referendums, which I quite clearly won. I will now proceed to complete my comments on the Budget. Some items of expenditure in the Budget which should meet with everyone's approval are those dealing particularly with families and children's services. Some of the expenditure includes \$3 million for the family support program; \$10 million for the accommodation assistance program; and \$2 million for construction of six new child care centres. Also of note is the \$12 million that has been allocated for the Western Australian Family Foundation, which will coordinate Government policy regarding family matters. An amount of \$30 000 has been allocated towards holiday camps for families on low incomes. Most people who are working take for granted their annual holidays, through which they can get away from the usual humdrum and grind of day to day living. The annual holiday rejuvenates the soul and the spirit, but people on low incomes are at a considerable disadvantage in that they cannot afford to get away. The money set aside for that program is money well spent.

The Budget has also allocated \$30 000 for marriage counselling. There has been a lot of criticism about the fact that marriage counselling receives very little support compared with the Family Court, which is deemed to help marriages break up. I do not necessarily subscribe to that argument, but it is good to see that some money is being put into marriage counselling. An amount of \$50 000 has been allocated to children's holiday activities because the summer vacation, in particular, is a time when after the first week kids, although they say they hate school and like to have holidays, start to look around for something to do. Thus, the children's activities programs set up around the State serve a very good function. The Playgroup Association of Western Australia was mentioned recently in relation to four year olds. Some \$23 500 has been allocated to the Playgroup Association. Despite the criticisms by some leaders of that association about the four year old or three-plus program, I do not think they could claim that they had not been dealt with more than fairly in the Budget allocation.

Leaving aside specific Budget allocations, I now turn to comments of a more general nature. I received a letter from the Australian Finance Conference dated 29 July. It was a circular letter addressed to all members of Parliament. It expressed concern about the Australian Law Reform Commission's recommendation with respect to the proposed introduction of class actions to Australia. The Australian Finance Conference was seeking parliamentary support to oppose any introduction of class actions to Australia. Class actions are a form of lawsuit in which a single individual can represent a whole class of individuals affected by a particular company, for example. Instead of each individual going to court, one person can represent the whole group. If a decision is made in favour of that individual, the compensation that is awarded is awarded to the whole group and distributed accordingly. That is quite common in the United States. The finance industry does not want to see that concept introduced into Australia.

About 10 years ago when the Law Reform Commission first floated the idea of class actions, it put out a discussion paper on class actions, entitled "Access to the Courts - II: Class Actions". At that stage the finance companies claimed a victory in that having lobbied members of Parliament around the country, no action was taken as a result of that first floating of the idea of class action. The Law Reform Commission has apparently issued another working paper advocating the introduction of class actions. Normally, legal recourse to the courts entails money for lawyers. In that light, class actions may serve some purpose. The Law Reform Commission document of 1979 outlines the differences between the situation in the United States and Australia. In the United States lawyers tout for business and take cases on a contingent basis. If they lose a case, they get nothing; if they win, they take between 20 per cent and 30 per cent of the judgment. That is not the case in Australia, so that sort of practice would not occur. We would not have lawyers touting for class action cases. The 1979 document makes it clear that even in the United States the class actions represented a fairly small proportion of business for lawyers.

On principle, I support the introduction of class actions because the finance industry is opposed to it. Banks and finance companies do nothing but try to seduce people into thinking that credit is easy to get. In fact, it is too easy to get. Finance institutions seduce people into taking credit by telling them to pick up the phone and ask for loans. They say

that the loans will be given with no hassles. They do not talk about the down side and over commitment. Until the finance industry becomes a bit more responsible, every part of the armoury that can be made available to the consumer should be at the consumer's disposal. If the Law Reform Commission of Australia is moving to recommend class actions, it is probably a good idea. The commission does not make recommendations lightly. It would have studied all the consequences and the likely effects on the commercial sector as well as on citizens generally. The Australian finance industry has a lot to answer for. I do not usually answer circular letters, but I did answer that of the Australian Finance Conference. I will quote from my letter.

Hon P.G. Pendal: They reckon it is the epitome of egoism when you quote yourself.

Hon GARRY KELLY: In part, my letter states -

The finance industry has been singularly irresponsible in its promotion of easy credit turning many individuals and their families into credit junkies.

About six or seven months ago the banks and credit card companies were pushing for the use of credit cards to buy groceries. People get hold of such credit cards and they go out of control. If people do not have enough money to go around and their kids need food and they use a credit card to buy groceries, the credit limit will be exceeded and they will be deeper in the mire in no time, yet credit card companies, and credit companies generally, seem to think the more the better. When the people fall victim to the siren song of consumer credit advertising and get into almost the inevitable difficulties, the credit provider uses the full force of the law to extract the proverbial pound of flesh. Even banks are getting on the bandwagon. If one goes into a bank one sees it has pictures of boats, cars, washing machines and all sorts of consumer goods along the walls inviting people to take out a loan to buy one. Until the credit industry gets its act together anything to aid the consumer is to be applauded and supported.

I refer to this booklet I have with the example of a finance company and a case that happened in 1977. The finance industry is pretty rapacious, but perhaps not as bad as appears in this example, which states -

During 1977 and 1978 five finance companies in New South Wales -

And perhaps it was members of the finance conference -

employed salesmen to negotiate loans on a door to door basis. Most of the borrowers were women. The loans averaged \$100 to \$200 and were usually for six months. The effective interest rate was approximately 100 per cent. Most of the loans were in breach of the Moneylending Act of New South Wales. The loans were often renegotiated at the end of the term . . . and were increasingly being devoted to refinancing the existing debt. Most of the borrowers were entirely unaware of the breaches of the Moneylending Act or, if they were, how to go about obtaining relief from the excessive rate of interest.

That is the sort of activity finance companies get up to. Until their activities are better controlled anything that helps the consumer should be considered seriously.

The final matter I will cover is a statement made by the President on 31 August in this place dealing with the Financial Administration and Audit Act and the inability of the Council to comply with it. It states -

I have to inform the House that the respective Accountable Officers under the Financial Administration and Audit Act 1985 will not be presenting annual reports for 1987-1988 to Parliament on behalf of the following "deemed" Parliamentary Departments - Legislative Assembly, Joint Printing Committee, Joint House Committee and Joint Library Committee.

The honourable Speaker and I are closely examining the implications of the Financial Administration and Audit Act 1985 with respect to maintaining the clear demarcation between Government and Parliament. To this stage we are not completely satisfied that the Act together with its regulations and the Treasurer's instructions can be complied with in their entirety while still maintaining Parliament's proper independence from executive control.

Mr Speaker and I are seeking further discussions on this matter with the Treasurer and until such time as we have all agreed on the proper course to take, no annual reports within the terms of the Financial Administration and Audit Act shall be presented for tabling.

That is concerning. No matter what the difficulties of the Financial Administration and Audit Act it is still the law that this House and this Parliament has passed. We are in effect saying that we will not abide by it; that the Parliament will not obey a law that it passed. If we expect all other public bodies to comply with the requirements of the audit Act then I think the Parliament should comply with it, too. I appreciate that there is a problem with performance indicators. However, there are lots of public areas where finding them is a problem. I understand that one can get an exemption from that section of the Act if trouble is encountered. To say because one cannot find performance indicators one will not table a report is wrong.

The other point made was about demarcation between the Government and the Parliament. The report is not one to the Government, but to the Parliament and therefore to the public. In terms of the financial accountability of this place it is a report to the members. I do not know how money is spent in this place. I do not know how much is allocated or how it is doled out throughout the year, so for my education I would not mind seeing a balance sheet for the Department of the Legislative Council. I do not see a problem producing a financial report which would meet those requirements. It is bad for the Parliament to say it will not follow an Act which it has passed and which, importantly, is the law. I do not know how these things are decided.

Hon G.E. Masters: Your Government refuses to be accountable all the time.

Hon GARRY KELLY: Rubbish!

Hon G.E. Masters: It refuses to give us detailed figures and facts. We do not know what is at risk in the petrochemical field.

Hon GARRY KELLY: Government departments and public bodies, according to the Act, have to table audited accounts and there has to be a good reason not to do that. If a Government department or instrumentality said that it would not do that then, presumably, the Auditor General would be down on it like a ton of bricks. Perhaps that statement should be rethought and looked at again. As I have said previously, performance indicators are one thing, but a statement of the financial situation regarding the parliamentary departments, not just the Houses but the Library and Joint House Committee, and so on, should be tabled each year.

Hon G.E. Masters: Tell us what you know about the petrochemical deal.

Hon GARRY KELLY: I will turn again briefly to the referendum. If the campaign on the no case had been conducted on the merits of the question instead of a fear campaign -

Hon G.E. Masters: You could not fool the public, that is what upset you.

Hon GARRY KELLY: If they had said no, I would not have an argument. I support the Budget as it is an excellent document which will do a lot to benefit the Western Australian community.

Debate adjourned, on motion by Hon Max Evans.

CHILDREN'S COURT OF WESTERN AUSTRALIA BILL

Recommittal

Resumed from 14 September.

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clause 42: Order to review certain decisions of Court -

Progress had been reported on the clause, which had been recommitted for further consideration, and to which the Minister for Community Services had moved the following amendment -

Page 21, line 22 - To delete "the court constituted by the President" and substitute -
to a Judge of the Supreme Court, sitting in court or in chambers

Hon KAY HALLAHAN: Last night when we considered this clause I expressed concern that the amendment previously included in the Bill had removed the right of appeal to the High Court in care and protection cases. We all have a desire not to remove this form of appeal, but we seemed to be becoming fairly entrenched in our respective positions when we adjourned the debate. Since consideration during the Committee stage last night I approached the Parliamentary Counsel to provide me with his view of the situation, and his letter reads as follows -

I refer to clause 42 of the above bill and in particular whether the appeal under that section should be to a Judge of the Supreme Court (as the bill was introduced) or to the President of the Court (as the bill was amended).

I would like to comment on the structure of the review and appeal provisions as a whole and to explain why I believe the better course is for clause 42 to provide for the appeal to lie to a Judge of the Supreme Court.

Clauses 41 and 42 are the basic appeal provisions in respect of decisions of the Children's Court. Both sections have their origins in the existing appeal practice under the Child Welfare Act 1947. In the case of both criminal and civil jurisdiction an appeal, by way of an order to review, lies to a Judge of the Supreme Court. Clause 42, the civil clause, which is at present under consideration is based on and is consistent with section 124 of the Child Welfare Act 1947.

It is important to note that it is clauses 41 and 42 that should be consistent with each other because they have the same role, 41 for criminal cases, 42 for civil.

The basic appeal structure taken from the Child Welfare Act is, however, subject to 2 developments in this bill which require explanation.

The first arises because the proposed Children's Court (unlike the existing Court) may be constituted by a Judge. As the Judge will have a standing equivalent to that of a District Court Judge, it is appropriate that appeals from decisions of the Court when constituted by the Judge should go directly to the Full Court. That is provided for by clause 43. Clause 43(4) refers to the civil decisions of the Court when constituted by the Judge and specifies those decisions which may be appealed against to the Full Court. It does not refer to any appellate jurisdiction of the Judge.

The second variation is found in clause 40 which establishes a reconsideration procedure which will enable the Judge to reconsider decisions of the Court when its criminal jurisdiction is exercised by a magistrate or members of the Court. The Judge will be able to exercise this reconsideration or review jurisdiction of his or her own motion or on an application by the child, the Department or the prosecutor. This clause must be distinguished from the ordinary appeal jurisdiction given in criminal cases in clause 41. It is a supplementary jurisdiction available only in the absence of an appeal and its establishment in no way derogates from the ordinary right of appeal under clause 41. This was made clear in subclause (5) of clause 40 which was inserted by amendment in committee. If an appeal is instituted no application for a reconsideration under clause 40 can be made and if an application for reconsideration has already been made it is deemed to be withdrawn.

The proposal advanced by Hon. Mr Pendal that the appeal in clause 42 should be to the President of the Court would create an anomalous position, as a result of which criminal appeals would go to a Judge of the Supreme Court and civil appeals would go to the President of the Children's Court. It would be logical and consistent in my opinion if clauses 41 and 42 both provided for an appeal to a Judge of the Supreme Court.

It is signed by G.C. Thornton, Parliamentary Counsel, with today's date. May I point out that the crucial sentence in that letter is at the end of paragraph one on page two, which reads -

It does not refer to any appellate jurisdiction of the Judge.

To make the effect of that clear, I should point out that because clause 43(4) refers to civil decisions of the court constituted by a judge, the provision for an appeal from the judge to the Full Court of the Supreme Court will not apply to any decision by the judge on appeal. That means that where a case is heard in a court constituted by a magistrate and not a judge, the case can be appealed to the President of the Children's Court, but there is no provision to take his decision on appeal. That is the cause of my concern; it was the cause of my concern last night and remains my concern today. As no member has said he wants to remove that right of appeal to the Supreme Court -

Hon P.G. Pendal: We have actually said the contrary; we are all agreed we want to preserve it.

Hon KAY HALLAHAN: We all want to. Despite that, and despite not wanting to remove any right of appeal but rather wanting to preserve that right of appeal, it seems very clear to me, the more I consider it, that that has actually been done by the amendment which was previously accepted by the Committee. I ask members to support this amendment.

Hon P.G. PENDAL: This is a little like a radio program I grew up with in the late 1950s called "When a girl marries". It was dedicated to those who are in love and those who can remember. The reason it has stuck in my mind is that we heard it night after night on the radio at 7.15. It went on for years, and this debate has all the hallmarks of that program. It has gone on and on. I agree with the Minister: Everyone, the Government, the National Party, and certainly the Liberal Party, in the final analysis, seeks only to make a good piece of legislation. Where we part is how we arrive at the destination. The Minister came back to Parliament with an opinion that expanded her view - an opinion provided by the Parliamentary Counsel. The Minister correctly pointed out that on page two there is a vital sentence and she commented on that. I would also ask that she does not overlook another vital sentence, which is on page one of the opinion. I want to read this to the Committee because it is important for what we are trying to arrive at. The Parliamentary Counsel said this in his opinion -

I would like to comment on the structure of the review and appeal provisions as a whole and to explain why I believe the better course is for clause 42 to provide for the appeal to lie to a Judge of the Supreme Court.

The Parliamentary Counsel then explained why he believed that it was better to do it that way. Therein lies part of the problem. The Parliamentary Counsel did not say it is the only solution, only that it was in his opinion the better course to take. He did not claim that his opinion was the best course to take and therefore in the end it is an argument between how we arrive at the same destination using different paths. As a matter of record, I want to remind members of the opinion from the parliamentary draftsman assisting the Opposition. I quote in part as follows -

Clause 42, as originally drafted, provided for a review of, for example, care and protection orders made by the Children's Court (not including a Judge) to a Judge of the Supreme Court.

Later he has this to say about the Opposition's amendment -

The effect of the amendment to Clause 42, is therefore, to create an intermediary review step to the President, instead of a review by a single Judge of the Supreme Court. It preserves the appeal to the Supreme Court.

Instead of decisions being reviewed by a single Judge, they will be reviewed by the Full Bench of the Supreme Court, but that is not a significant difference.

I emphasise in the minds of the members of this Committee that in the final analysis, instead of being a Parliament, we are in effect attempting to be a High Court; but it really comes down to whether one Parliamentary Counsel's opinion ought to be accepted over and above another's. Before explaining where we finally stand on the matter, I want to refer to a couple of remarks I made last night and to express some regret about one of them. I do so by leading into some comments made by the Minister, which led me to make certain comments that I would now prefer not to have made. However, I stress the comments would not have been made had it not been for something quite inaccurate being said by the Minister. I am not looking for a fight here; I am looking for a resolution. Nonetheless, in order to express some regret to a particular person I want to say this: Members of the Committee will remember that the Minister said to the Chamber -

... I have had advice from the Law Society that the amendment was ambiguous ...

The Minister was referring to my amendment. I later took exception to that because it was not accurate and I made my point by saying it was inaccurate insofar as it was not an expression of opinion from the Law Society at all because I had been shown that several weeks ago; it was the opinion of one person who is a member of the Law Society. In the covering letter the Minister received, which was brought to the Parliament, it was made clear by the Acting Executive Officer of the Law Society that it represented the opinion of that one person and there was no opportunity to go to the full council of the Law Society, and therefore it could not represent the Law Society's view. That is not disputed, and I do not wish to pursue that. As a result of that I made a remark to the effect that perhaps the person who made that opinion ought not to have been consulted. I stand by that for one good reason: The person who provided the opinion was, and is, a senior member of the Western Australian Government service. Surely in matters of this kind justice must not only be done but must be seen to be done, and I would have thought it was injudicious, to say the least, to ask a person from one arm of the Government to comment about the operations of another arm of the Government. I stand by that criticism and I do not regret saying it at all. However I regret saying - and I say it for the record - that -

Hon Kay Hallahan: You are saying that is criticism of the Law Society for the way they delegated that job.

Hon P.G. PENDAL: I am not saying that as a criticism of the Law Society, because it is in a difficult position. Often when a Bill is going through the Parliament the Law Society is asked by both the Government and the Opposition, "Please give us some quick advice." The quick advice is often provided in a voluntary manner and that advice is often qualified as it was in this case. When a person has the perception of a conflict of interest, it may be better - and I know it is nice to be wise after the event - if that person is not asked where it is in a Caesar to Caesar situation, as I believe was the case here.

I have no regret about raising an objection to that part. However, I regret drawing some connection between the person giving that advice via the Law Society and any possible future appointment to the Children's Court. On reflection I do not think it was fair to say that and therefore I express regret to the person concerned. We are dealing ultimately, as I think the Minister would agree, with the quality of advice that comes to Parliament - and whether the quality of this bit of advice is superior to the quality of another piece of advice. That is what I am concerned about, although I do not think it justified my referring to a connection between the person offering the advice and any possible appointment to the Children's Court.

Having said that, I indicate that I will request my colleagues to accede to the Government's request, and we will not seek to retain my original amendment in the Bill. I say that in the full knowledge that we have the areas we considered important spelt out the Bill. We dealt with one of them last night, and I signal to the Minister that if there is any hope that the Bill might go to another place and then come back here to have us remove the provision we insisted upon last night, I, for one, would never back away from our provision which said that persons in the future - juvenile offenders - could have three chances and after that they would have to cop it sweet. We will not back away from that; neither will we back away from some of the other important amendments achieved by the National Party voting for the Liberal Party and the Liberal Party voting for the National Party.

I firmly and genuinely believe that we have made the Bill a better one as a result of these amendments. As I have said before in this debate, being a pragmatist, I do not want to jeopardise the advances we have made with the National Party for the sake of what are really fine points of law. What does all this come to? I ask my colleagues to vote for the Minister's motion to delete what is there now, and to re-insert what was originally there. Parliamentary Counsel is quite insistent, as I have said, in the opinion that even if we had insisted on our amendment an appeal mechanism to the Supreme Court would have been preserved. That is the Opposition's position. In the final analysis it is a desire on our part to respect the wishes of the community in this matter, which is that repeated offences by juveniles will not be tolerated. In fact, the community is saying more: Repeated thumbing of the nose at the law by juvenile or adult offenders has come to an end. We have sought to reflect that wish in the amendment we have maintained in this Bill and I am delighted that we have been able to do that with the support of the National Party.

Hon E.J. CHARLTON: As Hon Phillip Pental has said, the main thrust of this amendment is the legal aspect of allowing the right appeal process to take place. However, the legislation ensures two other things. Firstly, the Children's Court will be set up in a manner which will enable it to carry out those legal processes; secondly, the community will see that the setting up of that court will mean it will be an effective body to deal with this matter. Obviously, when drawing up this clause we were influenced by legal opinion. As has already been said, we want to ensure the due process of appeal without one side gaining an advantage, or being denied the opportunity of appeal.

When the Liberal Party first moved this amendment the National Party supported it as it believed that the proposition, coupled with the background, was valid. We have worked together on this, as have all those involved in the two Bills concerning the Children's Court. The primary feature has been our responsible attitude in ensuring that what is set up will work. It does not matter what one does in life, in the final analysis what matters is whether what is done is a success. I know that the public of Western Australia now have a better chance of seeing a court process set up with the ability to deliver what needs to be done. For that reason, we support Hon Phillip Pental's comments to this clause.

I conclude my comments by emphasising a point made by Hon Phillip Pental, although perhaps I should not. If this Bill goes to another place and an attempt is made to interfere with this clause it will defeat the whole purpose of what we have been doing. We are emphasising the involvement of parents and guardians in the court hearing, initially, and if there is a move made to water that down we will lose the respect of the community. Furthermore, it will be seen that we are minimising the importance of that involvement. Problems in society cannot be overcome by putting in place a host of legislation; we have to go back to the basic family and social structure. If we could overcome problems there, we would not be here talking about setting up a Children's Court.

My other point concerns agreement to the clause last night where the court, having made its decision, will have the responsibility of putting in place the respective criteria of the child and the parent or guardian, or collectively covering both. I emphasise this point, as I did last night, and that comment was reported in the *Daily News*. That was an accurate and valid comment and I have received nothing but compliments about the Bill as it now stands. Everyone will benefit from it. With those comments we support what Hon Phillip Pental said in addressing this clause.

Amendment put and passed.

Hon KAY HALLAHAN: I move -

Page 21, line 23 - To insert after "decision" the following -

, and the provisions of the *Justices Act 1902* apply as if the finding, order, or decision were a decision within the meaning of section 197 of that Act and the applicant for the order to review were the appellant within the meaning of that section.

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported, with further amendments.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.10 pm]: I move -

That the House do now adjourn.

Lands, Department of - Missing Documents

HON P.G. PENDAL (South Central Metropolitan) [5.11 pm]: I want to mention a matter which occurred in the other place and which was reported on page 27 of today's *The West Australian* regarding comments made about me by the Minister for The Arts. The remarks which were made following what appeared to be a Dorothy Dix question in the other House attempted to portray the following situation: As a result of the remarks I made about

valuable documents that have gone missing from the Department of Lands, a police inquiry into their safe return has been hampered. I place on record that that is not true and that it is strange that the Minister should say the investigation by the police has been hampered when, in fact, she told this House, by way of an answer to a question on notice on Tuesday of this week, that inquiries I was seeking by the police were not relevant. Members are able to refer to *Hansard* to find that what I am saying is correct. My whole purpose in asking the question was to bring about a police inquiry. I am now grateful that has happened. If the Minister had been doing her job the police would have been brought in long ago. Indeed, I assumed that the police had been brought in many weeks ago in order to discover where those missing documents, maps and diaries happened to be.

In today's *The West Australian* we are told that -

Mrs Henderson said that following questions on notice from the Opposition spokesman on the Arts, Mr Pandal, she had initiated an inquiry into the location of the missing documents.

I do not want to be too grateful about that because I put to members that the Minister should have initiated that inquiry. If she was not informed by her department up to six or eight weeks ago that those documents were missing I suggest there is something wrong with her department. The report went on to say -

After receiving a report from the Department of Lands, Mrs Henderson decided to call in the police to investigate whether the maps had been lost, misfiled or stolen.

I repeat again that it should not have taken the intervention of the Opposition to have brought the police into it. I suggest that the police should have been brought in weeks ago either by the Minister or by the head of the department. In an effort to deflect attention away from herself and her incapacity to manage that department, the Minister has sought to heap some level of public abuse on me for doing what I regard as my duty. I hope it is not too late. The Minister could have brought in the police on 1 September, which was the date I first put the questions on notice in this House. Apparently it has taken nearly a fortnight for the police to be brought in. I made it clear, in a public comment that I made, that there was inactivity on the Minister's part. I made the point publicly that I was not interested in what happened to the culprits in this affair because I presumed they would be dealt with adequately. All that my informant and I are interested in is that the priceless documents are returned to Western Australia as quickly as possible. It reflects badly on the Minister, who clearly is not in charge of her department, and it is rather regrettable that in order to cover up her incompetence she saw fit to attack me in the House yesterday. I hope the stable door has not been bolted too late and that the horse has not got away because my information is that if the maps and documents have got out of Australia the chances of getting them back are very remote.

Question put and passed.

House adjourned at 5.15 pm.

- (c) how much land has been purchased or resumed over the last 10 years; and
- (d) is it the intention of the State Government to purchase any further land?

Hon KAY HALLAHAN replied:

The information requested is not readily available. Its extraction would involve extensive research by a number of Government departments and would be a costly exercise. If the member has any specific inquiries relating to land dealings, I suggest he approach me and I will endeavour to assist him.

DOWDING, HON PETER - MANJIMUP

Visit - 21 October 1988

342. Hon A.A. LEWIS to the Leader of the House representing the Premier:

Is it the Premier's intention to visit Manjimup on 21 October 1988?

Hon J.M. BERINSON replied:

No.

STATE GOVERNMENT BUDGETS - NORTHCLIFFE DISTRICT HIGH SCHOOL

Improvements

344. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Does the Budget contain provision for improvements to the Northcliffe District High School?
- (2) If so -
 - (a) what are the details; and
 - (b) when will work commence?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) (a) The details of the program including additional classrooms and other improvements, are being discussed with the school staff and representatives of the parents and citizens' association at the present time; and
 - (b) it is anticipated that the work will commence in March 1989.
- (3) Not applicable.

STATE GOVERNMENT BUDGETS - ESPERANCE SENIOR HIGH SCHOOL

Renovations

345. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Does the Budget provide for any additions, renovations or new buildings for the Esperance Senior High School?
- (2) If so -
 - (a) what are the details; and
 - (b) if not, why not?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) (a) Not applicable; and
 - (b) insufficient funds are available to undertake improvements at Esperance Senior High School in the current financial year.

STATE GOVERNMENT BUDGETS - MT MAGNET DISTRICT HIGH SCHOOL
Amalgamation of Sections

346. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Does the State Budget provide funds to enable the primary and secondary sections of the Mt Magnet District High School to be located at the high school site?
- (2) If so -
 - (a) how much is allocated; and
 - (b) when will the amalgamation take place?

Hon KAY HALLAHAN replied:

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

TECHNICAL AND FURTHER EDUCATION - EMPLOYMENT
Additional Personnel - Head Office

347. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Could the Minister please advise the number of additional personnel employed by, or seconded to, the head office of TAFE and its sections located at Alvan Street over the last 12 months?
- (2) How many additional officers have been recruited from outside the Government service?
- (3) How many officers have been transferred or seconded from the Department of Employment and Training, and from other Government departments?
- (4) Have consequential vacancies for these positions been filled?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that the information required will take some time to collate and will be provided in writing to the member in due course.

TECHNICAL AND FURTHER EDUCATION - PAY
Newspaper Article

349. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Has the attention of the Minister been drawn to the letter in the *Daily News* of Monday, 29 August 1988, headed "TAFE pay is pathetic"?
- (2) Is it correct that a female, aged 21 years, in TAFE administration earns \$60 000 per annum - 8th level of the Public Service?
- (3) If so, would the Minister -
 - (a) identify this person;
 - (b) outline her duties;
 - (c) indicate her qualifications;
 - (d) advise whether her position was filled after open advertisement; and
 - (e) advise whether she was appointed by some other procedure and, if so, what this procedure was?
- (4) Is the Minister aware that many highly qualified and experienced teaching staff are significantly underpaid in comparison with their counterparts in industry and commerce?
- (5) Is the Minister aware that the salaries offered in many teaching areas are failing to attract and retain suitable highly qualified staff in TAFE?

- (6) If (4) and (5) are yes, will the Minister take steps to have TAFE teaching salaries reviewed?
- (7) If so, when?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

- (1) Yes, and I have provided a reply to the *Daily News*.
- (2) No.
- (3) Not applicable.
- (4) This is a complex matter. There is no doubt that current open market rates in a number of key occupations in demand have risen significantly, and it is now difficult for TAFE to compete with the private sector.
- (5)-(6) Yes.
- (7) The matter is currently under consideration and will be dealt with in the context of the national wage decision guidelines.

STATE SCHOOL TEACHERS UNION OF WA (INC) - MANDURAH
Meeting - Costs

350. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Did State School Teachers Union of Western Australia officers who attended the recent meeting with the Ministry in Mandurah, have their expenses provided by the Government?
- (2) If so, what expenses were paid and what was the total cost?

Hon KAY HALLAHAN replied:

- (1) The Minister for Education and the Ministry of Education convened a seminar to discuss industrial relations issues in Mandurah during mid July. The Western Australian State School Teachers Union was invited to send representatives. The expenses associated with the seminar were met jointly by the Minister for Education and the Ministry of Education.
- (2) Expenses associated with accommodation, conference facilities and meals were paid by the Ministry of Education. The total cost for the four Western Australian State School Teachers Union representatives was approximately \$807.

ACCIDENT PREVENTION, SAFETY AND OCCUPATIONAL HEALTH
SERVICES - GOVERNMENT BUDGETS
Schools

351. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Will the Minister advise what allocation has been made in the 1988-89 Budget for accident prevention, safety and occupational health programs through schools in Western Australia relative to students and staff?
- (2) What funds have been spent on these programs to date?
- (3) What staffing allocations have been approved for the provision of experienced and fully qualified personnel to develop and maintain accident prevention, safety and occupational health services within Government schools and the Ministry?
- (4) Has a comprehensive accident reporting system been installed to provide information indicating how, when, where and why accidents and injuries occur?

- (5) If (4) is yes, when was this system installed and when did it become operational?
- (6) If (4) is no, when will the system be installed and when will it become operational?
- (7) Are any steps being taken to classify staff employed in the accident prevention, safety and occupational health services at a level which appropriately reflects status within the Ministry?
- (8) Has an incentive program throughout schools been introduced to reduce accidents and injuries and to increase safety awareness?
- (9) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

The total figure is not available since the budget is incorporated in school budgets and central office budgets - human resources, buildings, etc.

- (3) The ministry has established an occupational health and safety unit within the human resources policy branch which, once fully staffed, will have 13 staff in central office.
- (4) An accident reporting system is in place within the ministry.
- (5) 1979.
- (6) Not applicable.
- (7) Yes.
- (8) No.
- (9) Not seen as appropriate.

COMMUNITY SERVICES, DEPARTMENT FOR - MINISTRY
Personnel - Injuries

352. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

Will the Minister advise the following for the years 1984 to 1987 and currently -

- (a) the average monthly accident/injury frequency rate of staff in each occupational category within the Ministry;
- (b) the average duration of injury loss time for teaching staff, day labour cleaners and school gardeners;
- (c) the current total of long standing compensation claims in excess of 12 weeks or more;
- (d) the projected SGIO workers' compensation premiums for 1988-89 relative to injuries caused by accident to -
 - (i) staff; and
 - (ii) students; and
- (e) how many workers' compensation cases are currently being handled by the Ministry's rehabilitation officer of the occupational health unit?

Hon KAY HALLAHAN replied:

(a)-(b)

The ministry has just purchased computing hardware and software to enable analysis of injury/accident frequency rates by occupational groups. Currently these data are manually recorded, and summary statistics are not available.

(c) 110.

- (d) (i) TAFE \$865 621;
ministry \$5 692; and
- (ii) \$65 075.
- (e) 17.

PERTH TECHNICAL COLLEGE - BUILDING AND CONSTRUCTION

State 6 - Priority Change

353. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Is it correct that stage 6 of Perth Technical College has been removed from priority 1 in the TAFE new building program to priority 3?
- (2) If so, what are the reasons for this change in priority?
- (3) Is it correct that new TAFE colleges at Bullcreek and Joondalup now have priority over stage 6 of Perth Technical College?
- (4) When will stage 5 of Perth Technical College be completed?
- (5) What are the dates for commencement and completion for stage 6 of Perth Technical College?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

- (1) No. The planning and construction programs for Bullcreek and Joondalup are simply further advanced than stage 6 of Perth Technical College.
- (2) Not applicable.
- (3) No.
- (4) Completion of stage 5, Perth Technical College is currently scheduled for 28 December 1988.
- (5) Construction for stage 6, Perth Technical College is planned to commence in September 1990 for completion by January 1992 subject to the approval of Commonwealth funding.

PRIMARY EDUCATION - GLENCOE PRIMARY SCHOOL

New Primary School, Falcon - Educational Admission

355. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) What is the current enrolment figure for the Glencoe Primary School at Halls Head?
- (2) How many students was this school built to accommodate originally?
- (3) How many demountables are situated at the Glencoe Primary School?
- (4) When will the new primary school at Udong Road, Falcon be completed?
- (5) How many students is this new school built to accommodate?
- (6) What are the current enrolment numbers for the new school at Falcon?

Hon KAY HALLAHAN replied:

- (1) 671 students in years 1 to 7.
- (2) About 500 students in years 1 to 7.
- (3) Four temporary classrooms and a transportable preprimary centre.
- (4) It is proposed to open the new Falcon Primary School located south of Dewar Street in February 1990.
- (5) 440 students in years 1 to 7.

- (6) At present, there are 311 students enrolled in years 1 to 7 at Glencoe Primary School who reside in the locality of Falcon and as far south as Park Ridge. It is anticipated that 411 students will be enrolled in years 1 to 7 at Falcon Primary School in February 1990.

HEALTH EDUCATION - SCHOOLS
K-10 Syllabus Pamphlets

356. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Is the Minister aware that the pamphlets "Being Positive About Being Positive" - WA AIDS Council - and "Information for Gay and Bisexual Men" - NACAIDS - are part of the resource list of the K-10 syllabus, health education?
- (2) Is the Minister aware that these two pamphlets were prepared to target a special group and not school children?
- (3) Will the Minister remove these inappropriate resources from the K-10 syllabus?
- (4) If not, why not?
- (5) Will the Minister table a copy of any Ministry instruction relating to the use of these two pamphlets within schools?
- (6) If not, why not?
- (7) Will the Minister allow a parent group to investigate other suggested resource materials in the K-10 syllabus in order that specific material not targeted to school children can be identified to prevent inappropriate presentation?
- (8) If not, why not?

Hon KAY HALLAHAN replied:

- (1) The pamphlets were included as a teacher resource in a draft document and were not for student use.
- (2) Yes.
- (3) Yes - the decision has already been made to remove the pamphlets from the final document.
- (4) Not applicable.
- (5) Not necessary - pamphlets will not be a resource.
- (6) Not applicable.
- (7) Resource materials are authoritatively read prior to their inclusion on a resource list. Parents are encouraged to discuss the course whenever they wish.
- (8) Answered in (7) above.

TOWN AND COUNTRY PLANNING - GREENMOUNT
Compensation Basin

370. Hon NEIL OLIVER to the Minister for Community Services representing the Minister for Planning:

I refer to a compensation basin located between Buninyong Road, Balmain Road and Settlers Place, Greenmount.

- (1) Was it a requirement of the developers that the area be retained with no allowance for drainage, as natural bush parkland?
- (2) If not, is the Shire of Mundaring and the developers in contravention of the State Planning Commission's conditions of approval?
- (3) If (2) is no, who is therefore responsible to ensure there is no danger to local residents and their dependent children?

Hon KAY HALLAHAN replied:

- (1) No. The land was set aside as public open space with provision for drainage.
- (2) No.
- (3) The local authority has set aside funds to carry out further drainage and landscaping works on this public open space.

COMMUNITY SERVICES, DEPARTMENT FOR - CARRAMAR HOSTEL

Adult Clients' Project - Kakadu National Park

371. Hon NEIL OLIVER to the Minister for Community Services representing the Minister for Health:

I refer to the project by adult clients from Carramar Hostel and two social trainees from Caesia House to visit Kakadu National Park or an alternative site.

- (1) Will the project proceed and when is it to commence?
- (2) If no, on what grounds would the project be cancelled?
- (3) If the project is cancelled, will the department make good the financial expenses incurred on behalf of the clients and interested parents?

Hon KAY HALLAHAN replied:

- (1) The excursion to Kakadu National Park will not proceed.
- (2) On the grounds that the location is inappropriate, the costs excessive and the duration unacceptably protracted.
- (3) No.

MIDLAND SALEYARD - SALEYARD LIAISON COMMITTEE

Lease Agreement

373. Hon NEIL OLIVER to the Minister for Consumer Affairs representing the Minister for Agriculture:

- (1) Who is the lessee and lessor of the Midland saleyard complex?
- (2) Was the lease agreement concluded to the satisfaction and by a unanimous decision of the saleyard liaison committee established by the Minister?
- (3) When does the lease expire?

Hon GRAHAM EDWARDS replied:

- (1) Lessee - the Western Australian Meat Commission; lessor - Pilsley Investments.
- (2) Lease agreement has not yet been concluded as the exact land area has not been finally identified.
- (3) A 15 year lease has been agreed.

PRIMARY EDUCATION - MUNDARING PRIMARY SCHOOL

Educational Admission

380. Hon NEIL OLIVER to the Minister for Community Services representing the Minister for Education:

- (1) What are the projected new enrolments for Mundaring Primary School for the school year commencing 1989?
- (2) How many additional transportables, if any, will be required to accommodate students in the 1989 year?

Hon KAY HALLAHAN replied:

- (1) 340 students in years 1 to 7. As at September 1988, there are 330 students enrolled in years 1 to 7.
- (2) None.

QUESTIONS WITHOUT NOTICE

WOMEN'S PRISONS - BANDYUP PRISON

Maximum Security

171. Hon G.E. MASTERS to the Minister for Corrective Services:

Is Bandyup Prison the main or only high security prison for high risk women prisoners in Western Australia?

Hon J.M. BERINSON replied:

At this stage, Bandyup Prison is the only prison for the detention of women which has maximum security status.

BIRNIE, CATHERINE - BANDYUP PRISON

Security

172. Hon G.E. MASTERS to the Minister for Corrective Services:

(1) Is Catherine Birnie held in Bandyup Prison?

(2) If so, are any special arrangements made for her security?

Hon J.M. BERINSON replied:

(1)-(2)

There are over 1 600 prisoners in our system at any one time. It is impossible for me to deal with a detailed question of this nature without notice. It appears to me, however, there may be some misconception in Mr Masters' mind about the meaning of strict security. Strict security life imprisonment does not involve any special prisoner status beyond that of maximum security. The term "strict security life imprisonment" involves the whole package of provisions relating to those prisoners, one of which is the requirement of maximum security. That does not involve any special prisoner arrangement beyond that level.

EDUCATIONAL BENEFITS

New Initiative

173. Hon E.J. CHARLTON to the Minister for Community Services:

I am not sure whether this question falls within the Minister's jurisdiction but it relates to the new initiative by the Government to allocate funds each year for needy families in the school system. I am told that \$50 per student will be provided to assist with education requirements for health pension and health care card holders.

(1) Will that payment be made to the parent and not necessarily given to the school?

(2) Is the Minister aware of this proposal, has it been put in place, and is it being administered in this way?

Hon KAY HALLAHAN replied:

(1)-(2)

I will answer the question in part. I may have been responsible for the introduction of the scheme. It is now administered by the Ministry of Education because the belief is that that would be the more direct route towards parents in needy circumstances. Previously, assistance has been given to high school students for a book allowance and a clothing allowance, but assistance has not been given to primary school students. Under the social strategy a \$50 grant towards educational expenses was made available to children of parents holding a health benefit card. Parents will make an approach to the local school, as I understand the situation. As to whether the cheque goes straight to the schools or to the parents, perhaps the member should put that part of the question on notice for the Minister for Education for clarification.

CRIMES OF VIOLENCE - WOODMAN, TROOPER DAVID
Ex Gratia Payment

174. Hon GARRY KELLY to the Attorney General:

- (1) Has the Attorney General read today's editorial in the *Daily News* calling for an ex gratia payment to SAS Trooper David Woodman?
- (2) If so, does he have a comment?

Hon J.M. BERINSON replied:

(1)-(2)

I thank Hon Garry Kelly for the question and for the previous interest which he has taken in the case. I must say that public comment on this matter has been unfortunate and it has also been misleading in a very important respect. It is particularly unfortunate that the Opposition spokesman for police, Mr Cash, has contributed to the confusion on the issue this week by calling for compensation to Mr Woodman. Today, the *Daily News* editorial goes even further and ignores previous reports setting out the factual circumstances of this case. It is now important that these should again be clarified. The *Daily News* editorial starts in this way -

The State should remedy the victimisation of a man who gave a thumping lesson to two thugs.

His reward for chasing and catching the pair, who attacked two women and broke one's jaw? A charge of assault by a policeman.

The fact is that a young woman was assaulted on the occasion in question and Mr Woodman gave chase to two people who he thought had perpetrated that assault. He caught one of the persons who he thought had been involved in the incident and dealt with him in a way which subsequently led to Mr Woodman's own charge of assault. The *Daily News* says that the person whom he was alleged to have assaulted in that case was a thug and that he was one of two men who attacked the women in question. That is simply wrong. Two men were charged following that incident but in one of those cases, the charge was dropped when it became clear from the recollection of the young woman who had been involved in the original assault incident that that person had not been involved. So what we have here is the case of Mr Woodman attacking a person in the belief perhaps that he had been engaged in an assault on the young woman but who in fact was not so involved. I would have thought that that already having been made clear from statements which have been publicised the *Daily News* would have done well to refrain from calling the person a thug and one of a pair who had indeed attacked the victim in question. That is the position we have.

It is true that on that charge Mr Woodman was found not guilty and accordingly no penalty was imposed. Nonetheless, we have a case where Crown Law officers considered that there was sufficient evidence to put Mr Woodman on trial and where the person he was alleged to have assaulted was clearly not a person involved in any other assault on any other person around that time. That is the position, and this really creates a situation not so different from the very large number of cases where criminal charges do not lead to conviction, that we should modify the general and longstanding provision that ex gratia payments in respect of legal costs arising from the defence should not be met by the State.

COLLARD FAMILY

175. Hon W.N. STRETCH to the Attorney General:

- (1) Has he investigated the Collard family file?
- (2) If not, will he do so with the greatest despatch?

Hon J.M. BERINSON replied:

(1)-(2)

I have called for that file and considered it. I have replied at length to Mr and Mrs Collard who provided me with the letter which was referred to yesterday and which was circulated to a number of members.

BIRNIE, CATHERINE - BANDYUP PRISON

Prison Escapes

176. Hon G.E. MASTERS to the Minister for Corrective Services:

My previous question indicated my concern at the level of security for Catherine Birnie, which was prompted by a report in the newspaper on Monday or Tuesday that two women had escaped from Bandyup Prison, one of whom was considered dangerous. Have both of those prisoners been recaptured?

Hon J.M. BERINSON replied:

I am not in a position to answer the question because I do not have all the details in my head. I am happy to confirm that, although we have 1 600 prisoners in the system at any one time, 1 600 are not at large, so there is not precisely the same degree of difficulty in remembering the details of all relevant cases. Nonetheless, I do not know the answer to the question but am happy to obtain the information for the member if he would like to take it further.

Hon G.E. Masters: While the Minister is investigating those escapes from Bandyup, would he also be good enough to provide me with the report on the number of escapes that have taken place from that prison over the last six months?

Hon J.M. BERINSON: Certainly.

SPORTS - STATE POLOCROSSE ASSOCIATION TEAM

Sponsorship Results

177. Hon C.J. BELL to the Minister for Sport and Recreation:

The Minister will remember that in June I asked a question about the provision of funds for the State polocrosse team to attend the championships in Darwin. Is the Minister aware of the results of that sponsorship, the goodwill that that team generated, and the success it achieved? It reached the finals and got within five goals of New South Wales, which is the first time any team has got within 10 goals of New South Wales in the last 10 years. Our team was the clear favourite of the crowd and did much to promote Western Australia.

Hon GRAHAM EDWARDS replied:

I thank the member for his interest in June and for his continued interest today. It is pleasing that we have been able to spend some sports money in a way which has benefited the polocrosse team and enhanced it in this sport and in the general community from which it came. I am not one who likes to share the credit that comes from sporting success. However, it is really pleasing for me to have it confirmed that we are spending our sports dollar in the correct way; that is, by enhancing the real and natural abilities of people and helping them to fulfil their potential. I feel that is the justifiable role of the Government and I am certainly pleased that it has been successful on this occasion.

EVENTSCORP - TENNIS

Hopman Cup - Funds

178. Hon MAX EVANS to the Minister for Sport and Recreation:

Will the Minister tell us what funds from EventsCorp are being provided for the Hopman Cup?

Hon GRAHAM EDWARDS replied:

The real ability of EventsCorp to do the State justice and service were seen yesterday when it was recognised that, without EventsCorp, we would not have secured this event, which I believe will be a very prestigious tennis event and will attract people from all over the world. It will be of tremendous benefit to Western Australia. To my knowledge, apart from the initiative that we showed in working with the organisers, no taxpayers' money is being put into this event at all. If there were, I assure members opposite that it would have been returned threefold.

STATE GOVERNMENT BUDGETS - EVENTSCORP

Hopman Cup - Funds

179. Hon MAX EVANS to the Minister for Sport and Recreation:

The Budget reveals a payment of \$1.699 million to EventsCorp. Will any of that money go towards holding the Hopman Cup in Perth?

Hon GRAHAM EDWARDS replied:

I am appalled at the member's lack of knowledge on a couple of counts. EventsCorp has nothing to do with my portfolio; it comes under the WADC which the Opposition has said it will get rid of when it is elected to office. That has caused a tremendous stir in sporting circles in this State because they know that if the Opposition gets rid of WADC, EventsCorp goes with it and along with its going will go our ability to attract events such as the 1991 world swimming championships.

Hon P.G. Pental: No it will not.

Hon GRAHAM EDWARDS: I do not need any help from Hon Phillip Pental. He would not know the meaning of sport. He came in here 10 minutes after question time began and it is a bit late to have an input now.

Hon P.G. Pental: You should not try to mislead the people of Western Australia.

Hon GRAHAM EDWARDS: The member has made a statement that a Liberal-National Party Government will get rid of WADC and with it will go EventsCorp. Hon P.G. Pental is saying one thing, his leader in another place is saying another, and his sports spokesman is saying something else. The best thing Hon P.G. Pental can do is go out of the Chamber again. As I said, if WADC goes, so does EventsCorp. Having said that I now suggest that the member addresses his question to the appropriate Minister. If he wishes to put the question on notice I will give him a full and accurate answer in relation to the amount of money that would have been expended.

CAPITAL PUNISHMENT

MacKinnon, Mr B.J.

180. Hon W.N. STRETCH to the Minister for Consumer Affairs:

- (1) Has the Minister read the statement by the Leader of the Opposition on capital punishment?
- (2) If so, is he aware that the Leader of the Opposition at no stage said that he was in favour of hanging?

Hon GRAHAM EDWARDS replied:

(1)-(2)

That is an absolutely abysmal question to address to the Minister for Consumer Affairs.

EVENTSCORP

Sports Federation President - Liberal Party Policy

181. Hon MAX EVANS to the Minister for Sport and Recreation:

Has the president of the Sports Federation advised the Minister of our policy on and our plans for EventsCorp?

Hon GRAHAM EDWARDS replied:

I was not aware that the Opposition had a policy on EventsCorp, let alone anything else.

EVENTSCORP

Sports Federation President - Liberal Party Policy

182. Hon MAX EVANS to the Minister for Sport and Recreation:

I asked the Minister to make a request of the president of the Sports Federation to find out exactly what it is.

The DEPUTY PRESIDENT: Order! That is not a question.
