



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1999

LEGISLATIVE ASSEMBLY

Thursday, 25 March 1999

# Legislative Assembly

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**THE SPEAKER** (Mr Strickland) took the Chair at 9.00 am, and read prayers.

## **CAR REGISTRATION FEES INCREASES**

### *Petition*

Ms Anwyl presented the following petition bearing the signatures of 172 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens are totally opposed to the State Government's decision to impose a new tax on WA motorists through massive increases in car registration fees.

Western Australian motorists already pay directly to the costs of roads through State and Federal fuel levies.

The revenue received by the State Government from the fuel levy and from the sale of the gas pipeline provides government with resources to develop our transport infrastructure. This new tax is unfair and has a disproportionate impact on middle and low income earners.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 174.]

## **SALE OF WESTERN POWER AND ALINTAGAS**

### *Petition*

Mr Kobelke presented the following petition bearing the signatures of 28 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens are opposed to the sell off of Western Power and AlintaGas.

We believe they are people's assets and should continue to be publicly owned and put service to the communities of Western Australia before investors profits.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 175.]

## **CAMPING LAWS, AMENDMENT**

### *Petition*

Mr McGowan presented the following petition bearing the signatures of 64 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, call upon the State Government to amend certain laws which are seen as unfair, restrictive and discriminatory towards us, the Australian public.

We therefore ask that the following legislation be amended.

1. The Caravan Park 50 km protection zone be returned to its former 16 kms.
2. The 3 night Camping Law be amended to 28 nights on rate payers own property allowing for holiday visits by family or friends without having to seek special written permission from authorities.
3. That country road Park/Rest Areas limit of 4 hours be increased to 12 hours allowing long distance tourists, travellers and truck drivers to vacate roads during the hours of darkness if they so choose.
4. That en-route country Rest Stops of up to 12 hours be not defined as camping.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 176.]

## **FIRE AND RESCUE SERVICE OF WA**

*Statement by Minister for Emergency Services*

**MR PRINCE** (Albany - Minister for Emergency Services) [9.06 am]: Today I pay tribute to the Fire and Rescue Service of WA. The year 1999 marks the centennial of the Fire and Rescue Service which is a wonderful milestone for this vitally important organisation. I congratulate the firefighters, both career and volunteer, and all staff of the Fire and Rescue Service on this special occasion. Currently 850 career firefighters and more than 2 500 volunteers in the Fire and Rescue Service serve the community of Western Australia.

When this service began in January 1899, Superintendent Lapsley had two officers and six firefighters under his command. They were on duty around the clock, with no set hours and the firefighters were paid the equivalent of \$5 a week and the officers received \$6. We have come a long way since then. In the early years, when Western Australia was still in its infancy and colonial links with Britain were still strong, there was also a strong British flavour about the fire brigade - the uniforms, the helmets and much of the equipment were from the old country.

Today the Fire and Rescue Service boasts an average response time of seven and a half minutes from the time the alarm is sounded until the appliance arrives at the fire, which is a remarkable feat. The one thing that has remained constant over the 100 years of the fire brigade in this State is the dedication and commitment of the firefighters. A number of celebrations are planned throughout the year and I encourage all members of Parliament to participate in these celebrations where possible.

A significant celebratory event will be held tomorrow, Friday 26 March, when the City of Perth grants the firefighters from the Fire and Rescue Service freedom of entry to the city. This is a rare honour in the form of a civic tradition dating back many centuries. The old WA Fire Brigades Board, which is now the Fire and Rescue Service of WA, has a long and proud association with the City of Perth. In fact, its first meeting was held in council chambers at Perth Town Hall on 16 January 1899. Freedom of the city is an honour usually conferred upon only the defence forces, the most recent in Perth being conferred on the Australian Army band in Perth in 1992. The decision by the Perth City Council acknowledges the historic links between the city and the Fire and Rescue Service and, in particular, the sterling efforts of firefighters in providing protection for the community over the past 100 years. The conferment ceremony which will begin in Forrest Place will involve a parade of 200 firefighters, both past and present, and a contingent of young emergency service cadets. A scroll stating details of the honour being conferred will be read and accepted, and the parade will exercise its freedom of entry by marching through the city streets. Conforming with tradition, the police will offer up a challenge to enter, and in turn the Fire and Rescue Service will respond by passing through with fire trucks, equipment and bands playing. It is particularly fitting that our civic leaders will acknowledge the loyal and distinguished service of the Fire and Rescue Service in its centennial year.

On behalf of the Government, I congratulate and thank the firefighters and staff of the Fire and Rescue Service of WA for their continued commitment to protecting the community of Western Australia.

The SPEAKER: Members, yesterday the alarm went off and interrupted the member for Fremantle's speech. I believe the alarm sounded because the barbecues were being used in the courtyard. The fire brigade was here in about two minutes.

## **ABORIGINAL COMMUNITY PATROLS**

*Statement by Minister for Aboriginal Affairs*

**DR HAMES** (Yokine - Minister for Aboriginal Affairs) [9.10 am]: I inform the House of changes to the funding arrangements for the State's 15 Aboriginal community patrols, including those which operate in Midland and the Perth City-Northbridge area. Until now, and in line with the Office of the Auditor General's requirements, patrols have been required to acquit previous funding before further money was provided. This has created significant difficulties for some patrols. Therefore, following a visit to Kalgoorlie last week, I have asked the Aboriginal Affairs Department to make some changes to the system.

Kalgoorlie-Boulder's Wunngagutu Patrol has virtually ceased operations because the last of its funding had not been acquitted and it is imperative to prevent this sort of situation from occurring again. During a meeting with the regional AAD manager and the head of the patrol, agreement was reached to create a new committee to help with the patrol.

Ms Anwyl: What day was that?

Dr HAMES: It was when I was in the electorate on Friday.

Ms Anwyl: The day before the Minister for Police -

Dr HAMES: Yes.

Ms Anwyl interjected.

Dr HAMES: No, the day the -

The SPEAKER: Order! Ministerial statements are about making statements, not interjections and debate.

Dr HAMES: Further funding of \$12 500 has also been provided to carry the patrol through to the end of the financial year.

The work carried out by Aboriginal patrols is vital and is strongly supported by this Government. Patrols assist in keeping Aboriginal people out of the justice system by removing them from potentially difficult situations and taking them to a safe place such as a shelter, a sobering up centre or to their homes. As most members know, Aboriginal people are over-represented in our justice system and the advent of the patrols has been one of the most effective means of addressing this situation. They are proactive, community-based schemes and the Government is committed to funding them. In order to do this more effectively, patrols will now be funded on a quarterly basis. Instead of having to acquit their funds as soon as the quarter ends, patrols will be provided with the next quarter and have that three months to conduct the acquittals. If a patrol becomes more than three months behind in its acquittals, it will face having its funding refused.

The acquittal process is necessary by law and patrols must remain accountable for the expenditure of taxpayers' money. Three months should provide patrol organisers with ample time to have accountants acquit their funds and for annual audits of grants over \$20 000 to be carried out if the books are in order. Aboriginal Affairs Department staff are on hand to help with this process if patrol members are unsure of what to do. This can include AAD arranging an accountant to carry out acquittals and putting patrol organisers in touch with teaching agencies such as TAFE to learn basic bookkeeping. Patrols having difficulty with their acquittals should contact the Aboriginal Affairs Department or the Aboriginal and Torres Strait Islander Commission for assistance and I will have ongoing discussions with the department to see if anything more can be done to help with the organisational process.

### **"WHO BUYS WHAT" BROCHURE**

*Statement by Minister for Services*

**MR BOARD** (Murdoch - Minister for Services) [9.13 am]: I inform the House about a new State Supply Commission brochure titled "Who Buys What". This document marks the first time that the annual survey of purchasing activity across 107 government agencies has been presented in such a detailed fashion. The Government spends around \$4b on goods, services and construction every year. This brochure will enable suppliers to easily identify the government agency which requires their commodities. The range of government purchasing is extremely broad and it is interesting to note the extent of purchasing conducted. Examples of major goods expenditure include \$33m on fuels and lubricants, \$118m on medical and dental equipment, \$125m on computers, and \$14m on furniture.

The Government spends three times as much money on services as it does on goods. This represents the changing nature of government buying and the move away from the traditional pens and pencils to more complex procurement involving the provision of total service solutions. To illustrate this move away from traditional procurement, I draw members' attention to some of the major service purchasing in the last financial year. An amount of \$203m was spent on transport and accommodation, \$288m on building maintenance and \$824m on construction.

The "Who Buys What" brochure aims to complement the Government's commitment to private sector involvement in public contracting. By providing the information to suppliers of goods and services, we are ensuring that that relationship continues. The "Who Buys What" brochure is a step forward for the Government in cementing the partnership between the public and private sectors. The document brings great benefits to suppliers who are able to readily identify potential major government purchasers of their commodities. This allows them to target their marketing programs accordingly.

While the "Who Buys What" brochure contains valuable and important information, it is even more useful in its electronic version on the State Supply Commission's Internet site. The online service complements the current trend towards electronic commerce business solutions. The Internet site gives everyone access to a complete list of who purchased what commodities in the 1997-98 financial year. Having "Who Buys What" on the Internet gives government agencies a chance to compare purchasing arrangements easily and quickly, by searching agency by agency. This may lead to opportunities for joint purchasing arrangements and shared resources. The Internet site also allows searches to be made according to products. This is an important information tool for suppliers and puts a wealth of data concerning the potential government markets for their commodities at their fingertips.

The document provides an insight into the scope and nature of purchasing by the Western Australian Government and the size of the overall market. It is a tremendous research and marketing tool for the public and private sectors and I recommend that both government agencies and businesses who sell to government to utilise "Who Buys What".

**HOUSING PROBLEMS, KARRATHA***Grievance*

**MR RIEBELING** (Burrup) [9.16 am]: My grievance is to the Minister for Housing and concerns the current chronic housing problems in the major town of my electorate, Karratha. This situation demonstrates a lack of any management of the housing problems in the north of the State. The town of Karratha has been earmarked for the boom and yet Homeswest, the manager of government housing in the area, has been run down to a point where it cannot respond to genuine cases of hardship. I will highlight one such case today. For the information of members, at the moment Homeswest controls 378 houses in Karratha. In 1991-92 - when Karratha had a smaller population - there were 686 Homeswest houses in the town. Since this Government took office, Homeswest has lost the use of some 320 houses in Karratha which it had used to respond to people's needs. Originally, a program was put in place to encourage people to purchase homes. That program was hugely successful in Karratha but the Government had a responsibility to uplift the number of houses being built in the town, to respond to the needs of the community by building more houses to replace the 322 it sold. In November last year, a lady named Sandra Watts experienced a quite violent separation from her husband. She followed the process of obtaining a restraining order and went to the women's refuge in Karratha. I have copies of reports from the west Pilbara health services and the restraining orders and no doubt the minister has received the same information. I wrote to the minister in February this year amazed that the appeal system failed to allow this lady access to emergency accommodation.

The information I received from both Homeswest and through the appeal system was that it would like to assist the lady, but no housing is available to this lady. Believe it or not, this lady with three children lives in a box. People may think that is somewhat of an overstatement, but I have a number of pictures of this accommodation which I like to lay on the Table of the House. Mr Speaker, is it possible to lay the pictures on the Table?

The SPEAKER: Yes, for the balance of the day.

Mr RIEBELING: I hope people in this House take the time to look at this accommodation. It is a box with one window in it and a door, and in that accommodation live the lady and her three children. The accommodation to say the very least is cramped and is an unacceptable environment in which to raise three children. However, since 2 February, the minister has failed to do anything about this lady's situation. I have written to the minister and spoken to him on two occasions. I was expecting this problem to be solved quickly when the acute situation that this lady and her family find themselves in was revealed. Yet, nothing has occurred after a month and a half since the issue was raised with the minister. I am sick and tired of the Government's inability to respond to the needs of this family, which is not an isolated case - we get three or more similar cases into my office every week, although they are not as chronic as this one. I am positive that Homeswest is also sick and tired of having to tell people that it would like to respond, but the government housing policy in this area is such that Homeswest is unable to respond. Homeswest tells people, "Houses are available in Wickham. It is an option; you must go to Wickham." The only family support Sandra has in the region is in Karratha with her mother. She has no vehicle to travel the 60 kilometres each way between Wickham and Karratha to access support and it is inappropriate for Homeswest to suggest that because it has been unable to manage the housing stocks in Karratha. People should not be forced to go to Wickham or Roebourne merely because houses are available in those places. If Homeswest had better planned its accommodation building programs, those houses would have been built in Karratha. It is a sad indictment of Homeswest that, over the past few years, it has been selling its properties to the private sector and not meeting the needs of the welfare community in the area. I hope the people in this place realise that not everyone who lives in Karratha earns huge wages. This lady receives a sole parent pension and some family supplement from the Commonwealth, and that is all. This lady's needs are such that housing is her primary concern. I hope the minister will tell me that a positive result is forthcoming.

**DR HAMES** (Yokine - Minister for Housing) [9.23 am]: The member did speak to me a couple of times about this issue and I was hopeful of being able to do something about it. This case consists of two issues: One is the availability of Homeswest housing in Karratha and the demands on that housing, and the other is this case and whether she should be a priority.

Mr Carpenter: She was living in a box; it should be a priority.

Dr HAMES: Is this the grievance of the member for Willagee?

A system is in place that allows for an independent person to determine whether somebody -

Mr Riebeling interjected.

Dr HAMES: I have had a look at those pictures.

Mr Riebeling interjected.

Dr HAMES: No, I do not think they are suitable. However, the point is that she has had an independent assessment done by a reputable member of the local community. That independent person is Doreen Blunn, who is a councillor with the Shire of Roebourne, and she is WAMA's representative on the housing advisory committee. She is very well-respected in the

community. She has considered this case on two separate occasions and considers this lady is not a priority case. The member must now give me the time to explain why she is not a priority case.

This lady came to that community in November. I am sure her family is living there and the move was as a result of a family breakup. The fact that she came there in November is understandable. However, the application for accommodation was lodged with Homeswest only very recently.

Mr Riebeling interjected.

Dr HAMES: That is right; that is what happens in emergencies. She came there and found accommodation by putting what is in effect a dog box, a very small office, out the back. Members can see from the pictures that it is not tremendous accommodation. In many ways it is no different to a room added to a house. A room in a house does not have toilets and other facilities. She still has access to the house given that she is right behind her parent's place. That house has a shower and toilet, cooking facilities and all those things that are provided in a house. This small building at the back of the house cannot be regarded as a house; it must be regarded as a room. I accept that the room is very crowded for a mother and three children. There is a lack of available housing in Karratha, but she wants to be considered a priority above the other 358 applicants who are on the waiting list. She wants to be put at the top of that list because she considers her circumstances to be worse than any of the others on the list. Given the lack of availability of housing, she was offered alternative accommodation in Wickham. Her excuse for not going to Wickham was twofold: The first was that her children had settled into school and did not want to move - she only arrived in November. The children would have been enrolled in school in November and would have finished school in December for the school holidays. It is now only March. That child will have been at the school for only a maximum of two months. The reason for moving is not about settling into that school. As a child, I changed schools five times in the one year.

Mr Carpenter: And look at what happened to you!

The SPEAKER: Order!

Dr HAMES: Two months is not an excuse for moving to alternative accommodation at Wickham and changing the children's school. The second excuse was that her car was not in good enough condition to drive the distance. I understand that and that is not an unreasonable argument. It means that she would probably have to stay in Wickham. I understand it is a 30 or 40 minute drive from Wickham to Karratha.

Mr Riebeling: It is 60 kilometres each way.

Dr HAMES: A little bit longer, but still it is not regarded as an unreasonable distance in the country. However, if one's car is not in a good condition, it is difficult. She has been living away from her parents for a considerable time while she has been married. If she lived in Wickham, her parents would be only 60 kilometres away. Presumably they have a car and they can drive to see her. She does not necessarily -

Mr Riebeling: She has a restraining order against her husband.

Dr HAMES: Yes, I know there is a restraining order, but I presume he is not in Wickham, so she can stay in Wickham and her parents can travel to visit her and the children. The fact is that accommodation is available in Wickham. She could be provided now with accommodation in Wickham, which is only 60 kilometres from where she wants to live. It is not as though Homeswest is saying, "Go away, we do not want know anything about it." She has been offered accommodation in the nearest place at which accommodation is available and she can be put to the top of a list of 358. I have been to Karratha only a few times; it must be a nice place because an increasing number of people want to go there. This lady is on a low income. She receives \$847 a fortnight, or \$400 a week, or \$20 000 a year. That is not a great amount and it is difficult to live on that amount when one has three children to raise. She is paying \$300 a month to rent that site office. I presume she is not paying anything to her parents. Does the rent go to the owner of the offices?

Mr Riebeling: Yes.

Dr HAMES: Those things make it difficult. We can provide rent and bond assistance, and the rent assistance is about \$45 a week. I gather that the cheapest housing available is about \$150 to \$200 a week. I acknowledge that \$100 is 25 per cent of her income. In fact, 25 per cent is the recognised level of income that all Homeswest tenants pay in rent in Western Australia.

Mr Riebeling interjected.

Dr HAMES: If she went to private accommodation with rent assistance, she would be paying one-quarter of her income in rent, which is the same as is paid by every pensioner in Homeswest accommodation. It would be slightly more because the rents are slightly higher in that area. Therefore, that is not the best option for her. Her best option is to go to Wickham.

I must support the appeals tribunal because its membership comprises independent people taken off the street who represent the people and who have a knowledge of the community. I must trust in their decisions.

**BAPTIST CARE, GERALDTON***Grievance*

**MR BLOFFWITCH** (Geraldton) [9.31 am]: My grievance is to the Minister for Health. It relates to the services provided in Geraldton by a particularly worthy group called Baptist Care, which cares for people who are mentally affected. About 10 years ago those people would probably have been at Graylands or other institutions. They are now integrated into the community and the help we give these people is abysmal. We expect them to find their own way. Thank goodness for organisations like Baptist Care, which, in conjunction with Homeswest, obtains houses, employs a carer and cares for these people. The carers look after six or seven people and ensure that they are not abused. They are well looked after.

Many of these people need care, treatment, counselling and so on. I compliment the Health Department because since 1996 it has increased funding to this area and organisations such as Baptist Care have been able to employ people. However, Baptist Care's major criticism is that it is forced to employ people to provide this service at an annual salary of \$25 000. If they were working for the Health Department, they would be paid \$48 000 per annum. That is a considerable disparity.

I am not suggesting that unlimited funding is available for these organisations. However, we must look at a reasonable return for the people who are sacrificing themselves in working for a lesser amount because they see a need in the community. That is exactly what is happening. I know the minister is currently formulating the budget for these programs and I ask him to look at what he can do to address this problem.

Another issue raised with me by Baptist Care is that it pays its workers under the aged person's award but it would like to pay them under the cash award. Apparently the rate is slightly higher. The cash award is applied to government workers yet, because this is a voluntary group, it must apply a different award.

The Commonwealth Government has bailed out of this arena. In the past it provided extensive funding for these services. However, it decided to implement this wonderful program of allowing these people back into the community. Some of them have found employment and have a different purpose in life, so it is a good move. However, the State and the Commonwealth must ensure that these people are functional and are treated well in the community. If we are not careful and do not provide sufficient funding, we will see some disastrous situations, because many of these people need counselling and someone to sit down to talk to them and listen to their problems. It is when they do not get that support that we see tragedies such as people committing suicide. That is the last thing we want.

I am confident that Baptist Care prevents much of that happening. However, it is doing it at a very cheap rate. This Government should be working to alleviate this situation. I compliment Sue Matchett and Ian Lake, who provide a first-class service in Geraldton, and everyone else working with these people. They tell me they get a big kick out of it, but, apart from getting a nice feeling, they would like to be reasonably recompensed. They are on the bottom salary scale and are providing this service at an extremely discounted rate. I ask the minister to do something about this and to provide some support to Baptist Care.

I also pay tribute to Homeswest. Initially these people tried to get private accommodation, but the neighbouring community objected and as a consequence the council would not allow them to move in. I approached Homeswest and talked to the neighbours. They said they would give it a try for three months. The arrangement has been in place for about 12 months and it works well. We are all scared of things we do not understand. We need organisations like Baptist Care to provide this service, but we should not be asking its workers to do so at a discounted rate when other people are getting twice the salary for the same work.

**MR DAY** (Darling Range - Minister for Health) [9.38 am]: The member for Geraldton gave me a copy of the letter he received from Baptist Care. I received it yesterday and have read it and noted the concerns raised. The main thrust of the letter relates to the provision of community-based mental health facilities and services. It is an important issue and was the subject of debate in this Chamber last week.

I am pleased to say that, although the letter is primarily a request for substantially more support, there is at least some recognition of the very substantial changes that have been made in the past three years. There has been a very substantial increase in funding for community-based facilities and treatment. For example, from 1992-93 to 1996-97 expenditure on community-based mental health services in this State increased from \$16 per capita to \$28 per capita, and since 1996-97 there have been further increases. That demonstrates the Government's very strong focus on moving people, where appropriate, out of institutions into a community-based setting and providing them with support services. Another example of the revolution that has occurred is the 123 per cent increase in the community-based work force during that time.

Community-based services and facilities in Western Australia are among the best in Australia, as measured by various statistical indicators. That does not mean to say that we do not want to do more or should not do more. The Government will do whatever it can in the preparation of the forthcoming budget. As I indicated last week, it is not an easy situation within the health budget. There is an ever-increasing demand for services. The area that receives most public attention is treatment in our public hospitals. The cost and demand pressures within our public hospitals are substantial. However, in

the area of mental health, although a great deal has been done by the Government, it wants to do more. The total amount of funding in the mental health area has been increased on a recurrent basis by \$20m a year so that we now spend about \$160m a year.

Dealing with the specific situation of Baptist Care in Geraldton, it has generally had a good working relationship with the Health Department, and the department has been willing to support the organisation. For example, the department, together with the previous Minister for Health, the member for Albany, provided assistance to Baptist Care when planning appeals were required to overcome some resistance by the local council to establish respite accommodation. I assume that was specifically in Geraldton.

Mr Bloffwitch interjected.

Mr DAY: Yes. As the member for Geraldton said, a great deal of support has been provided by Homeswest as well. In 1998-99, Baptist Care has been provided with funding of \$301 800, of which \$240 000 is for the provision of services in the mid west region. About \$60 000 is for services in the Katanning region. Those services that are being funded generally include crisis accommodation, disability support, respite accommodation for approximately 10 people, carer support and self-help.

In addition, from a general government point of view, the mental health division has recently appointed a planning officer on a short-term contract to provide advice on further strengthening services in the mid west region. The mid west region receives through the mental health division approximately \$1.6m for the provision of services, with non-government organisations receiving approximately \$250 000.

The member for Geraldton made some reference to the Commonwealth, as he put it, bailing out in providing services. I would need to check that. However, I understand that the Commonwealth Government has been quite supportive in expanding mental health services in the community, and there is a national mental health strategy of which this State Government of course is part. Without further information, I would not be critical of the role of the Commonwealth Government.

Mr Bloffwitch: I would appreciate any information the minister could provide me on that matter.

Mr DAY: I am happy to seek that information for the member. Reference was made in the letter from Baptist Care to the CASH award - that is, the crisis assistance supported housing award - and the desire to pay staff under that award rather than under the aged care award. I am advised that in 1998-99 all non-government organisations were provided with an increase of 2.5 per cent in their funding to cover expenses such as award increases. Any further increases in the forthcoming financial year will depend upon the final budget allocation. We cannot finalise that at this stage. However, we will obviously take on board the concerns which have been expressed.

I am also advised that in the Geraldton area, the mental health service has a total of 7.35 full-time equivalents, which includes 1.35 medical officers, five mental health nurses, two allied staff and one administrative position. In total, the Geraldton mental health service is funded to the extent of \$840 000 in 1998-99, and in addition other staff are located throughout the mid west region.

Therefore, as I said, although we recognise that we would like to do more, we need to acknowledge the fact that there has been a substantial improvement in the provision of services, particularly in the community-based area, over the past three years, and that includes the Geraldton and mid west region. We very much appreciate the contribution which is made by Baptist Care in providing services in the Geraldton and mid west region to those in the community who need them.

### **KALGOORLIE REGIONAL HOSPITAL, EQUIPMENT**

#### *Grievance*

**MS ANWYL** (Kalgoorlie) [9.44 am]: I raise a matter with the Minister for Health, of which notice has been given, albeit late yesterday. A Mr Jim Jesnoewski of Boulder entered the Kalgoorlie Regional Hospital for surgery on 15 March. He was to undergo surgery for a gall bladder condition. A general anaesthetic was administered, and he expected to have some laparoscopic surgery; that is, using a laparoscope. This is also called keyhole surgery. He expected to wake up from that general anaesthetic with two discreet scars, the surgery having been completed. In fact, he woke up with a seven-inch scar across his abdomen, as well as the keyhole surgery sites. What happened was that the laparoscope broke down while his surgery was in progress.

Mr Bloffwitch: They do break down.

Ms ANWYL: Everything breaks down. However, this man is concerned for a number of reasons. I am told that the laparoscope was on loan from another hospital and was in a dilapidated condition. The breakdown of the machine has also meant that many other people from the goldfields and Esperance are not able to have laparoscopic procedures. This machine would be used for many types of surgery, not just gall bladder surgery.



We have heard lately that more and more surgery is being performed in our theatre on patients from outlying areas, particularly Esperance, because we recently heard that the theatre time in Esperance had been halved. Therefore, concern exists among medical practitioners that some cost shifting is taking place between the Esperance District Hospital and the Kalgoorlie Regional Hospital. Nobody wants to deny Esperance residents proper medical procedures - I certainly do not. However, if more people will be travelling from Esperance to Kalgoorlie-Boulder for surgery, the hospital budget must pick that up; there are staffing concerns and so on.

Returning to the case of Mr Jesnoewski, he was understandably concerned about what had happened during his surgery. He has been informed that his period of recuperation is likely to be extended as a result of the more invasive surgery that was performed when the laparoscope broke down. He is a grader driver by occupation. He was prepared to use his sick leave and some holiday leave, but he now understands that the two or three weeks that he was to have off work will be extended to some five or six weeks. Therefore, he will clearly suffer an economic loss as a result of the breakdown of the machine. Arguably, he also suffered an increased level of pain as a result of the type of surgery that had to be performed.

That is no criticism of his surgeon. He also has no criticism of the staff at the Kalgoorlie Regional Hospital; he has only praise for them. However, he is concerned that the dedicated staff at the hospital are required to work with less than satisfactory machinery and, as I said, as of Thursday last week the goldfields population is not able to have laparoscopic surgery.

There are concerns about Kalgoorlie Regional Hospital. An answer to a question on notice provided by the minister to me in December revealed that the A ward of the hospital has been closed since 20 December 1997. The reason given was that it was shut for routine maintenance. However, it has been closed for over a year. Therefore, one would have to query what sort of routine maintenance is going on. I think routine maintenance was not the right reason for the closure of the ward; it was a cost-saving measure which has resulted in increased pressure for beds and theatre time at the hospital. There is great pressure for beds in Kalgoorlie Regional Hospital. One has only to speak to general practitioners to know that. Unfortunately, we in Kalgoorlie-Boulder also have a shortage of respite beds and beds for frail aged people, which in turn puts pressure on the hospital's E ward.

There were 10 four-hour theatre sessions available for surgeons. I am routinely informed by various surgeons, both visiting and resident, in Kalgoorlie-Boulder that specialists are told that they cannot expect to be able to access the theatre whenever it is needed. I am talking not about emergencies but about elective surgery. We have seen dissatisfaction among local specialists at the amount of theatre time that is unavailable to them. The minister will be aware of the problems that regional communities face in attracting specialists. Certainly, it is difficult to attract general practitioners. The last thing that I want is for the experienced and dedicated specialists in Kalgoorlie to move elsewhere. That would be a total disaster. When orthopaedic surgeon, Mr John Croser, left Kalgoorlie after many years, it took some time to fill his position. It is crucial that we have as many specialists as possible in Kalgoorlie-Boulder. A recent answer to a question on notice revealed that the hospital's budget this year is \$970 400 less than it was last year. I understand that there is an explanation for that with reference to the exceptional episode insurance. If the minister could address that matter, albeit briefly, I would be grateful.

As I have said, the main concern is that Mr Jesnoewski's unfortunate surgical problem turned into something more than that, and it relates to the dilapidated state of the laparoscope in Kalgoorlie Regional Hospital.

**MR DAY** (Darling Range - Minister for Health) [9.52 am]: I understand that Mr Jesnoewski was admitted for the removal of his gall bladder through a laparoscopic procedure on 18 March and that he was discharged on 22 March this year. It is correct that there was a problem with the laparoscope because of some technical difficulties, but we must recognise that we do not live in a perfect world, that medical treatment involves human bodies and that such difficulties and complications can arise. We must recognise also that sometimes what starts out to be a laparoscopic procedure might need to be converted to a full open procedure. I understand that 10 to 15 per cent of laparoscopic operations end up being undertaken through an open procedure.

Ms Anwyl: Not because the machine breaks down.

Mr DAY: There is always that possibility, but I agree that it is unfortunate that it occurred in relation to Mr Jesnoewski. Certainly, the fact that it occurred is regretted and the hospital apologises to him for the equipment breakdown that occurred. The best efforts were made by all staff of the hospital to ensure that the procedure could be completed successfully through the laparoscopic method as opposed to an open procedure.

Until late December the hospital had two cameras, one of which failed. In early January the hospital commenced trialling some new systems to determine which was the best to purchase while funds were being sought to purchase new equipment. In early March the system which was on loan was recalled. From that date, when the hospital had one functioning laparoscope, several procedures were undertaken without incident. Even now I understand that the laparoscope which broke down appears to the naked eye to have a light source which is okay for operations, but once it is introduced into a cavity the light is diminished, which unfortunately makes it technically impossible to operate using that camera. In other words, it appeared on first inspection to be okay; it was only while it was actually being used that it became a problem.

Replacement of the system will cost approximately \$50 000. One will be acquired. However, some people believe that two systems should be acquired in case one breaks down, but it must be recognised, firstly, that the cost of about \$50 000 each would be rather difficult to justify given the relatively small number of procedures which are undertaken using that equipment in Kalgoorlie. Secondly, even if two machines were available, they take quite a long time to clean and to prepare for a second operation - up to 24 hours or so. Even if there were two machines and a third person was about to be operated upon, there would be no guarantee that one would be available in any case.

I understand that in the past three months in Kalgoorlie three to four patients have needed open procedures as a result of laparoscopic interventions failing. The reasons for that can relate to bleeding, adhesions or the size of the patient. Such factors can impair vision and therefore require the open procedure to be undertaken. As I have said, it is regretted that it was necessary to use the open procedure with Mr Jesnoewski, and the hospital apologises to him for that. However, we must recognise also that such things can occur and, generally speaking, patients are made aware of that prior to their operations being undertaken.

The establishment of the exceptional episode insurance pool was based on the desire to fund hospitals on the basis of outputs rather than inputs. In other words, the aim is to ensure that hospitals are provided with funding on the basis of the number of services which will be provided, as opposed to a historical basis. The exceptional episode insurance process applies only to admitted hospital patients. Although the government health system normally attempts to purchase procedures on the basis of a standard episode or stay in hospital, there will be some cases in which the period of stay is longer than is normally expected or predicted. That is why the exceptional episode insurance pool exists. I understand that such cases make up about 5 per cent of total numbers but, generally speaking, they incur about 25 per cent of budgets. In other words, one in 20 episodes uses \$1 in \$4. That reflects the fact that an extra stay in hospital costs about \$300 a night in non-teaching hospitals and about double that amount in teaching hospitals. Therefore, there is additional funding available when it can be justified for such a purpose.

A process which involves clinical review is used to distribute appropriate funding to hospitals that have had exceptional episodes. Generally, the process is approached on a collaborative basis among all hospitals so that funding is made available where it can be justified. I am advised also that there has been a comprehensive strategy to educate health service boards, general managers, clinicians and other staff as to the arrangements which apply where funding is appropriate. More will be done by the Health Department to provide further training for those who are involved.

Ms Anwyl: How do we know that the \$1m will end up coming back into the budget? It is a \$1m shortfall.

Mr DAY: Obviously, that needs to be taken up by the management of Kalgoorlie Regional Hospital so that, if it can be justified, funding is made available, but if it cannot be justified when all health services are looked at, that \$1m will be well used elsewhere. The matter will be approached on a collaborative basis and I have no doubt that Kalgoorlie will be treated fairly and equitably in the process.

## LANDCORP, LOT 998, CONNOLLY DRIVE, CURRAMBINE

### *Grievance*

**MR BAKER** (Joondalup) [9.59 am]: My grievance is addressed to the Minister for Lands in his capacity as minister responsible for LandCorp and it relates to LandCorp's intentions in respect of the future development of Lot 998, Connolly Drive, Currambine. I understand that LandCorp, the owner of the lot, plans to develop a tavern, service station and commercial district or suburban shopping centre on the land in due course. My concern is that the majority of the residents of Currambine are strongly opposed to the land being developed or used in this manner, as are several other key stakeholders throughout the Joondalup region. I will provide a brief description of the groups so that the minister can appreciate the nature of the opposition to this proposed development: The local ratepayers association, the Currambine Community Association Inc, was established early last year to oppose the further development of the Currambine Marketplace district shopping centre situated at Shenton Avenue, Currambine. That group has taken various proactive steps over the past eight months to oppose any developments in Currambine that would prejudice the general amenity of the area for its residents. The group is led by Mr Vic West, a retired former businessman and one of Currambine's most proactive community members. The North West Metro Business Association is also opposed to the proposed development. That association is only two years old and consists of former bodies known as the Joondalup Business Association and the Wanneroo Chamber of Commerce. Its president, Mr Russell Poliwka, has made several public statements in the past criticising the former City of Wanneroo, now the City of Joondalup for its attitude of approving willy-nilly shopping centre developments throughout the north west metropolitan region.

Another group, the Joondalup Owners and Traders Association is also opposed to the proposed development. That group is headed by Mr John Reidy-Crofts, another proactive local Joondalup business person. This group represents the owners of the bricks and mortar in the Joondalup central business district and in the business park. They are concerned about the impact that this development will have on the ongoing development and prosperity of the Joondalup central business district

and the Joondalup business park. I understand that the owner of the Currambine Marketplace shopping centre and its commercial tenants are also opposed to this development. Certainly their opposition may be based on the fact that they are trying to kill off the prospect of competition in the immediate area. Nonetheless, they have voiced strong concerns about whether any new shopping centre to be developed on this block will be commercially viable and, if it is, whether its viability will result from killing off trade at other shopping centres in the area. Naturally, the business proprietors of nearby shopping centres are opposed to this development. These shopping centres include the Beaumaris shopping centre, Kinross shopping centre, Ocean Reef shopping centre, Connolly shopping centre and to a lesser extent the Edgewater shopping centre. These shopping centres have already seen a tremendous decrease in trade as more and more shopping centres are being developed in the region. They are naturally concerned that this development will yet again cause their trade to drop off. They have decided to take action now rather than later before the plan is cleared and the development proceeds.

The minister may be aware that over the past five years or so, the City of Joondalup has been approving shopping centre developments at an alarming rate. From the city's perspective it stands to reason that if vacant land is developed as commercial land its income from commercial rates will increase substantially. The argument could be that that is good for the area because the rates can be used to provide worthwhile community facilities and services in the area. Nonetheless, there is concern in the community that these developments are being approved at a rapid rate of knots. There is also the view that there are already too many shopping centres in the Joondalup area, and with the current population base, the area has reached its optimum number of shopping centre developments, be they suburban, district or otherwise.

Many other arguments have been raised in opposing the development. The most obvious one is that the Joondalup central business district and business park is being developed as a regional city centre. Developments of this kind will have the effect of detracting not only from ongoing development, growth and prosperity of the city centre but also of businesses situated in the Joondalup CBD. The focus in the area should be on commercial development in the Joondalup regional city centre and not in the suburbs. The Joondalup CBD is not fully tenanted at this stage, and that is the case at the business park where many vacant retail shops are available for lease.

The other point is that this development is smack bang in the middle of an urbanised area. Naturally, the residents are concerned about the consequences that will flow from the development, particularly the service station and tavern aspects of the development, should it proceed. Their concerns include noise, traffic, pollution and antisocial behaviour ranging from graffiti to criminal damage. There is no doubt that the development will greatly prejudice the general amenity of the area for local residents. The other concern is that the proposed development is located in close proximity to the new Currambine Primary School some several hundred metres down the road. The current enrolment is 640 students and is expected to increase considerably over the next two to three years. Recently the City of Joondalup changed the zoning of the lot from "commercial, tavern, service station, civic" to "centre". I understand that this rezoning will not prejudice LandCorp's intentions in respect of the development of land. However, there are the concerns I mentioned earlier. In short, the argument is that there is no demonstrable benefit to residents living nearby. Myriad shopping centres, service stations and taverns are situated in or near to the Joondalup regional city centre. This particular development is totally unnecessary. The residents have advised that they would accept a greatly scaled down development on this block to include perhaps up to four commercial shops. However, they are opposed to either a tavern or service station being constructed on the site. There are enough service stations in the area - one on almost every street corner. Service stations nowadays act as defacto corner stores.

I understand that a consultant has been engaged by LandCorp to prepare a report on needs in the area, and the minister may have something to report in that regard.

**MR SHAVE** (Alfred Cove - Minister for Lands) [10.06 am]: I thank the member for Joondalup for raising this grievance with me. It is true that LandCorp is the developer of the Currambine crest estate and included in that development is the neighbourhood centre. It is anticipated that the neighbourhood centre will include a range of uses including retail, commercial, community and residential. LandCorp is currently assessing development options for the centre, particularly the retail demand. It is relevant to point out that it would not be LandCorp's primary desire to make the maximum amount of profit out of this development. It would be just as important to LandCorp to ensure that any development was sensitive to the area and also took into account the concerns that the member has raised. We will certainly consider the representations that are made.

I suggest to the member that he encourage the various groups that he nominated to write to the chairman of LandCorp expressing their views. Sometimes representations are made that residents do not want something, and then we find that they support certain services in the area. More input from the community and from the ratepayers groups would help convince LandCorp about the sort of development people want in the area.

LandCorp is considering the issue, and I will pass on the member's comments to the staff at LandCorp. Hopefully, at the end of the decision-making process the result will be a development that is suitable and that people in the area are comfortable with.

The ACTING SPEAKER (Mr Baker): Grievances noted.

## FREMANTLE ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY

### *Statement by Minister for Planning*

**MR KIERATH** (Riverton - Minister for Planning) [10.09 am]: It gives me a great deal of pleasure to table the Fremantle Rockingham Industrial Area Regional Strategy. I was a bit worried when I first found I had to do this. From a personal point of view I have involvement with the Kwinana region and know many people involved in the area. I must admit that over time many people have asked if I could do something to try to resolve many of the planning conflicts down there in an effort to resolve some of the issues in the longer term.

FRIARS, as it is affectionately known, offers a range of options, from option 1, which is a do-nothing option, to option 4, which is a maximum option. Option 4 should be implemented because it solves much of the conflict in the region. The document is being circulated for public comment so that people can read it, decide their options and make submissions accordingly.

I was disappointed to read in *The West Australian* this morning comments about kicking people out of Wattleup and Hope Valley. I would not be a part of that. I strongly refute or deny anything from that point of view. Options 1, 2 and 3A leave Wattleup and Hope Valley exactly as they are. Option 3A envisages Hope Valley as a designated commercial-industrial area, and so on. It is incredible that anyone could say people would be kicked out.

The opportunity is available to choose from a minimalist do-nothing option to a maximum option. Over the three-month public submission period we would like to hear from the people in those areas which option they prefer.

This is a plan about transformation, opportunity and change. It is about the future of Perth, the future of Western Australia and about creating a major milestone in positioning the State in the next millennium. This plan is about providing certainty for not only our future industrial needs but also the people living in the area. It is a long-term plan that will take the next 10 to 20 years to reach full fruition. It will take careful, considered management and an understanding of the impact it will have on the lives of approximately 1 100 people who are living in the area now.

In the metropolitan area we are facing a shortage of industrial land and that is a major hurdle to developing our employment infrastructure. Currently land take-up in places such as Canning Vale is rapidly depleting land stocks. This depletion could affect the State's economic growth in the near future which could have direct effects on employment, investment, training and quality of life.

The Fremantle Rockingham Industrial Area Regional Strategy sets the vision for the future. It suggests some difficult decisions but it is also a plan of opportunity. The opportunity is to create a world-class employment area which will ensure that the State's international competitiveness is enhanced. This is not about rolling out smokestacks and warehouses; this is about knowledge-based industries, high skill levels and economic diversification of the south west corridor of Perth and the State.

I envisage clusters of technology-based industries across the spectrum of industrial uses. It will consolidate and complement the existing investment and infrastructure in the Kwinana industrial area. It will build on the comparative advantages of the area in location, education and the environment. The area has not been able to capitalise on its outstanding locational attributes. However, this plan delivers a major contribution to the development of Kwinana as an industrial powerhouse of not only Western Australia but also the rest of the nation.

Many commentators are concerned at the rate of Perth's physical growth and the size of the city. One of the dilemmas for planners is the need to create more employment closer to residential areas to reduce transport demand, enhance public transport opportunities and reduce vehicle emissions. In focussing on the Kwinana buffer area this plan will deliver up to 12 000 jobs in close proximity to residential areas. Approximately 9 000 of those jobs will be as a direct result of the proposed changes. The rest have been identified as spin-off opportunities.

The plan will deliver real environmental benefits. Apart from the positive contribution the area will make to reducing long-term travel demand and associated improvements in air quality, the change of use of the land should realise real benefits for Cockburn Sound. People involved in agricultural and market garden activities in the area are major contributors to nutrient levels in Cockburn Sound through the ground water. Over time, the planned changes in land use associated with improved drainage, sewerage and waste disposal will result in improved ground water quality and therefore an improvement to the Sound.

The plan also removes major highway reservations from the Mt Brown area. The planned land uses will complement the Beeliar Regional Park and its chain of wetlands. In many ways the park provides the framework for the future transformation of the area.

The plan is also about people and giving people a fair go. The planned transformations will cause changes and some dislocation. I understand that local people will feel uncomfortable with some of the proposals. That is the nature of change. I want to ensure that they have the best possible access to information to enable the community to make an input to the plan.

Aspirations for the area have been constrained by a combination of socioeconomic and environmental factors. It is vital that certainty is provided after years of inconclusive planning and vacillation. The time has come to make clear, unequivocal but difficult decisions.

In the long term, the benefits of economic diversification, job improvements and the need to expand the skill-base of the area will yield real benefits. There must be effective management of change and measures set in place so that people in the area are not disadvantaged in the short, medium or long term.

Although the plan is circulating for comment we know that some people want action. The establishment of an improvement plan on the townsites of Hope Valley and Wattleup will mean that people can address property issues and their aspirations immediately. A shopfront will begin operation in Wattleup on Monday to ensure that people have the best possible access to information. A community resource officer has been appointed to talk to people on a one-to-one basis about the plan and what they want from it. An independent review panel will be established to assist in the finalisation of the plan and to undertake public hearings. This panel will report both to the planning authorities and to me. It is all part of giving people the fairest go possible and effectively managing change.

I have no doubt that there will be detractors from the plan - people who fear change and those who want to use fear for gain. The status quo is not an option. That is about stagnation, reinforcement of negatives, the loss of opportunity and the inability to realise the full potential of the region. In other words, in some of these communities there has been a major planning blight as a result of the Kwinana industrial area and the pollution limits. This is unacceptable. There must be a vision which will yield benefits and outcomes. This plan is not about another turgid process; it is about achieving the long-term view of the State and providing opportunities for people. The State has a reputation as a highly skilled service-based economy. These skills do not occur uniformly throughout the State or the Perth region. This plan will provide a real opportunity for an inclusive future based on the creation of training and educational opportunities which are generated with the establishment of high technology and world-class industry. That is the future that must be shared; and it is a future that will lead this State and position Perth in the next millennium to take full advantage of its natural and human capital.

[See paper No 826.]

**DR EDWARDS** (Maylands) [10.17 am]: At the outset, I thank the minister for making available officers from the Ministry of Planning to brief me on this issue and to give me a copy of the FRIARS document and his speech ahead of time. As the minister said, the report essentially outlines four options for this area under study; that is, from the status quo - option 1 - to option 4, what I call a full industrial conversion of the land that will result in no remaining townships.

The Opposition would be very concerned if the Government were linking itself strongly to option 4. I am pleased that the minister has at least made some comments that in some ways water down his speech, in that he has signalled that he is at least willing to listen to people. Having said that, we acknowledge the positive aspects of the plan - that there is a plan, a path forward, and that we are being given some details of it. As the minister said, more industrial land is required in the Perth metropolitan area, the area pertaining to the FRIARS study has high unemployment and certain parts of this land have been underutilised.

Having talked about the positives, I now raise some concerns the Opposition has about the communities that will be affected by the plan, particularly under option 4. Those communities are Hope Valley and Wattleup. I am informed that Hope Valley contains 170 houses and is currently zoned rural; therefore, the people who live in that area expect to be able to enjoy a rural lifestyle. The local member, the member for Peel, informs me that around 100 children are in the local school, and that the people have a strong sense of community. Hope Valley is a real community, with real people. The Opposition believes that it is totally unacceptable that the land on which this real community lives and from which it makes its livelihood is proposed to be converted to heavy industry. If a change must be made to the zoning, it should be to general industry rather than heavy industry. The people who live in that area must be consulted in an appropriate manner. Despite the statements made by the minister about the need to move forward to technology and technology parks, we do not want to have heavy industry and smoke stacks in that area. One good reason that we do not want heavy industry in that area, apart from the impact on the local people, is that we now know that emissions from industry in the general area around Kwinana are blown out by easterly winds over the ocean, cooked to become smog, and blown back into the metropolitan area, generally northwards from where they emanated. Any more heavy industry in that area would increase those emissions and run the risk of contributing to the serious air quality problem not only in that local area but also over the whole metropolitan area.

Wattleup has 350 homes and more than 600 people. It is zoned urban, so the people expect that they can continue to live in that area with some certainty. Again, because of the location of Wattleup, the people in that area enjoy a particular lifestyle, and they have ready access to the beach, and that is the reason that they have chosen to live there, or in some instances that they have chosen to remain there over a number of generations.

The FRIARS proposal involves much more than just changing the colours on a map. It is much more than changing the brown and orange colour of Wattleup to the light purple or lilac for general industry. It is much more than changing the light green for the rural zoning of Hope Valley to the dark green for heavy industry. It is about changing communities and

changing people's expectations about their futures and about their children's futures. The Opposition will be consulting the people during this three-month period to find out what they think about this change. Adequate and appropriate consultation must take place. At the end of the day, whatever may happen, the people must be compensated appropriately. We will be demanding that people who are required to relocate as a result of these changes are provided with comparable housing in comparable areas so they can continue to enjoy a comparable lifestyle. If they enjoy a rural-type atmosphere at the moment, they must be compensated to the extent that they can enjoy that lifestyle somewhere else. We urge the Government to listen in this consultation period and not to present the FRIARS report as a document about which the decisions have already been made by Cabinet and about which the consultation is just a process to try to make people feel good.

The document indicates east-west road links, particularly with Anketell and Rowley Roads, and some dotted lines towards the coast. We are very concerned that the Ministry for Planning and the State Planning Commission had to draw in these dotted lines because of some vague notions that are floating around about ports. It is entirely unacceptable that the previous Minister for Transport, Eric Charlton, could on a whim start talking about private ports which I understand from my briefing yesterday may be up and running by 2005. This community has had a lot of change imposed upon it in recent years, and that will continue with the FRIARS report for the next 10, 15 or 20 years. It is, therefore, essential to have proper planning. The Opposition is adamantly opposed to the development of a private port. Similarly, we are not convinced about the need for new container ports in this area, and we will oppose that sort of measure. On a positive note, we are very pleased that it is evident from the FRIARS document that the controlled access highway near Mt Brown has finally disappeared from the maps.

It is difficult for the community to believe that it is truly being consulted about this document when the minister said in his speech, particularly with regard to job numbers, that when Cabinet considered this matter recently, it felt inclined to adopt option 4. We urge the Government to listen to the community during this three months process of consultation, and when the independent panel is conducting the public hearings. The people in this area are concerned about future employment and jobs, particularly for the young people of the area. There is also statewide concern about the need for industrial land to develop industry and provide the basis for employment in this State. However, we believe that the answer does not lie in option 4. We say to the Government: Listen to the people, consult widely, but keep in mind that other options have been put forward.

We believe that, as the state planning strategy said, the best way to plan for the future is to marry the economic needs with the environment considerations and with the aspirations of the people. We believe that the FRIARS document pays too little attention to the impact on people, particularly the impact on people in the townships that will disappear under options 3B and 4. We urge the Government in this consultation process to heed the people's voice.

## **STATE TRADING CONCERNS AMENDMENT BILL**

### *Second Reading*

**MR KIERATH** (Riverton - Minister for Planning) [10.27 am]: I move -

That the Bill now be read a second time.

The purpose of the Bill is to amend the State Trading Concerns Act. The Government supports the underlying philosophy of the State Trading Concerns Act which prohibits Governments from entering into any business beyond the usual functions of State Government unless expressly authorised by Parliament. Therefore, the Bill as drafted will retain this important feature.

The Act was last amended in July 1997 by the State Trading Concerns Amendment Act No 18 of 1997. The Act was amended on that occasion to enable some departments and public authorities which are part of a department to obtain authorisation from the Treasurer by way of regulation to engage in certain commercial activities involving the provision of goods, information or intellectual property; scientific, technical, educational, training, management or advisory services; and advertising opportunities which would include sponsorships.

A reason behind the 1997 amendments was to facilitate the implementation of two policies released by the Government in 1997; namely, the public sector intellectual property management policy and the exporting Western Australian public sector skills and expertise policy and guidelines. These two policies contain important initiatives to encourage departments and other public authorities to identify new sources of revenue through commercialisation of valuable intellectual property assets, which financial management reforms such as net appropriations for departments were intended to encourage.

The 1997 amendments to the Act did not extend to statutory authorities or statutory positions which operate under the framework of a department, as it was considered at that time that the powers of such statutory authorities or statutory positions should be spelt out in their enabling legislation.

Experience has since shown that the majority of statutory authorities' legislation does not empower them to engage in the activities contemplated in the 1997 amendments. It has also become apparent that, although substantial revenues can be

obtained by a department or statutory authority from the activities contemplated by the two policies, in many cases such revenues will not be sufficiently large to justify the time and cost involved of seeking amendments to a department's or statutory authority's legislation. Accordingly, many public authorities have not been able to reap the benefits available, both to the public authority and the State as a whole, of the implementation of the two policies.

Clause 6 of the Bill will enable the Treasurer to extend by regulation the statutory powers of statutory authorities and departments whose minister or chief executive officer is constituted as a body corporate, to carry on the same activities as those which were extended to departments by the 1997 amendments.

This will enable agencies to commercialise their intellectual property, export their expertise, and engage in advertising and sponsorship opportunities, while still preserving the general constraint on government entering into business activities. Advertising and sponsorship opportunities were included in the Bill for the purposes of consistency with the 1997 amendments.

The requirement for activities to be prescribed provides additional safeguards. Firstly, the regulations will be subject to scrutiny and the power of disallowance by the Parliament and, secondly, the regulations will authorise only activities that are consistent with the functions and powers prescribed in the public authorities' enabling legislation.

In addition to enabling statutory authorities to seek authorisation by regulation of the commercial activities of which I speak, the amendments will allow the agencies to charge for the services they provide. Therefore, the Bill provides for the minister to set a fee or charge and to delegate that power to the board or chief executive officer of the agency. For administrative convenience the Bill also allows a fee or charge to be set in accordance with a procedure approved by the minister.

This Bill provides an important step forward in advancing the Government's financial management reforms. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

### **CULTURE, LIBRARIES AND THE ARTS BILL**

### **CULTURE, LIBRARIES AND THE ARTS (CONSEQUENTIAL PROVISIONS) BILL**

#### *Second Reading*

Resumed from 24 March.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [10.31 am]: I wish to continue the remarks I made yesterday and comment on some issues raised by members opposite. All the speakers - the members for Thornlie, Churchlands, Perth and South Perth - indicated their opposition to the Bill. However, it appears that some aspects of the Bill were not fully understood. I will refer to some of those points now but at the committee stage there will be more opportunity to go through each of the issues raised in an endeavour to gain a fuller understanding of the legislation.

One of the concerns expressed was the lack of autonomy for each of the institutions. Members did not fully understand the significance of the fact that under the legislation each institution will have a board or council, with a general function which is specific to each institution, and these bodies will have general powers to carry out those functions. Members seem to downplay the significance of that for each institution. These councils and boards will exist through an Act of Parliament and their roles will be quite explicit.

The member for Thornlie began her remarks with a history of the institutions themselves. Concerns were raised that the proposals in the Bill did not provide an appropriate comparison. The situation the member described, of certain institutions being starved of funds, arose because only one board of trustees was operating and it had a clear bias towards one of the cultural institutions. Under this Bill, the Library and Information Service of Western Australia, the Western Australian Museum and the Art Gallery of Western Australia will have their own statutory advisory boards and each will be an advocate on behalf of its individual institution and its function. The member for Thornlie also mentioned the WA Ballet and Black Swan in the context of an attack on the arts industry when it was at its lowest ebb. This Bill does not impact on the WA Ballet or Black Swan in any shape or form, and it is purely related to current institutions which are part of the government fabric.

Ms McHale: I did not say that the Bills impacted on them, but I was painting the context in which this Bill is introduced, and it is a background of financial uncertainty.

Mrs EDWARDES: Other members referred to the capacity to transfer money between the different institutions, and suggested that a one-line appropriation would give someone the power to move money, say, from the Art Gallery to the Museum. That can be done under the current situation. The funding for the arts will not be affected by these Bills and neither will they affect the proportion allocated to each institution. That will remain part of the annual appropriations process, which is based on the recommendations of the minister, and will continue to be subject to cabinet decision and approval by the Parliament under the appropriations Acts.

Yesterday I referred in some detail to the lack of transparency. Concern had been expressed about the lack of transparency when money is allocated to each institution through a one-line appropriation. As I have pointed out, that situation is not created by this legislation but is related to the reporting for each structure. It will be a relatively painless task to provide that information to the Parliament and, because of the autonomy of each of the organisations, the structure of the annual report of the ministry will clearly outline the resources made available to each agency. There is no reason that that cannot and will not be reported in the annual report of the ministry and, therefore, be available for parliamentary scrutiny. With regard to decisions about the proportions of allocations, that is no different from the current situation and it will still be subject to ministerial control.

Mention was also made of the time taken to introduce this Bill. The process of developing legislation, gaining cabinet approval, developing the drafting instructions, completing the drafting and consultation takes some time. Obviously this is an extensive Bill and it has taken some time to pull it together properly rather than rush it through.

The so-called removal of the independent authority of the boards was raised as a concern. I think all members understand that one of the reasons for this Bill is to create some accountability in the system. Currently the boards are so independent that they are not subject to ministerial direction. The member for South Perth spoke about two controversies of an earlier time, namely, the part sale of the Markham collection and the acquisition of the Louis Allen collection. He said that in his opinion the Museum board was not strong enough to resist the minister of the day and the Art Gallery board was too strong and did resist the minister of the day. Therefore, the minister went ahead and purchased outside the parameters of the Art Gallery and its acquisition policy and budget. Those two examples prove a point in relation to this legislation. They demonstrate that we do not know exactly what happened at that time, and we are never likely to know because there is no transparency or accountability under the current legislation. Under the proposed legislation, both those decisions would have been subject to the requirement to seek advice. In future, if actions taken are not consistent with advice given, information must be tabled in this Parliament. That requirement is created by this Bill, and the corporate minister's capacity to do anything is balanced by the need for the corporate minister to seek the advice of the relevant board on that issue. The Bill also allows for the advisory boards to initiate advice to the corporate minister. Both can initiate that advice but neither can take action without referring to the other.

The concern expressed by members opposite about the loss of autonomy is, in fact, a reining-in of the current situation of unaccountable bodies, and it will create a situation in which all decisions are subject to input by both the minister and the advisory body. That is a good healthy tension which makes the process transparent.

A number of members also raised concerns about the likely future capacity of Western Australia to recruit talented and creative people to these positions and for them to operate in a fully professional manner. The member for Thornlie referred to the current art directors as trustees under the current legislation. Some time ago that was changed and they are employees of the trustees, under the Minister for Public Sector Management. Those positions are not being downgraded and made subject to bureaucratic controls; they are being released and better resourced to allow these people to concentrate on the arts functions. The level of resourcing for some agencies inherited by this Government meant generally a number of highly respected and highly paid professionals in senior positions in these organisations were sidetracked by the administration of the details involved in managing an organisation. They were insufficiently resourced at various levels in some vital areas of management, including human resources, financial management and strategic policy and planning. From my experience that often happens in small departments and agencies. With its creation, this ministry will be able to provide to each agency a core service covering these basic management functions. It will release, rather than encumber, the directors and other senior staff, and will allow them to pursue the activities related to the business of the cultural institutions in which they work.

Ms McHale: Do you believe this rhetoric? The Bill just does not do what it says it will.

Mrs EDWARDES: We can explore those matters during the debate on each clause in Committee. I know members will want to do that.

Ms McHale: I am trying to keep quiet, to allow the minister to continue her reply unimpeded; however, I need to interrupt from time to time.

Mrs EDWARDES: Some concerns raised include the lack of understanding about the current situation and how the Bill addresses that. I am keen to explore many of those issues in Committee so members can get a better understanding of what the Bill is trying to do. There is also some concern about the fact that one driver of these changes is efficiency. That is demonstrably so, because better management and corporate services will be provided to each of the agencies with fewer staff than their current aggregate number. This is not just about efficiency; it is about quality of service and the professionalism of that service which will continue to improve. We will ensure that those senior staff whose jobs require them to use their professional capabilities in those organisations will not be distracted by management, financial and human resource functions. These will now be done by public servants with appropriate skills through a larger agency.

Dr Constable: Public servants know nothing about the arts.



Mrs EDWARDES: From my experience and knowledge within the public sector, the human resources and financial functions are best done by people with relevant experience.

Dr Constable: The arts need people who are experienced in those areas and the content they are dealing with. It doesn't work that way.

Mrs EDWARDES: These people will be able to draw upon the knowledge of the professionals with experience in the arts to make the best possible decisions. The arts professionals do not necessarily have experience in the financial and human resource areas that are necessary to run an effective agency. My experience within the public sector is that this change will help to deliver a better organisation which allows for the professional expertise not to get sidetracked by some other functions in which the arts people do not necessarily have the experience. The public servants will be able to draw upon the experience and professional advice within the senior staff and executive officers of these arts organisations.

Yesterday I mentioned the potential for censorship, so I need not make further comment on that. This approach will be governed by policy on the advice of the councils and boards. The need for policy is confirmed and will be further defined in regulations. The members for Thornlie and South Perth raised the issue of ownership of materials bought with the money of the foundation. That money will be kept separate and we will know exactly where those funds are spent. The material bought with that money will be owned by the corporate minister. I reiterate the strength of the provisions relating to the spending of that money by the foundation. It can be spent only for the purposes for which it was given or raised, and only on the direction or recommendation of the governing councils of the foundation. That provision is much stronger than the current position. The member for Floreat also -

Dr Constable: Churchlands.

Mrs EDWARDES: I am sorry. The member for Churchlands - by the time this debate is finished, I will get that right - talked about the reluctance of the community to give to the corporate minister a -

Ms McHale: Three strikes and you are out!

Mrs EDWARDES: Okay. The member used the wonderful example of the Duyfken Foundation. There is nothing in the Bill to prevent a similar exercise in the future.

Dr Constable: The people will not be so happy to give under this legislation.

Mrs EDWARDES: I dispute that.

Dr Constable: The whole arts community is talking about it and it won't.

Mrs EDWARDES: Once people see the governing councils of the foundation being in a much stronger position than they are now, they will continue to support such a foundation. Finally I refer to the concerns of the Western Australian Municipal Association about partnerships. Very few Bills enter into resourcing arrangements as has been suggested. That is a matter for negotiation during the budget process. I can only reiterate what is in the Bill. It requires the corporate minister to enter into an agreement with the Western Australian Municipal Association for the purpose of establishing, promoting, organising, registering or supervising public libraries. Under the transitional provisions, any existing agreements stand until such time as a new agreement is reached. The legislation protects the existing arrangements with the library board and allows time to negotiate properly a new set of arrangements. I thank members opposite for their contributions and their comments. During the committee stage I look forward to exploring some of the concerns that have been raised, to give members a better understanding of the legislation. It will provide an improved situation compared with the current practice of the boards. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Mr Baker) in the Chair; Mrs Edwardes (Minister for the Environment) in charge of the Bill.

#### **Clause 1: Short title -**

Ms McHALE: The Australian Labor Party will pursue many of the issues raised by the member for Churchlands. We will traverse a number of issues that we raised in our contributions to the second reading debate because we are not convinced by any remarks given in response by the minister that our concerns have been dealt with or assuaged. As I have said previously, from the perspective of the arts community, the arts industry and those with an interest in the arts, this Bill is fundamentally flawed. I will use the opportunity of speaking to the short title to once again set the parameters of why we believe that and also to comment on the attempt by the minister to legislate for culture.

The short title says -

This Act may be cited as the *Culture, Libraries and the Arts Act 1998*.

From that, we know that the Bill will repeal the Library Board of Western Australia Act and elements of the Art Gallery Act and the Museum Act. However, by doing so, it will demolish much of the strength of those three pieces of legislation. The impact of that is direct on those institutions; it will remove the autonomy and the independence of those institutions to play a vital role in their overall management.

It is extraordinary that the minister is trying to legislate for culture, as we know from the short title. Let us look at what culture actually is. One definition of culture is about the arts and other manifestations of human intellectual achievement regarded collectively. We need to ask therefore whether this Bill will achieve any measure of movement towards culture and clearly it will not. It is also about an understanding or appreciation of culture. The definition in the *Oxford English Dictionary* is that it is the sum total of ways of living built up by a group of human beings which is transmitted from one generation to another. Therefore, it is hardly likely that we can focus on this word "culture" in the short title because it represents everything that we understand to be the culture of our country. For the minister to try to legislate for this is bizarre because it is clear that the consequences of this Bill will be to reduce our culture. It will restrict and straiten our culture because it will limit the autonomy and independence of those key flagships of our arts community - the Art Gallery, the Museum and the Library Board.

I make it clear that we will be vigorously pursuing issues of censorship, accountability, independence of creativity and cultural development. They will be the key issues that we will be pursuing during the committee stage.

Dr CONSTABLE: I listened very carefully to the minister's reply to the second reading comments this morning. At one stage I wondered whether we had the same legislation before us because she presented to us a very Pollyanna view of this legislation - one of sweetness, light, gladness and so on. It is not a view that has been represented to me by any arts or cultural group in the community or any individual interested in this area. When I look at the short title that refers to the Culture, Libraries and the Arts Act 1998, I do not think this has much to do with culture, libraries and the arts. It has a great deal to do with a ministerial grab for power. Perhaps it would be better called the Corporate Minister Act 1998 rather than the Culture, Libraries and the Arts Act 1998 because there is very little in this Bill that will enhance any aspect of the arts or libraries. I do not believe the title adequately reflects the contents of the Bill. I will oppose the clause when we reach the point of being able to vote on it.

This Bill is not about the development of the arts in Western Australia; it is not about enhancing the arts; it is not about encouraging the arts; it is not about encouraging this thing called culture, a word which I agree with the member for Thornlie does not belong in the title of the Bill. It is about the role of the minister and about ministerial power. We must get that straight; that is exactly what it is about - a grab for power by the minister/corporate minister - because I am not sure why we have to make that distinction. This Bill is about ministerial power and it is about taking away from experts in the field of museums, art galleries and libraries and putting that expertise into the hands of some enthusiastic amateurs, and the head of the enthusiastic amateurs, of course, is the minister himself. I disagree totally with what the minister at the table said this morning about putting those matters into the hands of bureaucrats who are experts in financial and other matters but not necessarily experts in museums, arts or libraries; it will not work. I disagree with her that it works in other areas of the Public Service. Many people with expertise in the arts have a financial brain as well and can manage money. We do not have to regard those two things as separate. It is dangerous to put decision-making powers relating to acquisitions and sales of artistic works in the hands of people who do not understand. At best those people will be enthusiastic amateurs. The bureaucrats making those decisions may know nothing about the arts, nothing about museums and nothing about libraries. It would be interesting to know how many books they read in a year.

I would prefer this Bill to be called the Corporate Minister Bill because it would sum up in a nutshell exactly what it is about - a ministerial grab for power. It is interesting that the agencies at the Art Gallery, the Museum and the Library Board will now be called service agencies. When we get to that clause in the Bill, I will want an explanation of what it means for an art gallery to be called a service agency. I would think a service agency is something like AlintaGas, Western Power or the Water Corporation that provide services to the community. I am not sure that we can call an arts agency a service agency and, again, it bothers me that decision making is in the hands of the minister and the senior bureaucrats and somehow they will get the employees of the Art Gallery and the Museum to carry out the directions that come from on high.

It simply will not work. We will end up with a less than mediocre Art Gallery, Museum and Library and Information Service if we do not make that correction. It would be amusing if it were not so serious. The real service agencies in the community - AlintaGas, Western Power and the Water Corporation - have been given more autonomy and independence. However, autonomy and independence to develop policies will be taken from the arts agencies to be placed in the hands of politicians.

Ms WARNOCK: I genuinely believe that this Bill will do nothing for "Culture, Libraries and the Arts", which is part of the short title under discussion. Frankly, I fail to understand why the Bill is being introduced. A large number of people in the

arts field are entirely opposed to the Bill as they share the view that it will do nothing useful for the arts in this State. Rather, it will disempower many people who now contribute to the arts in various ways.

The Bill will place too much power in the hands of a corporate minister. Others may seek to reflect on a particular minister - I do not. I find the idea of any person having as much power as outlined in the Bill, particularly in the field of the arts, to be rather strange. As my colleagues and I have already outlined, such power could be mishandled by a minister who is less than interested in the arts. The present minister has a great personal interest in and passion for the arts, notwithstanding his very public quarrels with various members of the arts community, including David Blenkinsop, the former Director of the Festival of Perth. I refer to a future Minister for the Arts who may have less of an interest in the arts than the current minister and be more concerned about re-election. The present minister sits in the upper House. I refer to a minister who may hold a marginal seat in the lower House. A group of protestors may want a work of art banned, and the minister may be tempted to wield that power to appease those people. I do not reflect on the present minister. However, politicians should not be placed in that situation.

For that reason, I have great reservations about this Bill which, in an odd way I fail to understand, will give great power to a minister over dealings which should be handled by other people. I am aware that ministers have advisory boards of various kinds. This Bill - I stand to be corrected by the minister at the Table - will change the relationship between the minister and the advisory boards. I have not heard anything yet in any of the minister's speeches to convince me otherwise. The relationship will be changed so that advisory boards, which are chosen for their expertise in the arts field, will be disempowered by the power allocated to the corporate minister.

The DEPUTY CHAIRMAN (Mrs Hodson-Thomas): I remind members that they are speaking to the short title. Please keep comments to why this should or should not be the short title of the Bill.

Mrs EDWARDES: Members opposite referred to the fact that the short title refers to culture. The legislation proposes an administrative arrangement to preserve and promote the culture to which members referred. The added structure will strengthen the environment in which culture and the arts in this State can be developed and encouraged.

A lack of understanding is evident about the current situation with corporate ministers. The corporate minister's power is being defined in this legislation. Unlike other areas, it is being limited. Most ministers are corporate ministers. For example, the Minister for Education is a corporate minister. I could give many examples of that minister's capacity to own land, schools and the like, which ministers can do in their corporate capacity as corporate ministers. Generally, legislation does not necessarily define or limit that power in the manner of this Bill. This Bill provides greater transparency than found in other areas where corporate ministers operate under certain powers.

The member for Churchlands referred to service agencies. I think I know the Bill pretty well. Can the member tell me where the legislation refers to service agencies?

Dr Constable: The second reading speech said that they will become service agencies.

Mrs EDWARDES: Yes, it does. However, I do not remember them being referred to as service agencies in the legislation.

Dr Constable: I said that we will go through the Bill and try to find the reference. The reference is made in the second reading speech, and that does not sit well with those bodies.

Mrs EDWARDES: They are providing a service to the community.

Dr Constable: They have a leadership role in encouraging the arts. They go way beyond providing a service. It is downgrading them.

Mrs EDWARDES: The second reading speech indicates that they provide a service to the community. The Library and Information Service of WA has always been well recognised as such.

The member for Perth referred to disempowering the boards and committees. In my response to the second reading debate, I outlined clearly that both the boards and the minister can initiate advice. This will be transparent with advice not taken by the corporate minister being tabled in Parliament. Rather than disempowering the boards and committees, it will make the process more transparent. We will never know the reasons for the decision made on the Markham collection. Under this Bill, we will know the reasons for future decisions. It represents a level of accountability and transparency which is particularly important when decisions are made regarding collections. The Western Australian community would like that knowledge.

Rather than disempowering them as such, there is a level of unaccountability at the moment and decisions are made for which we will never know the reasons. When that advice is not taken, this will provide the opportunity for it to be tabled in Parliament so everyone in Western Australia will know the reasons behind such decisions.

Ms McHALE: Why did the Minister for the Arts decide to put "culture" in the short title? Why has he not included "museums" because the Bill is about the management of museums? Can the minister give the House a detailed response as

to who supports the Bill? Which stakeholders in the arts industry have publicly endorsed the Bill or, if they have not publicly endorsed it, have indicated support for the Bill? In our travels around the community, the member for Churchlands, my colleague the member for Perth and I have clearly seen no support for this Bill. I will keep my remarks brief as we are dealing with the short title. What is the logic behind including "culture" in the short title and why has "museums" not been included?

Mrs EDWARDES: I have been advised that many people in the museums and the libraries were not comfortable with just the use of the term "arts". They felt excluded by the use of the term "arts", but felt included by the use of the term "culture". It was primarily as a result of how the people in the libraries and the museums felt that the term "culture" was included. I do not have the information related to the stakeholders who support the Bill, but I am sure the Minister for the Arts has commented on it. I will obtain that information and provide it to members.

Ms WARNOCK: The member for Churchlands had to leave the Chamber briefly to meet some constituents and she asked me to draw the minister's attention to a matter they discussed a moment ago. She referred to the second reading speech given by the minister last October which includes a paragraph which states -

The Bill, together with the Culture, Libraries and the Arts (Consequential Provisions) Bill, will make the changes consequential to the formation of the Ministry for Culture and the Arts.

Further in that paragraph it states -

The six agencies that now make up the ministry have become service agencies.

That phrase upset the member for Churchlands and suggests a lack of independence or autonomy for service agencies. She asked me to stress to the minister that it was an inappropriate way to refer to autonomous arts organisations such as the Art Gallery, the library, the Museum and so on. I also believe that the title of the Bill is not appropriate.

Mrs EDWARDES: I take on board the comments that the member for Churchlands has made about service agencies, although I do not agree with them. Clause 20 refers to the respective and individual divisions and the names they can use. It sets them out and keeps them as separate entities. Again, the concerns which have been raised are not real.

The DEPUTY CHAIRMAN: I remind all members to keep their comments relevant to the short title.

Ms McHALE: I will ensure that my comments are relevant to the clause with which we are dealing and I thank the Deputy Chairman for the reminder. I am pleased that the minister will tell us who has supported the Bill, but I doubt whether she can be specific in any way. That will be the acid test of this Bill. I cannot support the first clause because the title of this Bill does not reflect its intent or objectives. I cannot support it for a number of reasons. I am not satisfied with the minister's response to my question: Why were the museums not included? The libraries and the arts - which presumably deals with the Art Gallery - have been included.

Mrs Edwarde: The people at the museums were happy with the term "culture". They did not want "museums" included; they were happy with the term "culture".

Ms McHALE: Was the option that the Bill have an explicit reference to "museums" put to them?

Mrs EDWARDES: I do not know whether that was put to them as explicitly as that. I did not do the negotiating; however, I am aware that the people from the museums, as well as the libraries, felt that they were included and were comfortable with the use of the term "culture".

Ms McHALE: When we look at culture, a relevant quotation by Albert Camus states "Without culture, and the relative freedom it implies, society, even when perfect" - I know our Western Australian society is not perfect - "is but a jungle. This is why any authentic creation is a gift to the future." The importance of that to the title of the Bill is the relative freedom which culture implies. There will be no freedom for the arts to flourish in this State because of the way this Bill is constructed.

Mrs Edwarde: Culture is not defined within the Bill. All that is being provided for is a framework by which it can be developed and nurtured.

Ms McHALE: I know that is the minister's response, but -

Mrs Edwarde: There must be 1 000 definitions of "culture" and we do not define it for that very reason.

Ms McHALE: I know it cannot be defined in three words, but we can look at the influences on our culture. The political and legislative framework is one of many influences on our cultural development. Our concern is that this legislation impacts negatively on the development of culture because it provides that power to the minister which has not been there in the past. Although the minister can reassure us that it will not be used in a way that will impede our cultural progress, there is concern that that could be the outcome. Whether it is the current minister for the Arts, the minister who represents him or a future

minister, that is not the point; it is the structure and principles behind this Bill. We do not support the short title. It does not reflect the Bill and trying to retain the word "culture" within the title of the Act is a short-sighted move.

Clause put and a division taken with the following result -

Ayes (28)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mr Shave
Mr Baker	Dr Hames	Mr Masters	Mr Trenorden
Mr Barnett	Mrs Holmes	Mr McNee	Mr Tubby
Mr Barron-Sullivan	Mr House	Mr Minson	Dr Turnbull
Mr Board	Mr Johnson	Mr Nicholls	Mrs van de Klashorst
Mr Bradshaw	Mr Kierath	Mrs Parker	Mr Wiese
Mr Day	Mr MacLean	Mr Prince	Mr Osborne ( <i>Teller</i> )

Noes (18)

Ms Anwyl	Dr Edwards	Mr McGowan	Mr Ripper
Mr Bridge	Dr Gallop	Ms McHale	Mrs Roberts
Mr Brown	Mr Graham	Mr Pandal	Ms Warnock
Mr Carpenter	Mr Kobelke	Mr Riebeling	Mr Cunningham ( <i>Teller</i> )
Dr Constable	Ms MacTiernan		

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Pairs

Mr Court	Mr McGinty
Mr Cowan	Mr Marlborough
Mr Omodei	Mr Thomas
Mr Sweetman	Mr Grill

**Clause thus passed.**

**Clause 2: Commencement -**

Ms McHALE: This clause deals with when the Act comes into operation. I know transitional arrangements are involved. How are the budgets for the agencies currently being managed, given that there will be one appropriation? I am seeking some clarification in the event that the Bill comes into operation on 1 October - it may take that time to get it through the upper House, but the date does not matter - of how that will affect the management budgets.

Mrs EDWARDES: If the date is later than 1 July in any of these sorts of situations - it is not peculiar to this legislation - the Financial Administration and Audit Act provides for transfer allocations so it is covered already. We do not know the date that this will come into existence. Regulations will be needed as well and obviously they will be drafted and brought to the Parliament. Also there is a requirement for the new advisory councils and their respective foundations to agree upon operating rules and that may result in different proclamation dates, but the FAA Act deals adequately with transfers occurring between the respective agencies.

Ms McHALE: Is it the case, therefore, that until the Act comes into operation, the statutory boards which are in existence will continue to operate as their particular Acts direct?

Mrs Edwardes: It is.

Ms McHALE: As we speak, for instance, the Library Board and the Art Gallery are operating as they always have and so on. Is there no change in the management of duties?

Mrs Edwardes: The answer is yes, except in one area; that is, they no longer employ staff. The staff are employed under the director general and, therefore, under the Public Sector Management Act. All employment matters have been delegated to the chief executive.

Ms McHALE: I have a question prompted by that remark. Is it not the case that the current Acts authorise the employment of staff under those Acts?

Mrs EDWARDES: That has been dealt with through the delegation.

Ms McHALE: Through the delegation under the existing Acts?

Mrs Edwardes: The answer is as I have given it. The delegation has been given to the director general.

Ms McHALE: Under what powers?

Mrs Edwardes: Public sector management.

**Clause put and passed.**

**Clause 3: Objects -**

Ms McHALE: This is perhaps one of the most critical clauses of the Bill that purports to set out what it is intended the Act will achieve. The objects of this Act include the promotion of the development of culture and the arts and an environment in which that development can take place. Looking at the first objective of the Act, it is interesting that it talks about an environment in which the development of our culture can take place. This goes to the heart of what we have been arguing on this side, that by virtue of this Act the environment in which the development of culture can take place is diminished, so the object of the Act purports to do one thing; however, the reality of the Act will be the opposite.

The objects of the Act also provide for the acquisition, preservation and display of materials relating to the cultural, documentary, literary and artistic heritage and natural history of the State. We do not have much problem with that, because that is a generic statement about the development of our cultural assets. Clause 3(c), on the face of it, is a laudable object; that is, to provide the public with access to culture and the arts. However, is the Government considering charging the public to access culture and the arts? Is there any reference to that in the Bill? I cannot see anything in the Bill, and it is probably not something that would appear. Perhaps the minister could make a note of that.

We do not have any difficulty with object (e), which is to provide for the preservation of certain publications. We will discuss that further in due course. However, as to object (d), which is to promote and facilitate the provision of an integrated system of public library and information services in the State, why did the Government not consider introducing that by amendment, if necessary, of the current legislation? Is that just something that provides a form of words for the management of the library, or is it something that could not be done under the existing legislation? Perhaps the most burning question is how the Bill will promote the development of culture and the arts in this State. I ask the minister to comment on how that object of the Bill will be managed. What strategies will be put in place to ensure that that object is fulfilled?

Ms WARNOCK: I too am interested in this clause. The objects, as listed here, certainly sound like a very good idea. For example, to promote the development of culture and the arts and an environment in which that development can take place, to provide for the acquisition, and so forth, of various literary pieces, and to provide the public with access to culture and the arts sound good and are things of which I am in favour. To promote and facilitate the provision of an integrated system of public library and information services is terrific. We have one of those. The idea of promoting and facilitating it is a good one. We already provide for the preservation of certain publications, and it is also a good thing to do. This is a series of admirable aims. It may be a limited vision for the arts in Western Australia, but it is certainly on the way to a vision for the arts in Western Australia. The organisations which promote and look after culture in this State are doing that series of things. As I said, I am in favour of the objects. However, the problem is that there is very little evidence from the Bill that these aims will be realised. For example, will an environment in which that development can take place - that is, under object (a) - be provided if many people who work in the arts field can see no reason for the legislation and are fearful of the lack of power for boards under the corporate minister? The object of this exercise is to provide that environment, and I would like to see that environment provided, but what sort of environment for creativity will be created when suspicion exists already about the aims of the Government in presenting this legislation?

As to the section about promoting an integrated system of public library and information services, there would not be anybody in Western Australia who has ever read a book who would not think that was a good idea. However, as we heard during the second reading debate, the Western Australian Municipal Association, which is the local government organisation whose members are responsible, with the Government, for providing the statewide library system, seems to have no confidence in the Bill and wants to delay it, with the idea of a re-write. This suggests to me that although these may be the objects of the Bill, at least one of the largest stakeholders in the Bill has no confidence at all that this will happen. It obviously does not feel that these worthwhile objects are likely to be met. How exactly all these objects will be met by the legislation is a question that is in the minds of people on this side of the House.

Mrs EDWARDES: Firstly, I will deal with clause 3(d), which concerns the public library and information services. The board opted for a new Act rather than amending the current legislation. As to subclause (e), which deals with the preservation of certain publications, it was inadvertently omitted when we were dealing with the Censorship Act. Although those publications are still preserved, there is no power to do so; therefore, we needed to include that in the Bill. As to how all this will happen, under the new Act a number of things, such as new arrangements, partnerships and so on, will be possible, particularly through the use of the corporate minister. This will enhance the current arrangements. Although this matter was not raised, I point out that the issue of the museums and the arts has not been specifically dealt with in this Bill. They have their own Act, which is currently being amended. Although they are being incorporated within the framework of this administrative process, the museums and the arts will maintain their own Act. That Act is recognised in the definitions clause in this Bill, under the definition of Arts Acts.

Dealing with access, there is a strong commitment to maintaining free public library services and access. Members will be

aware that there are charges for certain special exhibitions and the like, but not for general exhibitions. The Government has no intention of changing that. It proposes to retain the current practice, with a strong commitment to maintaining free access to public libraries.

Ms McHALE: I am curious to know whether the ministry has carried out any analysis on the impact of the goods and services tax on access to our culture and the arts. I am referring to object (c). As I said during the second reading debate, evidence shows that -

Mrs Edwardes: How can the GST apply to free access?

Ms McHALE: I am not thinking about that. I am intelligent enough to realise that 10 per cent of nothing is still nothing. However, the minister said that we have to pay for some exhibitions. What is the ministry's analysis of the impact of the goods and services tax? As this Bill is about culture and the arts it takes us to a much broader picture. Therefore, I am curious to know, when we talk about access to culture and the arts, what is meant by access, and what culture and what arts are we talking about in that object? My two questions are, firstly, the ministry's analysis of the effect of the GST on paid exhibitions and, secondly, what are the parameters of access in object (c)?

Mrs EDWARDES: There are no parameters around (c), and the ministry has provided some advice to the minister on the effect of the GST, which he is presently considering. I do not have that information.

Ms McHale: The minister's adviser may have been involved in the preparation of that advice.

Mrs EDWARDES: That advice has nothing to do with the Bill, which is to provide for an administrative framework.

Ms McHALE: I will explain why it is relevant. One of the objects of the Bill is to provide the public with access to culture and the arts. The Federal Government is about to introduce a radical tax reform which the Treasury has said will impact on access to culture and the arts. Other studies have said that the impact of the GST on culture and recreation will be particularly hard hitting. It is entirely relevant when an object of the Bill talks about access, and the GST will have an impact on access to paid exhibitions and at a broader level on ticket prices. I do not expect the minister to comment unless she has further information.

Mrs Edwardes: The advice is with the minister. Part of that advice is that it is a complex issue and difficult to assess until all the components of the GST are known. That is the reason it is still with the minister for consideration.

Ms McHALE: Yes. However, it is interesting that other States can get their heads around it and a senate committee is studying the GST and its impact on various aspects of our lives. In fact, arts organisations are making submissions to that senate committee. It is a pity that the Western Australian Government has not got its head around the issue.

Mrs Edwardes: That is not a fair comment. The advice has gone to the minister. One of the issues in that advice is that we do not know all the components of the GST. The minister is presently considering that advice.

Ms McHALE: Can I summarise by saying that the minister is aware that the GST may impact upon the arts and there may be a negative impact, or am I putting words into her mouth?

Mrs Edwardes: The member would be putting words into my mouth. The minister has received advice, and he is considering it. Part of that advice is that we do not know all the components of the GST.

Ms McHALE: We have not dealt with the apparent conflict of arts organisations expressing public concern about the Bill. Arts Voice had a meeting with the minister. Even after that meeting it still had great reservations about the Bill. I am aware that the Western Australian Municipal Association has asked the Government to withdraw the Bill and the minister has responded, yet WAMA is still seeking the Bill to be withdrawn. We know that other prominent people in the community such as Professor David Tunley, Sir James Cruthers, David Forrest, and national bodies such as Museums Australia through Sue Anne Wallace and other commentators have indicated that this Bill is a retrograde step for the arts. In all honesty how can the minister reconcile that great upsurge of opposition with the Government's persistence to continue with the Bill and more importantly with the objects of the Bill? If these cultural organisations are saying that this is a retrograde step for the development of culture in our State how can the Government reconcile these objects that state that this will occur?

Mrs EDWARDES: Ministers and Governments from time to time face a lack of understanding in the community which creates fear about what the impact will be. The minister will have to deal with that perception, although it is not true in fact. The minister has indicated that while he has already met with Arts Voice, he is prepared to meet with them on another occasion, and will continue to meet with any of these organisations which have expressed fears and concerns about the operation of the Bill, and will work through their concerns with them. I am also advised that Museums Australia has not conveyed its concerns to the minister or the ministry. If the member has some information I am sure the minister would like to follow that up with them.

Ms McHALE: I will put on record a retort to the minister's public comments. The minister has criticised people in the industry for not understanding the legislation because they have not read it. I take it that he was also referring to me. I have

spoken to a number of people in the industry who were angry at that public berating. They have said that they have read the legislation and they understand it. For their sake it is worth putting on the public record that they were aggrieved by the minister's public attack and that they have read the legislation, as I have read all the legislation to do with this Bill including the Art Gallery Act, the Library Board of Western Australia Act and the Museum Act. The minister does not help the debate to publicly attack those who criticise him.

Mrs Edwardes: I do not intend to enter into that debate. However, it is clear that concerns have been raised which show a lack of understanding or misinterpretation of parts of the Bill. The minister has indicated that he is prepared to meet with these groups and organisations in an endeavour to work through some of their concerns.

Ms McHALE: I thank the minister. I appreciate that the Minister for the Environment is in a difficult position, because she is representing the minister who has carriage of the Bill and has not lived through the development of the Bill, but that is politics, I suppose. It is interesting that it has been suggested that those people who disagree with the Minister for the Arts either do not understand or misunderstand the Bill, or have not read it. Could it not be the case that they fundamentally disagree with the Bill, but that has somehow been translated into: If only they understood the Bill, we would be of common mind?

Mrs Edwardes: Two issues are involved. It is open to people to disagree about the facts. Some of the comments that have been raised in the debate indicate that there is a misunderstanding, or a lack of understanding - and that is not meant to be a criticism - about how some of the clauses of the Bill will operate, particularly with regard to the corporate minister.

Ms McHALE: It is not a misunderstanding or a lack of understanding but is a fundamental disagreement. When I referred to Museums Australia, I meant the national body. The Western Australian branch of Museums Australia has not made any public comments about this Bill, for a number of reasons which I will outline later. The President of Museums Australia, Sue-Anne Wallace, said in an article in *The Bulletin* last week that -

The Foss changes are "alarming" . . . spelling the end of arm's length government funding of the arts. "I can't see any good coming out of this. Museums are in the service of society, not governments." With boards stripped of any real powers over budgets and acquisitions, high-profile people "will think twice about giving years of service as board members".

Mrs Edwardes: When I talk about a lack of understanding and a misinterpretation of the impact or effect of some of those clauses, I am not making a criticism of the individuals who have made those comments. It is important that people know the facts about this Bill; and if after they know the facts about the impact of particular clauses they still disagree, so be it. For instance, I am aware that the issue of Screen West has been raised. Screen West is not incorporated in this Bill. The community has a misunderstanding about the impact of this Bill.

Ms McHALE: That misunderstanding was generated by the Minister for the Arts, who made a public statement that Screen West would be dealt with under this ministry. That misunderstanding is due entirely to the minister.

Mrs Edwardes: The confusion is about what will come under the ministry as opposed to what will come under this Bill. Screen West is not covered by this Bill. The minister has indicated that he will meet with the groups and organisations which have expressed concerns in an endeavour to explain the intent and the operation of the respective provisions of this Bill.

Ms McHALE: I am very concerned to dispel the myth that we are all under a veil of misunderstanding. I remind the minister that when the Minister for the Arts announced the creation of this new ministry, he said -

Earlier this month I announced the creation of a new Ministry for Culture & the Arts which will combine the talents and resources of the existing six arts agencies.

That list included Screen West. The minister said in a letter dated 3 April 1997 that the ministry will include the Library and Information Service of Western Australia, the Western Australian Museum, the Perth Theatre Trust, the Art Gallery of Western Australia, Screen West and Arts WA as service agencies.

Mrs Edwardes: There is a difference between the establishment of the ministry and what is contained within this Bill. The ministry is set up under the Public Sector Management Act and is not contained within this Bill.

Ms McHALE: I have never said that this Bill deals with Screen West. If there is any confusion, it is due entirely to the statements that have been made by the minister and to the mismanagement by the minister of this significant initiative. It is not due to any lack of understanding or ability to comprehend on the part of the arts industry.

Dr CONSTABLE: I find it difficult to come to terms with some of the objects expressed in clause 3, because they appear to be detached from the reality of the Bill and do not cover some of the main thrusts of the Bill. There is a lack of balance in the five objects in the Bill; so either some of those objects should be deleted, or some new objects should be added to balance that list of objects. The reality is that if the Bill were passed, the corporate minister would be given enormous control over culture and the arts in this State, and would have enormous power to buy and sell collections and do whatever



he wished with the funds that were raised, over and above the control and power of the advisory boards that will be created by this Bill. I have said previously that those advisory boards will be Clayton's boards. I have enormous concern about the objects. They act as a smokescreen for what is in the Bill and do not tell the reader what is really in the Bill. As such, I cannot possibly support clause 3.

The Bill provides for the collections and acquisitions of the Art Gallery and the Museum to be vested in the minister. The problem is that that decision-making power will be vested in a person who is not an expert in the field. That is very frightening when it comes to the arts, because it also, when we look behind the smokescreen, allows for a degree of ministerial censorship. We should not have a situation in our democracy in which a minister of the Crown is given the decision-making power to have paintings taken off the wall because people complain about them, or to remove books from the library or tell the library that it cannot purchase certain books, either because pressure has been placed upon him, or because he has some quirk and does not like particular books. Under this Bill, the minister will become the arbiter of good taste and will be able to impose his view - an amateur's view, and perhaps an enthusiastic amateur's view - on the people of Western Australia. We will risk having a balance in the arts in the future if the minister is given such control over the important areas of the acquisition and sale of works of art and books. Therefore, I put strongly on the record that I do not support clause 3 of this Bill.

Mr PENDAL: The only advantage in being around this place for a long time is that one can generally refer to inconsistencies in the attitudes of people who ultimately become ministers. I take up the point that the member for Churchlands and others made that the way in which the focus of arts administration will be on the minister is a serious matter. In about 1991 Western Australia purchased what was known then as the Louis Allen art collection. That collection was an extensive array of cultural items - mainly paintings, if I recall correctly - that were held by Louis Allen in the State of California, United States. The Government of the day paid about \$1.3m for the collection. The minister at the time was much criticised by the then Opposition, including myself, because he made a decision in isolation from the Art Gallery and the Art Gallery board, and certainly in isolation from the then director, Betty Churcher, who then went on to bigger and better things. Therefore, we had a situation where a minister made a political decision to buy a very extensive art collection. In the end the question was not whether or not the art collection was worth what was paid. Incidentally, some people took the view that we had been sold a bit of a pup and that we really got what the Californians did not want to retain. There were varying views about the cultural value of the collection. In the end I came to the conclusion that it was a good acquisition. However, the point was that the director of the Art Gallery at the time heard about it on the radio when she was driving to work. Opposition members at the time, including Hon Peter Foss, were appalled at that behaviour and vowed that that would never again occur. The minister will no doubt say that it cannot occur even under the circumstances of the new Bill. I suggest to the minister that the new Bill will exacerbate that type of situation where a minister can make a decision in isolation from everyone else in that environment.

Another case that also should have taught us a lesson and which at the time also produced some opposition from the now Minister for the Arts was the sale of the Percy Markham collection which was then held by the Museum of Western Australia. That should never have occurred. The argument put forward at the time was that the vintage and veteran vehicles in that collection were all imported into the State, had no cultural links with the State and, therefore, were expendable. I could never follow that argument. I mentioned it briefly in my contribution to the second reading speech the other day but I made a meal out of it in the early 1990s by suggesting that, if the minister took that attitude, he would need to sell the big meteorite that we hold in the Museum because that is not native to Western Australia. The meteorite obviously comes from outer space. Does someone seriously suggest that we want to get rid of that? Of course not. In other words, in many cases a museum exists to display not only those artifacts that are native to our environment but also artifacts that are native to other environments because often people cannot access those environments.

Those two issues alone produced in the then Opposition a wail of concern and that concern was shared by Hon Peter Foss at the time. It seems to me that there has been a great conversion on the part of the minister on his way to the ministry.

Mrs EDWARDES: Unfortunately, the member was not in the Chamber when I responded to his comments in the second reading debate yesterday and today. The point he makes about the Percy Markham car collection and the Louis Allen art collection is exactly the point of this Bill. Under the current situation one will never know how these decisions are made. Under the Bill the minister must refer those decisions to the advisory committee. In the event that he were to act against that advice, that fact will be tabled in the Parliament, making those actions much more transparent than they are currently. Therefore, the current minister to whom the member referred, who was appalled at the actions taken in respect of those collections at the time, has worked to implement a better process to make those decisions much more accountable and transparent so that in future when those decisions are made everyone in Western Australia will know the reasons for them. That is not the case at the moment and, therefore, it is incumbent upon us to find out the position using the means we have used in the past, which are totally unacceptable. We need a much more open and transparent process and this Bill will provide it.

Ms WARNOCK: Several references were made to the views of the Western Australian Municipal Association in the second reading debate and in the committee stage. I refer to the objects in clause 3(d) which reads -

To promote and facilitate the provision of an integrated system of public library and information services in the State;

Today the Western Australian Municipal Association has again sent a response to the minister's reply to its first comments which several members quoted extensively in the previous debate. I will reiterate some of the association's comments and I point out that the members of the association have obviously read the Bill because they have responded in detail to the minister's comments. In no way does the response suggest that they agree that the objects of the Bill will promote and facilitate the provision of an integrated system of public library and information services in the State. They refer to the lack of consultation with local government and, unlike the brief reference to it the other day when they sent us the previous material, the response today contains a much more detailed section. It reads -

There has been a discernible veil of secrecy placed over the formulation of the Culture, Libraries and the Arts Bill. This has been highlighted by the fact that never before has WAMA's Executive Director been required to sign a confidentiality agreement when given drafts of Government legislation. The confidentiality agreement precluded discussion of the Bill with anyone other than the Minister, the Chief Executive Officer of LISWA and the Ministry for Culture and the Arts. The contents of the Bill could not be discussed with Local Government.

The letter goes on at great length to detail the discussions that followed. The complaint is basically that after the Bill appeared in the Parliament, the association was able to say something about it, which it was fairly annoyed about. That was the conclusion I came to after reading this piece of paper.

I want to refer to a particular issue the association raises. We have had a great deal of discussion about how this legislation will not disempower the organisations which deal with the arts in Western Australia, but rather how it will provide safeguards and so forth. The minister may be convinced of this, however, the people concerned with various aspects of the arts do not seem to agree with the present minister on this issue. This response from WAMA refers to the power of the corporate minister and the ownership of the statewide library collection. It reads -

The Minister asserts that the current legal owner of the State Collection is the Library and Information Service of WA. Under the current legislation, the Library Board of WA is in fact the legal owner of the statewide library collection.

WAMA remains unconvinced that there are tangible benefits in transferring the ownership and control of the collection from a statutory, accountable Board to one person. The Ministry for Culture and the Arts has indicated that some "control mechanisms" will be put in place through the regulations.

These regulations have also been referred to in the second reading debate. The letter continues -

Until a meeting held with Ministry representatives on 4 March 1999, four months after the legislation was tabled in Parliament, WAMA was not even aware that there were to be regulations.

To be frank, terrible gaps have occurred in the consultation period and in discussions with stakeholders in this legislation. Is it any wonder that people are running round with conspiracy theories and expressing great concern? It sounds as though the very people who are the deliverers of culture and the arts in Western Australia are not being consulted about the legislation. I am not surprised at their rather terse tone in all of the memoranda they have sent to members of Parliament. The object of the Bill is to promote and facilitate an integrated system of public library and information services in the State. The partner, as we have described the Western Australian Municipal Association, in the delivery of that culture, in this case the library and information services, is not satisfied at all that the objects will be met by this piece of legislation. That much is quite clear.

Mr PENDAL: Picking up the minister's response to my last remarks, with the best will in the world I cannot accept that the Minister for the Arts is bringing about these changes in order to enhance the value of culture in Western Australia. It only leads me to the conclusion that he is creating, I am sure from his point of view with the best of intentions, a situation in which the position I described earlier about the Louis Allen and Percy Markham collections will be exacerbated, unlike the situation described by the Minister for the Environment who is handling this Bill. Mr Chairman, I know that you will not allow us to talk about the next clause, but I will quickly refer to it to make a point. My assertion is backed up by the fact that the minister is changing the statutory nature of the Art Gallery of Western Australia board, for example, which will become an advisory board. For generations we have relied on the Art Gallery of Western Australia board, in much the same way as we have relied on the trustees of the Western Australian Museum. The board's role will be downgraded to enable the minister's role to be upgraded.

I will put the scenario about the Louis Allen collection with regard to the powers of the minister. Eight or 10 years ago the director of the Art Gallery of Western Australia, Betty Churcher, was able after the event to take umbrage at the purchase of the Louis Allen art collection. At the time we had a statutory, independent Art Gallery of Western Australia board, which was also able to take certain views because of the statutory nature of its role. It had all of the powers at law of a statutory agency, which in the current Bill are described in clause 5. This legislation will remove that statutory base. This will also

have the effect of our never being able to attract quality people to sit on an advisory panel to the minister. Who will bother when they look at the current situation? To be a member of the Art Gallery of Western Australia board or to be a trustee of the Western Australian Museum and have a person's position enhanced in that statutory way affects the sort of people who are attracted to those tasks. I guarantee that if we reduce that to a position where people are merely giving advice on an advisory board, it may take five years to learn the folly of it, and within five years the calibre of those people will have dropped markedly. The calibre of those people is guaranteed with a statutory body because real prestige attaches to belonging to those statutory bodies. If we downgrade them, we will downgrade the sort of people who will be attracted. Nature abhors a vacuum, so who will take up the powers? Those will be exercised by two people - the director of the Art Gallery and, through the super agency, the minister. This will create a situation for the Louis Allen fiasco to happen again. That applies not only to the art gallery but also to all those other institutions. I cannot understand the Government's proceeding down this path, given its written policy promises in 1993, which were to bring about simplified methods of coordination between agencies rather than something that will cause the Government to rue the day it ever created it.

Mrs EDWARDES: I have not yet had the opportunity to receive WAMA's latest letter. Obviously the minister will respond to WAMA. It is one of the groups or organisations that the minister would be keen to meet to work through some of its concerns.

As regards the comments of the member for South Perth, the bodies are still statutory bodies. The minister cannot ignore them; he is required to fill them and so on. The information I have received is that the feedback to the minister from members of those boards and bodies is that they have expressed a level of keenness not to have the fiduciary responsibilities that at present encumber some of them individually. I reiterate, those boards are still statutory bodies and are not as portrayed by the member for South Perth.

Ms McHALE: The idea of the advisory boards still being statutory boards is a furphy because a statutory board which is set up under its own legislation has several key characteristics. Firstly, it is arm's length from the Government; secondly, it has independence; thirdly, it has the capacity for decision making; and, fourthly, it has financial accountability and responsibility.

Mrs Edwarde: You are referring to a different type of statutory body. To say that these are not statutory bodies is incorrect.

Ms McHALE: It is incorrect to the extent that an advisory board's statutory nature is given to it by virtue of the fact that it is enshrined in legislation.

Dr Constable: It is a sleight of hand.

Ms McHALE: Absolutely. Everything in an Act has a statutory basis because it is in an Act but in this case the statutory nature of the body stops there. I do not argue that they are statutory boards in one sense, but they have no statutory powers to make a decision or to be financially responsible. During the second reading debate I made clear what the Auditor General thought about statutory boards as opposed to advisory boards. The Opposition and the community outside this Chamber will not accept that these boards will be statutory boards in the way in which they are currently constructed under the legislation. It is sleight of hand, it is disingenuous, and it is stretching the limits of one's imagination to say that they are statutory boards.

The member for Perth talked about WAMA's position and the lack of consultation. While she did not explicitly invite the minister to comment on that, it was implicit in her remarks. I ask the minister to comment on the assertions made that there has been little or no consultation. This is entirely relevant to this clause. We are discussing an environment in which the development of culture can occur and in which the objects of the Act to promote the development of culture are realised.

I will read into the record statements that have been made about the lack of consultation. If I get the opportunity, I will comment in some detail about WAMA's concerns. Emeritus Professor David Tunley states -

As I understand it, such legislation takes away much of the independence of the major performing arts companies, art gallery, museum etc, giving absolute control of their activities to the Minister through his chief executive officer.

This is a common view held by others. He goes on to state -

Such a situation smacks of the old Soviet Union whereby a political 'supremo' had more control over the development of arts and culture in that country than did its practitioners.

That is the sort of environment that many believe will result from this legislation.

David Forrest, the secretary of the Association of Western Australian Art Galleries, said that the Bill was developed without the benefit of any public consultation or debate. In the subsequent light of the unanimous condemnation of its provisions by all informed and interested parties, they want the Bill withdrawn. He went on to say that the legislation violates the federally adopted convention of arm's length funding of the arts.

Dr CONSTABLE: I will make a brief comment in response to the minister's remarks about advisory boards and their

statutory nature. Of course, we cannot say that the new boards are not statutory boards; they are and they are listed and named in this legislation. However, that implies that they will have teeth and that they will be able to do something. The reality is that that is not true. They are there to advise the minister, but the minister does not have to take that advice. He is simply required to give an explanation to Parliament about why he did not take the advice, and it does not matter anyway. This is a big smoke screen or pretence that somehow we will have statutory boards doing wonderful things.

Mrs Edwardes: Do you agree that the corporate minister cannot do anything without reference back to these statutory bodies?

Dr CONSTABLE: That may be the case, but that does not matter at the end of the day. He can still do whatever he likes. He must simply explain himself away. What will we do once he has sold a collection or done something else?

Mrs Edwardes: What happens today?

Dr CONSTABLE: Those decisions are made by experts and boards.

Mrs Edwardes: What happened with the Markham collection?

Dr CONSTABLE: Boards are still answerable. There are real dangers in giving this power to a politician in a ministerial position, and I outlined those dangers yesterday. I wonder why we must go through this pretence. Let us accept the reality, which is that at the end of the day this corporate minister can do whatever he likes. That is where the dangers lie. Decisions will be taken out of the hands of experts; silly decisions will be made and collections will be bought without experts having any say. Silly decisions will be made by an enthusiastic amateur and there will be no real policy in the acquisition of artworks for the Art Gallery or in adding to the Museum's collections. There are real risks in all of this that are not recognised by the minister at the Table nor by the minister with responsibility for the arts. That is the issue we must address. It is being addressed by people who are concerned in the community - the David Tunleys and Sir James Carruthers of this world and others who have been very involved in the arts community for a long time. David Tunley's comments as quoted by the member for Thornlie go to the heart of where we are heading, and it is a very dangerous path to follow.

Ms McHALE: I will put on record the interjections from a number of the government members, who asked what is wrong with the minister's having that power or responsibility. If that is the government members' attitude, it encapsulates why the Opposition is so concerned about this Bill. They are saying that their understanding of the Bill is that the minister will have the power to do the very things we are saying he or she should not do. I refer members to the clause to which the minister referred and which provides that the Minister for the Arts must table the advice in Parliament. In most of the documents I have read, the last part of this clause is never mentioned. It provides -

If the Corporate Minister performs a function otherwise than in accordance with advice confirmed or revised under subsection (2), the Minister is to cause a copy of the text of the advice to be laid before each House of Parliament as soon as practicable after the Corporate Minister has performed the function.

I have read bits and pieces about that and most of the text excludes the words "as soon as practicable after the corporate minister has performed the function". It is never stated that that occurs after the minister has performed the function. It is then too late and the Opposition is concerned about that. The corporate minister must also present to Parliament a copy of the board's advice, but not why he or she has performed the function; he or she is not required to justify those actions.

Dr Constable: It is just a game.

Ms McHALE: That is not accountability for the decision made, it is presenting the advice. It does not give Parliament any clarity as to why the minister took that action. That is why we are concerned about this clause.

Mrs Edwardes: As a member of this place he can be questioned about that. We currently would not know what advice the board or the committee had provided. Under this legislation, we will know that.

Ms McHALE: That occurs after the event. It could be as soon as practicable, but there is no time frame. We have freedom of information legislation and could access board decisions. If a board is making bad decisions, the minister can sack it.

There is accountability there. I will also comment on the Markham collection. The minister, on behalf of the Minister for the Arts, held this up as one reason this legislation -

Mrs Edwardes: I did it in response to the member for South Perth in identifying a couple of previous decisions which had been of concern.

Ms McHALE: By giving that example, there is an assumption that it was a wrong decision.

Mrs Edwardes: It is the openness and transparency of the reasons behind the decision. In my response to the second reading debate, I said that we will never know that; whereas under this legislation if such a decision were made, we would know.

Ms McHALE: We would with freedom of information and there are other ways of dealing with that; we have a

parliamentary system in which we can ask questions with or without notice. We can challenge ministers' decisions, and we do so all the time. Using the Markham collection example does not substantiate why this Bill can be supported in any way.

Mrs Edwardes: No, it was not intended to. It was in response to the view put forward by the member for South Perth.

Ms WARNOCK: I will refer again to the most recent advice received from the Western Australian Municipal Association.

Mrs Edwardes: I have indicated that I have not had the opportunity to read that advice, nor has Mr Ellis Griffiths. It will not be something to which I can refer. As I indicated, obviously WAMA will be a group that the minister must continue to meet to work through its concerns.

Ms WARNOCK: I want to put this on record, however, because the clause refers to the objects of the Act; that is, "to promote and facilitate the provision of an integrated system of public library and information services in the State". As I indicated earlier, obviously half of that partnership is not convinced that it will happen. The tone of the reply suggests that local government is annoyed because not only was it not consulted, but also it seems to be a lesser partner under this arrangement. I refer to the Libraries Council of WA section of this memorandum, which states -

The Minister indicated that the Libraries Council will be an advisory body to the State Government on matters which have previously been determined without Local Government input.

The only body which currently exists to provide policy direction on public libraries is the Library Board of WA which contains five Local Government representatives. It is therefore inaccurate to state that the State Government currently determines public library matters without Local Government input.

Given that the Libraries Council of WA is seen as advising the Minister on the State Government policy direction of WA's public library service, it remains to be seen how Local Government, the other partner in this equation, will have input into the setting of policy direction of the library service.

This indicates the view of the library service about this new legislation. It continues -

If this is a partnership arrangement, surely both partners should have equal opportunity to determine the future of the public library service in WA. The Culture, Library and the Arts Bill does not provide this opportunity, particularly as Local Government cannot even directly nominate its own representatives onto the WA Libraries Council.

That is this group's core objection to the section on the objects of the legislation which will encourage a better arrangement in terms of the culture and the arts generally, and specifically, in this part of the clause, about libraries. The Government must have a long conversation with the WA Municipal Association about the way libraries will be run under the Act because it is clear that it is not in agreement with what the Government is suggesting and, to use the euphemism, is cheesed off that it has not been consulted in the way it thinks appropriate.

Mrs EDWARDES: My understanding is that it has equal membership. There are seven members with an independent chair, and it has three of them. I do not see the point WAMA is making because essentially it has equal partnership in that membership. The other issues that it refers to is that the Bill provides for an agreement to be entered into; therefore, the current arrangements will exist. When a new agreement is entered into, many of the issues it has raised can be incorporated. It is obviously a group with which the minister must continue to work through some of those concerns.

Ms McHALE: What the minister has just said has given me a great deal of hope. She understands the current provisions of the Library Board of Western Australia Act. What she said supports WAMA's concerns. It has representation on the library board by virtue of the Act. It has a partnership, because that partnership is built into the Act. The current Act goes further in terms of the funding provisions. WAMA's concerns are about the Bill, the lack of a clear partnership and even about the representation of local government on the board.

Mrs Edwardes: I do not understand its concerns because, as I understand it, it has a minority position now; whereas under this Bill, it will have a partnership position.

Ms McHALE: Does the minister mean equal numbers when she refers to partnership?

Mrs Edwardes: Three and three, with an independent chair, which is not the case at the moment.

Dr Constable: That amounts to three out of seven.

Ms McHALE: That is not a majority.

Mrs Edwardes: It is three-three, with an independent chair.

Dr Constable: Seven members, and it has three.

Mrs Edwardes: It has less at the moment than it will have under the Bill.

Ms McHALE: We will scrutinise that carefully when we deal with the repeal of the legislation covering the Library Board and the insertion of the Libraries Council. Will the minister comment on why her ministerial colleague required people who had access to the Bill to sign confidentiality clauses or agreements?

Mrs Edwardes: I do not have that information and I have not had a chance to speak with the minister about it following the point made by the member during the second reading debate.

Ms McHALE: Will the minister comment on how that type of approach or behaviour could cause concern within the arts communities?

Mrs Edwardes: It is not for me to comment on something that my ministerial colleague has done. I do not know what occurred, what was required or how that came about; therefore it would be wrong of me to comment.

Ms McHALE: I will put on record a number of actions that were taken and the communications between WAMA and the minister or his office. The minister asserts that the legislation follows exactly what was discussed with the WAMA executive. The WAMA executive has done a search of the minutes of its meetings from April 1997 to February and that indicates no record that either the minister or the director general of the ministry addressed the WAMA executive on the legislation. In September 1998 a facsimile was sent to the ministry following discussions between the executive director and the minister's representative. The executive director was advised that the ministry was not aware of local government's interest in the legislation. WAMA was told that the minister thought that it had no interest in the legislation. I find that astonishing. In September 1998, as a result of the minister becoming aware of local government interest in the issue, a draft of the Bill was sent to the executive director. He was required to sign a confidentiality agreement which precluded discussions on the contents of the Bill with local government, the WAMA executive or public library stakeholder forums. In December 1998 concerns were expressed to the minister and the director general regarding the fact that the Bill had been second read in Parliament and that WAMA obtained that information two weeks after the legislation was tabled, which was in October. In February 1999 the minister was provided with details of local government's position on the Bill and the fact that it was the first opportunity that local government had to view the Bill.

Dr CONSTABLE: I have been following very closely the comments of the member for Thornlie. I would like to hear what she has to tell us.

Ms McHALE: A major stakeholder was not consulted on the drafting of the Bill and it did not have a real opportunity to have an open discussion. Constraints were put on the executive director when he saw the Bill. I ask the Minister for the Environment to respond to those concerns. They are an indictment of the way in which the Bill was managed. It replicates what others have felt. It would be worth putting on the record a response to that. I am sure the Minister for the Arts will want to respond directly to the view that he has not consulted on the Bill.

Mrs EDWARDES: It is important to allow the minister to respond to the comments that have been made by WAMA in its letter. Given that it appears to have been circulated only today, we have not had an opportunity to address or look at the letter. When he has seen it I will then bring his response to the Committee.

Clause put and a division taken with the following result -

#### Ayes (26)

Mr Ainsworth	Dr Hames	Mr Masters	Mr Shave
Mr Barnett	Mrs Hodson-Thomas	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Mrs Holmes	Mr Minson	Mr Tubby
Mr Bloffwitch	Mr Johnson	Mr Nicholls	Dr Turnbull
Mr Bradshaw	Mr Kierath	Mrs Parker	Mr Wiese
Mr Day	Mr MacLean	Mr Prince	Mr Osborne ( <i>Teller</i> )
Mrs Edwardes	Mr Marshall		

#### Noes (18)

Ms Anwyl	Dr Gallop	Mr Marlborough	Mr Riebeling
Mr Brown	Mr Graham	Mr McGowan	Mr Ripper
Mr Carpenter	Mr Grill	Ms McHale	Ms Warnock
Dr Constable	Mr Kobelke	Mr Pandal	Mr Cunningham ( <i>Teller</i> )
Dr Edwards	Ms MacTiernan		

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#### Pairs

Mr Court	Mr McGinty
Mr Cowan	Mr Thomas
Mr Omodei	Mrs Roberts

**Clause thus passed.**

**Clause 4: Definitions -**

Ms McHALE: The clause clearly sets out the definitions of some of the key terms that appear in the Bill, as a definition clause usually does. It refers to the Art Gallery Advisory Board, the corporate minister and gifts and it clearly delineates private libraries from public libraries, which is fine. It also introduces the concept of a museum council as opposed to a board of trustees. Interestingly, it also refers to the Western Australian Municipal Association. On the definition of "advisory body", I seek from the minister some background as to why the Minister for the Arts decided to remove the statutory authority nature of the boards and to reduce them to advisory boards. Why did he decide to remove financial responsibility from the boards? The Minister for the Environment told us that some board members were happy to relinquish financial responsibility. Will she elaborate on that? Were they Art Gallery members or were they members of several boards? What discussions took place to elicit such a response? Did it occur in the context of the Bill or of another issue? It is important to understand the logic, the justification and the discussions that emerged in determining that it would be an advisory board as distinct from a statutory authority board. The decision was made to make it an advisory board rather than a statutory authority board, giving it financial responsibilities and so on.

**Progress reported and leave granted to sit again.**

**CANNINGTON BREAST SCREENING CLINIC - VISIT BY MINISTER FOR HEALTH**

*Statement by Member for Southern Rivers*

**MRS HOLMES** (Southern River) [12.50 pm]: At my instigation on Friday 12 March, the Minister for Health, the member for Darling Range, attended the Cannington breast screening clinic to see its facilities first hand and to meet the staff and some of the women from the southern suburbs who use the clinic.

Although his visit had been arranged for some time, it was very timely as the minister was able to confirm that Breast Screening WA had been awarded the tender to run the service for the next three years, with an option to renew. This means that the staff and women who use this clinic can now do so in the certainty that this valuable preventive measure will continue to operate at its current venue. It was the first time the minister had been to a breast screening clinic and he was most interested to see what goes into providing this much needed service. He also said that he was very impressed with the professionalism of the staff who run the clinic.

The Cannington clinic has just celebrated its tenth anniversary. To mark this occasion the visit concluded with everyone sharing a birthday cake. This marks the culmination of much lobbying by me combined with dedication and hard work by the women in the southern suburbs. We are determined to retain this excellent facility in our area. The reason for our determination can be summed up perfectly by the old saying "prevention is better than cure".

**PORT KENNEDY DEVELOPMENT - FLEURIS PTY LTD**

*Statement by Member for Peel*

**MR MARLBOROUGH** (Peel) [12.52 pm]: The Port Kennedy development in my electorate was first approved in this Parliament in 1992 under very strict environmental and planning conditions. Since the change of government, Fleuris Pty Ltd, the proponent of this development, has taken the whole of the development behind closed doors; in other words, for the past four or five years any arrangements with the Government into which Fleuris must enter concerning this project, which is seen as a holiday resort, including golf courses, etc, have been negotiated in secret behind a veil.

This secrecy is causing a great deal of controversy in the local area. I have deliberately left the development alone for the past six years because I did not want to see any opportunity it had to grow hindered. It is obvious that Fleuris is incapable of taking this development to its conclusion and that the community can no longer stand the secrecy attached to it. I call on the Government to open up the process and allow the community to see that the standards that were demanded are being met by the Fleuris group of companies and, if not, that it withdraw from the project.

**HEROIN TRIALS**

*Statement by Member for Collie*

**DR TURNBULL** (Collie) [12.54 pm]: I alert the Parliament and the Government to the problem of addiction. In Collie last week a lovely young woman stopped me in the street and said, "Hilda, when will you be delivering my new Holden ute?" Severely startled, I stammered, "New Holden ute?" "Yes", she said, "I am addicted to new Holden utes; if they are going to be giving out something that the heroin addict loves and cannot live without; I want my new Holden ute." I questioned her more closely and she said that, tragically, she had been closely involved with a number of heroin addicts. She said, "I must tell you that people who have tried to kick the heroin addiction have failed because they love heroin. They will not be able to get off heroin if you give it to them."

I do not support a heroin trial. I strongly support the naltrexone program that the minister indicated he supports in question time yesterday; that is, that naltrexone should be available on the pharmaceutical benefits schedule. I will lobby the Commonwealth Government to do that, and I urge the Health Department to ensure that a support program and financial backing exists for the naltrexone program.

### **SMALL CLAIMS TRIBUNAL - ABOLITION**

*Statement by Member for Armadale*

**MS MacTIERNAN** (Armadale) [12.56 pm]: I take this opportunity of expressing my outrage at government plans to abolish the Small Claims Tribunal, which is perhaps one of the most important instruments of consumer protection in this State. It was introduced by a Liberal Government in 1974, in the days before the Liberal Government fell under the control of spivs and snake-oil salesmen. I have previously highlighted in this place the role of Mark Dale, now the President of the Australian Young Liberal movement, in bringing about this change in Liberal Party policy. Members might recall that along with his friend, Simon Erinfeld, Mr Dale was employed in the notorious Subiaco Computer Warehouse, an outfit subject to numerous consumer actions and which was eventually named by the Commissioner for Fair Trading.

We have also learnt that Geoffrey Prosser, none other than the federal member for Forrest, has been pushing the cause of abolition in Liberal Party circles. He has been heard railing against the Small Claims Tribunal, describing it as a two-bit kangaroo court. We understand that over the years Mr Prosser's businesses have been on the receiving end of the tribunal's claims. It seems clear that self-interest of a couple of Liberal Party operatives with questionable consumer relations will ensure an elimination of this enormously effective body.

The establishment of the tribunal has meant that every year thousands of consumers have been able to have their cases heard in a very informal user-friendly system. Actions have been taken against lawyers, doctors, insurance companies, airlines, banks and small businesses. We should also be aware that it is not a one-sided operation and through the mechanism of reverse orders, many traders have received positive outcomes.

### **ROAD DAMAGE - MINOR SHIRE ROADS**

*Statement by Member for Vasse*

**MR MASTERS** (Vasse) [12.58 pm]: With only one week to go to the start of the Easter period it is important that I once again remind members, especially the member for Perth, of the need to encourage the consumption of chocolate Easter bilbies rather than Easter eggs or bunnies! The fertility symbolism that is represented by the rabbit is inappropriate for Australia. It is highly desirable that we remember who and where we are and eat lots of Easter bilbies next week!

On a more serious note, I refer to damage to minor shire roads caused when trucks take Tasmanian blue gum woodchips or logs from private farm plantations to a chip mill or to a port. Last December the Minister for Local Government and I attended a workshop which explored this issue. We were told that the tonnage of woodchips or woodchip logs to be carted on shire roads was equivalent to at least 10 times the volume of any other commodity that the same farm would have produced over the 10-year life of the plantation and that this huge volume would be carried not over 10 years but over just a few weeks. It is therefore clear that damage to shire roads can be extreme. I understand that in the past week the Shire of Busselton sought an up-front payment of \$10 000 prior to giving approval for a plantation and the Shire of Boyup Brook is investigating whether plantations can be subjected to differential ratings so that the cost of road maintenance can be recouped prior to harvest. The State Government must examine this issue as a matter of great urgency.

### **MINGGA PATROL - ROEBOURNE**

*Statement by Member for Burrup*

**MR RIEBELING** (Burrup) [ 12.59 pm]: I bring to the attention of this House the destruction of the Mingga patrol in Roebourne, which was designed to pick up people who were affected by alcohol and take them to safety rather than have the police lock them up. This service closed down as a result of the inappropriate funding regime put in place in December this year and has not recommenced. The service assisted approximately 15 000 people to safety without involvement of the police.

This service is not being defunded as a result of its inappropriateness. Senior Sergeant Chris Burgess, who is in charge of the Roebourne police station said, "I started the first patrol in Western Australia in Broome back in 1992 and the Mingga Patrol is the best I've seen. It has really helped to clean up Roebourne." The Government's action in defunding this patrol has made the role of the police in Roebourne much more difficult and has put in danger the people whom the entire system was established to protect. I hope that the announcement made by the minister in response to the member for Kalgoorlie's inquiry flows on to the Mingga patrol and that the group is re-established.

*Sitting suspended from 1.00 to 2.00 pm*

**[Questions without notice taken.]**



**LEGISLATION COMMITTEE***Court Security and Custodial Services Bill, Papers Tabled*

**MR PRINCE** (Albany - Minister for Police) [2.35 pm]: In the Legislation Committee a number of papers and documents were produced, but because of our standing orders they were not able to be tabled in that committee. Consequently, I seek leave to table the following documents -

- (1) Ministry of Justice and Western Australia Police Service - Request for Proposal No 1 1998 Volumes 1, 2 and 3;
- (2) CCA Training Management Plan for Adult Custodial Care Course Level 3;
- (3) Police/Justice Core Functions Project explanatory note attached to CCA Training Management Plan;
- (4) Police/Justice Core Functions Project advice re training requirements of contractor's staff;
- (5) State Training Board of Victoria - Registration Certificate 1154 - CCA Registered Private Provider;
- (6) Police/Justice Core Functions Project - Model Development Paper, May 1997;
- (7) Statement - Model Development Paper;
- (8) Wage Comparisons - CCA Officers, Prison Officers and Police Officers; and
- (9) Court Security and Custodial Services - Indicative Contractor's staff numbers.

[See papers Nos 828 to 838.]

**PARLIAMENTARY COMMISSIONER RULES***Council's Message*

Message from the Council received and read requesting the Assembly's concurrence in the Parliamentary Commissioner Rules 1998.

**MARKETING OF MEAT AMENDMENT BILL***Returned*

Bill returned from the Council without amendment.

**STATE FORESTS - REVOCATION OF DEDICATION***Assembly's Resolution - Council's Concurrence*

Message from the Council received and read notifying that it had concurred in the Assembly's resolution regarding the proposal for the revocation of state forest No 70, and partial revocation of state forests Nos 22, 38 and 65.

**SCHOOL EDUCATION BILL***Committee*

Resumed from 24 March. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Mr BARNETT: I move -

That amendment No 22 made by the Council be agreed to.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 23 made by the Council be not agreed to.

Proposed amendments 22 and 26 tend to underline the rights of parents to educate their children at home. This legislation specifically recognises home education as a form of education and provides an administrative process for it. As foreshadowed in the second reading speech, the legislation will also allow a panel to provide policy advice on issues related to home education. However, it is the Government's view that this amendment, and indeed amendments Nos 24 and 25, would tend to limit or undermine the right of a parent to express a desire to register as a home educator. As the amendments the Government is agreeing to acknowledge the rights of parents, in its view these amendments are unnecessary.

Mr RIPPER: These amendments were not initiated by the Labor Party. They came out of the committee's review of the legislation in the other place. They may well have originated with the Greens (WA). The point the mover of the amendments was attempting to make was that if parents can deliver an education of an appropriate standard, home education should be seen as the right of a parent. The mover of the amendments wanted to reinforce that by replacing the concept of application with one of notification when a parent sought to exercise the right to educate his child at home. It is a matter of the message which is sent to people. The scheme of the legislation is not really changed if the word "notification" replaces the word "application"; the department will still have the power to prevent a parent from educating his child at home if the education will not be of the required standard. However if the word "notification" is used, the Bill makes a gesture to the right of people to educate their children at home. It is not necessary for the Government to reject these amendments. It could make that gesture without in any way jeopardising the scheme of its legislation. Perhaps the minister should reflect on whether he really needs to stick to his declared opposition to these amendments.

Mr BARNETT: Yes, because they are superfluous. We are aiming to keep the Bill as tidy as possible and these amendments are not needed and should not be there.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: For the same reason I move -

That amendment No 24 made by the Council be not agreed to.

Mr RIPPER: The same arguments apply to this and the next amendment. The amendments proposed by the upper House do not make a substantial difference to the practicalities of the operation of the legislation. However, they impact on the sensibilities of people interested in home education. They send a message to people interested in home education that Parliament welcomes the option of home education where it can be exercised in the best interests of the child.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: For the same reason I move -

That amendment No 25 made by the Council be not agreed to.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 26 made by the Council be agreed to.

This amendment is to delete the words "make an application for registration" and substitute "be registered". It is designed to reinforce the right of parents to educate their children at home and the Government accepts the amendment.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 27 made by the Council be not agreed to.

This is a similar argument to the one I stated previously. The amendment was to delete the words "the application is to be made" and substitute the words "notification is to be given". That becomes redundant and unnecessary. Therefore, the Government disagrees with the amendment.

Mr RIPPER: The Government probably could have moved these en bloc because the same argument applies. The Opposition believes that if the Government really wanted to reinforce the right of parents to educate their children at home, it could have done so without any damage to its other objectives and accepted amendments Nos 22 to 28 but it has accepted only two. This is an excessively rigid approach on the part of the Government but it is the approach it has decided to adopt.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: For the same reason I move -

That amendment No 28 made by the Council be not agreed to.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 29 made by the Council be not agreed to.

This amendment moves on from home education to the issue of school closures. Amendment No 29 seeks to insert after the word "determines" the words "in accordance with the regulations for the purpose of this section". This subclause was drafted as a means of exercising caution in the use of discretionary powers relating to school closures. Clauses 57 and 58

require the minister to undertake community consultation about any proposed school closure and it is considered that any further requirements in that regard are unnecessary. In its present form this amendment provides no real guidance as to the nature and contents of the proposed regulations. Clauses 57 and 58 deal with school closures and require consultation and put obligations on the minister. The amendment is not necessary at this stage of the Bill.

Mr RIPPER: The amendment to clause 56 will allow the minister to keep a school open even though its numbers have fallen to an extent that would otherwise result in the reclassification or closure of the school. Clause 56(4) gives the minister discretion not to close a school when there are significant educational or social reasons for not complying with the subclause that would cause the closure of the school. The Opposition was concerned that there should be objective decision making on these sorts of matters. We can imagine a minister making an essentially political decision because the school that would otherwise have been closed happened to be in a marginal electorate. In order to reinforce that the decision making should be objective, the Opposition moved this amendment in this Chamber and it was supported in the other place. It is not a matter of huge moment, because the clause allows the minister to keep schools open, which is probably more in tune with what the community wants. However, we thought that the discretion was excessively broad and might be exercised unfairly without some regulations to guide the minister as to what sort of matters should be taken into account other than which party holds the relevant seat and how marginal it is.

Mr BARNETT: The effect of this amendment would perhaps be to limit the discretionary powers of a minister of the day to leave a school open. The member opposite suggests that might be politically motivated, and that can occur. From my experience, there have been circumstances - politics aside - where a judgment can be made, and it is often subjective, about whether a school should survive because of a social, cultural, community or historic reason. A minister of the day needs that discretion. If these amendments were accepted, they would allow for that discretion, but it would be defined by way of regulation. That is not necessary. To some extent the responsible minister of the day must have some subjective powers, and should be able to exercise those. I am not sure what is the motivation for this amendment. In some areas it is assumed that ministers use this power to keep open small country schools. That is probably where the issue arises. However, there are people in the education sector who would argue the minister should not have that discretion. They believe if we close a small city school, why not close a small country school. There are different circumstances and the minister must be able to judge that. It is proper that the clause stay as originally drafted and the discretion not apply unless the minister determines there are significant educational, economic or social reasons for not complying with that subclause. It is important to have discretion. Ministers make decisions either to close schools or to leave them open where other circumstances may indicate the opposite. The minister should be bound to give some explanation of that decision. As long as that happens, that is accountability. I would hate to see a minister denied any discretionary powers.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 30 made by the Council be not agreed to.

Clause 57 relates to the conditions in the consultation process in school closures. It enables any matter to be canvassed if necessary. By inference this amendment is not necessary. This Bill requires consultation in any decision about a school closure. It specifies that the types of reasons are understood, but other extraneous factors could come into a decision to close a school, and the Government does not think this amendment is necessary.

Mr RIPPER: The legislation provides for consultation on the administrative consequences of the closure of a school. People can be consulted about alternative arrangements for the enrolment of students; about the provision of educational programs for students who are affected by the proposal; about what will happen to the assets of the school that is closed; and there is a catch-all clause that says "any other relevant matter". However, people want to be consulted about whether the school should close in the first place. Whenever the Government proposes to close a school people first want to talk about the effect on the community and the social and economic reasons the school should be kept open. It is only after they have discussed those issues that they want to talk about what will happen if the decision to close the school is made. Without the amendment the very matters people want to talk about when the Government announces its intention to close a school are not included in the list of things about which there will be consultation. It seems to be an inadequate description of consultation if it does not include the matter which most interests communities when schools are listed for closure.

The minister has been through the local area education planning process in the western suburbs of Perth and in the south eastern metropolitan corridor. He is now going through the consequences of the process in Bunbury. By now the minister and the department should realise that people are not interested in talking about the administrative consequences of the school closure. They are first of all interested in whether it should happen at all and the educational, social, economic and community arguments there might be for keeping a school open. I cannot understand why that matter, which is what people will want to talk about in the consultation process, cannot be in the legislation. If the minister tries to hold back people from talking about these issues, he will not be successful. They will regard the consultation process as illegitimate unless they can talk about these matters.

Mr BRADSHAW: I have experience of schools closing in my electorate. In one sense they have been sad affairs; in another sense they have shown that the system works rationally. I have found that the minister of the day has been prepared to listen to people's concerns about school assets. I have not found the past process to have had a detrimental effect on the community, and I know that will not change in the future because ministers are generally responsive to those communities. I realise that school closures are sad affairs, as we saw when the Bengier and Roelands schools were closed for various reasons. Both those schools were handed over to local shires, because that is what the communities requested. This amendment is not necessary; it is not reasonable. It is important for the minister to have the right to look at closures in a rational way. The closure of a school is an emotional time. My experience is that the minister has been responsive to community requests, as I am sure will future ministers.

Mr BARNETT: Clause 57 states that a minister who proposes to amalgamate or close a school must consult. It does not preclude a minister from having wide consultation about the broad structure of schooling in an area and about whether a school should be amalgamated or closed; and that is partly incorporated in the local area planning process.

Mr Ripper: The legislation is silent on the sort of consultation that may occur but specific on the administrative arrangements. It does not seem to me to reflect the right priorities.

Mr BARNETT: Subclause (2)(d) provides that any other relevant matter may be considered.

Mr Ripper: I accept that it might be interpreted to include the sort of consultation for which I am arguing, but it should be explicit in the legislation.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 31 made by the Council be not agreed to.

This amendment proposes to add an additional clause which provides that consultation about the proposed amalgamation or closure of schools is to be carried out by the minister in accordance with the regulations - in other words, it implies a new set of regulations - and may in addition be carried out in any other way that the minister thinks appropriate. This amendment essentially seeks to predetermine the consultation process. I do not believe we can prescribe a consultation process that will fit all circumstances. The recent examples of local area planning have been quite diverse -

Mr Ripper: That is one way of describing it!

Mr BARNETT: It is currently diverse in Bunbury; and it was diverse in Albany three years ago, but there now appears to be a great deal more congruence in the Albany consultations. This amendment is unnecessary, and to try to prescribe the form of consultation that will be required is over-legislating, to put it bluntly.

Mr RIPPER: This amendment was made in response to clause 57(3), which states -

The Minister may consult for the purposes of this section in any way that he or she thinks appropriate, and the Minister's decision on the manner of consultation is not liable to be challenged, reviewed or called in question by a court.

In other words, the minister has complete discretion, unfettered by any review, with regard to the consultation process. The minister might telephone the president of the parents and citizens association and say, "I am closing down the school; what do you think?", and the president of the P & C might say, "We do not agree with that." The minister might then say, "That is fine, but my opinion has not changed", and that would be the end of the consultation and no-one could do anything about it. I am sure that this amendment was moved in response to the fairly extraordinary provision that the method of consultation cannot be challenged, reviewed or called into question by a court. People today want greater protection of their right to be consulted. It is for that reason that the amendment seeks to delete subclause (3), which gives the minister complete discretion to decide on the method of consultation, and to substitute a set of regulations which will provide a minimum set of standards for the consultation. The minister will be able to exceed that minimum set of standards if he wishes. For example, the minister has a set of minimum standards for local area planning, but he is able to intervene and appoint an independent mediator to assist in a situation such as at Bunbury, where some of the parents walked out of the meeting because they were not happy with the way in which the committee was operating. The choice here is between ministerial discretion which is unfettered and not subject to review, and a set of minimum standards for consultation. People today are becoming increasingly demanding about their right to be included in community decision-making, and that is a matter to which this Parliament should respond.

Mr TUBBY: Under the 1928 Act, the minister had the right to close any school at any time. This power was upheld in the Supreme Court when the Leader of the Opposition was the Minister for Education, and involved Carmel Primary School. The Government has tried with this legislation to maintain the right of the minister to close a school, and for that decision not to be questioned in any court in the land. However, as the member for Belmont said, times have changed, and parents

and communities now demand to be consulted when permanent decisions are made to either amalgamate or close their local school. We have tried to put into the legislation the concept that the community should be consulted. However, we do not want to tie up that process by giving a community which believes inadequate consultation has taken place the right to access the courts to try to overturn that ministerial decision. The amendment proposed by the Opposition will reverse what the Government has tried to do; namely, to give the community a say about what happens with its local school. The community has never had the right to overturn a ministerial decision, and this legislation does not give it that right. It is the minister's responsibility and right. We have provided that the minister should consult the community. It is up to the minister and the Government of the day to determine the extent of that consultation, without tying the minister down with unnecessary regulation and legislation which can give communities access to the courts via the back door to try to overturn the minister's decision. It is a fine line, and I hear what the member for Belmont is saying, but we got it about as good as we are likely to get it in this legislation.

Mr RIPPER: I make it clear to the member for Roleystone that the Opposition-supported amendments are not designed to take away from the minister the responsibility for schools. In the end, the minister must be accountable for the operation of the education system, and the minister and his colleagues must explain to the public why certain taxes need to be raised and how they are being expended. The buck must stop with the minister. However, the community does want to be consulted, and it wants to have certain guarantees of consultation which this legislation does not provide. The Bill states that there will be consultation, but the form of consultation will be at the discretion of the minister and will not be subject to review, so a cavalier minister - some names come to mind - may ride roughshod over the community.

I will give an example of one that comes to mind, not from the education arena. The former Minister for Transport put a median strip down the middle of Great Eastern Highway in my electorate. I give him some credit as he did it about a month before the election, which was most useful in my campaign, and I am grateful to him for that. However, after putting in the median strip, when all the businesses found that their customers could not turn right into their premises, the minister began a consultation process. The owners of those businesses said to me it was the fastest they had seen any public sector organisation construct anything. That is the type of consultation we would not like to see occur on school closures in the education sector. Most ministers, irrespective of party, would probably be reasonable about the consultation process on this issue. However, some would behave in a cavalier fashion and would not be constrained by the legislation.

Mr BARNETT: I thank the member for Roleystone for his contribution. The whole thrust of this legislation is to require consultation in review and panel processes. Again, we do not believe this is an appropriate clause because it defines a consultation process, or tries to set up a regime to define one, and that is not practicable. There is an obligation to consult and the reality will be that the minister of the day will do what he or she thinks is appropriate. The clear thrust of the legislation is that consultation should be genuine and in the modern world in which we live that is the reality.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 32 made by the Council be agreed to.

The purpose of this amendment is to delete subclause (3) of clause 58. That clause relates to the permanent closure of schools. Subclause (3) effectively exempted the minister from giving detailed reasons as to why he may have closed a school in exceptional circumstances. Obviously, as subclause (2)(b) shows, a minister may close a school if he is satisfied that the majority of parents of students are of that opinion or if there are exceptional circumstances. The original subclause (3) then effectively excused the minister from having to explain why he closed the school, presumably in the case of exceptional circumstances. On reflection, the Government agrees that is unnecessary. It is reasonable that the minister, no matter what the circumstances, should be required to give some explanation. I can think of a couple of exceptional circumstances. One was Barragup school which was eaten by white ants and the roof collapsed. That was clearly an exceptional circumstance and the school had to close. Another example was Port Hedland Primary School. Although a decision was made to amalgamate, if not in my time, indeed in the not too distant future, a minister would have been faced with closing that school on safety grounds because of concrete cancer. There may be other circumstances which members can imagine. A site could be found to be contaminated and all types of issues could occur. I can see no reason why, faced with an exceptional circumstance no matter how unusual it might be, a minister should not properly explain to the community why that decision was made. We therefore agree to the amendment which deletes subclause (3).

Mr RIPPER: The Opposition is pleased that the arguments which it put in both the lower and upper Houses have been accepted by the minister. This subclause relates to the powers of the minister to close a school without going through the normal consultation and notice periods provided for in the earlier clauses. There were a number of grounds on which the minister could close a school without going through the previously prescribed procedures. The subclause to which we objected stated -

The Minister may satisfy himself or herself as to a matter mentioned in subsection (2)(b) in any way that he or she thinks appropriate, and the Minister's decision on the matter is not liable to be challenged, reviewed or called in question by a court.

I am pleased that the Government has decided to delete that subclause which effectively meant there would be no check or balance on a minister's decision to close a school in so-called exceptional circumstances without the required period of notice and without going through the otherwise prescribed consultation procedures. Therefore, the Opposition counts this as progress in the Government's handling of the Bill.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 33 made by the Council be not agreed to.

In moving this motion I foreshadow that the Government will move substitute clauses. This portion of the Bill relates to local intake schools. It is a point of difference between the Government and the Opposition and one of the more noteworthy policy issues in the legislation. The philosophical position of the Government favours the absence of school boundaries. That is consistent with one of the objects of the legislation which is to give parents and students a wide choice between schools and to encourage schools, particularly at the secondary level, to develop specialties. For instance, a school may become a performing arts school while others may become science based or sports or music based. This makes it easy for the students to develop their specialties and for parents and students to select a school across a range of schools which are reasonably accessible. It is seen as being less important at the primary level, although I am conscious that in some of the more rapidly developing new areas of Perth and in regional centres, a legitimate concern can arise about the pressure of numbers in schools.

The Government proposes not to accept the amendments on local intake in this section of the Bill but, rather, to propose some amendments in a subsequent section which relate to giving priorities to local children. The approach we suggest will remove the boundaries where possible and where there is pressure from local students; in other words, enrolments can run up to or beyond the capacity of the school. We will move amendments to the enrolments clauses which will guarantee priority to local students. That was always the intention of the Government but it will be made more explicit in clauses 79 and 80. I hope that will satisfy the Opposition. The broad thrust is that we want freedom of choice; we recognise that where there is pressure on boundaries, local students should be given priority; and that is an acceptance of part of the position put by the Opposition.

Mr RIPPER: The minister is correct in saying that this has been one of the most interesting policy issues in this legislation. There has been a perceived difference between the approaches of the Government and the Opposition on this matter. The Government has emphasised the notion of parental choice; the Opposition has emphasised the importance of schools as local community institutions. The Opposition is not opposed to parents exercising a choice of the government school which their child will attend. The Opposition believes that the most important choice that parents will want to make, and the most popular option for parents when they make that choice, will be to enrol their child at the nearest government school. The Opposition does not want to see people exercising their choice to enrol children at popular schools which might have the unintended consequence of preventing other people from exercising their choice to enrol their child at that nearest government school which happens to be popular with people from outside the local area.

We were concerned that with the legislation as it stood a local child might not be able to get into a local school because that school was flooded with enrolments from outside the local area. The way we saw this being handled was to stop the Government from using the provisions of the legislation to declare only a small number of schools as local intake schools and to require the Government to declare all schools to be local intake schools and to declare a local intake area for each school. The Government said that we were requiring every school to have a boundary which would be an onerous administrative burden. We were not interested in boundaries for the sake of them or extra administrative work for the sake of it. Our priority was to ensure that a local child could get into the nearest government school without being crowded out by students from outside the area. After some discussion between the minister and me, the Government agreed to insert a clause into the enrolment provisions for non-local intake schools, specifying that in the advent of some conflict over places in a school, priority would go to the child who lived closest to the school. That goes a long way to answering our objections and towards providing a substitute for the other place's amendments which we are now considering.

Some differences still exist between enrolment arrangements for local intake schools and those for non-local intake schools. I would appreciate the minister making some comment on this: With regard to local intake schools, the way the clauses are worded means that accommodation or availability of places does not seem to be an issue. If there is a local intake school and children live within the boundaries of the local intake area, they have an entitlement to go to that school. Presumably if more children exercise that entitlement than expected, the Government must come in with demountable classrooms and provide the additional places; whereas the effect of the Government's compromise amendment for enrolment at non-local intake schools is that within the availability of places, priority will go to those children who live closest to the school. Presumably children could live close to the school but if there were no places available, they would have to go elsewhere; whereas if it is a local intake school and they live within the intake boundary, they have the right to go there and the Government must respond by increasing the availability of places or increasing classroom accommodation. Generally speaking, we have reached a constructive solution to the differences that have arisen between the Government and the

Opposition on this issue, but some of the people to whom I have been speaking outside the Parliament are still a bit concerned about this difference, to which I have just drawn attention, between local intake schools and non-local intake schools.

Mr TUBBY: I support what the Government is doing but basically it is unnecessary. It is a management issue at the local school level. Schools are already doing it. In the Cannington district for instance the high schools had no boundaries last year and will not this year. Every application that was put forward was simply approved. The principals managed it. Kelmscott Senior High School has a very good reputation and students from all over the metropolitan area go to it. It has many excellent programs and terrific facilities, great staff and a great principal, so naturally it attracts students from a wide-ranging area. As it is close to the railway line, students can come in on the train. The principal there simply reserved some places.

I had a complaint from a parent a few days before school broke-up at the end of last year. He did not live in my electorate but in the Armadale electorate and in the Armadale Senior High School's natural catchment area. He wanted to send his child in year 8 to Kelmscott Senior High School. The principal said that he was sorry but the school had no room at that stage because it must reserve eight places in year 8 for students in the natural local intake area who may go in over the Christmas holidays and say that they wished to attend the school. As a result of the long period he had been there, the principal knew that to reserve eight places would be more than adequate. All he could tell the parent was that at the beginning of the next year, two or three days into the first term and once the new enrolments had gone in, if a vacancy still existed, the parent would be the first cab off the rank with his son. This was not satisfactory to the parent. His view was that because the school had perceived vacancies for the beginning of the next year and his son was first on the list, he wanted some security and his son wanted the knowledge that he would be going to that school next year. He said that he did not want to live in limbo for five or six weeks. I said that I sympathised with his point of view but that my opinion was the principal had done the right thing. He must keep some places available. If somebody went into the area, bought a house near the Kelmscott Senior High School, and had a student in year 8, he would naturally assume that his child would go to that school. If the parent rocked up to the school and the principal said that the school was full, the parent would quite reasonably be upset. I said that it was a reasonable policy and the principal was doing the right thing. I said I did not support the parent's case; that he should wait until the beginning of the next year; and if a vacancy was available, his son would be able to get in. He was not satisfied with that, but it was a question of the school managing the process. It is a bit of an over-kill for us to put this into legislation because it can be dealt with through administrative instructions to the school. A principal knows the natural intake in his area and will make accommodation for it.

Mr BARNETT: As an ex-principal, the member for Roleystone certainly understands the practical management of this. I concede that it became an issue during consultations. Although, in the words of the member for Roleystone, it may be a bit of an overkill, it gives certainty and it will give comfort to parents who have been concerned about the issue. If I may elaborate, we must be careful not to make any of the clauses overly prescriptive. The Government will go through this progressively once the legislation is enacted and will be required, under an amendment that we will accept a little later on, to declare all schools either as local intake area schools or not, so that there is a complete list of schools, and people will know where their school or prospective school lies. I have no difficulty with that because it gives clarity; schools are either in one category or the other. Where pressure of enrolments occurs, we would envisage that a local intake boundary would be declared, which would give priority to locally housed students. Obviously a couple of issues will arise in the practical sense. There will be the issue of siblings. It does not mean that a previously enrolled student who may be from outside the area will lose his or her place in the school. We must be careful to reassure parents of that.

Mr Ripper: That is agreed.

Mr BARNETT: Another issue that we cannot always foreshadow is that where a school has exceptional growth - for example, in the past year or so the school at south Ballajura has grown beyond all expectations - for realistic reasons one may be forced to make a decision that perhaps the kindergarten to year 3 classes should move to another site. A situation could arise in which students are placed outside their area in order that the school attendance numbers may be handled physically. As long as it is recognised that those realities will occur from time to time, and I think everyone accepts that, the principal of the school must have the ability to make those sorts of management decisions. Clearly where there is no pressure on enrolments, no boundary needs to be set and students can have a choice. Where there is pressure on enrolments a local intake area should be declared. I hope it would be declared before a problem arose as it is not something one should do after the event. One should anticipate future enrolments, declare the boundary and then manage it. I thank members opposite. I feel that we have reached a sensible and workable arrangement.

Mr RIPPER: I do not think the minister has yet dealt with what might be a slight difference between local intake school enrolment arrangements and others. The implication of the legislation is that in the case of a local intake school the Government will expand capacity to cope with all enrolments from within the local intake area. If the school is not a local intake school, but has a certain availability of places for students who live close by, those who live slightly further away will miss out if the availability of places is limited because of enrolments in previous years.

Mr Barnett: There is no hard and fast commitment in the legislation. In practical terms that is done through the use of transportables. It depends on the size of the site and local conditions. Where a school has problems, the member knows that the department continues to expand capacity by using transportables. In some cases, such as South Ballajura, the limit of transportables is reached because of the space available.

Mr RIPPER: Naturally there are some limits in this process. I am drawing attention to what seems to be a slight difference in enrolment conditions pertaining to the two classes of schools. That is causing concern among people whom I have tried to persuade to be more accepting of the compromise situation.

Mr Barnett: It is not a new situation; one could argue that that situation applies currently.

Mr RIPPER: I imagine there might be some schools at which the Government cannot provide demountables.

Mr Barnett: Where a school is under pressure, inevitably some parents move their children to neighbouring schools. Some parents are worried about large numbers in primary schools and decide to move their children.

Mr RIPPER: While the Opposition supports the principle of parental choice, there can be some negative consequences of the exercise of that choice. For example, in some towns that have a couple of schools we can get an effective categorisation of schools into various socioeconomic groups. Through a process of self selection, one school will end up with more students from disadvantaged groups and the other school will become the de facto middle class or elite school. That negates one of the advantages of public education, which is that people from all walks of life and groups in society will be educated together.

Some schools might go into a downward spiral if children who are doing well are moved because the school's reputation is starting to falter. That would leave the original school with families and children who are less committed and less able. The school's reputation would suffer even more. We might get a division between those schools with a good academic record and reputation and those that are struggling. The Government should manage choice so that those schools that might suffer in competition are bolstered and are able to withstand it. Some level of competition and choice improves performance and accountability, but it can be damaging to the performance of some schools and the educational outcomes of their students.

Mr BARNETT: I understand the issue. Certainly that can happen in a country town. If there are two schools, they may have different reputations and there may be a drift. Sometimes that is on racial grounds.

Mr Ripper: That is very worrying.

Mr BARNETT: At the same time, the school principals and district directors involved watch those situations carefully and try to get an appropriate balance. For example, if there were two schools and for whatever reason parents favoured one over the other, we would not allow all the students to drift to one school, which would require extra facilities, while the other school was underutilised. There will be an effective use and management of assets. It can happen under the current situation.

Mr Ripper: It does.

Mr BARNETT: The answer is to ensure that all schools achieve a certain standard. Principals and district directors will ensure that we do not have alienation or attrition at a particular school. I am conscious of the problem.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 34 made by the Council be not agreed to.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 35 made by the Council be not agreed to.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That the following amendments be substituted -

Clause 79, page 58, line 21 - To insert after "79" the following -

(1) Subject to subsection (2),

Clause 79, page 59, after line 3 - To insert the following subclause -



(2) If the number of children referred to in subsection (1) applying for enrolment at a particular government school that is not a local-intake school exceeds the number of available places at the school, priority for enrolment is to be given to the child who lives nearest the school.

Clause 80, page 59, line 6 - To insert after "80." the following -

(1) Subject to subsection (2),

Clause 80, page 59, after line 15 - To insert the following subclause -

(2) If the number of children referred to in subsection (1) applying for enrolment at a particular government school that is not a local-intake school exceeds the number of available places at the school, priority for enrolment is to be given to the child who lives nearest the school.

The amendments deal with the issue we have just been discussing.

Mr RIPPER: This amendment arises from discussions between the Government and the Opposition. As I said, they go a very long way towards achieving the Opposition's objective on this matter. That objective is to preserve the right of parents to enrol their children at the nearest government school. We have achieved that in a very large measure.

How will availability of places be determined? Will a principal reserve a number of places in case someone who lives only one kilometre from the school arrives after the school term has started? What administrative mechanisms are likely to apply to make this enrolment priority a reality?

Mr BARNETT: That must be managed by the principal. It might be possible to come up with guidelines for principals. Situations will vary dramatically, but it will be obvious. A new subdivision such as Eaton, to which we have referred previously, has 15 families moving in each month. We can extrapolate about where the pressure will be. Clearly in that case a principal would not enrol several students from outside the area. Whether it is eight places or whether they anticipate another 50 or 100 students will be an element of judgment for the principal, but it will be up to the skill of the principal to manage it to ensure that places in the school are for local children. The issue will occur primarily in primary schools.

**Amendment put and passed; the Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 36 made by the Council be agreed to.

The amendment will require that the Government provide a list not just of local intake schools but categorise all schools as being either a local intake school or not a local intake school. That is not onerous and it might be seen to provide clearer information for parents.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 37 made by the Council be agreed to.

The amendment moves us into the area relating to the appointment of principals. It is designed to remove ambiguity associated with the appointment of principals to government schools. The Government supports the amendment.

Mr RIPPER: The amendment arose from concern that was expressed by the State School Teachers Union of Western Australia with regard to the way in which the promotion system would work. I am pleased that the Government has accepted the amendment.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 38 made by the Council be not agreed to.

Amendments Nos 39 and 40 also relate to the issue. Clause 63 describes the functions for which a school principal is accountable. The amendment will have the effect of diluting that accountability. Therefore, the Government does not agree with it. From a broad philosophical point of view, I am very much of the view that the school principal is the school leader both academically and administratively. In all that is happening within education, with the involvement of school councils, parents and community groups, that is highly desirable. I would not want in any way to dilute the ability of a school principal to provide educational leadership and to run a school.

Mr RIPPER: Amendments Nos 38 to 40 relate to the establishment of school plans and the monitoring of a school's performance against those plans. Years ago I was an organiser for the State School Teachers Union of Western Australia,

which ran a campaign to promote what it called democratic decision-making in schools. It was my job to promote the policy in staff room meetings. The object of the policy was to encourage principals to give classroom teachers more of a say in what happened in schools. The campaign was to boost the professionalism of classroom teachers by having them treated not just as employees who were subject to the authority of the principal but as colleagues and professionals.

Mr Barnett: That is your industrial democracy amendment from the 1970s.

Mr RIPPER: In fact it was the 1980s, not the 1970s. That experience was one reason for my sympathy with the amendments.

Mr Barnett: The Chairman will be chafing at the bit to join the debate.

Mr RIPPER: I doubt whether there is much democratic decision-making in the Chairman's enterprises. Perhaps I should not make such a comment.

The CHAIRMAN: I thank the member for Belmont.

Mr RIPPER: No doubt they are efficient, though.

The clause deals with the functions of the principal. When it comes to a school plan, the teaching staff and the school council should be consulted. In our government school system there has been a tradition of principals being seen as autocratic. I am sure that that is a declining phenomenon, but there still are people in the education community who do not believe that teaching staff and parents have sufficient influence in and input into the running of the schools with which they are associated.

The Government has argued that if we require a principal to consult with the school council and the school staff, somehow or other we will dilute the principal's accountability. That is not true. We are adding to the requirements on the principal and increasing the principal's accountability. If the amendments are carried, we will be saying to the school principal, "You can't do this on your own; there is an additional requirement on you, because you must consult with people in the school community before you develop the plan, as you monitor the plan and as you report on the performance of the school against the plan."

There is no problem with amendment No 38 which would insert "subject to section 123" to establish a plan for the school. Clause 123 relates to a school council's role in developing a plan, and the amendment simply draws the attention of the principal and others to a school council's functions in clause 123.

Amendment No 39 states -

In conjunction with the school's teaching staff

Therefore I imagine that the Government would say that use of "in conjunction" is what dilutes a principal's accountability. If the Government is so concerned about the use of "in conjunction" it might like to consider a modified version of the amendment which states "after consultation with the council and the school's teaching staff". The Opposition is not trying to dilute the accountability of the principal. It is trying to draw the attention of the principal to the necessity to consult with the school council and the school's teaching staff in the performance of those functions. I am not sure whether there is the possibility of agreement between the Opposition and the Government on the matter. Perhaps I should resume my seat and allow the minister to make a few comments while the matter is considered further.

Mr BARNETT: The first part of amendment No 38, which states "subject to section 123", is superfluous. It is implicitly so, and in terms of drafting it should disappear. In practical terms one hopes that a school principal would work on developing a school plan with the school staff, the school council and, perhaps, members of the wider community. However, the way in which the amendment is worded implies that it is a role of the teaching staff to work on the plan. That is not specified as a duty. Therefore, the words "in conjunction" are inappropriate. The word "consultation" would be acceptable to the Government, because I would expect the principal to be involved with the staff in developing a school plan. If we refer to teaching staff we logically should refer also to a school council as being broadly representative. It is implicit that the principal would deal with the council and the staff, and perhaps students, in developing a school plan, but we must draw a line somewhere. If the Opposition believes that is an important addition, the Government in principle will accept wording such as "consulting" rather than "in conjunction with the council in developing that plan". The same will apply to subclause (f).

**Question put and passed; the Council's amendments not agreed to.**

Mr BARNETT: I move -

Clause 63, page 50, line 13 - To insert after "school" the words "in consultation with the council and the school's teaching staff" .

**Amendment put and passed; Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 39 made by the Council be not agreed to.

We will have another amendment with respect to subclause (f) under amendment No 40 .

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 40 made by the Council be not agreed to.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

Clause 63, page 50, line 16 - To insert after the designation "(f)" and before the word "to" the words "in conjunction with the council and the school's teaching staff" .

**Question put and passed; Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 41 made by the Council be not agreed to.

Amendment No 41 refers to the section of the Bill relating to the education of a child with a disability. The intention of this amendment is to reinforce a notion already in the clause about the individualisation of educational programs for students with a disability. The Government agrees with the spirit of this proposed amendment, although it will tidy up the wording, and foreshadows a substitute amendment to achieve this purpose.

Mr RIPPER: This amendment relates to individual education programs for students with disabilities. I appreciate the minister's intention to stick with the spirit of the Opposition's amendment supported by the upper House in the substitute that he proposes. However, the substitute amendment does not contain all the elements of the original amendment. It requires consultation with the teachers, and in some cases the child concerned, with regard to the child's educational program. However, if I read the amendment correctly, it lacks two elements in the original amendment. One is the concept of an individual education program and the other is the concept of the portability of that program, should the child move from school to school or within a school from class to class.

Mr BARNETT: "Individual plans for children" is the jargon used within the sector and the approach that is generally taken. Portability is implicit in the reference made to reviewing a child's progress. The Government has no disagreement with the intent. However, we are passing legislation that should not be overly prescriptive or that would conflict with some circumstances that would be best for one child. We want the legislation to have durability. We cannot necessarily foresee the way in which disability educational programs may develop. Much of the current practice would not have been seen as likely as few as 10 years ago. There is a danger in being overly prescriptive towards time with a piece of legislation that may last 70 years .

Mr RIPPER: We might be back to debating it within three years! The substitution refers to the "implementation of the education programme for the child". I regard those words as a little ambiguous. Are we referring to the way in which the school's educational program impacts on the child or a specific individualised program for the child? That is what the amendment was aimed at. It picked up a recommendation of, I believe, the Sheehan report, which suggested that all children with disabilities should have individual educational plans governing their experiences within the education system. The reason for that recommendation is the very large number of professionals who get involved with the often unique circumstances that apply to children with disabilities and the difficulties parents have in explaining their child's circumstances over and over again to each new principal, teacher, and set of professionals. Parents want a plan they can take with them should their child move from school to school and which they can show to the new principal should there be a change of administration at the school, rather than constantly being involved in a process of advocacy or argument with schools about the way in which their children should be educated.

Mr BARNETT: We agree with the intent of the proposed substitution clause; that is, if a child has a disability, that child will need an individualised program which should be monitored and reviewed and if that child moves, the program should move with the child. However, the amendment as it was originally proposed uses terminology which is not clearly defined, even now, and the interpretation will change over time; for example, using a term such as "specific learning difficulties". I am advised that in the United States the term will be "specific learning disabilities". There is a great deal of debate in the academic literature on teaching as to the meaning of these terms. There is an element of jargon in the education sector and it is a changing area of study. Putting that in an Act will be fraught with difficulties. In a reliable legal sense, the substitution reflects the intent, which is to recognise individual needs of children with disabilities and to recognise only tailored individual programs to deal with those needs. It is done in a way which can be durable rather than one which will become obsolete as the academic literature about this area changes, and it changes rapidly.

Mr Ripper: We drafted the amendment off the recommendation of the report.

Mr BARNETT: Which might make sense on the day, but might not tomorrow.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

Clause 73, page 55, line 14 - to insert after "parents" -

, any of the child's teachers or prospective teachers and, if appropriate, the child

Clause 73, page 55, line 15 - to insert after "parents" -

and, if appropriate, the child

Clause 73, page 55, line 16 - to insert after " addressing" -

or reviewing

Mr RIPPER: We debated whether to retain the original amendment. I am glad that the minister has put on record his view that the Government's wording achieves the intention of the original amendment. I assure him that parents of children with disabilities will be seeking to hold the education system to the tenor of his statements as the system proceeds to implement the legislation.

**Amendment put and passed; the Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 42 made by the Council be not agreed to.

This amendment seeks to insert subclause (3) which states -

The Minister must ensure that appropriate resources are provided to a school where a child with a disability is enrolled.

I disagree with that amendment on two grounds: Firstly, it is essentially making a budget decision of the minister of the CEO of the day. Everyone hopes that appropriate resources are supplied to a school for children with disabilities. Sometimes the parents consider the resources to be inadequate. Indeed, I was at a school the other day where I shared that view. I will not mention the school, but it was in the regional area. There were about 30 or 40 students; some had severe disabilities and some were teenagers and were big kids. The facility was old and crowded and there was pressure on staff; it simply was not adequate. To solve that problem the school would need about \$500 000. It is something I would like to see done, but, like anything else, it must fit within the competing needs of education. Again, the spirit is right; we always hope that all the appropriate facilities and teacher support can be in place for these children. In reality, it may not be to the level we would all like to see. We should not be prescriptive in requiring that aspect in the Bill, even though we share that view. We all pragmatically recognise that it will not always occur or be possible in every location. Secondly, in relation to the Parliament, the amendment moved in the Legislative Council to ensure that appropriate resources are provided to a school is an appropriation matter. It is beyond the power of the Legislative Council to pass such an amendment and it is not appropriate. It is clearly allocating and appropriating public expenditures, which is beyond its powers.

Mr RIPPER: I will leave aside the constitutional point.

Mr Barnett: We have to have a win once or twice in this Chamber.

Mr RIPPER: Perhaps I will not leave it entirely aside because I agree with the minister that it is important to preserve the prerogatives of the Legislative Assembly. Can we debate the educational issue rather than the constitutional issue? The reason the Opposition moved this amendment, firstly in the lower House, and secondly in the upper House, is because of our concern about circumstances confronting schools, particularly the integration of children with disabilities into mainstream schooling. There is a great deal of concern that this integration is occurring without sufficient additional resources being supplied to the school to the disadvantage of the education of the children with disabilities. It can also disadvantage the education of other children in those classes. Naturally, it is also a matter which contributes to the stress suffered by teachers. Sometimes the circumstances can be quite difficult. I recall going to my local primary school and being told that six or seven children with disabilities were integrated into a mainstream class of about 25 students. That was obviously a difficulty for the students. Everyone accepts that additional resources should be provided to such classes. Everyone accepts that additional resources should be provided to schools which are dealing with the integration of children with disabilities.

I concede that the amendment is more of a gesture than anything else. It contains the word "appropriate". Every minister can say that they have complied with the law because the resources are appropriate in their view. The amendment is not a

watertight mechanism for ensuring that the right resources are given to schools which are integrating children with disabilities. It was moved by the Opposition to make the point that this is a problem in our system at the moment and that schools are crying out for additional resources to deal with this issue. Unfortunately, in a Bill such as this, it is not possible to be specific about the type of resources that should be supplied and guarantee their availability. That can be done by only the budget process and the management of the education department. Although we think we did the right thing in moving the amendment, we concede that it is more of a gesture than a solution to the problem. We moved the amendment to bring home to the Government that we are receiving a lot of complaints about this issue. Many teachers feel they are under stress and many parents of children with disabilities feel there is not enough support for the education of their children. There is potential for an issue to develop in which parents of children without disabilities resent the impact on the education of their children when other children with disabilities are moved into mainstream classes.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 43 made by the Council be not agreed to.

This amendment, and amendments Nos 43 to 46, are not relevant to this part of the Bill, which deals with government schools. Community kindergartens are dealt with separately in part 5 of the Bill. They are essentially non-government schools, which may in practice operate under contract to the Government. If these amendments were included in clause 77 of the Bill, which deals with the enrolment of children below compulsory school age, a conflict would be created between clauses 185 and 192, which deal specifically with community kindergartens, which have an on-going role in respect of the kindergarten or four-year-old program. If these amendments were accepted, they would allow the enrolment of five year olds, which would unnecessarily confuse this part of the Bill.

Mr RIPPER: Last year, the minister was very critical of the upper House committee which dealt with the School Education Bill. However, the fact that was lost in the public debate was that government members were on that committee, and my understanding is that those government members signed up to the majority of the amendments with which we are dealing today and which resulted from the deliberations of that committee. We are dealing now with amendments that resulted from that committee process and that certainly did not originate solely from the Labor members of the committee. In only one case did a government member publicly disagree with an amendment that has been proposed by that committee. While it is a bit difficult to say precisely what happened during those committee proceedings, I suspect that the minister's colleague Hon Barbara Scott was responsible for these amendments that relate to community kindergartens. On this occasion, I am happy to agree with the minister that these amendments will have the effect of confusing the legislation and that they are best left to that part of the Bill which deals with community kindergartens. I make those remarks to underline the point that government members in the upper House need to accept the responsibility for some of the amendments with which the minister has disagreed, and that the minister was not sufficiently candid about that matter when he went on the attack before Christmas last year and talked about the terrible depredations of the upper House.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 44 made by the Council be not agreed to.

I move this motion for the same reasons that apply to amendment No 43.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 45 made by the Council be not agreed to.

I move this motion for the same reasons that apply to amendments Nos 43 and 44.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 46 made by the Council be not agreed to.

I move this motion for the same reasons that apply to amendments Nos 43 to 45.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 47 made by the Council be not agreed to.

Amendments Nos 47 to 49 relate to school boundaries and intake. This issue was dealt with earlier in this debate, when we substituted a clause with regard to enrolment procedures which dealt with local intake boundaries, so this amendment is not necessary.

Mr RIPPER: I agree with the minister. The upper House proposed a separate scheme of amendments dealing with enrolment issues to try to preserve the right of local children to be enrolled in their local government school. The Government and the Opposition have come up with a separate amendment to the existing legislation, which will achieve the same end. Therefore, we should stick with what we have done already in this debate and reject the alternative scheme proposed by the upper House.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 48 made by the Council be not agreed to.

I move this motion for the same reasons that apply to amendment No 47.

Mr RIPPER: I support the minister, for the same reasons.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 49 made by the Council be not agreed to.

I move this motion for the same reasons that apply to amendments Nos 47 and 48.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That amendment No 50 made by the Council be agreed to.

Amendments Nos 50 and 51 are editorial amendments to clarify the terminology about the appropriate education program.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 51 made by the Council be agreed to.

This is also an editorial amendment.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 52 made by the Council be not agreed to.

I foreshadow that I will move a substitute amendment. The Government accepts the intent of the Council's amendment, but the wording as it was drafted makes it inconsistent with the remainder of this clause and with other relevant clauses.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

That the following amendment be substituted -

Clause 87, page 65, after line 9 - To insert the following paragraph -

; and

(c) who is not a parent of a child at a school to which the matter relates.

**Question put and passed; the Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 53 made by the Council be agreed to.

Although the Government does not want appearances before panels to become legal processes, we recognise that there may be a host of reasons that parents wish to be accompanied by another person who can speak on their behalf and represent their

point of view. The panel will have the discretion to determine whether that accompanying person will be allowed to represent the parents.

Mr RIPPER: The Opposition agrees with this amendment by the Government which is similar to amendments that have been moved on questions of panel activities in previous clauses of the Bill. The amendment represents a further narrowing of the differences of opinion between the Government and the Opposition on this matter. Originally the Opposition was concerned to ensure that parents had a right to representation before a panel if they wanted that. The first step by the Government was to provide for representation if the panel determined that that was necessary. The second step was to say that people can be accompanied, if not necessarily represented, by someone. There is still a gap between the Government and the Opposition's position but a smaller gap than existed previously.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 54 made by the Council be agreed to.

The intent of amendment No 54 is to make it clear that a student may be suspended from part or all of the educational program. I am trying to think of an example where that might apply.

Mr Ripper: Work experience.

Mr BARNETT: Yes, it could be a suspension from the work experience program.

Mr Ripper: Or suspended from school.

Mr BARNETT: Yes, it could be a suspension from a music or sports program, depending on the behavioural circumstances being dealt with. Again, it is obvious that that option should be available.

Mr RIPPER: The Opposition supports this amendment. It represents an acceptance of a point made by the Opposition in the original debate. It is important to minimise the impact of suspensions, if at all possible, consistent with the operations of the school and the interests of other students. If a student happens to be behaving properly in one segment of the educational program and that can be separated from the section of the educational program where the student is not behaving properly, we will have the best of both worlds.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 55 made by the Council be agreed to.

Amendment No 55 seeks to insert a subclause (3) to ensure that if a student is suspended for a number of days, proper consideration is given to the ongoing educational program. That is a check and a balance in that if a student is to be suspended for any significant period of time, consideration is to be given to his or her educational needs or program during that period therefore we accept the amendment.

Mr RIPPER: I am pleased that the Government has accepted this amendment. The precise amendment was not moved by the Opposition but the Government has returned with a substitution for an amendment moved by the Opposition. When the Opposition moved its original amendment, it was not as a result of lobbying from any interest group but something that opposition members were concerned about themselves. There is an issue when children are suspended from school: What happens to their ongoing education? There is another issue: What happens to their ongoing supervision? We will continue to have a situation in which the education system will get rid of its problem and the problem becomes someone else's. We should not be offering the less well behaved children less supervision and less positive activity than we offer the well behaved children. When we suspend students we should be providing them with both supervision and educational activities, otherwise we will be contributing to daytime crime rates, in particular burglary, vandalism and graffiti. If chronic truancy is associated with an increase in daytime crime rates, I am sure that suspensions and exclusions from school, if excessive, can also be associated with that same phenomenon.

The amendment moved by the Government and the amendment that I originally moved do not deal with all of the ramifications of this problem. However, it is pleasing to see that at least there is now a requirement for consideration to be given to the educational needs of the student. In future we might see attention being paid to the need for continuing supervision of adolescent students who are suspended from school, if not through legislation perhaps through administration. One hopes that the Education Department and other agencies might work together to deal with this problem rather than continuing with the situation where the Education Department is able to wash its hands of a difficult student and other agencies do not see it as their role to pick up the problem; therefore, children will wander about the community, by definition children with troublesome pasts, who are less well supervised than those children who behave well.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment 56 made by the Council be disagreed to and the following amendment substituted -

Clause 92, page 67, after line 24 - To insert the following new subclause -

- (2) Upon making a recommendation to the chief executive officer, the principal is to notify the student and a parent of the student that the recommendation has been made and provide the parent with the reasons why the recommendation has been made.

If a recommendation is made by a principal for suspension of a student, it is reasonable and proper that the parent be advised, and be advised within good time. Therefore, we have accepted that part and reworded it. However, as I said, we do not agree with that which is proposed in subclause (3) as that would create a duplication of the work of the school disciplinary advisory panel. In effect, it would say that the chief executive has to review the decision and then refer it on to the panel. That is an unnecessary duplicative and almost circular process.

Mr RIPPER: I am caught by surprise because I had interpreted the Government's advice as applying to both subclauses of the amendment.

Mr Barnett: We are saying yes to subclause (2) and no to (3).

Mr RIPPER: I now understand what the Government is intending to do. The intent of subclause (3) in the amendment was not to create a circular process such as the minister has outlined but to enable the chief executive officer to chop off the suspension if it was not seen to be reasonable without the necessity of going to a panel and having a long-winded process. There are other examples I can think of in which there would be no need to send it off to a deliberative or judicial body if it is an open and shut case when action can be taken straightaway.

Mr Barnett: In the case of a student exclusion it would go from the principal to the district; from the district to the panel, which would then make a recommendation; and it would then go to the CEO. Proposed subclause (3) would bring the CEO back in at an earlier stage so that they would be going around in circles. It is not an appropriate mechanism and would make the whole system cumbersome.

Mr RIPPER: There may be further advice which the minister could give me.

Mr BARNETT: Our concern is that there should be a clear process in the case of an exclusion when an incident occurs, whatever it might be. When the principal is of the view that a student should be excluded, he refers the case to the district office which sets up a panel to look at the case. If the view of the panel is that the child should be excluded, that recommendation is made to the CEO. This amendment proposes that before it goes to the panel the CEO would have to convince himself or herself - herself in this case - that the student's suspension was warranted. The CEO is, therefore, being brought into the process at two points and I do not think that serves any purpose.

If there were a trivial case for exclusion, presumably the panel would reject it in any case. The process goes through various hierarchical steps, and this would disrupt it. If there were an issue about policy, that is another matter. This clause refers to the process and the steps to be taken. The steps should be sequential and logical.

**Amendment put and passed; the Council's amendment agreed to and the Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 57 made by the Council be agreed to.

The amendment enables a school discipline advisory panel to give comments back to the school about the way in which a child's case has been dealt with. That is desirable for accountability to parents and the school; indeed, it is a logical feed-back mechanism. At both a district level and a state level, a policy and set of principles about how exclusions would be handled would emerge. If we did not have this mechanism, we would not gain experientially from one exclusion case to another. We accept the amendment.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 58 by the Council be not agreed to.

The intent of amendment No 58 is accepted but in our view the wording needs to be modified in a similar way to that proposed for previous amendments Nos 10 and 20. The amendment proposed to insert a new subclause. The intent of the subclause with regard to exclusions was to ensure that the panel took account of disadvantage, whether it be economic, social, lingual, specific learning difficulties or other causes. It is quite reasonable that in assessing a case for exclusion a



panel should take into account the circumstances of the individual child, so we accept the intent of it but wish to move a substitute clause which we believe is drafted more appropriately.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

Clause 92, page 68, after line 9 - To insert the following subclause -

- (3) In its examination under subsection (2) in relation to a student other than a child to whom subsection (2)(b) applies, a Panel is to have regard to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be relevant to the breach of school discipline or behaviour that is the subject of the recommendation.

This is simply stating that all the factors that might impact on a child's behaviour should be taken into account. One hopes that a sensible panel would do that but this subclause specifically states that this should happen.

Mr RIPPER: Once again the Government has accepted the spirit of Opposition-inspired amendments. We are happy to support the Government's motion.

**Amendment put and passed; the Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 59 made by the Council be not agreed to.

The intent of amendment No 59 is accepted but again the current wording is inconsistent with the drafting of other clauses. I foreshadow that I will move a substitute amendment to achieve its purpose. The intent of the amendment was to ensure there would be a parent or community representative on the panel. We are happy with that.

**Question put and passed; the Council's amendment not agreed to.**

Mr BARNETT: I move -

Clause 93, page 68, after line 26 - To insert the following subclause -

- (3) At least one person on a Panel must be a parent or community representative.

**Amendment put and passed; the Assembly's substituted amendment agreed to.**

Mr BARNETT: I move -

That amendment No 60 made by the Council be agreed to.

The intent of the amendment is to ensure the impartiality of the panel in relation to a particular child. It is similar to previous amendments we have agreed to; indeed, members will see that the proposed amendment is to insert a new subclause which provides that a panel cannot deal with the case of a child if a member of the panel is a member of the teaching staff of the school at which the child is enrolled, or a parent of a child who is enrolled at the school at which the child is enrolled. This again is to ensure impartiality. I accept that it is important that a panel be seen to be in no way connected with the child or the child's school when that child is coming under consideration for exclusion.

Mr RIPPER: It is pleasing to see that the Government has accepted this amendment. Naturally there could be difficulties if differences of opinion within the school community were somehow reflected in the operations of a panel. Because of the pace of events, it is perhaps a bit difficult to communicate this to the minister behind the Chair, but the minister might want to consider an appropriate stage at which we might break the deliberations. We are coming up to a matter which might better be debated at a later stage.

Mr TUBBY: The compilation of these panels has always been of some concern to the Government. It is always difficult to determine which people should be on the panel. We are trying to ensure that we get people who are impartial, particularly in relation to the child. By the same token, we must ensure that the panel is made up of people who understand the various circumstances of the range of children who can find themselves before the panel. For example, if the child happened to be of Aboriginal heritage, it would be very helpful if a person on the panel was of Aboriginal heritage because that person could understand the particular problems that the child may have at that school. That is not to say that the person would be related in any way to the child or that the person would be the parent of a child attending that school because that would be too close to the situation. We need to get people who are at arm's length and who have some empathy with the case that is being discussed and with the child who is before the panel. Therefore, I support the motion that the minister has moved.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 61 made by the Council be agreed to.

This amendment relates to Nos 61 and 62, which give the right to a school principal to be heard at a panel hearing, which is entirely appropriate.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 62 made by the Council be agreed to.

This allows a school principal to be heard at a panel.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 63 made by the Council be agreed to.

Again this allows a parent to be accompanied at a panel hearing. It does not allow formal representation. Again, that is allowed at the discretion of the panel and is now adopted consistently throughout the Bill.

**Question put and passed; the Council's amendment agreed to.**

Mr BARNETT: I move -

That amendment No 64 made by the Council be agreed to.

This amendment provides a review mechanism in regard to post-compulsory students and is consistent with other exclusion provisions. If a panel excludes a child from a school, this amendment provides a right of appeal to that child and his or her parents, and that right can be exercised for up to 28 days.

Mr RIPPER: I am pleased that some progress has been made on this issue. This relates to excluding children of post-compulsory age from attendance at school. The original legislation provided that students of post-compulsory age had fewer rights than children of compulsory age with regard to disciplinary decisions in the system. This is a matter of growing importance. We want children to stay on at school until the end of year 12. For practical purposes, if they do not, their education and life chances will be severely affected. That will be more and more the case given the way the modern economy is developing. There will be very severe consequences for children if they are excluded from school in this post-compulsory period. There are now even more serious consequences because the Commonwealth Government is making the payment of its youth allowance conditional on children staying on at school until year 12. If the school system decides to exclude a child of post-compulsory age, it will have not only a long-term impact on his or her educational opportunities and life chances but it will also have an immediate short-term impact on the amount of money flowing to the family. These decisions are likely to become more sensitive and controversial.

It is appropriate that there be more appeal rights than there were in the original legislation. We still have a scheme for suspension of post-compulsory students different from that which applies to other students. However, with the Government's acceptance we have a greater degree of protection of the rights of a student who would otherwise have faced those long-term and immediate short-term consequences unprotected had the legislation not been amended.

Mr TUBBY: It is with some reluctance that I agree to this amendment. We were very careful in framing the original legislation to ensure there was a distinct difference between the suspension of children of compulsory school age and those of non-compulsory school age. Those children of non-compulsory school age have been around long enough to know the score. By the time they get to years 11 and 12 they must start to take responsibility for themselves and their actions. They should understand that there are consequences when their actions are detrimental to the school, to other children within the class and so on.

The original legislation was not unreasonable. These students could have been dealt with very severely and there was no real right of appeal. By the time they get there they are mature enough to understand the school system. I hope that the chief executive officer will not overrule many of the decisions made within schools with regard to suspension and expulsion of these students. Principals and school staff accepted the original legislation in that it gave them the power to control behaviour within their schools. They knew that if they could control and modify student behaviour in the year 11 and 12 group, that would have a flow-on effect to all other students in the school, who look to them as role models. We have diluted that to some extent; we have backed away from the intent in the original legislation. I understand that in some circumstances particular students could be victimised - a decision could be taken by the principal and school staff to take action against a student that is perhaps unfair.

Mr Ripper: It has a financial consequence for the family.

Mr TUBBY: Perhaps in those circumstances the case will be reviewed. I hope cases are referred to the CEO on very rare occasions, and I hope it is even rarer that a CEO overrules such a decision. These students are old enough and have been in the system long enough to know the score. It is their future and they should take responsibility for it. If they do not want to learn, they can leave. They should not have the right to disrupt the learning process for other students in the school.

Mr Barnett: You are a hard man.

**Question put and passed; the Council's amendment agreed to.**

**Progress reported and leave granted to sit again.**

#### **TITLES VALIDATION AMENDMENT BILL**

##### *Council's Message*

Message from the Council received and read notifying that it insisted on its amendments to which the Assembly had disagreed.

#### **ADJOURNMENT OF THE HOUSE**

On motion by Mr Barnett (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 20 April 1999 at 2.00 pm.

*House adjourned at 4.48 pm*

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**For Legislation Committee proceedings on the Court Security and Custodial Services Bill, see page 7193.**

**QUESTIONS ON NOTICE**

Answers to questions are as supplied by the relevant Minister's office.
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**REGIONAL TRAVEL AGENCIES, GOVERNMENT POLICY ON TRAVEL**

1961. Mr BROWN to the Minister for Works and Services:

- (1) As part of the Liberal Party 1996 election policies, did the Government/Liberal Party promise to ensure that the needs of small businesses were considered as a matter of priority in all Government decisions relating to business, industry and development and to give special consideration to the needs of regional small businesses?
- (2) Have some small business travel agencies in regional locations been adversely affected by the change in Government policy relating to Government travel?
- (3) Is the Minister aware that some small business travel agencies in regional and remote locations have been adversely affected by the Government's change of policy on travel?
- (4) Did the Government consider the interests of small business travel operators when it changed its travel arrangements?
- (5) If so, did the Government realise or envisage that the change in travel policy would have a negative impact on travel agencies in regional and remote locations?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2)-(3) Some travel agencies claim to have been adversely affected to some degree. Limited data has been provided in support of these claims.
- (4)-(5) Yes. It was not feasible for a contract of this magnitude to be awarded to multiple small businesses. However, a decision was made to explicitly provide scope for government agencies to buy locally and not use the central government contract. This was a significant change from the previous contract which required all government agencies to book through Ansett.

**GOVERNMENT CONTRACTS, SMALL BUSINESSES**

1962. Mr BROWN to the Minister for Works and Services:

- (1) Did the Liberal Party promise, as part of its election policies for the 1996 State Election, to let tenders in sizes which enable local small businesses to compete directly for contracts rather than be forced to sub-contract to a major company bidding for the tender?
- (2) If so, did the Government honour that commitment when it reorganised its travel arrangements and put those out to tender?
- (3) If not, why not?

Mr BOARD replied:

I am advised that:

- (1) Yes, where it is feasible.
- (2) Yes. It was not feasible for a contract of this magnitude to be awarded to multiple small businesses. However, a decision was made to explicitly provide scope for government agencies to buy locally and not use the central government contract. This was a significant change from the previous contract which required all government agencies to book through Ansett.
- (3) Not applicable.

## GOVERNMENT DEPARTMENTS AND AGENCIES, FACILITIES MANAGERS

1979. Mr BROWN to the Minister for Works and Services:

- (1) Does the Government still use the practice of engaging "facilities managers" as middle men between Government and business to do Government work?
- (2) Have any "facilities managers" been contracted to work for the Government since 1 January 1998?
- (3) How many "facilities managers" have been contracted to provide this service to the Government?
- (4) What is the name of each "facilities manager"?
- (5) What work do they carry out under the contract with the Government?
- (6) What was the date they were engaged by Government?

Mr BOARD replied:

I am advised that:

- (1) CAMS has established a common use contract arrangement for procuring building maintenance and property services. The facilities management contracts are used by a number of government agencies.
- (2) Yes. The Offender Management Facilities Management Contract (OMFM) was signed between Serco Australia and Contract and Management Services (CAMS) on 22 June 1998.
- (3) Five, however Serco Australia has two contracts.
- (4) Serco Australia, Transfield Maintenance, Chiefton Management, CJPJ Facilities Management and P&O Facilities Management.
- (5) The work co-ordinated by the Facilities Managers comprises of:
  - . Building breakdown repairs
  - . Planned building maintenance works
  - . Minor building improvement works
  - . Management of property services contracts including cleaning, security and grounds maintenance.
- (6) The contracts with the Facilities Managers commenced as follows:
 

CJPJ Facilities Management	11 October 1995
P & O Facilities Management	29 September 1995
Serco Australia	8 January 1996
Transfield Maintenance	8 January 1996
Chiefton Management	5 January 1996
Serco Australia (OMFM)	22 June 1998

## GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2046. Mr BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

- (a) 1997-98 financial year; and
- (b) 1998-99 financial year (to date)?

Mr BOARD replied:

I am advised that:

## CONTRACT AND MANAGEMENT SERVICES

- (a) Three.
- (b) One.

## OFFICE OF CITIZENSHIP AND MULTICULTURAL INTERESTS

- (a)-(b) Nil.

## STATE SUPPLY COMMISSION

- (a)-(b) Nil.

## OFFICE OF YOUTH AFFAIRS

- (a) Nil.
- (b) One.

GOVERNMENT CONTRACTS

2068. Mr BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
  - (a) November 1998; and
  - (b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr BOARD replied:

I am advised that:

- (1) Contract and Management Services' (CAMS) Tenders Management System and Tenders Registration System reports that the following contracts (other than employment contracts and contracts for less than \$50,000) were awarded:
  - (a) 39
  - (b) 72
- (2)-(5) See paper No 827.
- (6) Not in every instance.
- (7) Due to the:
  - application of State Supply Commission policies such as:
    - Value for Money
    - Regional Buying Compact (Regional Preference)
  - lowest tenderer withdrawal
  - lowest tender non-conforming
  - application of non-price criteria such as selection based on qualifications, capability and experience.

CAMS publishes the contract award details for contracts in excess of \$5,000 on the Government Contracting Information Bulletin Board web site at [www.contracting.wa.gov.au](http://www.contracting.wa.gov.au)

OFFICE OF CITIZENSHIP AND MULTICULTURAL INTERESTS

- (1) Nil.
- (2)-(7) Not applicable.

STATE SUPPLY COMMISSION

- (1) Nil.
- (2)-(7) Not applicable.

OFFICE OF YOUTH AFFAIRS

- (1) Nil.
- (2)-(7) Not applicable.

BEDFORD HOSPITAL, UPGRADING CONTRACT

2205. Mr BROWN to the Minister for Works and Services:

- (1) With respect to Government contract RFT102298, Bedford Hospital Upgrade, why was the contract not let to the tenderer who submitted the lowest price?
- (2) What factors were taken into account in excluding that tender?

Mr BOARD replied:

I am advised that:

- (1) The tenderer who submitted the lowest price did not have a conforming tender.
- (2) Contract and Management Services (CAMS) can not accept a non-conforming tender. In this particular case the tenderer did not meet the apprenticeship requirements.

## GRANT THORNTON, CONTRACTS

2226. Ms MacTIERNAN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
  - (a) the project the contract was awarded for;
  - (b) the original contract cost;
  - (c) the actual final cost of the contract;
  - (d) the date the contract was awarded and the date it was completed; and
  - (e) whether the contract went out to tender, and if not, why not?

Mr BOARD replied:

I am advised that:

For the departments and agencies under my control.

- (1) Nil.
- (2) Not applicable.

## GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2292. Mr RIEBELING to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
- (b) of these employees, how many were -
  - (i) permanent full time; and
  - (ii) on short term contract?

Mr BOARD replied:

I am advised that:

## CONTRACT AND MANAGEMENT SERVICES

- (a) Thirty five.
- (b)
  - (i) Thirty three.
  - (ii) Two.

## OFFICE OF CITIZENSHIP AND MULTICULTURAL INTERESTS

- (a) One.
- (b)
  - (i) One.
  - (ii) Not applicable.

## STATE SUPPLY COMMISSION

- (a) Nil.
- (b) (i)-(ii) Not applicable.

## OFFICE OF YOUTH AFFAIRS

- (a) One.
- (b)
  - (i) One.
  - (ii) Not applicable.

## WATER RESOURCES, UNDERGROUND WATER USAGE

2437. Dr CONSTABLE to the Minister for Water Resources:

- (1) In 1994, what was the projected estimate of underground water usage for the metropolitan area for 1998?
- (2) How much underground water was added to the metropolitan water supply in 1998?
- (3) Why has the policy stated in the Water Supply Strategy of 1994 been altered with an emphasis being placed on the Harvey Dam project, instead of the reported vast underground reserves?

Dr HAMES replied:

- (1) 100 gigalitres/year for the metropolitan water supply scheme.
- (2) 107 gigalitres of ground water was used by the metropolitan water supply scheme in 1998.
- (3) The impact of climate variability on the yield from metropolitan sources required an acceleration of the source development timetable and a consequent change in the sequence of sources that are developed.

PLANNING, LOT 102 GOOLLELAL DRIVE, KINGSLEY

2444. Dr EDWARDS to the Minister for Lands:

With respect to the transfer of Lot 102 Goollelal Drive, Kingsley from the Western Australian Planning Commission to Mr and Mrs Zuvela -

- (a) when will the new title be created; and
- (b) what has caused the delay in producing the new title?

Mr SHAVE replied:

- (a) The production of the title is complete and the title issued on Monday 22 March 1999.
- (b) Delays in issuing the title were caused through considerations in respect to cancellation of a designation order under section 187 of the Land Administration Act 1997.

STATE TRAINING BOARD, PERSONAL INDEMNITY INSURANCE FOR MEMBERS

2520. Mr KOBELKE to the Minister for Employment and Training:

- (1) What is the nature and extent of coverage of the personal indemnity insurance policy available to each member of the State Training Board?
- (2) Is it a requirement of the personal indemnity insurance for members of the State Training Board that notification be made to the insurer of any event that could result in a claim?
- (3) Has either the Chair or the Director of the State Training Board advised the Board's personal indemnity insurer of the potential for a claim against either the Board or an individual member of the State Training Board?

Mr KIERATH replied:

- (1) None. Vocational Education and Training Act 1996 - Section 64 applies.
- (2)-(3) Not applicable.

QUESTIONS WITHOUT NOTICE

NUCLEAR WASTE STORAGE FACILITY

**681. Dr GALLOP to the Minister for Resources Development:**

Is the minister aware of any studies, reviews or analyses undertaken by this department or any other state government agency into the establishment of nuclear waste storage facility in Western Australia; and, if so, will he provide details to the Parliament?

**Mr BARNETT replied:**

The company concerned, Pangea Resources, has made no contact with my office or the department. I am not aware of any other contact with any other government agency, although the Deputy Premier said this company made contact with him late last year.

Dr Gallop: What about studies?

Mr BARNETT: To my knowledge, no studies have been done, and certainly not within my portfolio areas.



## NUCLEAR WASTE STORAGE FACILITY

**682. Dr GALLOP to the Minister for Resources Development:**

Is Senator Ross Lightfoot expressing Western Australian Liberal Party policy when he says the Government should agree to a proposal to establish an international nuclear waste storage facility in Western Australia?

**Mr BARNETT replied:**

No he is not; he is expressing a view. We should be intelligent about this issue. There is no support for putting a nuclear waste disposal unit within this country, let alone in Western Australia; however, it is an international issue and deserves some international consideration. The nuclear industry is a prominent industry, and an important industry internationally.

Dr Gallop: Are you saying we should consider it?

Mr BARNETT: No. I am not saying that at all.

Dr Gallop: What are you saying?

Mr BARNETT: I am saying we should not jump to popular solutions.

Dr Gallop: So it is being considered?

Mr BARNETT: I am not saying that. It will not be considered for Western Australia. It is very easy to jump up and down and simply assume that this problem does not exist. Realistically internationally there is a problem with the disposal of contaminated nuclear material.

Dr Gallop: Should we get involved in that from a Western Australian point of view?

Mr BARNETT: I ask the Leader of the Opposition to let me answer. No, Western Australia should not be involved. It is not part of a nuclear site or industry. We may get a situation where if Australian nuclear waste is placed overseas, there may be some reciprocal arrangements. At the moment there is no prospect of that happening.

Dr Gallop: You are considering this.

Mr BARNETT: No. That is not so.

Dr Gallop: I think you are.

Mr BARNETT: I am trying to raise an issue. It is very easy for those opposite to adopt these simplistic positions, as they did on the forests. Nuclear waste is an international environmental issue. Australia, along with other nations, should be part of the debate on nuclear waste. There is no prospect of that waste being placed in Western Australia; however, we should not be so small-minded that we do not even enter into the international debate about nuclear waste disposal. There is not doubt the nuclear industry will continue to grow.

## CYCLONE DAMAGE

**683. Mr MINSON to the Minister for Emergency Services:**

Following his visit to Exmouth and Onslow yesterday, will the minister provide an update on the flooding and cyclone damage caused by Cyclone Vance?

**Mr PRINCE replied:**

This question gives me the opportunity to say just a few things about what I observed yesterday when I toured the area with the Premier, the Minister for Tourism, the executive officer of the State Emergency Services and some other people. The degree of devastation to Exmouth is extraordinary; to Onslow nonetheless serious, but not as extensive. First, I will deal briefly with Onslow. This is the most destructive and strongest recorded cyclone ever to strike the Australian mainland. In Onslow, the wind damage was significant. Three houses lost their roofs and have been rendered uninhabitable, including that which belongs to the manager of the local SES. Six residences were flooded. The flooding came partly from rainfall, but mostly from the storm surge estimated to be somewhere between four and six metres. Houses along the beachfront were badly affected. Much of the sea retaining wall was lifted and pushed into the houses. When I inspected the flooded houses yesterday they were largely completely pumped dry. The 393 people who were evacuated from Onslow returned home today. I give full marks to those responsible for restoring a degree of normality so that could happen, particularly the government agencies, such as Western Power and the State Emergency Service.

Exmouth was in the direct path of the cyclone and 114 houses were totally destroyed, and I mean exactly that - totally destroyed. Another 320 have been extensively damaged and 500 have suffered minor damage, mostly from flying objects

and debris. The extent of damage caused by flying objects is extraordinary and must be seen to be believed. There is damage to power poles, with things made of steel bent at right angles. The Kailis fisheries facility has undergone severe damage. Several hangars at the Learmonth air base, which has just had a \$70m upgrade covering blast walls and other things, were extensively damaged by the cyclone. That will give members some idea of the severity of what has happened there.

Many public facilities have been severely damaged. The power stations are out of operation; however, I understand Western Power is attempting to bring in new generators and power should be back on within two weeks, but it will take that long for it to happen. The water supply is safe thanks to generators to drive the chlorination plant. Part of the reticulated system will work, but most of it will not. Standpipes are being erected in the town now, so we should have safe water very soon. The sewerage facilities are okay. Telecommunications are working extremely well, particularly the mobile phones. My colleague, the Minister for Primary Industry, will probably mention the effect of the cyclones on pastoral stations at some greater length during question time. Suffice to say, many of the pastoral properties have been almost completely destroyed.

At the moment an emergency coordination group has been set up to cut through red tape and bureaucracy. Tourists and other vulnerable people from Exmouth, particularly the young and the elderly, were moved out yesterday and the day before, some by Royal Australian Air Force flights in Hercules aircraft. Over the next 48 hours the RAAF will provide another 16 flights to take people out of the area, and to bring in bottled water and other equipment; for example, a large number of generators to provide refrigeration for food supplies. There is an absolute priority by government agencies and the shire to ensure services are put in place as quickly as possible.

Exmouth is one of the premier tourist spots in the State, and is just about to go into its major tourist season. It will continue to be a place where tourists go in the future. A recovery manager has been appointed; that is, the executive officer of the SES. He will stay in Exmouth for the next three months especially to coordinate matters with local government and all other agencies. The magnitude of the damage is such that the recovery will be long term; it will take a long time. It will require significant financial and human resources and equipment. The Premier would have been back today but for the fact that the Prime Minister announced late yesterday he would visit Exmouth, which he has done. I have just been advised that the Prime Minister and Premier have agreed on a special relief package for those affected by both cyclones, Elaine and Vance, which means the relief will extend to the people of Moora as well as those in the pastoral areas who were affected by the earlier rainstorm from the downgraded Cyclone Elaine. This package was agreed to during the tour of Exmouth this morning. The arrangement is for \$10m to be placed in a trust fund, comprising \$5 from the Commonwealth and \$5m from the State. This fund will be used to assist in the reconstruction of community facilities, the provision of temporary accommodation for homeless residents, business recovery, and the restoration of essential services.

The Federal Government will also provide ex gratia payments to people whose homes were destroyed or suffered major damage as a result of Cyclone Vance. That will apply to permanent residents of Onslow, Exmouth and pastoral properties. The payments comprise \$1 000 an adult and \$200 a child. That is over and above that provision which the State and Federal Governments must make in repairing and re-establishment all the infrastructure and essential services for which they are responsible.

I take the opportunity to again express, on behalf of the people of the area, gratitude for the enormous task undertaken by emergency service personnel - both voluntary and paid - government agencies, and all others who have worked so hard to alleviate the affects of these devastating storms. It is partly due to their actions, timely warnings and advice, but little short of a miracle, that no-one was hurt.

#### CHILD WELFARE AMENDMENT BILL, WITHDRAWAL FROM PARLIAMENT

##### **684. Mr CARPENTER to the Minister for Family and Children's Services:**

- (1) Does the minister intend to withdraw her Child Welfare Amendment Bill from Parliament following her inability to provide a coherent explanation on why the legislation is necessary?
- (2) If not, is the minister considering handing carriage of the Bill to another minister given her abysmal performance in yesterday's committee stage?

##### **Mrs PARKER replied:**

- (1)-(2) The Government is extremely and unequivocally committed to improving responses in this State to children who need us most - namely, children who have been abused. Every opposition member must be very careful about how he or she deals with this legislation. The very worst examples of children in care falling through the gaps have resulted from a lack of coordination of services across government agencies. This register will achieve that coordination. This legislation requires the Opposition to be consistent: First it said it would support the Bill and then it withdrew support last year for an opportunity to score political points. Opposition members must be very careful about how they respond to this legislation as our children need a response that has integrity and honesty.

## WOMEN - REPRESENTATION ON GOVERNMENT BOARDS AND COMMITTEES

**685. Dr CONSTABLE to the Minister for Women's Interests:**

I refer to the Government's objectives stated in the 1993-94 budget papers that by 2000, 50 per cent of the membership of government boards and committees will be women. With just nine months to go, I ask -

- (1) What is the current representation of women on government boards and committees?
- (2) If the target of 50 per cent representation will not be reached by 2000, what are the reasons for the minister's failure to achieve this very important objective for Western Australian women?

**Mrs PARKER replied:**

- (1)-(2) The members for Churchlands and Perth and others have heard me address and meet with a range of women's organisation. If the member for Churchlands wants to check with my cabinet colleagues, they will indicate that I have been diligent and have given priority to encouraging and supporting the appointment of women onto boards and committees. When considering that encouragement - the Minister for Employment and Training should not smirk -

Mr Kierath: I have a vested interest as I have five daughters!

Mrs PARKER: Indeed. When we talk about appointing women to boards and committees, it is important that the women be qualified, experienced and supported in that appointment. I am pleased that we have had a significant increase in such membership.

Dr Constable: What about the answer? What is the current percentage?

Mrs PARKER: It started between 17 and 18 per cent, and it is now above 22 per cent. I am having another audit on the current status carried out, the results of which will be taken back to Cabinet. The percentage of women on boards and committees around Australia is between 25 and 30 per cent. There is room for us to make improvements, which I will continue to pursue. I am pleased with the increase in such representation of women under this Government. We have never before had such a proportion of women on boards and committees, and we will continue to see an increase in that regard.

## MOORA, RESTORATION OF POWER

**686. Mr McNEE to the Minister for Energy:**

Will the minister provide the House with an update on the progress made by Western Power in restoring power to houses in Moora?

**Mr BARNETT replied:**

I thank the member for his question, and for his support for what is happening in Moora. Western Power, obviously for safety reasons, cut power supplies to 200 households on Monday. To this point, some power has been restored to 100 homes. The supply points immersed in the flood are very dangerous and the response to this situation has been very innovative. Crews have moved around to find a power point which has not been affected; this point has been isolated within the home's circuit, and some connection has been allowed. For one lady, for example, the only power point not affected was the connection to her dishwasher. That point was isolated in the circuit enabling that lady to use the power point for lighting and whatever appliance she wished to use. By being innovative, people are having power returned quickly.

I also advise that extra crews from Geraldton, Northam, Perth and Three Springs are working in Moora to repair that supply as quickly as possible. Power has been restored to virtually all residents in Onslow. The situation in Exmouth is very difficult. A generator, along with power poles, arrived in Exmouth from Perth this morning. Another truck load of power poles is arriving from Kununurra, and another large generator is being loaded in Carnarvon for delivery to Exmouth. Again, extra crews, and an airlift of equipment, will be involved. In both those cases Western Power is doing a superb job, along with the other emergency services, in restoring basic services as quickly as possible.

## GOVERNMENT CREDIT CARDS, QUESTION ON NOTICE 1498

**687. Mr CARPENTER to the Minister for the Environment:**

- (1) Why has the minister refused to answer my question on notice 1498 relating to the expenditure on government credit cards in her office, when 11 of her cabinet colleagues were able to answer an identical question?
- (2) Why does the minister operate under a lower standard of accountability?

**Mrs EDWARDES replied:**

(1)-(2) I asked the same question yesterday and further information will be forthcoming.

GOVERNMENT CREDIT CARDS, QUESTION ON NOTICE 1498

**688. Mr CARPENTER to the Minister for the Environment:**

As a supplementary question, I asked why the minister has not provided the information - she is the responsible minister.

**Mrs EDWARDES replied:**

The answer I gave was that it will require extra resources. I have no difficulty in providing the information. As I discovered in an inquiry yesterday, the information is forthcoming.

CYCLONE DAMAGE

**689. Mr McNEE to the Minister for Primary Industry:**

Can the minister provide any more information to the House regarding cyclone damage in pastoral and agricultural areas?

**Mr HOUSE replied:**

I spoke with a number of people in Moora and the surrounding regions, as well as in the north of the State, this morning. Also, I spoke to people in the federal minister's office, and people in the Ministry of the Premier and Cabinet have been corresponding with the Prime Minister. As the Minister for Emergency Services outlined to the House earlier, we have been successful in having the pastoral and agriculture regions included in the emergency services provisions made available.

In some of those cases, we will need to move quickly because pastoralists' homesteads and sheds have been completely destroyed. In fact, nothing has been left standing on some stations. I have authorised \$250 000 to be released through the rural adjustment fund on a dollar-for-dollar basis with the federal authorities - arranged through my federal colleague Mark Vaile - to be used for quick emergency responses.

For the past six months we also have been running a program called the Gascoyne-Murchison strategy. That had approximately \$40m applied to it and I have asked that group, which is chaired by Mr Ian Laurance, and has a number of pastoralists in the region on it, to consider reapplying some of that funding to the emergency that we now face in order to alleviate the immediate needs of some of the people in that area. In addition, money is available through the normal channels of government through rural adjustment, to people who must get business plans quickly to restructure their business and get professional help to do that. Also, I am pleased to announce that through the coordination of Golden Egg Farms, the statutory marketing authorities, the Western Australian Meat Marketing Corporation and the Potato Marketing Authority and Golden Egg Farms are providing supplies that will be on their way to places such as Exmouth in the next day or so. That is being put together now and will be trucked to the region to provide emergency provisions for those people who are so desperately in need. Those are only some of the things that we are able to do. We are trying to respond as quickly as we can on a needs basis where that need is indicated to us.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD EXPENDITURE

**690. Mr CARPENTER to the Minister for Employment and Training:**

Will the minister explain why he has refused to answer my question on notice 1500 relating to expenditure on government credit cards in his office when 11 of his cabinet colleagues were able to answer an identical question? Why does the minister operate under a lower level of accountability than most of his colleagues?

**Mr KIERATH replied:** I answered the member's question and I said that I was not prepared at that time to devote the resources to what I considered to be a complete abuse and a misuse of his power of asking questions. I put a rider there; I said if he had any specific question, I was more than happy to answer. If he wanted to create work for people to produce reams of information, I said I was not prepared to do that at the time. I have not made a decision yet, but I am thinking about reconsidering my position.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD EXPENDITURE

**691. Mr CARPENTER to the Minister for Employment and Training:**

Why does the minister operate under a different level accountability from 11 of his colleagues?

**Mr KIERATH replied:**

I have always been prepared to operate under a very high level of accountability. Questions have been asked by the member that I consider to be what I call "fishing expeditions" and I have tried whenever possible to answer them. If he comes up

with such general questions that do nothing but waste the time of good productive people, I do not want to be a part of that. As I said at the time, and I say it again; if he has a specific question, I will answer it.

#### KWINANA FREEWAY, BRIDGES

**692. Mrs HOLMES to the minister representing the Minister for Transport:**

I refer to the building of the bridges and the removing of the traffic lights on the Kwinana Freeway which are both very important projects for the residents in the seat of Southern River.

- (1) What is the time frame for the new tenders for the bridges being called and processed?
- (2) What is the time frame for the completion of the new bridges over the Kwinana Freeway, including the removal of traffic lights?

**Dr HAMES replied:**

- (1)-(2) I thank the member for some notice of this question. The Minister for Transport has provided an answer in which I was very interested because travelling that route on occasions is certainly extremely annoying having to travel through all those sets of traffic lights. Main Roads has decided to issue a new request for proposals by the five proponents by early May of this year. It hopes to award the contracts by September of this year and the work to start soon after. Unfortunately that will still take some time until the work is completed by mid-2001, but it is very worthwhile.

#### HOSPITALS, WARD AND THEATRE CLOSURES

**693. Mr McGINTY to the Minister for Health:**

Will the minister confirm the following Easter period hospital ward and theatre closures?

- (1) Royal Perth Hospital - closing 62 beds in the week commencing 5 May; 24 beds in the week commencing 12 April; and 42 beds in the week commencing 10 May.
- (2) Sir Charles Gairdner Hospital - closing 36 beds in the week commencing 5 April; 31 beds in the following week as well as 5.2 operating theatres.
- (3) Rockingham Hospital - plans to close its two major operating theatres and its minor theatre for three weeks in April.
- (4) Will the minister admit that these closures are nothing more than a desperate attempt to save money.

The SPEAKER: I take it some notice was given of that extensive question?

Mr McGinty: No.

**Mr DAY replied:**

- (1)-(4) It is correct that no notice of that question was given; however, the matter was raised in debate a couple of weeks ago by the member for Fremantle and subsequent to that, with my support and agreement, he was given a briefing by the Health Department. If the information which he has included in his question is simply based on what was provided to him by the Health Department, I assume that it is correct. However, it is totally incorrect to suggest that such reductions in activity in hospital operating theatres are based on some desperate need to reduce expenditure or whatever. It is purely part of a normal process which occurs every year about Christmas and around Easter because of less requirement for operating theatres and beds at that time. It is a fact that nursing staff, medical staff and other people tend to be more likely to take leave at that time and, indeed, people are much less likely to want their elective surgery undertaken at that time. From the information which was provided to me at the time the matter was raised in the House a couple of weeks ago, I quickly came to the conclusion there will still be a very high level of activity in operating theatres including right through Easter.

#### METROPOLITAN REGION PLANNING SCHEME

**694. Mrs HODSON-THOMAS to the Minister for Planning:**

Can the minister explain the necessity of having a well-integrated and long term metropolitan region planning scheme?

**Mr KIERATH replied:**

The member for Willagee is so lacking in competence that previously he had to ask very broad questions. This is a very specific question and also reflects on the competence of the Opposition because in developing any planning system for a capital city, one must plan for transport, business, schools, hospitals and health. One of the most important parts of all of that is the major transport infrastructure. One of the important things about the major transport system for Perth now is that

it includes the Northbridge tunnel and the Graham Farmer freeway. I admit there was some controversy in the past and I accept that is part of the political process, but those projects are now well on the way to completion. Mr Speaker, can you imagine my shock, surprise and disgust at a statement by the Opposition that if it were to win the next election, it would cease work on those projects? I know the Opposition has an absolute passion for wasting money; it wasted it in government and it has not learnt the lessons. Here it is in opposition and it lets one of its spokesmen loose to say on 9 March that if the Labor Party won government, it would cease work on those major infrastructure projects and waste money. I thought this Opposition was above that level of incompetence; obviously I was wrong. Apart from the waste of money, imagine the uncertainty that puts in the planning process for all the people who have made decisions based on that certainty of transport infrastructure. To have somebody from the Opposition say that is incredible. This Leader of the Opposition tells us publicly that he makes all the decisions in the Opposition. He is a one-man band; he does not consult; and he does not seek approval from his colleagues. If that is the case, will he own up to the responsibility for that decision to cease work on major infrastructure projects?

For a person who is always quick with the interjections, suddenly he has gone quiet.

Dr Gallop: I have not gone quiet.

Several members interjected.

Mr KIERATH: I am so glad the member said that, because it shows the people of Western Australia why this group opposite should never be trusted.

O'CONNOR, MR R.

**695. Ms MacTIERNAN to the Minister for Fair Trading:**

Because I want an answer, I have given the minister notice of this question.

- (1) What advice did the Ministry of Fair Trading provide to the Land Valuers Licensing Board when it requested the board to conduct an inquiry into Mr Ron O'Connor's fitness to hold a land valuer's licence?
- (2) Will the minister now table the letter of application sent by the ministry to the board and any further advice or correspondence provided to the board on this matter?

**Mr SHAVE replied:**

I hope that the member on the other side who was talking about a dumbo was not referring to my friend the member for Armadale, who was on her feet at that time. I thank my good friend for the question.

- (1)-(2) If the member is referring to the April 1996 matter, I am advised that an officer of the ministry attended the meeting of the board held on 4 April 1996 and briefed the board on the details of Mr O'Connor's conviction for stealing approximately \$60 000 in trust funds in January 1996 while working as a real estate agent. I am further advised that no formal letter of application for an inquiry was required because the board has the authority to commence its own inquiries without a written application.

Yesterday, the member for Armadale indicated by way of a supplementary question that I had advised the House just two weeks ago that Mr O'Connor was being investigated by the Land Valuers Licensing Board. My staff have checked the *Hansard*, and they were unable to locate the comments attributed to me by the member for Armadale. I now ask the member for Armadale to give me the specific page of *Hansard*.

Ms MacTiernan: Absolutely - no sweat.

Mr SHAVE: Where is it?

Ms MacTiernan: It is the statement that the minister made that the complaint of 4 March 1998 had been referred to the valuers board. The valuer involved was Mr Ron O'Connor. He was the only valuer. Therefore, the investigation must ipso facto involve him.

Mr SHAVE: We are getting another slant on it now. Sherlock Holmes has put it all together. However, that is not exactly what Sherlock said yesterday. If the member for Armadale is going to make accusations in this place, why does she not get them right just once?

LAND VALUERS LICENSING BOARD

**696. Ms MacTIERNAN to the Minister for Fair Trading:**

As a supplementary question, did the Ministry of Fair Trading proffer any legal advice on the position which the board should adopt when it attended this meeting of the Land Valuers Licensing Board?

**Mr SHAVE replied:**

I was not at the meeting. The member is asking me for the detail of the investigation that took place in 1996.

Ms MacTiernan: It is an issue. You should have been briefed. You are extraordinary.

Mr SHAVE: If the member wants specific detail, she should give me some notice of it.

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