



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 11 June 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

GLOBAL DANCE FOUNDATION

Standing Orders Suspension

MR GRAHAM (Pilbara) [10.04 am]: I move -

That so much of standing orders be suspended as is necessary to enable the member for Pilbara to move the following motion forthwith -

That this House censures the Premier for deliberately misleading the House over the Global Dance fiasco when he claimed that the funding for the event was approved by him on the recommendation of departmental officials.

Government members interjected.

Mr GRAHAM: Mr Speaker, in speaking to the motion I will start with a quote -

The most serious offence that we, as Members of Parliament, can commit under the Westminster system by which this Parliament operates, is to either lie or to mislead the Parliament.

It is an interesting quote. It is not an ancient or historic quote. It was made by the Premier on 17 September 1992 when he was Leader of the Opposition. If the suspension of standing orders is allowed - and I genuinely hope it is - the Opposition will show clearly that on at least four occasions the Premier has mislead this Parliament on the Global Dance issue. Mr Speaker, these were not just errors or slips of the tongue; they were deliberate statements in this place repeated before a committee of the Parliament. They were statements that were designed to cover up an action of the Premier. They were statements designed to deceive and mislead the Parliament. They were not just slips of the tongue. They were made repeatedly and they were designed to deceive.

The essence of the misleading, as the motion indicates -

Point of Order

Mr BARNETT: The motion is whether the Standing Orders of this House should be suspended. One would assume that, in bringing on a motion such as this at the beginning of a day's business - if legitimate - there is new or different information or some matter of urgency. This issue has been in the public arena for over 12 months. It is incumbent upon the member to explain to the House the urgency or the newness of any information or debate in issue. Otherwise we should defeat this.

The SPEAKER: The Leader of the House has reminded us, in a subtle way, that when members move a motion, it is incumbent upon them to talk to the motion. The motion before us relates to the suspension of standing orders. However, the practice of the House is to allow a small amount of time for people to indicate why they wish to suspend standing orders. What the Leader of the House said is essentially correct. I have not decided that the member for Pilbara has exceeded a reasonable amount of time yet. I ask to him to bear that in mind

Debate Resumed

Mr Thomas interjected.

The SPEAKER: Order, member for Cockburn!

Mr GRAHAM: I have every intention of doing that but it is interesting that the Leader of the House leapt to his feet requesting that you direct me to turn myself to the matter of substance. If I did that the Leader of the House would leap to his feet, take a point of order and argue that I should not do that because I am speaking only to a motion to suspend standing orders. With your guidance - I am happy to take your guidance, Mr Speaker - I will touch on the issues. The essence of the motion that we will debate if standing orders are suspended is that the Premier has claimed in this House on many occasions that he acted on the advice of departmental officers and officials. Further, the Premier claims that he acted only on the advice of departmental officers and officials. In fact he said if advice existed to the contrary he would not have taken the action that he did.

I cannot demonstrate what is new in the suspension motion as the Leader of the House wants me to. That is the reason the Government should agree to the suspension. If it does not agree it is again concealing information. The

information that is new is information received by the Opposition from the Premier's office under freedom of information legislation. That information has not been in this House before.

Information that directly contradicts -

Dr Hames: Table it.

Mr GRAHAM: I have no ability to table it. The Premier could have tabled it but he chose not to. The Minister for Housing could have voted with us and directed the Premier to table it but he did not. Given that opportunity, the Minister for Housing voted to conceal it and that is what is new; that is what the debate can be and should be about.

Mr Cowan: Put it on notice for next week and debate it in your own time.

Mr GRAHAM: When this House, with the Government's direction, voted to conceal this information, the Opposition made freedom of information applications and received -

Mr Court: That is absolute nonsense.

Mr GRAHAM: The Premier was not present. He did not bother to turn up for the debate. The Opposition made freedom of information applications and obtained the documents - and if given the opportunity, I will go through those documents in detail - which contradict the Premier.

Mr Court: Are these the documents that you had in the public accounts committee?

Dr Gallop: FOI.

Mr Court: It is FOI, you have it and you have made the report public. What else do you need?

Dr Gallop: We want to hold you to account.

Mr GRAHAM: The essence of the motion is the allegations that the Premier of this State -

Dr Gallop: Now we have you on the run.

Mr Cowan: There is only one way I would be running and that is right through you.

The SPEAKER: The member for Pilbara stopped to take the interjection, but members are not interjecting on the member for Pilbara. They are getting fired up for a potential debate.

Mr GRAHAM: At the meeting held in the Premier's office on 22 December, called by the Premier's staff and chaired by the Premier, he agreed to fund the Global Dance - what has become known as the fiasco - event. Prior to that meeting, his political minder -

Mr Court: You have that wrong for a start.

Mr GRAHAM: What do I have wrong?

Mr Court: What you conveniently left out is "subject to certain processes being carried out".

Dr Gallop: Read the public accounts committee report. What a joke!

Mr Court: Don't make it up.

Mr GRAHAM: Did the Premier call the meeting subject to processes?

Mr Court: You have had a Public Accounts and Expenditure Review Committee hearing, I have attended it, you have come down with a public report and still you are not happy.

Ms MacTiernan: You will not accept it.

The SPEAKER: It is difficult for members to allude to the reasons and the necessity to suspend standing orders. The member for Pilbara has done that to some extent. However, he is now venturing into the debate on the motion that he hopes to raise. I draw the member for Pilbara's attention to that. Can he provide anything further to the House to indicate why we should suspend standing orders.

Mr GRAHAM: I am not seeking to canvass your ruling, Mr Speaker, but you understand the difficulty between getting into the detail and demonstrating the need. I am willing to take your advice and your rulings. The point is that what is new and what is clear is that at that meeting on 22 December, the Premier made the decision to fund the event. That is not disputed by anybody except the Premier. It is not disputed by the public accounts committee, departmental officials, or any evidence other than the Premier's. Prior to that meeting, his political minder collected

advice from departments on the event that they were seeking to fund. It is that advice that has not come out in this Chamber which the Opposition now has. I want to examine that advice, chapter and verse, because I can match up parts of that advice. For example, prior to the meeting, Treasury officials said, "Do not fund it". That was the advice the Premier went in with in his hand, I assume, given that it was given to him. It said "Do not fund it". However, at that meeting he agreed to fund it. The next lot of documents that we will produce, that the Government would not, demonstrate clearly -

Mr Court: You can fabricate all you like.

Mr GRAHAM: Allow the suspension and let me proceed. Do not accuse me of fabricating it.

Mr Court: I have appeared before your committee.

Mr GRAHAM: There is the evidence.

Dr Gallop: Here it is.

Mr GRAHAM: The Premier should suspend standing orders and allow me to read it.

The SPEAKER: I understand the emotions involved, but the member for Pilbara is probably coming to a close. He has made the point he wished to make.

Mr GRAHAM: This is serious; the Premier accepts that. This is not political speak, playing at the fringes or political advantage. All members understand that. The other side will protest that it is as pure as the driven snow. All of us understand that weight is given to, and emphasis is placed on, points that one wants to highlight and one downplays or does not mention the points one does not want highlighted. This is not about that; it is about the Premier saying one thing and doing the exact opposite. The evidence directly contradicts him. Treasury and Western Australian Tourism Commission letters contradict the Premier. The WA Tourism Commission will not, does not and did not agree with the Premier, but was overruled by its boss.

Mr Kierath: What is the sense of urgency?

Mr GRAHAM: These documents have never come out and the Government voted to conceal them. I have an EventsCorp briefing note that has never come out before.

Mr Court: Are the documents that you have under FOI?

Mr GRAHAM: Yes.

Mr Court: What is so secret about them? Did you have the documents in the public accounts committee?

Mr GRAHAM: I do not know what the public accounts committee had. I would not have a clue.

Mr Court: You are on the committee. You are getting so ridiculous.

Mr GRAHAM: Let us deal with one -

Mr Court: A secret document that is public!

Mr GRAHAM: We received an EventsCorp briefing note under FOI which was not in the public accounts committee. The Premier said EventsCorp supported the event and recommended it to him. It, in fact, recommended caution and that no funding be made available until further work had been done. The Premier went into the meeting with that advice in his hand and approved the funding. That has not come out before. The Premier has not stood up in this House and said that. He did not produce that to the public accounts committee; he did not table that document as the advice when I asked him to do so; and he did not produce the WATC letter when asked.

The SPEAKER: In responding to interjections, the member for Pilbara has strayed into the substance of the matter he wants to debate. It is time to allow other members who wish to speak to the suspension of standing orders to have their chance.

Mr GRAHAM: Something that has not come out which this House should see - if standing orders are suspended, it will allow us to canvass it, because it has never come out before - is the fact that the Premier wrote to the board of *The West Australian* complaining about its reporting of the Global Dance event. That letter contradicts what he said in this place. The Premier is contradicting himself. That letter was not made available to the Public Accounts and Expenditure Review Committee or to anyone else. That letter was obtained under the Freedom of Information Act. Apart from the Premier, no government member has seen that letter, and certainly few members on this side have seen it. It is important that this House consider that letter. The Premier has made statements in this House that are different from those he wrote in a letter to the board of West Australian Newspapers Ltd. The statements are not

different at the fringes, but are mutually exclusive. He advised this House that he acted on the advice of the Crown Solicitor and in a letter to Western Australian Newspapers he said the newspaper had got it wrong because the Crown Solicitor was not involved. The Premier cannot have it both ways. The only way we can deal with this issue is to suspend standing orders so we can debate it.

MR BARNETT (Cottesloe - Leader of the House) [10.20 am]: The Government will not support the suspension of standing orders. The Global Dance event is hardly a new issue. It has been debated in the public arena and in this House on a number of occasions over the past 12 months. Even if, as the Opposition claims, there is new information or a new argument, it is within reason to deal with it as a formal notice of motion and debate it in private members' time. We are perfectly happy to debate this at that time.

Let us consider the debate last night. From my observation, that was the worst debate in this Chamber; it was an absolute farce.

Dr Gallop: It showed you had not done your homework on that issue.

Mr BARNETT: Members opposite spent four hours talking about the goods and services tax. The GST is an issue, but what a waste of time and an ill-prepared performance by the Opposition.

Mr Ripper: That is not true. It was your backbenchers who made a mess of the debate.

Mr BARNETT: The only good contributions were from this side of the House. It was a training run for some of the new backbenchers on the government side. The Opposition members gave us their time for a training run so our new members could make speeches. It was a waste of private members' time from an opposition point of view.

Mr Brown: So, we must discuss with you whether we can take an issue up in private members' time.

Mr BARNETT: No. If the Opposition wants to re-debate Global Dance and if it has obtained further information under FOI that they think is part of the debate, they can give notice of motion and bring it on for debate next week, so that we can debate it at length in their time. However, we will not agree to holding up today's debate on the School Education Bill, which is an important piece of legislation. Let us debate Global Dance next Wednesday in private members' time. We do not support the suspension of standing orders.

DR GALLOP (Victoria Park - Leader of the Opposition) [10.22 am]: I support the move by the member for Pilbara to suspend standing orders, so that we can properly debate the matter that he wants to put before the House. The Premier does not like the Opposition to mention two names in this Parliament. One of them is Mr Ian Fletcher, the head of the Premier's office. His name will be mentioned more often in this Parliament before we rise on 30 June in connection with the resignation of Mr Gary Byron - make no mistake about that! The other name that the Premier does not like being raised in this Parliament is Mr Peter Reynolds who received a gift of \$430 000 from the Government of the Western Australia for an event that never happened and by all accounts was never going to happen. The Premier does not like those names being mentioned because the issues that relate to those two names go to his credibility as the Premier of this State, to the way that he conducts himself as Premier of this State, and to the standards that he sets.

Mr Court: The reason that you are trying to bring this on today is because a ministerial statement is about to come out which will highlight some your weaknesses.

Dr GALLOP: Is it, Premier? We have a desperate Premier and a Government on the run.

The SPEAKER: Order! The motion is whether to suspend standing orders. It is not an opportunity to take a free kick on a number of other issues. I did hear the Leader of the Opposition mention the suspension of standing orders. I hope he will talk on that and not get sidetracked.

Dr GALLOP: That is absolutely true, Mr Speaker. However, when by way of interjection the Premier passes me the ball, I cannot resist taking it and kicking a goal.

The urgency of this motion relates to two issues: First, as a result of the diligent work of the member for Pilbara, we have new material that should be put before this Parliament and debated. That information was obtained through an FOI request. We now have before us advice that went to the Premier prior to the meeting of 26 December 1997, and correspondence from the Premier that should be lined up against that which he said in this Parliament. We need to take the opportunity to air that information and to debate the matter.

The second reason for the urgency relates to an article in *The West Australian* this morning by Roger Martin headed "Premier faces new attack on dance role". It is interesting that in relation to this issue the Premier never seems to take advice. His departmental officers told him that the proposal to hold a dance event was highly questionable. He did not accept that advice. Then, in relation to what his Government did in terms of that event, the Public Accounts

and Expenditure Review Committee brought forward recommendations. He did not accept those recommendations. We now find out in *The West Australian* that the Public Sector Standards Commissioner has also contributed to this discussion, and the only way that we found out about this was through an article in *The West Australian* this morning. The Premier and the Government of Western Australia did not bother to tell the Parliament or the people of Western Australia when it tabled its response to the PAERC report that the Public Sector Standards Commissioner, Mr Don Saunders, said that he agreed with that committee's recommendations. What is more, the commissioner said that if the findings of the inquiry were correct, public servants involved in the botched dance convention might have committed up to 12 breaches of the Public Sector Management Act. The Premier did not bother to mention any of that when he responded to the PAERC report.

Mr Court: What was the response of the Public Sector Standards Commissioner after he carried out the investigation? You are telling only half the story.

Dr GALLOP: Why did the Premier not bother to tell the Parliament about that? This is an urgent matter. We have new information obtained through a freedom of information request and an article in *The West Australian* this morning, and we are dealing with the credibility of the Premier of Western Australia. That does not seem to bother members of the government parties. However, it is important. Government members need to understand that they will hear a lot about Peter Reynolds and Ian Fletcher. Their names will keep coming up in this Parliament until the Government accepts its responsibilities in relation to the duties that it is given under our system of government. The Premier said that these matters have been discussed in the public arena and have been dealt with in the past and that later today he will deal with matters that happened over a decade ago. The Premier has an interesting set of double standards.

Mr Court: We got it right, that is why.

Dr GALLOP: We will respond to the Premier on that matter. The Premier has no credibility in these issues. We should congratulate the member for Pilbara for his diligence.

Mr Graham: Mr Speaker does not have to; it is all right.

The SPEAKER: I formally call the member for Pilbara to order for the first time. Members and the Leader of the Opposition were speaking very well to the motion until recently.

Dr GALLOP: The urgency of the matter is clear. The new information in the article in *The West Australian* this morning needs proper debate. Are we going to have proper debate or another cover up from the Government on this Global Dance fiasco? The sum of \$430 000 in taxpayers' money went to a friend of the Premier with no accountability requirements built in; money totally lost to the people of Western Australia.

Mr OSBORNE: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (27)

Mr Ainsworth	Mr Cowan	Mr MacLean	Mr Prince
Mr Baker	Dr Hames	Mr Marshall	Mr Trenorden
Mr Barnett	Mrs Hodson-Thomas	Mr Masters	Mr Tubby
Mr Bloffwitch	Mrs Holmes	Mr McNee	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Minson	Mr Wiese
Dr Constable	Mr Johnson	Mr Nicholls	Mr Osborne (<i>Teller</i>)
Mr Court	Mr Kierath	Mr Pandal	

Noes (17)

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

Pairs

Mr Day	Mrs Roberts
Mr Sweetman	Mr Marlborough

Question thus passed.

Question (motion to suspend standing orders) put and a division taken with the following result -

Ayes (19)

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

Noes (25)

Mr Ainsworth	Dr Hames	Mr Marshall	Mr Trenorden
Mr Baker	Mrs Hodson-Thomas	Mr Masters	Mr Tubby
Mr Barnett	Mrs Holmes	Mr McNee	Mrs van de Klashorst
Mr Bloffwitch	Mr House	Mr Minson	Mr Wiese
Mr Bradshaw	Mr Johnson	Mr Nicholls	Mr Osborne (<i>Teller</i>)
Mr Court	Mr Kierath	Mr Prince	
Mr Cowan	Mr MacLean		

Pairs

Mrs Roberts	Mr Day
Mr Marlborough	Mr Sweetman

Question thus negatived.

WESTERN POWER AND ALINTAGAS SELL OFF

Petition

Mr Carpenter presented the following petition bearing the signatures of 14 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 229.]

LORD STREET, HENLEY BROOK SPEED LIMIT

Petition

Mrs van de Klashorst presented the following petition bearing the signatures of seven persons -

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

We, the undersigned people of Western Australia wish to express our concern at the speed limit of 80 kmh on Lord Street between Reid Highway and Gngangara Road and for the safety of drivers and inhabitants along this road, should the speed be increased rather than lessened.

Please do not increase the speed limit.

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 230.]

CAR REGISTRATION FEES INCREASES*Petition*

Mr Carpenter presented the following petition bearing the signatures of 13 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 road 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 lower 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 231.]

BUS SERVICE, KOONDOOLA*Petition*

Mr Cunningham presented the following petition bearing the signatures of 60 persons -

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

We the undersigned residents of Koondoola request that the bus route 368 serving residents of Alexander Heights to Warwick be modified to include travel along Koondoola Avenue to Mirrabooka Avenue and then continue down Marangaroo Drive, so as to provide a bus service to the residents of Koondoola.

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 232.]

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION*Second Report - The Working Group of Parliamentary Committees with a Role to Oversee Criminal Justice and Law Enforcement Bodies*

MR THOMAS (Cockburn) [10.41 am]: I present for tabling the second report of the Joint Standing Committee on the Anti-Corruption Commission entitled "The Working Group of Parliamentary Committees with a Role to Oversee Criminal Justice and Law Enforcement Bodies". I move -

That the report be printed.

After the Joint Standing Committee on the Anti-Corruption Commission was established last year, we made contact with similar bodies in other States. A working party has been formed comprising the parliamentary committees that oversee the Criminal Justice Commission in Queensland, the Independent Commission Against Corruption in New South Wales, the National Crime Authority in the federal jurisdiction, and the Police Integrity Commission in New South Wales. The first meeting of that body was held in Queensland earlier this year, and a number of papers were presented at that meeting. Some important matters were canvassed at that meeting, and the people who presented the papers had a very good insight into those matters. I commend those documents to members. They are summarised in the report, and I have a full set of the papers, which members can see if they wish. I particularly commend the report by Mr Terry O'Gorman, the Vice President of the Queensland Council for Civil Liberties, who made some very pertinent observations on the functioning of bodies such as the Anti-Corruption Commission and, in his case, the Queensland Criminal Justice Commission.

The general questions that arise with regard to the existence of a body such as the Anti-Corruption Commission are matters that I have canvassed on a number of occasions in this House, most recently a few weeks ago when I presented another document, so I do not intend to repeat those comments. However, I will say that such bodies have

considerable scope to do harm to citizens, because they possess powers that in the main are not possessed by police forces and law enforcement bodies. I have canvassed on other occasions whether it is a good idea for bodies to have that power.

One matter that is quite current and is reported in this morning's *The West Australian* is the withdrawal of charges against a police officer in this state, Senior Sergeant Ferguson. Members who have been following this matter will be aware that Sergeant Ferguson was charged with a number of offences, one of which was that he had misled a special investigator of the Anti-Corruption Commission with regard to sexual activities. I have said in this House previously that we have reached a new level in the intrusion of law enforcement bodies into the lives of citizens when a person is charged with misleading a law enforcement body with regard to sexual activities. If, for example, a policeman asked a citizen questions about such a matter, that citizen would be entitled to decline to answer those questions.

However, when those questions are asked by a special investigator of the Anti-Corruption Commission, a person cannot decline to answer those questions, and if he misleads the special investigator, that constitutes an offence. We should consider this matter seriously, because it represents a significant intrusion into the lives of ordinary citizens. I presume that what the Anti-Corruption Commission and the people involved would say - I have not asked it - is that these matters arose incidentally to serious matters that were being investigated; and if the officer concerned actively misled the special investigator, an offence was committed. I am also concerned about what has happened since those charges were laid.

The SPEAKER: Order! I am sure the member for Cockburn is aware of the way that matters that are sub judice can be considered or not considered in this House, so I caution him about that.

Mr THOMAS: Mr Speaker, I am very conscious of that, but the charges have been withdrawn.

The SPEAKER: Order! I know that two charges have been withdrawn, but I do not want the member to stray.

Mr THOMAS: I certainly would not go into the other matters. I know nothing about the other matters, so I could not say anything about them in any event.

It was reported in this morning's *The West Australian* that Mr Dean from the Western Australian Police Union said that the ACC owed an apology to Sergeant Ferguson and his family. On the face of it, that would appear to be the case, because very salacious matters with regard to this man's life have been canvassed in the media and, no doubt, have been the subject of considerable gossip in the community. We now find that the charges have been withdrawn. If the charges were to be withdrawn, why on earth was this matter deliberately placed in the public arena? Mr Dean is quite right in complaining and in insisting that Sergeant Ferguson and his family be given an apology for what they have had to endure over the past few months. The point I wish to make, and it relates to the matters that are canvassed in the report -

The SPEAKER: Order! Are these matters actually in the report?

Mr THOMAS: These types of matters are canvassed in the report, Mr Speaker. I believe that Mr Dean has got his aim wrong. The apology should be sought not from the Anti-Corruption Commission but from the Director of Public Prosecutions, because the role of the Anti-Corruption Commission is to assemble facts and data, and if it believes that a prosecution may be warranted, to refer that matter to the Director of Public Prosecutions for an independent decision. The decision about whether evidence exists in that brief to sustain a prosecution and whether in the public interest a prosecution should proceed rests entirely with the Director of Public Prosecutions. In this case, presumably, information was assembled and sent to the Director of Public Prosecutions; and, as a consequence, a police officer was charged with, among other things, misleading the Anti-Corruption Commission with regard to very private matters in his life - matters which would not normally be canvassed in public and be subject to public speculation - and obviously he and his family had to undergo the trauma that is associated with being charged, let alone being found guilty. It has now turned out that before the matter has even gone to trial, the charges have been withdrawn.

Sergeant Ferguson and his family, or anyone else, should ask what has changed. Has new information been made available to the Director of Public Prosecutions or has he reflected further and decided that it would not be in the public interest - even if there were a sustainable brief - for prosecution to proceed? I cannot conceive how anything could have changed in that time. I do not wish to canvass the point whether Sergeant Ferguson is guilty of the other matters with which he has been charged. They are serious offences and those matters will have to be addressed by the courts. Why should the private activities of a policeman or anyone else be deliberately brought into the public arena? It happens when a person is charged with salacious offences, and subsequently the charges are withdrawn.

Enormous damage has been done and embarrassment caused to this person. If he must subsequently face other matters, they should stand or fall on their merits. The complaints by Mr Dean expressed in *The West Australian* this

morning are real and appropriate; as a union official he should complain strongly and insist on an apology to Sergeant Ferguson. However, that apology should not come from the Anti-Corruption Commission but from the Director of Public Prosecutions.

Question put and passed.

[See paper No 1470.]

SALE OF THE DAMPIER TO BUNBURY NATURAL GAS PIPELINE

Statement by Minister for Energy

MR BARNETT (Cottesloe - Minister for Energy) [10.51 am]: At the time the Parliament was considering the Dampier to Bunbury Pipeline Bill 1997 in November last year, I indicated that I would make a detailed statement to the Parliament as soon as practical after the completion of the sale of the Dampier to Bunbury natural gas pipeline. I now have pleasure in tabling the "Report on the Sale of the Dampier to Bunbury Natural Gas Pipeline" which sets out the substance of the asset sale agreement within the context of the sale process.

Members would be aware that the sale to Epic Energy Australia for \$2 407m, including \$104m in stamp duty, was announced by the Government on 3 March 1998 with the signing of an asset sale agreement. Financial completion of the sale was concluded on 25 March 1998. This outstanding result, well above the book value of the assets involved, capped an intensive effort over some 18 months to place this vital component of the State's energy infrastructure into the private sector.

The sale agreement was prepared by the Gas Pipeline Sale Steering Committee appointed by the Government to conduct the sale. It was devised to convey to the bidders the essential terms the State offered and the terms with which the acquirer was required to comply. It then became the contract of sale between AlintaGas as the vendor of the pipeline assets and liabilities, and the new owner of the pipeline. The proper conduct of the sale process required that the sale agreement be a confidential document and it is intended that it remain so. The sale process, as set out in the report, was conducted as a trade sale which proceeded in four phases. In the initial preliminary phase the resources and expertise to conduct the sale were assembled and in September 1996 a preliminary registration interest identified some 30 parties expressing an interest in acquiring the pipeline.

By the end of the second phase, with the preparation of a comprehensive information memorandum addressing the sale of 100 per cent of the interest in the pipeline assets and the proposed offer of employment by the buyer to existing AlintaGas Transmission employees, the number of parties identified rose to around 40.

The third or marketing phase of the sale included submission of bids for preselection and concluded on 31 October 1997 with a short list of five parties. The drafting of the sale agreement proceeded beyond this point consistent with the framework set out in the confidential information memorandum and alongside a rigorous due diligence process within AlintaGas and involving relevant state agencies to clarify all assets and liabilities that were to be offered through the sale agreement.

Binding bids were received by the GPSSC on 28 February 1998 as part of the fourth phase of the asset sale. Following an intensive period of assessment, the GPSSC made its recommendation to the Minister for Energy and the Premier on 2 March 1998. Cabinet considered and approved that recommendation on 3 March 1998 and AlintaGas signed the sale agreement that day prior to the public announcement. Key features of the sale I draw to the attention of the Parliament are, firstly, that the acquirer, Epic Energy Australia, is a consortium comprising three Australian institutional investors and two large and capable pipeline companies based in the United States of America, the El Paso Natural Gas Company and the Consolidated Natural Gas Company; secondly, that employee interests have been safeguarded through the acquirer's commitment to a detailed transitional plan which guarantees employment for two years to the 131 employees of AlintaGas; thirdly, that the State retains ownership of easement rights over the pipeline corridor and has granted access rights as necessary to the acquirer in relation to the pipeline assets transferred by the sale agreement; fourthly, that pipeline tariffs will fall by approximately 20 per cent to \$1 per gigajoule by 2000.

Finally, it is a credit to all those involved in the conduct of the sale that it was completed within the time frame broadly envisaged by the Government and that the final cost of conducting the sale, estimated in the report at \$18m - that is, \$11m by the GPSSC, and \$7m by AlintaGas. The total is only 0.75 per cent of the total sale proceeds. This cost is considerably less than costs in the range of 1 to 2 per cent typical for the sale of similar assets both elsewhere in Australia and overseas. The sale is widely recognised as an outstanding success for this State in realising value back to the community from its substantial investment over time to establish energy infrastructure. I commend the report to the House.

[See paper No 1471.]

**SOUTH EAST OMNIBUS No 3 AND NORTH WEST OMNIBUS No 3 METROPOLITAN REGION
SCHEME AMENDMENT***Statement by Minister for Planning*

MR KIERATH (Riverton - Minister for Planning) [10.56 am]: The south east districts omnibus No 3 metropolitan region scheme amendment proposes 26 changes to land in the cities of South Perth, Belmont, Canning, Gosnells and Armadale, the Town of Victoria Park and the Shire of Serpentine-Jarrahdale. The changes are at the request of landholders, local governments and state government agencies and involve mainly adjustments to parks and recreation reservations, boundary changes and rezoning. Twenty-three submissions were received during the three month advertising period and modifications to the amendment have been made, including deletion of some planned changes.

The north west districts omnibus No 3 amendment proposes 32 changes to the metropolitan region scheme in the cities of Stirling and Wanneroo. Initial major proposals included transferring 163 hectares of land at Neerabup, four lots at Yanchep and three lots at Trigg from rural or urban to parks and recreation to add to national park or foreshore reserves. It also involves changing the parks and recreation reserve to the urban zone for North Beach Primary School and the adjacent Star Swamp to recognise existing uses and for vesting purposes and changing part of Sun City Country Club at Yanchep from urban to private recreation to allow residential land development on land no longer needed for private recreation purposes.

Other changes include giving land no longer required along Mitchell Freeway over to the parks and recreation reserve and urban zone as well as minor corrections to the Mitchell Freeway and Reid Highway reservations.

There were 148 submissions during the advertising period, concentrating on the reservation of three lots at Trigg and four lots at Yanchep. The Yanchep proposal has since been removed from the amendment.

The south east districts omnibus No 3 and north west districts omnibus No 3 amendments are before Parliament for 12 sitting days. I commend the amendments to the House.

[See papers No 1472-1481, and maps 1.3618/2, 13619/2 and 1.3620/2.]

DEREGISTRATION OF WESTERN AUSTRALIAN GOVERNMENT HOLDINGS LTD*Statement by Premier*

MR COURT (Nedlands - Premier) [10.58 am]: Western Australian Government Holdings Ltd is soon to be deregistered, and it is therefore appropriate that I summarise for the House the history of this company since it became wholly owned by the State.

The Northern Mining Corporation (Acquisition) Act was assented to in 1983 following the Labor Party's election to government and the appointment of Mr Brian Burke as Premier and Treasurer. This Act gave the Treasurer, on behalf of the State, power to acquire shares in Northern Mining Corporation NL, and he was empowered, with the prior approval of the Governor, to make advances to the corporation from the consolidated fund and to guarantee the discharge of any financial obligation of the corporation from the fund. At the time of purchase, Bond Corporation was the beneficial owner of Northern Mining shares. While Northern Mining Corporation NL had an early involvement with diamonds through the Argyle Diamond Mines and Ashton Exploration Joint Ventures, it was not diamonds which were to make Western Australian Government Holdings Ltd, the renamed Northern Mining Corporation NL, a controversial entity.

In January 1987, Cabinet granted Petrochemical Industries Ltd, a mandate to study the feasibility of a petrochemical plant using ethane from the North West Shelf gas project.

In October 1987 the stock market crashed and Rothwells experienced liquidity problems, leading to an approach by Mr Laurie Connell to Premier Burke. So commenced the Government's ill-fated involvement in Rothwells. Inventive minds working under a veil of secrecy were to use the guise of the earlier mooted petrochemical plant to conceal the Government's rescue of Rothwells Ltd with the use of taxpayers' funds.

In October 1988, Premier Dowding announced that his Government intended taking equity in the petrochemical project, and that non-recourse funding would be undertaken to avoid any adverse impact on taxpayers. This reference to non-recourse funding was later proved to be a far from accurate description of the financial arrangements put in place for the project.

The Government and Bond Corporation Holdings paid a total of \$350m for Mr Connell's half interest in the project, which was applied to the benefit of Rothwells, whilst Dempster Nominees received \$50m for its half interest. The Government contributed \$175m for its 44 per cent interest by way of Western Australian Government Holdings

borrowing the funds by issuing debentures in favour of the State Government Insurance Commission for this amount. These debentures were given a state government guarantee. Under the project management agreement between WAGH and Bond Corporation, WAGH carried all of the risks associated with the construction phase of the project, with Bond Corporation securing an interest in the project on very favourable terms which included the role of manager of the construction phase.

From the very beginning, the interest of Messrs Connell and Dempster was worth much less than the \$400m paid and the project only had any real value through the Government's mandate to develop the petrochemical plant, and the subsequent guarantees and support mechanisms provided by government. During 1988, under the premiership of Mr Dowding, the Government set about enhancing the value of the petrochemical project - PICL. PICL was from the beginning a misconceived project which was based on the ill advised rescue of Rothwells, rather than a genuine commercial basis for a petrochemical project.

In January 1989 the Burt Commission on Accountability issued its report and concluded that the provisions under which Western Australian Government Holdings operated failed to satisfy any of the accountability criteria the commission had used. There had been no requirement for Western Australian Government Holdings to report to Parliament and it was not subject to the limiting provisions of the Financial Administration and Audit Act. Indeed it was the Corporation Law status of Western Australian Government Holdings which assisted the corporation to keep secret, from Parliament and the public, its convoluted project dealings.

In August 1989, as the petrochemical project's inevitable fate was accepted, Premier Dowding announced that the project would not proceed. In 1990 Bond Corporation Holdings and others issued a writ against the State for damages. Later, it was seen fit to include Western Australian Government Holdings in the terms of reference of the Royal Commission into the Commercial Activities of Government and Other Matters.

In 1992 the commission found that when Cabinet approved the acquisition of Northern Mining Corporation it was unaware that L. R. Connell and Partners was unsuitable to advise the Government on a matter of such complexity and also acting as agent for the vendor, Bond Corporation, and that L. R. Connell and Partners would receive a fee from Bond in relation to the sale. The commission found that Mr Burke was fully aware of these matters but deliberately chose not to tell his Cabinet colleagues, which was grossly improper. The commission also found that Cabinet approved the acquisition of Northern Mining Corporation without the benefit of a proper valuation of the corporation and were unaware that it was being asked to approve a purchase price possibly \$7m to \$12m more than the corporation's true value. The commission further found that the decision to support Rothwells was one borne of Premier Burke's entrepreneurial approach to the practice of government without involving the appropriate checks and balances that need to apply to all public owned entities, and the special relationship he had developed with Mr Connell. The commission stated that the Government had a legitimate interest in endeavouring to attract a petrochemical project to Western Australia. However, it found that as the Government was totally consumed by its concern to save Rothwells for its own electoral advantage, it denied itself the opportunity of objectively assessing the extent of support that was justified having regard to the interests of the State. Other government entities, namely the Government Employees Superannuation Board and the State Government Insurance Commission, also used their funds to support Rothwells and the commission found this to be improper.

In 1993, the Government announced that it had settled for \$7m, a \$960m claim by Southern Entities - formerly the Bond Corporation - and others against the State relating to the discontinuance of the petrochemical project. The petrochemical project has cost the State a total of \$413m; a significant part of the \$1.5b which WA Inc matters have cost in total. This figure represents a huge sum which could have been far better spent in some more satisfying manner for the continuing benefit of the taxpayers and residents of Western Australia.

Western Australian Government Holdings is now to return its remaining funds of around \$7.4m to the consolidated fund, and request that the Australian Securities Commission deregister the corporation. This will then complete a matter which has involved a massive use of the funds and resources of government for a period of over 10 years. At a later date, the Northern Mining Corporation (Acquisition) Act is to be repealed, as recommended by the Burt report.

DR GALLOP (Victoria Park - Leader of the Opposition) [11.06 am]: In relation to the events mentioned in the Premier's ministerial statement, I would say only two things. First, the Australian Labor Party discharged its responsibilities in relation to those events by establishing the Burt Commission on Accountability and the Royal Commission into Commercial Activities of Government and Other Matters, and acted on the recommendations brought down by those two commissions of inquiry. Second, the coalition Government is yet to fulfil its responsibilities in relation to the recommendations of the royal commission and indeed those of the Commission on Government. It was interesting that at the last election when the responses to the Commission on Government were available for public scrutiny, we found that the two major political parties either fully supported the recommendations, supported them with qualifications or opposed them. The coalition Government supported only 22, gave qualified support to 105 and opposed 136 of the recommendations. The Labor Party fully supported 179,

gave qualified support to 80 and opposed four of those recommendations. If the Premier wants to talk about the matters that flow from the royal commission, we can say that a lot needs to be done to our system of government before we can ensure that the public interest is properly delivered.

It is interesting to go to paragraph 13.17.3 of the royal commission's report in relation to the events the Premier mentioned in his ministerial statement. I am referring to the events relating to the collapse of Rothwells. It reads -

Mr Court's evidence was in broad agreement with that of Mr MacKinnon. In addition, he referred to some information which he had received during the previous year from a source within Rothwells. The substance of that information was that more than half of Rothwells' loans had been made to Mr Connell or to companies related to him. Mr Court said he told Mr MacKinnon and Mr Hassell in general terms the substance of his information but he did not reveal the source. Mr MacKinnon told the Commission that being possessed of that information made it easy to take the decision not to assist. It is unfortunate that Mr Court did not disclose his information to the Government or to Mr Oates on the Sunday.

Mr Barnett: You are saying that your Government was not responsible.

Dr GALLOP: I am merely quoting from the report.

Mr Barnett: That is a disgraceful and cowardly position. You are trying to imply that your Government was not responsible. It was responsible and you, my friend, were a Minister.

Dr GALLOP: I am merely quoting from the report. It reads -

It is unfortunate that Mr Court did not disclose his information . . .

Is it not a funny world that we live in? The words chosen by the royal commission were "It is unfortunate". Had the royal commissioners said "It was improper" the Premier would not be sitting in that chair today. Oh lucky man!

Several members interjected.

Dr GALLOP: You are in the Chair, my friend.

The ACTING SPEAKER (Mr Baker): I beg the Leader of the Opposition's pardon?

Dr GALLOP: You are in the Chair.

The ACTING SPEAKER: Yes that is the case. That is a very acute observation.

Mr Court: What has that to do with it?

Dr GALLOP: It has a lot to do with the way he conducts himself in that Chair.

Point of Order

Mr BARNETT: Clearly the Leader of the Opposition has reflected on the Chair. I would call upon him to apologise.

The ACTING SPEAKER: The Leader of the Opposition?

Dr GALLOP: Do you feel that this has happened, Mr Acting Speaker?

The ACTING SPEAKER: I feel the Leader of the Opposition should apologise. We have to be fair. I have simply taken the Chair as a requirement.

Dr GALLOP: I apologise to the Acting Speaker. In apologising to him, I request that he be very careful in the way he carries out his duties so that he does not reveal any bias in his dealings.

Mr Barnett: That is disgraceful.

The ACTING SPEAKER: I do not need to be reminded of my duties in this position.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Leave to Sit

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

That leave be given for the Standing Committee on Uniform Legislation and Intergovernmental Agreements to meet when the House is sitting on Thursday, 11 June.

STANDING ORDERS AND PROCEDURE COMMITTEE*Extension of Time to Report*

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

That the date for presentation of the report of the Standing Orders and Procedure Committee on the Commission on Government Recommendations be extended to 18 June.

WADC AND EXIM CORPORATION REPEAL BILL*Second Reading*

MR COURT (Nedlands - Treasurer) [11.11 am]: I move -

That the Bill be now read a second time.

The primary purpose of the Bill is to repeal the Western Australian Development Corporation Act 1983 and the Western Australian Exim Corporation Act 1986. Passage of the Bill will allow the Western Australian Development Corporation and Exim to return approximately \$12.6m and \$4.4m respectively to the consolidated fund as anticipated in the 1997-98 Budget.

WADC and Exim have been liquidating their assets since 1990 when the then Minister for Finance and Economic Development, Hon Ian Taylor, issued a written direction to the corporations that they liquidate their affairs. This liquidation process has now been completed and the corporations are in a position to return all of their remaining assets, which are in liquid form, to the State.

The Government believes that neither WADC nor Exim has a role in the government structure, and the liquidation of their respective affairs and the approval by Parliament of the WADC and WA Exim Corporation Repeal Bill, are appropriate means to accomplish the demise of these entities.

The Bill includes transition provisions which address the vesting of WADC and Exim assets and liabilities in the State; the custody of records; the disposal of subsequent assets and the discharge of subsequent liabilities; the cancellation of shares; and the treatment of subsisting agreements and instruments and annual report preparations. The Bill also contains consequential amendments to a number of other Acts which currently make reference to WADC and/or Exim.

Passage of the Bill will see an end to these two WA Inc corporations. These ventures were conceived by the Burke Labor Government to assist in its forays into "government commercialism". They lacked accountability and were removed from the appropriate checks and balances of a public agency.

I now provide for members some comment on the sad history of both WADC and Exim, entities which added no value to the State and which are, in total, barely able to return their issued capital to their shareholder - namely, the State of Western Australia. Indeed, the financial position is far worse than first appears as much of the liquidation exercise was performed by senior public servants who have made no charge for the considerable time they spent in accomplishing this task.

The Western Australian Development Corporation Act was proclaimed on 19 April 1984. That Act established WADC's functions and granted it extensive powers to promote the development of economic activity in Western Australia; to bring together and coordinate financial resources for private investment and to increase the availability of capital to business undertakings; to promote the State and other Australian ownership of business undertakings engaged, or intending to engage, in the development of economic activity; and to increase opportunities for Western Australians to invest and participate in that development of economic activity, operate as a commercial business undertaking and generate profits for the benefit of shareholders - namely, taxpayers.

WADC was subsequently to advise the Government on options for improving the utilisation and management of major state assets, such as land, buildings, investments and business undertakings. The current Leader of the Opposition said in 1987 -

. . . when this Government came to power the Premier said to the Western Australian Development Corporation, "Compile a list of all public assets, buildings, and real estate in this State." That had never been done by those who parade as the best financial managers of this State. . . . It was the Burke Government which called on WADC to compile this comprehensive register. It is the first step in a process we will continue by which it is hoped to improve taxpayers' returns from the many assets they have purchased over the years.

When we requested this register when we first came to Government in 1993, it did not exist. It had never been done. Driven by the Minister for Finance, along with the Valuer General, it is now in place after 18 months.

During its lifetime, WADC entered into many projects, promotions, joint ventures and partnership arrangements, and the corporation had numerous fully and partly owned subsidiaries, all falling short of being fully accountable to this Parliament. A number of WADC's better known transactions include the following: In 1984-85, WADC took a 30 per cent interest, at a cost of \$15m, in IBJ Australia Bank Ltd.

The Industrial Bank of Japan took a 50 per cent interest in the new foreign bank, which was to concentrate its activities mainly in resource and industrial activities. WADC's interest was later progressively sold down to the Industrial Bank of Japan. The bank no longer operates in Western Australia.

In the same year, WADC acted as the trust manager for the Western Australian Diamond Trust. This trust was created to distance the Burke Government from the conflict of interest it created by purchasing Northern Mining from the Bond Corporation. In 1985-86, WADC gave a guarantee to provide working capital for McLean Bros and Rigg. When that transaction soured, the business failure cost WADC \$2.95m.

The most celebrated of WADC's "successes" was its \$13m "profit" on the sale of the Perth Technical College site. In 1985-86, WADC sold the site for a \$13m "profit", after acquiring it from the Government for \$20.5m in the same year. Obviously the acquisition by the WADC was made well below market price. A number of WADC land profits were made as a result of land from elsewhere in government being shuffled into WADC at unrealistically low values, and then being sold at market values.

Members, this was how profit "WADC-style" was generated. In this instance, the buyer was a consortium of the State Superannuation Board, Laurie Connell, and Alan Bond. Title for the property was passed to the WADC after it had effectively "sold" the property on its own behalf. The sale was later to be examined by the Royal Commission into Commercial Activities of Government and Other Matters. This highlights the doubtful practices involved.

That same royal commission also looked at the WADC's role in advising the Burke Labor Government on its sale of the Midland abattoir site. The royal commission found, "that the conduct of WADC officers is also open to criticism in several respects." It then proceeded to detail those respects. The royal commission report stated -

How WADC could have supposed that it was competent, of its own knowledge, to lay down the terms and conditions of the sale is beyond belief.

The report also stated that -

WADC officers' actions, "reflect an appalling lack of judgment which defies rational explanation."

Further, the report stated -

The negotiation and execution of the agreement phase, for which WADC was instructed to act as the agent of the Government, was similarly very poorly handled.

So much for the competency of the WADC.

It is worth remembering that this Parliament looked at the abattoir sale in 1986. The Leader of the Opposition was on the committee, the majority of which whitewashed the Burke Labor Government's deal. However, there was a minority report, which read -

The minority members have found the sale to have been conducted with an extreme lack of competence, direction and coordination and in an unnecessarily secretive manner.

That sounds a lot like the verdict of the royal commission. However, the Leader of the Opposition was not part of the minority - he was part of the whitewash.

The WADC declared in its 1985-86 annual report that the corporation was not a department of government and that the Minister was precluded from directing it. This lack of control demonstrated the weakness in the corporation's structure.

At a later date, the Burt Commission on Accountability report was to recognise this lack of control when it reported the WADC had failed to satisfy any of the criteria of accountability it had established.

Then there was the "underwater" connection. During 1986-87, WADC arranged finance for construction of the Perth Underwater World at Hillarys Boat Harbour, and took a 40 per cent interest in the project along with the Laurie Wilson group. This was another high risk venture that lost money, and which would have been better left to the private sector.

WADC and the Wilson group formed Underwater World International to market the "underwater" concept overseas. Construction of an underwater world on Singapore's Sentosa Island became the first similar overseas complex which WADC was to eventually own. Underwater World Singapore opened during May 1991 but could not at that time be sold for anything like its establishment cost.

During 1991-92, WADC's shareholding in Underwater World Singapore was sold to a Singaporean family group, which also took over a debt associated with the project. In 1990-91, in terms of an existing agreement, WADC acquired the remaining 60 per cent interest in Perth Underwater World to ensure that the business could continue until it was sold as a going concern. The venture was eventually sold in September 1991 at a loss.

WADC comprised four divisions. The land division was transferred to the Western Australian Land Authority during 1992-93. EventsCorp was transferred to the Western Australian Tourism Commission. FundsCorp was eventually disbanded.

GoldCorp, the fourth division of WADC, was established to extend the Perth Mint's gold trading activities and had a relatively benign existence. GoldCorp's gold banking division was later purchased by BankWest and Gold Corporation was re-established as an independent statutory authority.

During November 1990, Ian Taylor, the then Minister for Finance and Economic Development directed the WADC to liquidate its affairs. The WADC Board was replaced with directors drawn from senior members of the Public Service and an orderly process of winding up ensued.

A fitting epitaph came from Tim Treadgold, then associate editor of *The West Australian*, who said of the WADC -

It was born a political wolf wrapped in sheep's clothes of commercial convenience and has done very little of lasting good for the people of Western Australia.

WADC has realised all of its assets, discharged its liabilities and is now in a position to return its remaining funds of around \$12.6m to the Treasury. The equity of WADC comprises \$10m in issued capital and \$2.6m in unappropriated profits. Upon payment of these funds, WADC will have returned all of its capital to the State and recorded an accumulated accounting profit of \$2.6m that was clearly artificially made.

I turn my attention to the second corporation covered by this Bill, Exim. Exim makes WADC seem like a model of rectitude. I first rose to my feet over Exim more than 13 years ago. I very much wanted Exim to be one of the terms of reference for the Royal Commission into Commercial Activities of Government and Other Matters. I regret that it was not. It was another very sorry episode for the State.

In 1984, the Burke Labor Government appointed consultants from the Bittai Company to advise on opportunities for boosting trade from Western Australia. The consultant who undertook the task was Keith Gale, who had been out of gaol for only a few months. He had been in gaol for fraud stemming from the collapse of the Gollin Group in the mid-1970s, then Australia's greatest corporate collapse.

On 14 January 1985, Western Australian Exim Corporation Ltd was incorporated with an issued capital of \$2m as a public unlisted company which was wholly owned by Western Australian Government Holdings Ltd. The shares in Western Australian Government Holdings Ltd were held by the Treasurer on behalf of the State.

The entity appointed Messrs John Horgan and Brian Easton, respectively, as the inaugural chairman and managing director.

The first foray into "commercial" operations by Exim was to establish itself in the cut flower business, in direct competition with dozens of small businesses. Fortunately, the industry revolted against this unwarranted intrusion and Exim backed off.

The corporation's 1985 annual report cited the need to deal with emerging problems of the pastoral industry in the West Kimberley; and four pastoral properties previously owned by the Emanuel family were acquired that year including livestock, vehicles, plant and machinery.

Exim was involved in an ill-fated tractor export business with Acremaster Tractors. The National Australia Bank later claimed \$340 000 from Exim over that deal, a matter that was settled out of court.

The matter that led to my involvement was Goldrock Investments. I received a phone call in 1986 from a constituent whose daughter was about to be evicted from her flat in New York City. The flat was let by Goldrock and its major shareholder was Exim. The more I tried to delve into Exim's activities, the more the Burke Labor Government used the commercial confidentiality cloak to hide its activities from Parliament.

For those members not present at the time, Goldrock made costume jewellery, using gold to thinly coat non-precious

stones. I was astounded that this should be considered a state enterprise. Exim was a true keystone cops outfit, blundering from one inept try at business to another.

During 1986-87 Western Australian Exim Corporation Ltd transferred its shares to the newly formed statutory authority, Western Australian Exim Corporation. Exim appointed four directors from its predecessor body.

Exim's legislation established the objects of promoting development of the State through international and interstate investment, trade in goods and services and facilitating and encouraging the expansion of economic activity in the State with particular regard to export or import opportunities. The Act also granted extremely wide powers to Exim.

In 1988-89, Gogo Station, a portion of the former Emanuel Holdings, was sold for \$12.5m on a terms arrangement. Exim demonstrated its inability to structure a good financial deal for the State and the taxpayer when it later became necessary to settle a dispute on some representations made to the purchasers upon sale. Upon advice, Exim found it necessary to accept \$1.55m less than the \$4.5m then outstanding on the sale.

The remaining pastoral stations within Exim were later sold to WADC for \$4.8m on vendor finance. However, Exim later waived the debt owed by WADC for the purchase of the pastoral stations - by then \$5.5m including interest - and this amount was placed to Exim's profit and loss account. During its lifetime, pastoral stations comprised the major asset of Exim - once again, a project better suited to the private sector.

Shortly after the release of the Burt Commission on Accountability report during 1989, the then Premier announced that Exim would be discontinued and the corporation commenced an asset realisation program.

On 21 November 1990, Ian Taylor, the then Minister for Finance and Economic Development directed the corporation to liquidate its assets. Liquidation of Exim's affairs commenced from that date. The Exim board was replaced with directors drawn from senior members of the Public Service.

Exim has realised all of its assets, discharged its liabilities and is now in a position to return its funds of around \$4.4m to the Treasurer. The equity of Exim comprises \$7m in issued capital and \$2.6m in unappropriated losses. Upon payment of these funds, Exim will have returned its capital to the State but has incurred an accumulated accounting loss of \$2.6m.

This is the end of a very sorry chapter in the State's history. On 20 March 1985 I said in this House, "Exim and the Western Australian Development Corporation are potentially dangerous tools in the hands of this Government." The worst damage was to be wrought in the name of Western Australian Government Holdings, but the principle was the same.

The current Leader of the Opposition said in 1988 in referring to Exim and the WADC -

If one goes back to the build-up to the 1983 election, one sees that Brian Burke, as Leader of the Opposition at that time, said that we needed new government institutions to ensure that there was more Western Australian ownership of industry and resources in this State so that more of the income generated here stayed here and did not drift to Melbourne or Sydney, which is what was happening under the tutelage of the previous Government. The Government of Western Australia saw that there was only one way to bring about that transfer, that encouragement of Western Australian ownership, and that was to use government power to promote capital ownership in this State and to create broader sources of revenue for the Government to meet the problems that were emerging because of fiscal stringencies. As a result of that new Government gaining power we saw the formation of new economic and government institutions.

... The second thing that the Burke Government did, which was a clear innovation, was to realise that if those government institutions and existing government institutions such as SGIC and the Superannuation Board already in the marketplace were to work properly in that marketplace, they needed to be commercialised. This is where there is a clear difference between members on this and members on the other side of the House - the Burke Government saw that the traditional Labor idea of government intervention into the economy could work if it were allowed to. Because the experience of the past was that Liberal Governments had not believed in the ideal of government intervention in the marketplace and therefore they had not let it work, did not want it to work, and did not want the mixed economy to work. They wanted the public sector to be seen to be the weaker half of the economy because they wanted all profits to be earned by their mates in the private sector. That is the truth of this debate.

They are prophetic words. To continue -

... On this side of the House we want government instrumentalities in the marketplace promoting the welfare of the citizens of the State by making money on behalf of those citizens. Western Australian interests will be fostered and protected because we will see to it that the instrumentalities have been set up

and structured so that they can operate on behalf of the citizens of this State. That really is the issue of debate here tonight. The Opposition cannot stand to see government enterprises work - they cannot stand to see their nineteenth century philosophy proved to be wrong.

That is what the current Leader of the Opposition said. After one and a half billion dollars of taxpayers' losses through these government enterprises becoming reckless corporate players, I hope the Leader of the Opposition has changed his policies. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

SCHOOL EDUCATION BILL

Committee

Resumed from 6 May. The Deputy Chairman of Committees (Mr Baker) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Clause 36: Powers of school attendance officers to inquire -

Progress was reported after Mr Ripper had moved the following amendment -

Page 28, line 6 - To delete the line and substitute the following -

(4) A person who fails to comply with subsection (3) shall be referred to a school attendance panel.

Mr RIPPER: The Opposition has moved this amendment because it does not believe it is appropriate to subject a child to a financial penalty of up to \$200; that is not the normal philosophy applied in juvenile justice matters. In response, the Parliamentary Secretary to the Minister argued that the offence was one of failing to provide information or providing false information and that referring a person in that position to a school attendance panel when he or she might not be of compulsory school age would not achieve the end that would be achieved by applying a penalty. I can understand that argument, but I am still concerned about the proposition that a child might be subject to a financial penalty.

Mr TUBBY: Why are they being referred to the school attendance panel? Under this clause we are trying to ascertain their name, how old they are and what school they are attending, if any. The Opposition is asking us to accept an amendment to refer them to a panel to establish that information.

Mr RIPPER: We are referring to a child who should be at school but who is not. If that child is approached by a school attendance officer he or she might be rebellious, refuse to give any information or tell a lie. The Parliamentary Secretary is saying that that child should be subject to a financial penalty of up to \$200. The Opposition's argument is that that child's behaviour is part of an overall pattern of truancy and that it should be dealt with not by judicial and financial penalties but by attention to the educational circumstances of the child or, alternatively, the social and family circumstances. In defence of the existing clause and against this amendment, the Parliamentary Secretary postulated the case of a 17 year old who looks to be only 14 years old. He suggested that we should not refer such a person to a school attendance panel because he or she is entitled not to be at school. I accept that argument and it is a valid point. However, that does not address the scenario presented.

The Government is proposing under this clause to impose a financial penalty on a rebellious and truanting 14 year old who fails to cooperate with a school attendance officer. That is not the way juvenile justice matters should be handled. That child will not have the capacity to pay a financial penalty. Putting such a person through that process will only exacerbate the behaviour of which the failure to provide information or the provision of false information is simply one more symptom.

Mr TUBBY: The point that the member is making is valid. However, reference to a school attendance panel is dealt with under other clauses in the legislation. We should not accept this amendment to refer the child to a panel at this stage because all we are trying to do under this clause is find out their name and age, and this amendment will not achieve that desired result. If there is a problem with school attendance and the child is obviously truanting, he or she will be referred to the school attendance panel under other clauses.

Mr RIPPER: What does the Government say about the appropriateness of subjecting a child to a financial penalty of up to \$200? That is not what normally applies in legislation relating to young offenders. It is not effective or appropriate to fine a child, but it is children who will be the primary offenders under this clause. They will be the ones raising two fingers to the school attendance officer, refusing to answer questions or trying to lie their way out of trouble. The Government has not dealt with that objection.

Mr BARNETT: As has been discussed previously in the public debate on this issue, it is necessary to specify a penalty in the legislation. Without a specific penalty it is not possible to get the child before the justice system. What a magistrate does then could be entirely different. In a sense, this is a maximum penalty; it is far more likely that a community requirement would be imposed if necessary. What happens within the juvenile justice system is at the magistrate's discretion. One would expect that a \$200 penalty would not be applied; some other requirement may be imposed. This Bill must comply with the legal system in the sense that if we want someone transferred from the education system to the justice system, we must specify a penalty to enable that to happen.

Amendment put and negatived.

Clause put and passed.

Clause 37: Offence of obstructing etc. -

Mr RIPPER: I move -

Page 28, line 8 - To insert after "person" the following -
 , not being an absentee student,

This clause raises issues similar to those that have just been debated. It creates an offence of resisting, hindering or obstructing a school attendance officer who is exercising or attempting to exercise a power under this clause, and provides a penalty of up to \$1 000.

The DEPUTY CHAIRMAN (Mr Baker): Is the member for Belmont seeking to move both amendments standing in his name on the Notice Paper or just the first one?

Mr RIPPER: I have moved the first amendment only. The amendments raise two different issues and the Government might take different attitudes to them.

Clause 37 creates an offence of resisting, hindering or obstructing a school attendance officer with a penalty of up to \$1 000. The Opposition believes that in many cases children will be the ones committing this offence. They may congregate in shopping centres and be approached by a school attendance officer. During questioning of one of the children, another child may get in that officer's way, or in some other way try to stop the officer questioning that child. Consequently, that child will have committed this offence and be liable to a penalty of up to \$1 000.

Is there any other way the Government can trigger the necessary judicial sanctions rather than putting this penalty into the Act? The Government is operating on the basis of legal advice. Can it give us some further explanation on how this legislation interacts with the young offenders' legislation. It is not appropriate for a penalty of up to \$1 000 to apply to a child. That is why we are seeking to amend this clause with the qualifying words -

A person, not being an absentee student, must not resist, hinder or obstruct a school attendance officer.

The scenario that I painted of children being subjected to these penalties would not apply if my amendment is accepted. However, if adults were to hinder or obstruct a school attendance officer then they might be subject to the penalties.

Mr BARNETT: We understand what the member for Belmont is trying to do. However, his proposed amendment puts too much detail into the law which will render it complicated and unworkable. At the time of an incident occurring there would be no way of knowing whether the person obstructing the officer was a child or whether that child was absent from school. The incident could occur during or out of school hours. Specifying a penalty allows the person, if an adult, to enter the court system; if it is a child, it allows the child to appear before a magistrate which then gives the magistrate the ability to impose any requirement that he or she may wish. One of those requirements may be that the child must attend the school attendance panel. There needs to be a penalty so that the juvenile justice system can operate. These would be maximum penalties and at the discretion of the magistrate. This level of detail may frustrate a prosecution against an adult which may be justified.

Ms McHALE: I support this amendment. It needs to be looked at in conjunction with the next amendment which we propose, to reduce the penalty. Our concern is with the principles behind the clauses; that is, punishing children and their family members for not attending school. What are the positive strategies that the Government will use to address absenteeism and non-attendance at school? The previous clause and this one contain punitive measures which will hit the very families who are already struggling through the education system. If we do not support this amendment, which delineates between the student and other persons, the student or the child could be doubly hit by the previous clause - which now has a penalty of \$200 - and this one. In legislation, only one penalty should apply. I ask the Minister to confirm or perhaps disagree with me that a student might be doubly penalised by clauses 36 and 37. For instance, if a child gave a different name, that could be regarded as hindering the school attendance officer

in performing his or her duties. Which clause would apply? Secondly, to apply a penalty of \$1 000, or even \$250 if we are successful in the second amendment -

Mr Barnett: That is a maximum penalty; it is not the penalty that will apply.

Ms McHALE: Does the Minister say that by virtue of legal or judicial discretion?

Mr Barnett: Yes. It is the maximum penalty, not a prescribed penalty.

Ms McHALE: Is there a minimum penalty?

Mr Barnett: Zero is the minimum penalty. The magistrate may impose a community service work order, require a child to attend a school panel, or require the parent to do something. However, that is a maximum financial penalty.

Ms McHALE: Alternative penalties not listed here are open to -

Mr Barnett: The magistrate at the time.

Ms McHALE: That is good to have on record. However, it does not deal with the fundamental comment about its being punitive rather than addressing the problem of non-attendance at school.

Mr Barnett: That is a matter of management. It depends on whether the member believes in compulsory education. You cannot have one without the other. If we are to have compulsory education then, at the end of the day, there must be some sanction and ability to enforce that in those few cases that need enforcement. Otherwise you cannot have compulsory education.

Ms McHALE: We believe in compulsory education. However, we also believe in ensuring that there are strategies grounded in proper research within a social and education context that will deal with truanting and absenteeism.

Mr Barnett: That is for management within schools.

Mr Ripper: And the department.

Mr Barnett: And the department, yes.

Ms McHALE: My concern is with the high rate of absenteeism of Aboriginal students. We discussed this previously in the Estimates Committee and both sides of the Parliament recognise that the system has failed Aboriginal students. How does this penalty deal with the disproportionate rate of absenteeism amongst Aboriginal children and how would such a penalty impact on Aboriginal families? For a number of reasons Aboriginal families may hinder a school attendance officer because they are concerned about white authority, particularly having their homes or other families' homes invaded. How will this affect reconciliation and improve educational opportunities for Aboriginal students?

Mr BARNETT: We have answered that previously. These are maximum penalties that are at the discretion of the magistrate. Without a penalty, it is impossible to get a child or a parent into the judicial system. The penalty under the current legislation is to make a chronic absentee child a ward of the State. Most of us regard that as draconian. We are not pursuing that. That has been dropped from the legislation. However, we must replace it with something. A financial penalty is proposed which is a maximum penalty. Without that penalty, there is no ability to enforce compulsory education. We have to have a penalty structure in place. How it is applied and used is at the discretion of the magistrate.

Members must remember that this is an enabling piece of legislation, a piece of management legislation under which schools will operate. It does not designate or specify all of the management programs or the absentee programs, etc, that occur operationally at a school. is is the legal documentation under which schools operate. It does not say what schools do on a day to day basis.

Ms McHale: What is the current penalty?

Mr BARNETT: In an extreme case, the child is made a ward of the State.

Ms McHale: Is there a financial penalty?

Mr BARNETT: No. If we do not make the child a ward of the State, we must have a financial penalty to bring the judicial system into play.

Mr RIPPER: The Minister has put his finger on an important issue. We are dealing with the legal framework. In addition to that framework we are concerned also about the sort of management programs and policies that schools and the Education Department will follow when dealing with these issues. It is very difficult for us to make an amendment to the law, which requires the department to have appropriate policies on these matters. However, this

is a crucial issue. If the department and schools were to fall back on the judicial and legal framework and rely on that, we would have a poor result. These issues are better dealt with by the management and policy programs which the Minister has spoken about.

One of the frustrations of being legislators, rather than members of the Executive, is that we cannot produce the results we want. All we can do at this stage - at least until late 2000 or early 2001 - is to do our best to persuade the Minister not to rely on the legal framework but to make sure that the necessary management and policy requirements are in place.

Mr BARNETT: The management of truancy or chronic truancy is addressed in clauses 40, 41 and 42 which relate to that process. Implicit within that process are the management structures within schools.

Amendment put and negatived.

Mr RIPPER: I move -

Page 28, line 11 - To delete "\$1 000." and substitute the following -

\$250.

(2) Where a child, not being an absentee student, resists, hinders or obstructs a school attendance officer who is exercising or attempting to exercise any power under this Subdivision, she or he shall be referred to an advisory panel constituted under section 229.

(3) Where an absentee student resists, hinders or obstructs a school attendance officer who is exercising or attempting to exercise any power under this Subdivision, she or he shall be referred to a school attendance panel.

Firstly, this amendment seeks to delete the penalty of \$1 000 and replace it with a penalty of \$250. Secondly, it provides alternative mechanisms for dealing with children who offend. Those children fall into two categories - those who are absentee students and those who are not. In both cases, it is a school discipline problem. If a child attends school, and somehow becomes involved in obstructing a school attendance officer who is dealing with the truancy of another child, that is a school discipline problem.

Likewise, if a truanting child is hindering a school attendance officer, the matter should be dealt with not through the judicial process but by examination of the educational circumstances which result in the child not wanting to be enrolled in school or the social and family circumstances which do not provide the child with the necessary support to maintain regular attendance at school.

To some extent the argument is being repeated on a number of clauses and amendments. I do not propose to engage in tedious repetition. However, I move this amendment consistent with our emphasis on dealing with truancy and attendance issues by social and educational intervention rather than by judicial intervention. I hope that our argument will be sufficiently persuasive for the Minister - if he will not accept the amendments - to at least pay some attention to the management programs that are initiated in his department when the legislation is finalised.

Mr BARNETT: I agree with the importance of intervention strategies. They should be positive rather than punitive. Again, I remind members that this clause will be directed towards an adult who is obstructing a school attendance officer. In that sense, I maintain the penalty of \$1 000. It must be a maximum of \$1 000, as a serious penalty. It is important that we provide some legal protection and support to school attendance officers who may face difficult, if not hostile, parental situations. As a Parliament, we should indicate that we support school attendance officers, and we are prepared to provide the legal framework which allows the judiciary to support them, and to protect them in the event they may be assaulted or mishandled in some way during an event.

Ms McHALE: I return to the earlier points relating to the impact this provision will have on Aboriginal children and families. What advice did the Minister receive from Aboriginal education advisers and other organisations involved in the delivery of Aboriginal education or dealing with Aboriginal issues, when the legislation was being drafted - and specifically on this clause? I am concerned that, notwithstanding the argument that there is a need for some penalty when considering compulsory education, the consequences of the provisions will be significant - the messages it sends, the problems of enforcement of the fines, court times, and the repercussions of not paying fines, and the impact that will have on families. What consultation took place? What advice did the Minister receive and take on the framework?

Mr BARNETT: I refer the member to clauses 40, 41 and 42 which talk about the process of handling situations. This is legislation for all children. We do not make discriminatory legislation to suit particular groups in the community. To the extent that issues relating to Aboriginal children may differ, it is the role of the judiciary to

interpret the Act if it comes before the courts. The condition of those children and the circumstances of absenteeism are part of the assessment that will occur through the judicial process, if it reaches that stage. Those clauses outline that process.

Ms McHALE: I note the Minister's remark that the legislation is for all people. On the face of it, I accept that, but surely we have a responsibility to ensure that any piece of legislation does not have a negative impact on any group. Therefore, where legislation could have an indirect impact - say, on seniors or women or handicapped people - the Minister has a responsibility to ensure that he has examined the possible impact -

Mr Barnett: We have.

Ms McHALE: Is the Minister convinced and confident that the impact of these clauses will have no disproportionate, negative effect on Aboriginal families?

Mr BARNETT: It is the way in which schools manage absenteeism. It is an intervention strategy they may apply. If a case comes before the courts, it is the way a magistrate may interpret it. Bluntly, we are all about getting children back to school - including Aboriginal children. We recognise that social and cultural factors will impact on that, particularly in remote areas. We are serious about children attending school. When parents obstruct that process or hinder the work of school attendance officers, we will support those officers with the backing of the law.

Mr AINSWORTH: I support the clause. I oppose the Opposition's amendment. This area is of vital importance for the future of education of all children in this State. This is an area about which I have a very strong personal view. I have seen many cases where, because there has not been adequate legislation - or it has not been adequately enforced - a number of children, both non-Aboriginal and Aboriginal, have not been properly educated. They have slipped through the system. There needs to be certainty for truancy officers to have some legal backup so that, if all else fails, they know their parameters; they are not toothless tigers - as has been the case in the past. More importantly, in the case of Aboriginal families, it is the responsibility of both the truancy officer and the judicial system, if it reaches that point, to deal with those families appropriately. The biggest impact for Aboriginal families at the moment is that their children are not being properly educated, in some cases, and that lack of education and job opportunities will be perpetuated if this legislation is not passed in its current form.

Mr RIPPER: This clause is one of a number dealing with truancy. As the question of Aboriginal education has been raised, it might be appropriate for me to make a comment and seek a response from the Minister. From talking to Aboriginal people about these issues, it is clear that some of them feel that some schools are not welcoming Aboriginal student participation. Aboriginal people will go further and say that they have experienced racism in some schools. This is an additional factor which might deter the enrolment of Aboriginal children but not apply to other groups. In dealing with truancy and non-attendance we should look at what is happening both in the school and in the family of the child concerned. One of the keys to success in Aboriginal education is to ensure that Aboriginal students feel welcome at school. I am told Cannington Senior High School has a successful Aboriginal education program and that it has gone out of its way to make Aboriginal students feel culturally welcome at the school. Unfortunately, Aboriginal people tell me there are schools at which they do not feel as welcome as they do at Cannington. That may be a factor in the non-attendance patterns of Aboriginal students.

Mr BARNETT: I do not disagree. The Education Department emphasises a reconciliation policy within schools to breed the right sort of attitudes towards Aboriginal children and families. This does not necessarily change community attitudes. Bigotry and racism exist in all societies. However, standards are improving throughout our community and schools have a leading role in that respect. This does not impact directly on the legislation. It is an observation. I share the member's views.

Amendment put and negatived.

Clause put and passed.

Clause 38: Breaches of section 23 -

Mr RIPPER: I move -

Page 28, line 17 - To delete "\$1 000" and substitute "\$250".

Clause 38 creates a penalty for not enrolling a child of compulsory school age. The penalty applying to a parent is contained in subclause (1) and the penalty applying to a child is in subclause (2). The Opposition accepts the Minister's argument that, to be worthy of the name, compulsory education requires the creation of an offence and a penalty. We note that, following the release of the draft Bill, the Government has reduced - in the process of consultation - a number of the hefty penalties that applied in its original proposal. However, throughout this Bill we have sought to make further reductions in the scale of the penalties. We have repeated our basic argument on a

number of occasions; that is, the use of the legal framework and the judicial system is not the most appropriate way to deal with the majority of these cases. It should be a very last resort applied in recalcitrant cases in which there is no other option. We should be dealing with non-attendance and truancy matters through social rather than legal means. We have moved this amendment to reduce the penalty from \$1 000 to \$250 to underline that point.

Mr BARNETT: The Government maintains that the penalty for adults should remain at a maximum of \$1 000. The Government is giving a clear indication that this is a serious issue. It regards dealing with the non-attendance of children as a serious responsibility. Members will note that, following a degree of public outcry, we have significantly reduced the penalty that might apply to a child in subclause (2) to \$10. That is purely a nominal amount to allow the juvenile justice system to come into operation. We have made a giant concession in that area.

Mr Ripper: What a statesman the Minister for Education is!

Mr BARNETT: Some would say weak. The Government wants to leave the maximum penalty at \$1 000, which indicates the seriousness of the issue. That is consistent with penalties recently enacted in Tasmania and New South Wales. The member for Belmont would find that interesting.

Mr CARPENTER: I understand that forces are at play here. However, I submit that this penalty is excessive. Invariably the people who fall into the net will be of low socioeconomic circumstance.

Mr Barnett: The magistrate can take that into account. It is up to the magistrate.

Mr CARPENTER: I know. For people in those circumstances \$1 000 is an extremely severe penalty. Any member of Parliament who represents those areas will understand that only too well.

Mr Barnett: What happens on that argument if you get someone who is wealthy and simply flouts the law? A penalty of \$250 would be minimal.

Mr CARPENTER: So would a penalty of \$1 000. A penalty of \$1 000 is meaningless to a wealthy person. This will be meaningful for people with limited incomes. I am sure that if the Minister looked at the statistics showing which group of people will fall into this category, he will find that almost invariably it will be people of low socioeconomic circumstances and low incomes. The importance of this legislation can be underlined without the maximum penalty being \$1 000. A penalty of \$250 is recognised as substantial for people who fail to comply with this clause.

I support the amendment. In the Minister's words he is saying that he would not expect anybody to ever have to pay the penalty of \$1 000. If anybody did, the penalty would be meaningless as he would have a substantial income. The people who will fall into the net will be people for whom \$1 000 is excessive and unable to be met.

Mr BARNETT: The penalty in the current legislation is set at \$200. That was set over 20 years ago. The Parliament at the time regarded this as serious. In real terms, \$1 000 today is less than what \$200 was 20 years ago. This is a moderation of the position. Nevertheless, we want to give magistrates the ability to impose a severe fine if it is appropriate. A magistrate in that position will take into account the circumstances and the socioeconomic condition of the person before them. The maximum penalty should remain at \$1 000.

Amendment put and negatived.

Clause put and passed.

Clause 39: Appointment of School Attendance Panels -

Mr RIPPER: I refer to subclause (2) which provides that a member of a panel for a particular case or class of cases is to be a person who has such experience, skills, attributes or qualifications as the Minister considers appropriate to that case or class of cases. I move -

Page 29, lines 5 to 8 - To delete the lines and substitute the following -

(2) A member of a Panel for a particular matter is to be a person -

- (a) who has such experience, skills, attributes and qualifications as prescribed by regulation;
- (b) who is not an employee within the class referred to in section 223(1).

This amendment is essentially to provide that members of the panel cannot be employees of the Education Department. I move this amendment because I am aware that some matters relating to the operation of schools or the department will have a bearing on the lack of attendance of a particular student. It is important that there be an

objective look at these failings of the institutions, rather than the focus being entirely on the behaviour of the child or the child's family circumstances. The Opposition wants those individual and family matters to be considered, but it also wants to be assured that the circumstances within the school or the education system as a whole that might deter a child from attending school will be objectively looked at. This amendment has arisen following consultation between the Council of State School Organisations and the State Opposition.

Mr BARNETT: It is almost as though the Opposition does not trust the Minister! It is an astounding position. The Government does not support this amendment. The effect would be to reduce the discretion of the Minister of the day and to try to prescribe the qualifications. If the qualifications of people on a panel were prescribed in that way, it could create all sorts of anomalies. For example, a panel in the north of the State with the participation of Aboriginal people, could involve issues of language, culture, position in the community, and tribal structures. How can a Minister provide a set of regulations that allow for that circumstance? In other situations it may be necessary to recognise European ethnic groups within the school populations. How can those criteria be prescribed? My experience with these matters is that the Government must allow for some commonsense from the decision makers within the Education Department, with the agreement of the Minister, to use their discretion to get the right people with the right mix of qualifications. If the legislation were too prescriptive, this would be unworkable in many areas around the State.

Mr RIPPER: I am prepared to accept that the current Minister for Education would be more likely than not to appoint an Aboriginal person to a panel where an Aboriginal child had not been attending school.

Mr Tubby: If the Government changes you could not rely on that.

Mr RIPPER: I am more worried about the forthcoming Cabinet reshuffle than about a change of government. I can assure the member that a Labor Government would be mindful of the need to include Aboriginal participation in a panel dealing with truancy by an Aboriginal child. People who are worried about these issues would like a prescription such as that in the law. They do not want it in the legislation, but it should be in regulations.

The second reason I have moved this amendment is so that the Minister does not have complete discretion to appoint whatever panel he or she likes for a particular case of truancy, but must abide by a set of guidelines including guidelines for Aboriginal participation when a panel is dealing with an Aboriginal child. The Minister has responded by saying that we should trust him, he is a statesman, and he will take care of all these matters. People outside do not necessarily want to rely on ministerial goodwill, and they would like some requirements at least in the regulations, if not to guide the Minister, because he is such a fine fellow, but to guide his successors who, after the Cabinet reshuffle, may not be as trustworthy.

Mr BROWN: I support the amendment because I think it is important that people be sensitised to these types of requirements through the legislation. Although the Minister may say he is sensitised to these issues, he understands the problem and will, therefore, give them due weight in the appointment of a panel, not every person who will be in charge of these types of matters will have that understanding. For example, some fairly senior officers in a certain government department recently had to consult with Aboriginal people. I do not know whether anyone gave them advice but, if they did, I hope the department did not pay for it because it was appalling advice. The department finished up in a worse position by doing something clumsier and poorer than it would have been if it had done nothing.

This provision is not super restrictive, and the degree of restriction will depend on the regulation finally provided. Anyone who read the proposed amendment, should it be included in the legislation, would be sensitised to this matter. For that reason alone, it is worth including it. I accept that in these matters one cannot be overly prescriptive, but I think it is possible to include this provision in the legislation and regulations because it will sensitise people to the need for appropriate appointments to be made. All too often, that does not happen.

I point to an interesting analogy: Under the Public Sector Management Act there are provisions for people to be appointed when disputes arise in relation to school and education matters dealing with staff. The Minister knows that a number of reports and recommendations, made by people who have been appointed to investigate matters, have been rejected by the Education Department. I do not know whether that relates to the inadequacy of the investigation or the nature of the appointments made to those positions. However, it is important that the system envisaged by the legislation work effectively, and that means having regard for the competency, sensibilities and experience of people entrusted with that job. If the panel can be improved by ensuring that the people appointed have the experience and sensibilities to carry out that job effectively, by relating directly to cultural and other concerns, it will enhance the provisions of this Bill. It is a worthy amendment, and it can lead only to better use of the proposed school attendance panels.

Mr BARNETT: It is the intention of the Government that at least one school attendance panel will be established

in each education district. The range of issues will vary. The focus in this debate has been on cultural, race and ethnic issues, but issues relating to disability, religion and all sorts of things may affect it.

Given the geography of Western Australia, some of these issues will be in relatively isolated places. It will be a matter in pragmatic terms of the availability of people with some experience and sensitivity to handle the issues. If we get too prescriptive, it is almost an implicit assumption that we can choose from a wide range of people all over the State who are competent to undertake this task. That may not be true and it is for that reason that I shy away from being too prescriptive and therefore too restrictive in this issue. However, the appointment of people to these panels will be under a policy of the Minister, but developed with the Education Department. I would be happy to make that policy public once it is developed as to the way in which attendance panels will be structured. I resist putting those policies into regulations. For example, a policy may be in place laying down A, B, C, or D as the criteria and for whatever reason in a particular area, they cannot be met: Maybe there is someone who seems to be outside the policy because of availability or lack of choice in the area. If it is in a regulation, we will have all sorts of trouble establishing and maintaining attendance panels that we do not need. A policy will be developed that will allow flexibility to recognise the different geography of the State and the different situations. I will make that policy public once it is developed.

Mr KOBELKE: I would like the Minister to consider a different aspect of the need for regulations. I hope that my concerns can be allayed by the Minister's response. We know that the attendance panel plays an important role with respect to potential prosecutions. There is a requirement for certificates that we will come to later, and a prosecution cannot be taken unless certain procedures have been followed from the advice of the school attendance panels. They are a crucial part of the legal structure for a number of sections with which we will be dealing.

Mr Barnett: And a crucial part of the management of attendance issues in the first instance, and then perhaps the legal structure.

Mr KOBELKE: I want the Minister to consider more seriously, and resolve my concerns if he can, the amendment and some of the legal problems that might arise. I do not need to remind the Minister how a decision of the Equal Opportunity Commission has restricted the Minister's administrative ability with regard to staff in country areas. He is well aware of the consequences of that legal decision for administration within the Education Department and other state government departments. Within this section is a whole range of areas in which the Minister will appoint, give direction or ensure certain things. That has the advantage of providing flexibility, as the Minister quite rightly points out, so the Minister of the day can ensure that it is possible to meet the varying requirements, and that the panels can function effectively. That is certainly a good reason that the Minister should have the power to lay down policy as to how things should work, rather than regulation.

I want the Minister to consider that if the school attendance panel is established by regulation, it is stronger legally. It is not to do just with the strength of the determination, but the fact that when it is done by regulation, one tends to be a bit more careful and ensure the provisions have sufficient clarity and certainty to be able to stand up in court if challenged. When it is left to the Minister doing it by policy, although it may be worded in a way that makes it more generally understandable, it could be ambiguous and thus open to problems. In some of these hard cases, a parent may want to legally take on a school attendance panel, and therefore will be looking for any loopholes or inadequacies in the legal structure underpinning the functioning of the school attendance panel. They will use the best legal advice they can obtain and the decisions of the courts to uphold their position. My concern is that if the structure of the panel, and the experience, skills and attributes of its members, are to be a policy decision of the Minister, it may be left too vague. It may create the opportunity for a challenge which could strike at the fundamental basis of the whole functioning of the school attendance panel. My concerns may not be well founded and the Minister may be able to allay them. We are becoming a more litigious community, which is regrettable, but it is a fact of life with which we must live. I put to the Minister that he would be safeguarding against such a possibility if he accepts that the matters should be prescribed by regulation, leaving in no doubt that the panel is properly constituted and that its members meet with the requirements. Of course, the regulations would have to be workable and adaptable; I do not suggest they be too tightly prescriptive. I suggest the Minister would be on a stronger legal basis and perhaps ensure that the foundation of the school attendance panels is less open to legal challenge, rather than leaving it as a policy set by the Minister.

Mr BARNETT: I agree with the member that it would be regrettable if a parent decided to mount a legal challenge against a school attendance panel and its composition and the qualifications of its members. My view is that if there is a policy that allows the Minister discretion, a challenge to the qualifications of the attendance panel is far less likely to succeed. If we were to specify the qualifications in detail in regulations, that would provide a whole opportunity for legal challenges. I disagree with the member. We share the same view but I think his approach would provide far more opportunities for litigation to be used to challenge the decisions of attendance panels and their composition.

Mr RIPPER: I was interested in the Minister's advice that while he is not happy for these matters to be in regulation,

he is happy to develop policy and make that policy public. I welcome that commitment. I ask the Minister whether he will also give a commitment to consult with relevant interest groups on the development of this policy. For example, groups representing Aboriginal people and the Australian Council of State School Organisations would be very interested in the sort of administrative policies which are likely to follow in these areas. I also ask the Minister about the second part of my amendment regarding the exclusion of employees from the composition of these panels. I do not think the Minister has commented on why he opposes that aspect, if he does.

Mr BARNETT: I will certainly agree to consult with relevant representative groups.

The second part of the member's amendment would require that a member of the panel could not be an employee of the Education Department.

Mr Ripper: Essentially.

Mr BARNETT: That may be appropriate in most cases, but I do not want to totally exclude members of the Education Department or its employees. It may be appropriate to have on a school attendance panel a district director, someone with expertise in Aboriginal education, or someone with knowledge of disabilities or whatever it might be. It is important that the attendance panels have a degree of independence, but I do not think we should achieve that at the cost of excluding experience and expertise in education personnel. Therefore, I do not accept the amendment.

Mr Ripper: Are you are contemplating a panel containing a majority of Education Department people?

Mr BARNETT: No, I do not imagine that will occur, unless it is because of the lack of availability of suitable people in remote locations.

Amendment put and negatived.

Mr KOBELKE: This may be in another clause, but I cannot find reference to any powers to require panels to report to the Minister or to the Education Department. Perhaps it is picked up under a general power. I am concerned because school attendance panels will play a key role in respect of students who are truanting or absenting themselves from school. They will be a very important part of the mechanism to ensure those children either attend a normal school or move into a program which will meet the child's needs. Under the old regime -

Mr Barnett: The issue of reporting of panels is in clause 40(5). Perhaps the member's comments might be more appropriately dealt with when we debate that clause.

Mr KOBELKE: I thank the Minister for that information. It may cover my concern. That relates to a written report on a child's case, but I am not talking about that. I will continue with my explanation because we may find that is inadequate and it might best be addressed through clause 39.

Under the current situation, panels exist for the exclusion of children from schools. That is a different undertaking from what we have here. Nonetheless, it encompasses part of the work the school attendance panels will be looking at. Some schools have adopted policies which, I believe, have suited the administration of the school, rather than the interests of the students. This may happen in a rare number of cases, but it is of concern that principals may see it to their advantage to exclude students, to get them out of the system so that schools do not have to worry about them because they are too much of a problem, without ensuring that while looking after the interests of all the other students, the interests of the difficult children are taken into account with respect to other services that must be put in place or other suitable programs. I am drawing attention to an abuse of the system which allows a panel to seek to get rid of a child to suit the administrative purpose of both the panel and the school in the area and not look to the greater need of the community in ensuring the needs of the child are met and the child is not hastened down the slippery slope into our penal institutions.

Given that the Minister has indicated that it is likely that there be one of these panels per district, and there are a limited number of districts, the chances of that happening under this regime are very slight, by comparison with what happens now. There is a bigger area.

Mr Barnett: In some of the larger geographic areas, it might be necessary to have more than one panel. Generally, we will start off with one per district.

Mr KOBELKE: It is a real fear in the current system where these panels exist on a local basis, where principals know other principals and can get someone to do what they want done for them. These panels will be on a much larger geographic basis so that is far less likely to be a problem. I acknowledge that up-front. However, there is still a chance that it could start to happen. The point I come to with reporting is that if it can be done through some other administrative means - it does not appear to be in this legislation - there is a need centrally to monitor the workings

of the districts and the school attendance panels. It may come through the district administration, not the panel. I accept that. There must be a centralised monitoring system in place to ensure that we do not find a region or a school attendance panel taking a road which does not meet the overall goals of the education system; that is, looking after the needs of individual students, as well as the vast majority of students. That dilemma will sometimes have to be faced up to. There will be an attendance problem as well as the disruption problem. The easy way to deal with that is to put that student off the books. Although that may be one way of solving the problem for the bulk of the students, it may be a failure to address the needs of a particular student. In the rare number of cases where that may occur, we must ensure there is some form of central monitoring so that those issues can be addressed if they arise.

Mr BARNETT: We are talking about this in the wrong context. Clause 39 is about the appointment of school attendance panels. The member is talking about reporting and the method of operation. In clause 40, included among the reporting requirements, is a requirement that the report be provided to the chief executive officer. That allows that person not only to assess the report but also to monitor the operation and progress of attendance panels. The member's point is more relevant when we debate clause 40. I move -

Page 29, line 22 - To delete "Panels as to the procedure that they are to follow" and substitute the following -

a Panel as to its procedure and a Panel is to give the child whose case is before the Panel and the child's parents an opportunity to be heard

Page 29, after line 24 - To insert the following subclause -

(6) Subject to the Minister's directions, the child and parents referred to in subsection (5) are not to be represented by another person before the Panel unless the Panel otherwise determines on the ground that the process will not work effectively without that representation.

The intention of this amendment is to provide consistency with respect to the provisions of the right to be heard, consistency with respect to the disability, school attendance and school discipline panels. This issue has been raised by the Opposition in previous discussions. The first of the amendments ensures that the right to be heard is included as it exists in other panels established within the Bill.

The second amendment provides clarification of the right to have a representative to present a person's case. It is acknowledged that some people will need assistance or a friend to provide moral and other support in a panel case. However, this amendment stops short of having that person speak on behalf of the other.

Mr RIPPER: The Opposition supports this amendment. We seek clarification of the meaning of the words in the proposed clause (6) "Subject to the Minister's directions". The Minister refers to the possibility of people having a friend along to support them. There is no reference to that. It is phrased in the negative by saying that people are not to be represented by another person. Although the Minister has said that people can be accompanied by others, that is not the law in the proposed amendment. The words currently are in the negative and state that people cannot be represented by another person. Perhaps the Minister will respond to those issues.

Mr BARNETT: This will allow the Minister of the day to have an element of discretion. We are trying to avoid a situation wherein the close friend or supporter who is there to represent the person is a not Queen's Counsel. Although we recognise that in many cases people might want a friend or supporter to help them handle the case we do not want that supporter to be a highly paid QC. We want the Minister to be able to set down some rules so the intent of this clause is not abused in particular cases.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 40: Referral to School Attendance Panel of persistent breaches of section 23 -

Mr RIPPER: I move -

Page 31, after line 11 - To insert the following -

(b) in the case of a prescribed child, to the student;

Subclause (5) provides that the panel prepare a written report on the child's case and give a copy of the report to the parent of a child. The Bill also contemplates the case of a prescribed child, who for one reason or another has not been enrolled by a parent and is handling matters himself. The Government is contemplating the situation in which for one reason or another children live independently of their parents. In these circumstances, a prescribed child should be given a copy of the report and recommendations in the same way as the parent.

Mr BARNETT: I note the point raised by the member for Belmont. I propose to move an amendment that will achieve the same effect but in a way that is consistent with the drafting of the Bill.

Mr RIPPER: The Minister's amendment covers the same ground and a little more than my amendment, and so I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr KOBELKE: What penalties are applicable if the requirements of this clause are not met?

Mr BARNETT: The panel is requested to do these things, so there is no penalty. If a panel did not follow policy guidelines and did not perform its role, the Minister of day would make that known to the panel and if it persisted in not following appropriate procedures, the Minister would change the panel.

Mr Kobelke: What is the penalty if the panel requested a person's attendance and that person did not appear?

Mr BARNETT: The panel could report that to the court and the court could make use of the other provisions of legislation.

Mr KOBELKE: Subclause (4) provides that the panel may inspect the records and retain them as it thinks fit. Recently a constituent was required to hand over to the court a marriage certificate, birth certificates, etc and she found it difficult to get those documents back from the court. Although this is a different issue I realise that sometimes these organisation get caught up in the bureaucracy. Parents would find it difficult to replace documents from another State or country if they were not returned. As the legislation is worded, they do not have a right to get those documents back if the panel put a particular construction on what was a reasonable period. Some bureaucrat might have control over the particular panel and create some problems. Does the Minister believe the wording could leave open that problem?

Mr BARNETT: It is a request to provide documentation. If the documentation did fit those categories, obviously people should consider that at the time; and perhaps in the case of valued documentation, make copies if they want. I move -

Page 31, after line 11 - To insert the following-

- (b) if the child is a prescribed child, to the child;
- (c) to a person whose details have been provided under section 16(1)(b)(ii)(II);

Mr RIPPER: The Opposition supports the amendment.

Amendment put and passed.

Progress reported.

[Continued on page 3820.]

CHILD MIGRATION

Statement by Member for Perth

MS WARNOCK (Perth) [12.52 pm]: A British parliamentary committee into child migration from Britain to Australia earlier this century will visit Perth at the end of this month. That committee's visit to Australia and New Zealand will give an opportunity to those former child migrants, many of whom had their lives blighted tragically by ill treatment in religious orphanages, to reveal evidence about their experiences. Many of those children were badly treated in those orphanages and not told that they were not orphans but had families in Britain. It is a very sorry tale indeed.

This Government has taken no action yet on the 1996 report of the Western Australian Select Committee on Child Migration. That is simply not good enough. The Child Migrants Group has already called for a judicial inquiry to establish how and why the British children were treated in the way that they were. I support that call, and I also urge the State Government to make a much better response to that 1996 committee report than it has so far. This issue is a sad scandal, not excused by the fact that it all happened a long time ago, and I urge the Government to act on this very important matter.

GERALDTON WHARF DEVELOPMENT

Statement by Member for Geraldton

MR BLOFFWITCH (Geraldton) [12.53 pm]: I wish to talk about a proposal that has been put to the State Government with regard to the tender for the new port at Oakajee. Thiess Contractors Pty Ltd gave me a presentation

about its tender that I found extremely exciting. The proposal contains a schematic diagram of the plan that it is developing, which is that within 12 months of operating the new deep water wharf, the Geraldton wharf will be closed and developed along the lines of the magnificent Fishermen's Wharf in San Francisco.

Geraldton is the centre of Australia for crayfishing, it is one of the biggest stations for prawns of all varieties, it has very big scallop fishing grounds, it has fresh oysters, and it has the best fish in the world, such as jewfish, snapper, blue bone groper and coral trout. There is no doubt that with this added attraction, Geraldton will become a premier tourist spot, and I am very pleased that this proposal will give us the opportunity of achieving exactly that.

COCKBURN SOUND AND JERVOISE BAY ENVIRONMENTAL IMPACT STUDY

Statement by Member for Peel

MR MARLBOROUGH (Peel) [12.55 pm]: There is an urgent need for the Government to carry out an environmental impact statement study for the whole of the Cockburn Sound and Jervoise Bay area. That has been brought about because government departments have no direction on the types of development being proposed for that region. Many industries believe, as do I, that their future in the region has been jeopardised by the performance of those government departments. I highlight in particular the recent performance of the Fremantle Port Authority. It announced its intention to allow iron ore from Koolyanobbing to go across the Fremantle Port Authority wharf close to Kwinana beach. In the discussions I have had with other government departments, such as the Department of Resources Development, they have said they have no knowledge and have had no prior discussion with the Fremantle Port Authority about any such development. In discussions with the Chief Executive Officer of the Kwinana Town Council, in whose area the development is proposed to be placed, he told me that he had no knowledge other than some preliminary suggestion that the port authority was looking at such a matter. The sorts of developments being handled in this way are getting the whole of the community and industry off-side. No proper coordination of government departments is occurring these days in this crucially important region of this State. The way forward is to have the Department of Environmental Protection carry out a proper environmental impact study on that region before any more development takes place.

BROOKLANDS GREEN ESTATE, CANNING VALE

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.56 pm]: An out of control party recently caused havoc for the residents of Brooklands Green Estate, Canning Vale. They said they felt totally powerless to act to protect themselves and their property.

As a result of this trauma, Councillor Norm Smith, the Mayor of Gosnells, arranged a number of meetings which have now taken place between him, representatives from Brooklands Green Estate, the Police Service and the Minister for Police. The outcome of these meetings is the development of strategies designed to address the rave party problem. These strategies will involve the police, the Education Department, high schools, tertiary institutions and school based police officers. The PC COP initiative will also be used to warn residents that a rave party is being organised. In addition, the Police Service initiated a meeting on 10 June of all the councils which fall within the Cannington police district. Its convenor was Inspector Albrecht and the purpose of the meeting was specifically to address the issue of neighbourhood parties.

This is a problem which must be addressed. I congratulate the police, the mayor and the City of Gosnells for taking action, together with the residents, to reach solutions. I have no doubt the strategies they have developed will go a long way towards controlling these senseless and dangerous events.

CARAVANNING RESTRICTIONS

Statement by Member for Rockingham

MR McGOWAN (Rockingham) [12.58 pm]: I use this opportunity to make a plea on behalf of the caravanners and campers of this State. Caravanning is a great pastime in which a great number of Western Australians indulge. It is particularly prevalent among older Western Australians, particularly in winter months, when they head north to enjoy themselves with their caravans. Primarily, they are not people of great wealth. Under the Caravan Parks and Camping Grounds Act and regulations, these people are very limited to where they can set up their caravans. A number of shire councils, including the Shires of Roebourne and Gingin, have limited caravanners' capacity to set up where they have traditionally done so, particularly in Roebourne in the Cleaverville Beach area and also at Forty Mile Beach. This means that many people have missed out on recreational opportunities they used to have. I have also received a letter from the lapidary club. Its members travel around the State with their caravans to look at rocks and the like. The State should put in place a strategy to accommodate caravanners' interests, so that they can continue to do that which they have done traditionally, even though it does not fit strictly within the terms of the Act.

POLICE ACADEMY, JOONDALUP*Statement by Member for Joondalup*

MR BAKER (Joondalup) [12.59 pm]: I place on public record the sincere gratitude and thanks of the constituents of my electorate in response to the recent cabinet decision to relocate the Western Australia Police Service's Police Academy from Maylands to Joondalup and not to Murdoch. This decision is further evidence of the Government's strong ongoing commitment to the timely development of the Joondalup region, particularly the Joondalup Regional City Centre.

During the course of the 1996 state election campaign, the Leader of the Opposition, the then would-be Premier, did a door-stop interview in Joondalup and said, "Joondalup is a city that is dying." This simply is not the case, despite the Leader of the Opposition's constant attacks on the development of Joondalup. In fact, Joondalup is thriving which is, in no small part, due to the State Government's commitment to the timely development of the Joondalup region.

I thank and congratulate Mrs Kath White, Managing Director of the North Metropolitan College of TAFE; Professor Millicent Poole of the Edith Cowan University; Dr Irene Froyland, head of police studies at ECU; and their respective staff for the diligent and professional manner in which they prepared the ECU-North Metropolitan College of TAFE joint submission, which ultimately resulted in the decision being made. They were also greatly assisted by each key stakeholder in the Joondalup region, particularly the North Metropolitan Business Association and the Joondalup Owners and Traders Association in what was a tremendous community effort from the people in the fastest growing region in Western Australia.

*Sitting suspended from 1.01 to 2.00 pm***[Questions without notice taken.]****SCHOOL EDUCATION BILL***Committee*

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Clause 40: Referral to School Attendance Panel of persistent breaches of section 23 -

Progress was reported after the clause had been amended.

Mr RIPPER: I move -

Page 31, after line 19 - To insert the following -

- (f) to any advocate who accompanies a child, or a parent of a child, or a prescribed child in accordance with subsection (6);

(6) Any child, or any parent of a child, or any prescribed child who is requested to attend a School Attendance Panel under subsection (3) must be given the opportunity to be accompanied by an advocate of their choice.

This is an amendment to the list of people who should be given the panel's written report. The Minister argued earlier that people should not be able to appear before the panel with representation. I took the Minister's argument to mean that people should not be able to hire Queens Counsel or lawyers. However, people should be able to be accompanied by a lay advocate rather than appear by themselves. Those members who represent poorer areas of the community will know that many people are frightened by bureaucratic and quasi legal processes. Many people come to my office who have neither the oral or written language skills, nor the confidence, to enable them to deal with the problems that they face, and when I draft a letter for them, I sometimes have to read that letter to them because they lack the capacity to read it and check that it is okay. It is the way of the world that a higher concentration of the people who lack skills and confidence will have their children go before these school attendance panels. Therefore, it is necessary that these parents be allowed to take with them a person who is not a lawyer or QC, and whom they are not paying, who can assist them in this process.

Mr BARNETT: The Government does not support this amendment, on the basis that the amendment that I moved, and to which the Opposition agreed, covers this issue. It states that the child and the parents are not to be represented by another person before the panel unless the panel otherwise determines on the ground that the process will not work effectively without that representation. In other words, if the parents cannot properly present their case, or are too

embarrassed or shy to do so, and that will prevent the panel from functioning in an effective and proper way, the panel may, at its discretion, allow an advocate to be present. It is a matter of procedure that is covered by the previous amendment.

Mr BROWN: Can the Minister point out where that discretion can be found?

Mr Barnett: It is administrative, but it can be found within that amendment.

Mr BROWN: The difficulty with that amendment is what comes first - the chicken or the egg? How will the panel know that the people need representation before they have had the opportunity to argue that they want to be represented?

Mr Barnett: They can ask. We do not want to make it a semi-judicial process. These panels are meant to be positive and constructive.

Mr BROWN: I appreciate that, but I will give an analogy. The Homeswest appeal process is very informal and consists of sitting down with a Homeswest manager and a community representative. It is not intimidating in any way and is the most relaxed process that one can imagine. However, I have found people who are quite unwilling to participate in that process, or who fear that if they do participate, they will not be articulate enough to put their point of view. The Minister would know that while some people are extremely articulate and do not need assistance from anyone, other people who are concerned about issues or want to put a particular view find great difficulty in doing so.

Part of the role of any panel is to listen to the arguments and try to understand them. It would be of considerable assistance to a number of people in the community if they could be represented in that process. I am not clear about how the panel will exercise the discretion that the Minister has outlined. If the discretion will be exercised in a fairly liberal way and representation will be allowed in certain circumstances, why do we have a provision which constrains that representation rather than a provision which simply grants a right to representation? If the panel were to deny a person representation, it would need to arrive at the view that the person was articulate enough to put his own case and did not need a representative, but how would the panel arrive at that conclusion?

I am sorry I was not here when the amendment was put. I was out of the Chamber to take an urgent phone call. Certainly, I have some reservations about the amendment, particularly as there will be a number of panels. There is a chance that some panels may interpret this provision in a very liberal way and allow representation, provided that does not seek to stop the panel from operating. Other panels may interpret these words in a narrow sense and not allow representation. The unfortunate provision is that the ultimate discretion rests with the panel. I would have thought that the ultimate discretion for representation should be left with the people seeking it.

Mr BARNETT: I mentioned before the luncheon break that policy guidelines would be established for the operation of attendance panels that will address areas such as that raised by the member. I have already indicated that I will make the policy guidelines publicly available once they have been drafted.

Amendment put and negatived.

Clause, as amended, put and passed.

Clause 41 put and passed.

Clause 42: No prosecution without certificate of Panel or chief executive officer and report of Panel -

Mr RIPPER: Clause 42 is a key clause because this is the mechanism which triggers the operation of the judicial system. One of the debates we have had is what should be balanced between the use of the legal system to deal with school attendance matters and the use of educational or social interventions. Will there be a publicly available policy which will guide panels in their decisions on whether to issue a certificate authorising a prosecution?

Mr Barnett: Yes, that would form a legal part of the policy guidelines provided to school attendance panels. Certainly, the issue of certificates leading to prosecution is important and there would be guidelines for that.

Mr RIPPER: Could we have some idea of the extent of prosecutions at the moment for breaches of compulsory education procedures? Is there any estimate of how often there would be recourse to courts once this legislation is in place?

Mr Barnett: I am relying on my memory because I think this issue came up in debate a year or so ago. From memory, about 30 incidents a year find their way to courts to some extent. If the member wishes to pursue that and puts the question on notice, I will be able to provide more accurate information.

Clause put and passed.

Clause 43: Parent to bring child before court -

Mr KOBELKE: I seek a fairly brief explanation of two matters. One is the penalty of \$500 for parents who are unable to have their child remain at a court without leave being granted. I imagine there would be the odd very difficult case of a parent not having that level of control over a child. I am assuming the wording would allow the courts some leniency or discretion so that parents in most cases will have to accept responsibility for their child but in extreme cases a court will not be bound to apply a penalty.

The second matter is the "authorised person" required in the second part. Without going through the definitions, a class of people may be classified as authorised persons. How many people will be "authorised" by the Minister in accordance with the Bill?

Mr BARNETT: The \$500 penalty being imposed on a parent would presumably be dealt with by the Children's Court. Again, like any penalty or judicial issue, it will be entirely at the discretion of the magistrate or the judge. It is a maximum amount. A difficult child doing a runner without any assistance from the parent would be taken into account by the court. Normal commonsense would apply in the courts. I accept that in some cases it may be almost impossible to control some children. The authorised person could be a school attendance officer.

Mr Kobelke: I am interested in your current view of how many - half a dozen or a dozen in each district?

Mr BARNETT: There will be at least one school attendance officer per education district. In some areas it may be necessary to have more.

Mr Kobelke: Are these authorised persons?

Mr BARNETT: School attendance officers would be authorised persons for this purpose. Presumably a social welfare officer will qualify and perhaps even a court official.

Mr KOBELKE: The Minister has answered my question at least in part by saying that there will be at least one authorised person per district.

Mr Barnett: At least one school attendance officer per district.

Mr KOBELKE: On top of that there will be other authorised persons. I take it that the Minister's current intention is that there will be one authorised person per district for the purpose of the Bill. There might be two, three or four authorised persons per district for administrative convenience, but the Minister is thinking of a minimal number per district authorised by him to be recognised as authorised persons in accordance with the subclause of the Bill.

Mr BARNETT: The school attendance officer will automatically be an authorised person. To provide enough flexibility, others could be authorised, such as a social worker and perhaps community representatives.

Mr Kobelke: The main point is that the numbers you are looking at are minimal numbers per district?

Mr BARNETT: Yes.

Clause put and passed.**Clauses 44 and 45 put and passed.****Clause 46: Definition -**

Mr RIPPER: Clause 46 is the first of the clauses relating to home education. As the Minister is aware, numerous home educators have lobbied the Government and Opposition for changes to this clause and have expressed great concern about the way in which this clause will be administered.

I intend to raise certain views of the home educators with the Minister and seek his responses and assurances about the way in which the clauses will be administered. I commend the home educators on their vigorous lobbying campaign. They do not represent a huge number of students, but have made quite an impact on the consultation and political process. Members of Parliament, who might previously have been unaware of home educators, have had those views forcefully impressed upon them.

Clause 46 provides a definition of a home educator. The first argument from home educators arises in connection with this clause. It has been suggested to me that there should be an addition to this clause which transfers the administration and monitoring of home education from the chief executive officer of the Education Department to the chief executive officer of the Department of Education Services. Home educators argue that they are akin to many non-government schools and therefore should be subject to those administrative arrangements, rather than be administered by the Education Department. They believe that the Education Department has a conflict of interest

as the alternative provider of education and that it is inappropriate that their competitors for the provision of education determine whether they continue to provide this service to their children.

Why will the monitoring of home education be carried out by the Education Department, rather than the Department of Education Services which is responsible for supervising all other school education outside the confines of the Education Department?

Mr BARNETT: There is a certain logic to what the member for Belmont has said. However, in practical terms it cannot work. In relation to assessing the progress of children, it is only the structure of the Education Department that has that geographic spread and the number of people. Home educators come under an ambit of responsibility of district directors within that broad area. The Department of Education Services is a small agency on a policy level and is not directly involved in either the delivery or the overseeing of education. There are certain limitations. It is intended - as the member would know, following an extensive public consultation on this issue - to establish a home education advisory board. Perhaps a case could be put that the Department of Education Services should be represented on that board.

One of the key issues the home advisory board will deal with is the access that home educated children have to Education Department materials, particularly programs delivered through the School of Isolated and Distance Education. In a practical sense their dealings will be through the Education Department, its structure and programs. I take note of what the member has said and that might evolve over time. I am, in principle, supportive of the Department of Education Services' involvement in this area. Despite the simple logic of what the member has said, I do not think it is practical. Therefore, I do not support it - at least, not at this stage.

Mr BROWN: A constituent of mine who is a home educator has written to me and asked me to question the comments made by the Minister concerning home schoolers. His letter states -

In the enclosed extract from Hansard of the 12th March 1998, Mr Colin Barnett, Minister for Education, impugns that, in Home Education across the state, there are up to 1 000 potential welfare cases.

In the metropolitan area there is only 1 known case of a homeschooling family becoming a welfare case. In this instance, the children were having problems at school before the family started homeschooling as a potential solution to their problems.

It is evident that Mr Barnett is harbouring resentment towards the Home Education movement for the damage it did to his PR exercise for the Education Bill 1997 when homeschoolers were vocal participants at public forums around the State.

Can you please ensure that Home Education receives fair treatment in Parliament as the Education Bill 1997 passes through the final review stages.

My constituent was concerned about a *Hansard* extract which he received. It is not a photocopy and I assume that my constituent has been correctly provided with this copy of *Hansard*. It relates to an interchange between the member for Collie and the Minister. The member for Collie was referring to home schooling. According to this statement, the Minister responded to comments made by the member for Collie as follows -

That is a fair comment, but the real concern about home schooling is that probably around 1 000 students - some of whom are probably in the member's electorate - simply are not being educated, and many of them may be subject to abuse. That is a welfare issue; and it is a serious problem that exists everywhere, but particularly in the south west.

The debate between the Minister and the member continued. My constituent was provided with a copy of that extract and took issue with it. I gave him an assurance that I would draw it to the Minister's attention. The Minister may wish to assure my constituent about his views of home schoolers and whether those previous comments may not be a proper representation of his opinion.

Mr Ripper: I have also had similar letters about the same comment.

Mr BARNETT: I am pleased this issue has been raised. Particular people within the home education lobby have latched onto these remarks and it gives me an opportunity to make clear what I said or intended to say. To our knowledge, the latest records suggest that 908 children in this State are home educated. I cannot substantiate the number because we do not know; that is the whole point. The best guess might be that perhaps another 1 000 students of that order are not being educated, not attending school and are not being educated at home.

1996, 1 300 cases of child abuse - these are not the same populations of children - have been reported in this State. Many children are being adequately home educated. Another group of children are not attending school, not

receiving adequate home education and perhaps a significant proportion of those children may be subject to abuse and neglect and are properly dealt with in the welfare system.

My comments were not intended to be directed against home education. One of the reasons that home education is brought within the net and recognised within this Bill is that we are happy to see children educated at home as long as they are receiving an appropriate and competent education. I, as the Minister for Education, have a responsibility for the education of all children, no matter what their circumstances. My colleague, the Minister for Family and Children's Services, also has a shared responsibility to ensure the wellbeing and welfare of children.

We do not know how many, but inevitably a significant number of the students in this State who are not attending school are not being adequately educated by their parents and may be in a situation of abuse. That is not a slight on home educators who are doing the right thing. It is saying that I cannot ignore those children being denied an education. Even if it makes the home educator happier for the Government to play no role in home education, it is not a significant reason for me to ignore the needs of neglected children.

Mr BROWN: I am pleased that the Minister has made those remarks, as other comments were taken as a slight against the formally recognised home educators. Let us divide those educators into two groups. Home educators are those who have a concern about their child's education and want to do the honourable thing in raising their child, but have a view that the child is better educated at home rather than in a government or private school. That is the group into which my constituent falls.

The second group - this will be the subject of discussions I will have tomorrow with Education Department officials and other agencies - involves children who are not attending school, high levels of truancy, non-enrolment and non-attendance, and all the various associated social problems. That is a matter which must be corrected. Undoubtedly, I do not class those parents in the second group as home educators. They are neglecting their duties as parents and in providing an education for their children. The State cannot stand by and let that happen; it has an obligation to ensure that every child, whether educated at home or in a private or public school, is educated. The extent to which a parent is negligent is the extent that the State has a mandate to move in and ensure that the child receives that education.

If a parent does not want to be educated, and wants to continue in ignorance, that is the parent's view, not the child's. I have no equivocation at all in making that difference very clear, as I have done with home educators and others. Some choice should be involved. I am pleased that the matter has been clarified. I will ensure that the *Hansard* of that clarification is forwarded to my constituent.

Clause put and passed.

Clause 47: Application for registration -

Ms McHALE: I raise a number of concerns of home educators in my electorate, and welcome the Minister's response to them. Clause 47 outlines the process of registration. A number of home educators are opposed to having to apply for the right to educate their children. They have reacted against what they see as a heavy process of application. Home educators have said that the application for registration is an arbitrary and unwarranted invasion of privacy. Notwithstanding their view that as parents they are the primary educator in their children's lives, the parents consider that they are continually required to prove that they are providing an adequate education when no evidence suggests that they are not.

Firstly, has the Minister amended the process of registration through the consultation phase, and what would the Minister say to the home educator who feels this is still an unwarranted intrusion on their privacy?

Mr RIPPER: I quote from a letter on a similar issue from Melinda Waddy, the secretary of the Home Based Learning Network -

I would like to make the following points -

PARENTING: Government regulation of parenting roles and duties is a disgraceful intrusion into the lives and privacy of families. Such intervention is neither warranted nor necessary.

LICENCE TO PARENT: I am required to request a licence to keep my children. This is immoral.

NO JUSTICE: Neither a policeman, nor the Minister for Police, may suspend or cancel a person's drivers' licence. Only a judge may do that.

I take these comments as referring to the registration process and the requirement in later clauses to submit to an annual assessment on the educational progress of a home-educated child, and the possibility that home registration

might be cancelled. The Minister may offer an assurance to home educators regarding how he expects the clauses to be administered. He could do that when also replying to the comments of the member for Thornlie.

Mr BARNETT: In response to the member for Thornlie, yes, a philosophical argument is involved. Some home educators see this issue as entirely a matter for themselves. I, the Government and most members of Parliament have a slightly different philosophical interpretation. Educating a child is the responsibility of the parent, but I assert strongly that it is also the responsibility of the State. It cannot walk away from its responsibility to ensure that all children have equal access to a quality education. I do not in any way apologise for that approach. It comes down to the appropriate balance.

We have made significant changes to this provision of the Bill. However, home education is to be formally recognised for the first time. I thought home educators would regard that as a positive step forward. It is to be formally recognised as a legitimate form of education. The number of home educated children will increase. The Home Education Advisory Panel will be well represented by the home educators themselves, so they will have a direct policy input to this area. I and the Government have no desire to be intrusive or doctrinaire with home education. The simple requirement is to ensure that children are competently educated.

The most difficult situation arises, not so much in terms of policy or a position of neglect in which a child was receiving no education at all, but if a parent genuinely believes that he or she is providing an adequate education, but through ignorance, or lack in education, he or she is wrong. That is difficult to handle. The vast majority of home educators are committed and do a superb job for their children.

We will develop the way the legislation is operated in close consultation with home educators. My understanding from a few large public meetings is that most home educators are reasonably comfortable with the legislation. I do not resile from the fundamental point. Some home educators, from the more extreme views, believe nothing about home education should appear in the Bill, and the Government should have no role at all. I reject that absolutely.

Clause put and passed.

Clause 48: Registration -

Mr BROWN: I have also been contacted by people who have an interest in home education, but who have a different viewpoint from that of a home educator. This clause enables an application to be made for the chief executive officer to register a parent as a child's home educator and issue a parent with a certificate of registration. It has been raised with me that this clause contains no provision for any consideration or assessment of the application, or for any documentation on the full nature of the education to be provided. Nor does there appear to be any arrangement for the certificate to be based on a condition that education must be provided.

The matter was raised by someone with an abiding interest in this field who is concerned about the capacity of children to be provided with proper education. Some other parallels were drawn. When a parent is registered why are those tests or assessments not applied?

Mr BARNETT: The approach is one with which home educators should be pleased. If a parent applies to be a home educator and provides the information and associated documents specified under clause 47, the chief executive officer is bound to provide the registration certificate. It is an entitlement. An inspection will take place three months after the certificate is granted. If at that stage the education process is found to be inadequate, the child can be taken back into the school system. There is no onus of proof.

Clause put and passed.

Clause 49 put and passed.

Clause 50: Home education moderators -

Mr RIPPER: What type of people are likely to be appointed as home education moderators? A number of home educators fear that they will be required to offer essentially the same program as those in schools. They do not want their children educated in that program otherwise they would send them to school. They chose to home educate because they wanted to do something different from that which is done in schools. They are concerned that they will be put into an educational straightjacket. Can the Minister offer some assurances about the way this process of moderation will be administered?

Mr BARNETT: The prime role of the home education moderator is to assess children undergoing home education. Implicit in that assessment is to judge whether the child is making progress. That person will be an experienced educator. He may be a retired principal or senior teacher. One may argue that that will bias him towards a school-based system. That is true, but home educators will have access to the Home Education Advisory Board. The

assessment process will evolve over time; nevertheless, they must be experienced in education because their prime role will be to assess the progress of the child.

Ms McHALE: Has the Minister or the department done an analysis of how many moderators will be needed? I assume they will be paid. Is there an estimate of what the moderators will cost? Will they be stationed throughout the State?

Mr BARNETT: I cannot give a number but the criterion at the moment is one moderator day per child per year. In other words, there is one day of assessment per child per year and there are 1 000 home educated children. Most of these people will be required on a part-time basis. The demand in the south west is greater. For whatever reason, there are geographic concentrations of home education in both the metropolitan and rural areas.

Ms McHale: What about remuneration?

Mr BARNETT: They will be paid under a standard contract the details of which I do not know.

Clause put and passed.

Clause 51: Evaluation of child's educational programme and progress -

Mr RIPPER: Home educators have written to us with some concerns about the evaluation process. I quote from a letter from Andrew and Caroline Wise of Thornlie, which reads -

The evaluation of a child's educational programme and progress concerns us greatly because we have a developmentally delayed child who has had constant intervention since his early years.

Further on their letter reads -

. What constitutes 'educational progress'? How will it be demonstrated? Is this a loophole that allows for compulsory testing to be prescribed in the regulations?

It reads further - this is a common question from home educators -

. Why is this something that applies only to children who are home educated? Children in state or private schools are not required to demonstrate their educational progress on an annual basis.

I seek the Minister's comments on these objections. Once again, I hope that they will provide some assurances to people who are worried that the law the Parliament is about to pass will excessively restrict their activities in home educating their children.

Mr BARNETT: I do not think it does. As I said, the responsibility for these children is shared between the parents and the State, although that might sound somewhat draconian. Extensive debate has taken place about this process of assessment. The original draft of the Bill had an inspectorial flavour about it, and perhaps that was the existing practice. The language is different. In addition, at the request of home educators, we have included reference to prior notice and mutually convenient times for the assessments.

Children within schools are continually assessed. They are under the direct supervision and care of the teacher, who produces school reports. Under the new nationally agreed literacy arrangements, all year 3 students will be assessed on literacy, then all year 5 students, year 7 and 8 students and perhaps even year 10 and 11 students. We will have this continual universal assessment of literacy and later numeracy and so on for all children. Home educators cannot regard themselves as being uniquely discriminated against in that sense. Education requires progress and progress requires some measurement or assessment.

Mr RIPPER: A further fear expressed by home educators is that they will be bound into a curriculum straightjacket by a combination of this Bill and the Curriculum Council Act. They will have to proceed along the same lines as schools; they will not be able to operate their own styles of teaching and learning. I know provision is made for exemptions from the curriculum framework under the Curriculum Council Act, but does the Minister envisage extending exemptions to home educators?

Mr BARNETT: Home educators are entitled to apply for exemptions.

As members know, the curriculum framework is outcomes based; it is not prescriptive as to the detailed syllabus applied. Therefore, from one school to another and one school system to another we will get a great deal of variety within the same curriculum framework. That opportunity for variety and difference is equally available to home educators. Many home educators subscribe to particular home education programs, and those programs themselves differ. The curriculum framework provides more opportunities for innovation and variety in all areas of education, including home education.

Ms McHALE: Has the Minister dealt with the concerns about how we define educational progress, how that will be measured and also how the Government will deal with any conflict that might arise as a result of a difference in interpretation of progress between the home educator and the moderator?

Mr BARNETT: How we assess or measure educational progress is for the educationalist to determine. That is why home education moderators must be educationalists. We cannot prescribe that in the legislation -

Mr Ripper: They will not be subject to the same process as students at government schools.

Mr BARNETT: That is an interesting point; I was thinking the same thing. We are introducing universal literacy assessment across Australia, and I can see no reason that home educated children should be excluded from that national program. This issue has not arisen previously. The decision to go into universal literacy assessment has only recently been made at the Ministerial Council on Education, Employment, Training and Youth Affairs meeting in Hobart. I am willing to consider that issue, but at the moment my initial reaction is that this is a national commitment to assessment of all children, including home educated children.

Mr BROWN: I refer the Committee to subclause (3), which sets out where the evaluation is to be made and refers to a time agreed between the home educator and the home education moderator. It also provides that it shall be at a place that is the usual place of the child's education program unless the home educator objects; in which case the evaluation is to be made at a place to be agreed. Is it not considered appropriate that the home education moderator inspect the surroundings in which the child is being educated, given the importance of those surroundings? This subclause tends to suggest that, if the home educator objects to the moderator's viewing those surroundings, the moderator will not be able to view them, therefore he or she will not be in a position to make any assessment of them.

We all know the difference between a positive learning environment and one that is not conducive to learning. Will the Minister explain the reason for that subclause? It is obviously a sensitive issue. People are always sensitive about other people coming into their homes. In this case, it is a balance of interest or convenience test; that is, one can acknowledge privacy issues and people not wanting government inspectors going through their homes to see whether they meet appropriate standards. On the other hand, what we are concerned about is the education of the child. Part of that concern is whether government or non-government schools relate to the environment in which the child is educated. Can the Minister indicate why that provision is drafted in the way it is?

Mr BARNETT: Obviously we need to be sensitive to the privacy of people within their homes. When a home education moderator visits the home, which is the typical situation, there may be instances when the environment is not conducive to learning, perhaps without any real problem associated. He may be able to contribute informally some suggestions about the study area or whatever else. That would be done in a constructive and supportive way, because a child attending school is in an environment designed for education; homes are not necessarily designed for that. Most parents undertaking home education go to great lengths to ensure their children have entirely suitable places in which to be both taught and to study and work by themselves. We have gone to great lengths to ensure that these home visits are mutually agreed and pre-arranged at a convenient time. However, if the parent is unhappy, for whatever reason, with an outsider visiting the home, it can be arranged under clause 3(b) that the assessment of the child take place somewhere else. Typically that might be in a district office or making use of the neighbouring school facilities. The critical thing is not the physical environment but the achievement level of the child; and that is what is being assessed.

Clause put and passed.

Clause 52 put and passed.

Clause 53: Cancellation of registration -

Ms McHALE: The fear of cancellation of registration is a critical issue and of great concern to home educators, those with an educational interest and those working in the educational field. A number of criteria are set out in clause 53 as to how and why the chief executive officer might cancel a registration. Home educators ask how this will happen under the definitions and interpretation of subclause (2). What are the situations in which a registration may be cancelled? For example, clause 53(2)(b) refers to the physical learning environment of the child. Some parents set up a proper classroom in their homes, others do not. They might use the kitchen table or have a very informal learning environment. It is difficult to say what is right and what is wrong - whether the home is modelled on the classroom or on a more flexible environment.

What are the parameters of how the physical learning environment will be assessed and measured? For instance, is it considered good enough that the child is working at the kitchen table? There were suggestions about the wattage of the light bulbs. How critical to the child's learning is the physical environment and what, in Minister's assessment, are the measures of the appropriate learning environment?

Mr BARNETT: It is very hard to be prescriptive about this issue. However, the member will agree that the physical environment may affect the ability of a child to learn. The example she gave is a valid one. For example, a house not connected to an electricity supply is an instance where a child would obviously have limited ability to read and study.

Mr Osborne: It did not stop me from learning.

Mr BARNETT: That is a case in point - the member for Bunbury! Who knows? The house - I hope this is not a stereotype - may be crowded with multiple adults and children, and there may be a great deal of noise, and all of those things may contribute to a problem. The point is not that the moderator should go into the home and be judgmental about the physical family social environment in which the child is being taught. If the child is making satisfactory progress, that is sufficient. If the child is not making satisfactory progress and the moderator believes that the physical environment is a contributor to that, it could become a justifiable consideration. However, we are talking about experienced professional educators assessing the situation.

Ms McHALE: I appreciate that right through the debate on home education there is a balance to be found between the State's obligations and social obligations to ensure that children are educated, and the legal right of parents to educate their own children in a way that they see fit. I recognise that finding that balance is very difficult. One of the suggestions made to me is that the framework of the Curriculum Council will work against the flexibility in which home educators wish to operate. Their philosophy is that flexibility is what is important to the development of their child - not having a rigid structure, and being able to respond to the issues of the day. I am surmising that these are some of the issues. How would the Minister answer the home educators when they say, in relation to the Curriculum Council, that the framework within which they are being forced to operate does not allow for the flexibility that they wish to have?

Mr BARNETT: They have the flexibility within the curriculum that is available to all children. They have the flexibility of educating at home, subscribing to various home education syllabi that are available. The formal recognition of home education within the School Education Bill is a recognition that their particular variety of flexibility is available and is perfectly acceptable, so long as the child is being properly educated and is progressing. That is not to assume that all children in the school system necessarily progress either. There is a need, obviously, to provide assistance and perhaps additional remedial and catch up programs.

Ms McHale: My experience of committed home educators is that their children do very well.

Clause put and passed.

Clause 54: Review of decision to cancel registration -

Mr RIPPER: Subclause (3) of this clause provides for a home education advisory panel. Has the Minister given consideration to the type of people who will be appointed to this panel? Can we be assured that experienced and competent home educators will be represented on this advisory panel which will consider appeals against decisions to cancel the registration of home educators?

Mr BARNETT: Essentially the home education advisory panel is advisory to the chief executive and ultimately the Minister. I see it operating on a policy level. For example, if the view is that the CEO of the day has been too harsh or too lenient, I expect that matter will be raised with the panel, the Minister and chief executive informed, and recommendations made. I do not see the home education advisory panel dealing with an individual assessment, child, or situation, but rather providing an overview of what is happening in the sector, giving policy advice, recommendations, and suggesting ways to streamline, addressing issues such as access to side materials, or whatever.

At this stage I have not given a great deal of thought to the persons who may be appointed to the panel. However, I see a balance between educators, people who have experience in home education, and people who have perhaps expertise at an academic level in different models of education. It will be a group that will, in a sense, be sensitive to and broadly supportive of home education. I will look to practical people who realise that we must strike a balance between the rights of parents and the responsibilities of a state system.

Ms McHALE: Home education may provide an alternative to the difficulties faced by Aboriginal students. Earlier today we were talking about truancy. Are there any home educators from an Aboriginal background? Will the Minister make a commitment that the applications of the rules for home schooling will be sensitive to Aboriginal culture? Does the Minister regard home schooling as a method of dealing with the problems of monitoring Aboriginal children?

Mr BARNETT: I do not know how many, if any, home educators there are in the Aboriginal community. I expect there will be a logical application in the area, particularly for the more nomadic groups. They may have an opportunity through these provisions, and we may be able to provide that flexibility.

Mr RIPPER: I was puzzled by the Minister's explanation of this clause and the role of the home education advisory panel. The Minister seemed to confuse the role of the panel constituted to hear an appeal against a decision to cancel the registration of a home educator, with the role of the overall advisory council that will advise the Minister on policy matters relating to home education. It is a pity that the Minister's adviser has slipped away. The Minister may like to reread clause 54. It specifies that the panel can hear appeals against an individual decision to cancel a registration. I seek assurance that at least some home education experience is represented on the panel. Home educators would be very concerned if they thought that the registration of a home educator may be cancelled but when an appeal was made to a home education advisory panel, that panel comprised school principals. They would not accept that as a legitimate appeal process.

Mr BARNETT: That is fair comment. I repeat that we must achieve a balance. I see the panel having a strong component of people who are experienced in and supportive of home education. The member is correct about the wording. I must have misinterpreted the situation. My motivation in agreeing to form the panel was to deal with policy issues. Perhaps I should give more thought to whether there is potentially a conflict between the policy role and the adjudicator role.

Mr RIPPER: After the previous answer I was not sure whether there would be one overall panel and another panel to hear individual cases, or whether one body would undertake one task. I have flicked through the legislation to try to find another reference to the panel.

Mr BARNETT: I will take that question on board. The operations of the panel will be a policy issue. I see a danger of some conflict between the roles. I have read the provision again, and it appears that there will be a board and a panel.

Clause put and passed.

Clause 55: Establishment -

Mr RIPPER: This clause relates to the establishment of government schools. It is an enabling clause which allows the Minister to establish a school and assign a name and classification to it. This part will enable us to discuss the vexed question of school closures. What priority will the Minister give to the very important links between schools and communities? We could have a system of government schools established on a bureaucratic service provision basis, or we could have a system of government schools which establishes and supports government schools essentially as community institutions. Most of us know from our electorates that government schools play an important role in reinforcing and developing a sense of community. Often community organisations develop out of an association that arises between parents, when they first enrol their children at kindergarten and preprimary. The association grows as the children move through primary school into high school. Therefore, the local government school is a very significant local community institution. It is very important for its role in helping to develop and reinforce a sense of community. Likewise, the sense of community which develops is very important in supporting the work of a school. There is an enormous amount of community involvement in and support for schools. We welcome the fact that increasingly local businesses are playing a role at high schools. Kewdale Senior High School in my electorate is a good example of a school which has established strong links with local community businesses, which have been important in supporting vocational education in schools and in preparing children to enter the work force and find jobs locally.

In exercising his powers under this clause and establishing and classifying government schools, what priority will the Minister give to this very important value of community? What priority will he give to the link between schools and community by supporting a sense of community on the one hand and supporting the educational achievements of children on the other?

Mr TUBBY: The Government has a strong commitment towards promoting and providing schools in local communities where the local community is very heavily involved in those schools. Our commitment is to ensure that where children require schools, they have them. In the Rockingham area schools cannot keep up with the expanding population, so we have 800 or 900 students in primary schools, which is far more than we should have. Unfortunately there is a finite resource each year for infrastructure funds. The Government's commitment is to provide schools in local communities where there are large number of students. In the older areas, like those the member has mentioned in the western suburbs and in some of the inner and eastern suburbs, some schools are under utilised. Thirty years ago they were very large schools but now they are very small schools. We really must question whether we should be rationalising some of those schools and using those funds to provide essential local schools in the new expanding areas like the northern suburbs and Rockingham. As much as we possibly can, we have a commitment to local schools. The member may remember a couple of years ago when we had to close down the Leederville Primary School. There was a large uproar for probably six months prior to its closure, but once it was closed the Government did not have to provide any additional funds or staffing to any other schools to accommodate the students who had

been to Leederville Primary School. The school simply ceased to exist. There was no requirement for additional infrastructure or staffing resources at any other school.

Mr Ripper: You just filled up the classes, did you?

Mr TUBBY: Classes were low in numbers. Many people from the northern suburbs in particular were working in Perth and using Leederville Primary School as a fairly convenient place at which to drop off their children on the way to work and to pick them up on the way home. Those students went home to their own local schools. They simply slotted into a whole range of schools across the western and northern suburbs. We saved an enormous amount of money because we did not have to provide additional resources at any other place. We really must look at how we are using the scarce resources available. We have a commitment to local schools. Quite frankly, in some growth areas we are not providing the required infrastructure. We must look at some of the older areas to see if we can better utilise our resources.

Mr RIPPER: Does the Government have a policy on the size of student enrolments at new government schools which will be established? Will such a policy be incorporated in regulations or will it remain an administrative matter? Can the Parliamentary Secretary advise the Chamber on what basis he is planning for new schools given the power under this clause?

Mr TUBBY: The power is not included under clause 55 but there will be some regulation of the prescribed number of students for particular classifications of schools. That comes under clause 56(3). Numbers will be allocated for particular schools. In the past the Minister has indicated that he has a policy of a certain number of students for what he calls an optimum high school and certain maximum numbers of students for primary schools. He has been criticised for that in the past.

However, when we compare our schools with other schools in Australia and even those around the world, we find that our senior high schools are fairly small. For example, if the member went to MLC in Melbourne he would find that private school has about 3 000 or 4 000 students in secondary education. Some of the larger government schools have similar sorts of numbers. If we compare those numbers to the numbers in our larger secondary schools, we find Kelmscott reached 1 800 or 1 900 at one stage. We considered that to be far too big and the numbers came down after they had peaked. That school has around 1 500 students now. Although we think our numbers of students are large, in other Australian jurisdictions they would be reasonably small. I do not feel that the Minister is being unreasonable in the numbers he has indicated we should have in primary or secondary schools.

Mr Ripper: This will be a policy issue and not in regulations?

Mr TUBBY: Yes. Those sorts of numbers will come under the policy but we will still have classifications of schools based on numbers.

Clause put and passed.

Clause 56: Closure and amalgamation -

Mr RIPPER: I move -

Page 45, line 2 - To insert after "determines" the following -
in accordance with the regulations

The clause provides for the closure and amalgamation of government schools. Under subclause (3) if the Minister is satisfied that a government school is regularly attended by less than the prescribed number of students, he is either to change the classification of the school or close or amalgamate it. Under subclause (4) the Minister may dispense with subclause (3) where he determines that there are significant educational, economic or social reasons for not complying with it. In other words, once school attendance falls below a certain number of students the Minister must take some action unless he decides that he need not take that action for significant educational, economic or social reasons.

The suspicious minds amongst the public and parliamentarians might read "political" where they see "significant educational, economic or social" reasons. That may be uncharitable of us but we are well aware of the way pressures can be applied and responded to by Ministers. A city based organisation gave perhaps an unintended compliment to the National Party by arguing that the Minister might find significant educational, economic or social reasons for not closing a rural school in a National electorate, whereas he would not find those same significant educational, economic or social reasons when it came to the closure of a school in some other area.

I do not want to reinforce that backhanded compliment to the National Party because I want to assure the Parliamentary Secretary that Labor members of Parliament can apply just as much pressure on these issues as any

National. Although I do not endorse the backhanded compliment to the National Party, the people who approached me raised an important issue. If exemptions to closures and amalgamations when numbers have fallen below a certain point are to be extended, then they should be extended on a fair basis.

Some understanding should exist of the conditions that will apply for exemptions from these requirements. I have moved to insert the words "in accordance with the regulation" to this exemption in subclause (4). In other words, the Minister can decide to reclassify, amalgamate or close a school - we want him or her to retain the power to do that - but the Minister would operate within a framework which would apply if a decision arose in relation to another similar school. We do not want schools in marginal electorates to stay open while schools in safe Labor electorates are closed. I would never treat my electorate as safe, but as the Government proposes to close two of the three schools in my electorate, it might be safer now than perhaps it once was.

Mr TUBBY: I find it amusing that the member a couple of minutes ago suggested that the Government should be supporting local schools in local communities. However, he is trying to hamstring the Government in meeting that aim of supporting local schools in local communities. Subclause (4) only allows the Minister to take into consideration other circumstances, apart from pure numbers. This will probably only occur in very remote areas where long distances must be travelled to another school. The alternative for that local school may be the School of the Air, the School of Isolated and Distance Education or sending students to board at a hostel attached to government schools or a private school in the metropolitan area.

The Minister should be able to take into consideration other factors when considering the education of those students. He should also be able to take into account the consideration of the social impact of the community itself. In many communities, removing the school building would remove the social centre of the community. The nearest next centre might be 100 kilometres away. The Government must be responsible and provide for people who live in remote areas who contribute substantially to the State's economy by living in those areas. They must have access to the benefits that we in the metropolitan area and larger regional centres take for granted.

This provision will allow the Minister to take those matters into consideration. Subclause (3) states that if the Minister is satisfied that a government school is regularly attended by less than the prescribed number of students, he is given two choices: He can either change the classification of the school or take action under subclause (1) to amalgamate or close that school. He does not have a great deal of choice.

In certain circumstances, other considerations should be taken into account; namely, economic and social reasons. It is an opt out. The member suggests in his amendment that we should put into regulation the points which should be taken into consideration. If we covered all the State, as we are trying to do in this legislation, and cover all possibilities which may occur in any area of the State, we would need a large number of regulations. It would be impossible to take into account all the different circumstances which may occur in the regulations. We must put a little faith in the Minister of the day to make a reasonable decision based on all the associated economic and social circumstances, and make an educational decision on whether the school stays open or closes. We should not bind the hands of the Minister unnecessarily. The number of schools involved will be insignificant, and no schools in the metropolitan area or large regional centres would fall into this category.

Mr BROWN: The amendment seeks to ensure that regulations are issued to define the circumstances in which the Minister may exercise a discretion under subclause (4). The Opposition is keen to see some consistent decision making, and that will be aided by this process.

I can draw an analogy regarding consistent decision making in education, and why we question whether consistent decision making always occurs. I do not refer to school closure, but school improvement. Two schools were built around my area, and I use that term broadly, some years ago. Both schools were built at the same time with asbestos roofs. Both school communities in recent years sought to have the asbestos roofs removed. The asbestos roof was removed from one school but not the other. What is the difference? Given that the schools are the same vintage, the same asbestos sheeting was used on both schools. The only reason we can work out is that the school which had its school roof removed is in the state electorate of Ballajura, which was won by the Minister for Family and Children's Services by 44 votes at the last election. That school has been fortunate enough to have its asbestos roof removed and replaced. The other school is the East Beechboro Primary School, which was in my electorate, and is now in the electorate of the member for Swan Hills. That is a safe Liberal electorate. Prior to that, it was a safe Labor electorate. Therefore, the urgency of having the asbestos roof removed from the East Beechboro Primary School has not been regarded as so critical.

Mr Board: Are they in the same education district?

Mr BROWN: Yes.

Mr Board: Is it not a matter of prioritisation in the education district?

Mr BROWN: Yes.

Mr Board: You might find a list within the district.

Mr BROWN: There is - and both schools were listed.

Mr Board: Other districts require such work.

Mr BROWN: Both were listed. I went into this in great detail as I campaigned hard for both schools.

Mr Board: I admire you for it.

Mr BROWN: I thank the Minister. One school was more successful because of an unrelated event; namely, the Electoral Commission, in its wisdom, drew a boundary different from the current boundary and placed one school in the electorate of Ballajura. This was a highly marginal seat with a prized government member, who was supported by government members, including Ministers, doorknocking in the campaign.

Mr Cunningham: The Premier was out there many times.

Mr BROWN: Indeed. They managed to get the Minister for Family and Children's Services over the line by a handful of votes. Suddenly that school roof was fixed. However, the roof of the school of the same vintage and standing in that educational district was not replaced.

Mr Board: What a cynical approach.

Mr BROWN: It may be a cynical approach, but I cannot understand the rationale. When I asked questions nobody could explain it. If that can happen with school roofs it can happen with school closures.

The CHAIRMAN: We are speaking about school closures.

Mr BROWN: I was drawing an analogy.

The CHAIRMAN: I know the member was; it was a very long one.

Mr BROWN: It is relevant to the reason that the guidelines in my amendment are necessary in the regulations.

Mr TUBBY: The member stretched a fairly long bow in that last analogy. He forgot to mention that it could have something to do with the quality of representation of the members concerned! However, despite what he said about the replacement of those roofs, do we need consistency of decision making in all areas? We must take into account local considerations that will allow the Minister to make decisions in areas that are different from elsewhere. This is a huge State stretching from Kununurra to Esperance and from Giles to Geraldton. We cannot expect the same regulations to be applied across the length and breadth of the State.

Mr Brown: The same principles can be applied to the circumstances in each location. Consistency of principle is required.

Mr TUBBY: I accept that. There will always be one school that gets a new roof before another school. The Minister said all the asbestos roofs will be replaced over time from the worst cases to the least needy. That issue will then be off the agenda. It is not appropriate to create regulations to enable the Minister to make decisions in exceptional circumstances.

Mr BROWN: I refer to subclause (3). Is the prescribed number of students to be contained in regulation? Is any change envisaged to the existing numbers?

Mr TUBBY: The prescribed numbers will be in the regulations just as they are now. Changes in the numbers will be a matter of government policy of the day. They changed in 1990, but they have not changed dramatically over the past 20 or 30 years.

Classification of the schools is by regulation and regulations come before the Parliament.

Amendment put and negatived.

Mr KOBELKE: From my understanding there is no overall guidance in the Act on the way this clause can be applied. We debated the objects of the Bill under clause 3 and that there were no clear guiding principles other than those relating to efficiency. No guidance is in the Bill pertaining to the Minister's determination on the amalgamation or closure of schools.

As the member for Bassendean said, it leaves it open for the criteria to be at the whim or political motivation of the Minister of the day regardless of which party is in power. Therefore clause 56 contains some major deficiencies.

The amendment was an attempt to tighten it up in a small way. We have missed a big opportunity to ensure something is guiding the decision making on quality of education when consideration is being given to amalgamation or closure of schools.

Mr TUBBY: Some provisions in the Bill give the Minister a little more flexibility than he has at present. Often a change of classification occurs at a primary school. When a school is reclassified and loses both deputies, and the principal is downgraded, that is a significant change. In the past I have written to a Minister and suggested for educational reasons that a school reclassification should be delayed for a year. The circumstances relate particularly to retiring principals.

Mr Kobelke: I agree totally. My comments related to the whole of the clause. The decision in this area would be made overwhelmingly on the basis of numbers, and exclusion of the reasons makes good sense. I was alluding to the amalgamations and closures which we assume in most cases will be made for good management reasons. However, there is no guiding principle for the changes other than what is accepted as "good reasons".

Mr TUBBY: This comes down to the policy of the Government of the day. Governments will come and go and policies will change.

Mr Kobelke: I was speaking to the clause as a whole.

Mr TUBBY: The Act should not tie in too tightly policy directions a Government may wish to take in the future. In this legislation we are trying to allow the Government of the day to legally manage the system.

Mr Kobelke: We have had that argument before and we have different views.

Mr RIPPER: I cannot let this clause be voted on without expressing grave reservations about the way in which local area education planning is proceeding. Local area education planning is not specifically provided for in the legal framework of this Bill. However, it is the administrative device by which the Minister can exercise the powers to close and amalgamate schools and which he already has under the existing Education Act.

Given the Minister's arguments, we will see local area education planning proceeding under this new legislation should the Parliament pass it. Local area education planning should not proceed until the Minister has amended the framework. He has conceded in this House that problems have arisen as a result of the way in which it has been implemented. He has come up with options for schools that were not able to proceed successfully through this process. If we go ahead with local area education planning for other schools without having amended the process, we will face the same difficulties.

An opposition member told me today that there is division in his community. Principals are criticising the actions of other principals and parents are unhappy that the teachers have said they do not care whether the school closes because they live half way across the metropolitan area and they do not want to teach at the school anyway. There is great scope for school to be pitted against school, for community division, for uncertainty and angst and for parents to feel that they have been betrayed and misled. They go into this process in good faith and then find that what they want for their school does not meet the planning criteria set by the Education Department. If the Minister proceeds with local area education planning unamended he will set up the community for dissent and disgruntlement. He will also store up political trouble for himself and his Government. I am fond of giving advice to the Liberal party; I have its best interests at heart. It would avoid a lot of trouble if it amended the local area education planning process to dispense with some of the difficulties that have occurred and if it made it less rigid. If it does not, it will face more campaigns like the one that has seen the Minister's electorate office picketed every Friday morning for some time.

Mr BARNETT: I have made public comments to the effect that difficulties have arisen in the implementation of the local area education planning process. I imagine there will be refinements; it is an evolving process.

It is an ironic situation. By its nature, public consultation - which is important when considering whether a school is to be closed or amalgamated - is bound to be divisive. That is the experience of every phase of this process. For that reason, it is important that decisions be made and that they be made in a reasonable time frame. I will not abandon the process despite some of its defects. We will refine it, but this time around we will make some decisions, and I believe they will be generally well received.

Mr RIPPER: Is local area education planning a one-off process? If so, for how long will it last? Will we have two years of the process and then a breather, or will it be a continuous revolution in the Maoist sense?

Mr BARNETT: Planning and decision making about school openings, closures and amalgamations are part of a continuous process, and this is seen as a continuing process. Obviously how much controversy a community can cope with is an issue. We are focused on secondary education. The issues at the primary level are far simpler. However, the issue must be addressed, particularly in the wheatbelt areas. Local area education planning provides an

opportunity for some schools to remain open where otherwise they might have been closed. For example, Collie has a number of small communities in its surrounding area. The schools are not viable in providing education from preprimary through to year 7. However, they may be able to continue by providing education at the preprimary level and years 1, 2 and 3, and then feed the students into a more viable cluster. All of those processes will continue and we will try to find the right balance.

Change must happen continually, but we do not want too much change in too many areas at once. That is destabilising. Perhaps we took on too much this time, but the outcomes will generally be good. It is difficult in my electorate and in the member for Belmont's electorate. It is far less difficult in an area like Mandurah, which has a rapidly expanding population. Nevertheless, planning for that growth is just as important.

Mr RIPPER: How much dissatisfaction is there in the Education Department about the current structure of schools? Has the department done any budget analysis showing that so much could be saved if we had a preferred school structure rather than the existing set of community based schools? Obviously a substantial degree of financial consideration is driving this process and the department's budget is under pressure. The Minister argues educational reasons, but I am sure there are financial reasons - operational savings that will be achieved as a result of the closure of certain high schools and proceeds from the sale of school sites. Has the Minister received advice from the department that the structure of schools needs a substantial overhaul and that the local area education planning process will result in X number of schools rather than X plus 50 and that we will save so many million dollars?

Mr BARNETT: I do not have advice in that specific form. However, the general advice is that in many old areas we have too many schools. Some of the rural areas that have suffered population loss have very small school populations. In the past two or three years while travelling around the State as Education Minister I have noticed relatively empty schools in the old areas and huge pressure to provide facilities in the rapidly expanding areas. We have responsibilities, the first of which is to ensure the money is well spent for educational benefit and that the resources, the money, the buildings, the teachers and the programs follow the children. The children of today are not where they were in the 1960s and 1970s. It is as simple as that.

We have a continuing responsibility. It is easy to do nothing. Previous Governments have done very little to address the issue. My predecessor, Hon Norman Moore, quoted the figure of 1 000 empty classrooms. That is probably true. We have schools throughout the State in which children are rattling around. They are antiquated and are not suited to modern education and technology. The member for Pilbara is delighted with the new school in his electorate. After some initial dissension, the two parent groups came together and, instead of having two schools with deficiencies, a new school is about to be opened.

Mr RIPPER: I have been advised by a more erudite colleague that it was Trotsky who was in favour of continuous revolution, not Mao.

Mr Barnett: They are all has-beens, like the Labor Party.

Mr RIPPER: I would hate anyone reading *Hansard* and relying on it for an ideological education to be misinformed.

Mr Barnett: You would be in deep trouble at Trades Hall on May Day.

Clause put and passed.

The CHAIRMAN: Members, the dinner break tonight will be from 6.00 pm to 7.00 pm. I ask all members to pass on to other members that there will be only a one hour break for dinner.

Mr Ripper: We will have only one quorum call?

The CHAIRMAN: The member is at liberty to call a quorum at any time, but not within 15 minutes of the last quorum.

Clause 57: Consultation -

Mr RIPPER: Clause 57 provides for consultation arrangements when a Minister proposes to amalgamate two or more government schools, or to close any government school permanently. I have already criticised the consultation processes established by the Minister under local area education planning. I have urged the Minister to amend his local area education planning framework before he foists that item on more schools across the State. If he does not amend that framework, there will be more community division, more disillusion amongst parents and more political trouble for the Minister. On the other hand, there will be more votes for the Labor Party, so it is not all negative. However, the damage is done to the community; therefore, on balance, I prefer him to amend his framework. The Opposition wishes to move amendments to clause 57. They are not on the Notice Paper.

The CHAIRMAN: There is one on the Notice Paper, is there not?

Mr RIPPER: There is one on the Notice Paper, but we wish to expand that amendment.

The CHAIRMAN: Does the member wish to withdraw that amendment or expand it?

Mr RIPPER: I consulted with the Minister whether we could delay debate on clause 57 so that we could redraft that amendment and the Minister indicated that we could recommit the Bill for reconsideration of clause 57.

Mr Barnett: Yes.

Mr RIPPER: There may be an alternative way of dealing with this. I can go ahead and draft an amended amendment while debate proceeds. That would not give the Government time to examine it.

Further consideration of the clause postponed, on motion by Mr Ripper (Deputy Leader of the Opposition).

Clause 58: Permanent closure, notice of proposal to be given -

Mr RIPPER: I have an amendment to clause 58 to delete subclause (3). This clause gives the Minister protection from any legal action following his decision to close a school. It reads -

The Minister may satisfy himself or herself as to the 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 will explain how this will work. The Minister must publish in the *Government Gazette* notice of the proposal to close a school. The school cannot be closed unless the consultation required by the previous section occurs after the notice was published and more than 12 months has expired since the notice was published; or the Minister can close a school sooner than the expiration of that period of 12 months if he is satisfied that a majority of the parents of students enrolled at the school wish the school to be closed; or there are some exceptional circumstances.

The clause then states that it does not really matter how the Minister determines the matter, that matter cannot be reviewed by a court. Effectively, the Minister's decision to close the school quickly is not something which can be judicially reviewed. Putting a clause like this into legislation makes many of the foregoing provisions irrelevant. They are there, they are nice sounding words, they are aspirations. If the Minister does not abide by them, there is no-one who can hold the Minister to account in the legal sense. The law is an aspiration, or a wish. The Minister can be politically challenged and criticised, but there is no-one who can compel a Minister to abide by the other parts of clause 58 because of the wording of this subclause. That is not the way Ministers should proceed. I move -

Page 46, lines 17 to 21 - To delete the lines.

Mr KOBELKE: I support the amendment. The previous clause, which we have deferred, does bear a brief comparison with this. Clause 57 relates to consultation, similar to subclause (3), which means that if people are not happy with the consultation process, they cannot use that before a court in order to overthrow the whole process. I do not have any problem with that because the nature of consultation should be flexible. It is not desirable to have a legal technicality as the basis for overthrowing the whole consultation process because people find fault with that process. However, giving a shortcut to the Minister in the formal period of notice to be given, which allows the Minister of the day on any whim to take action, is totally contrary to good public administration. There should not be a requirement in the law that there be 12 months' notice before effect can be given to the change and yet leave it open to the Minister to sidestep that without there being clear, objective criteria.

Mr Barnett: Only with the support of a majority of parents can he do that.

Mr KOBELKE: Yes, however subclause (3) overrides that -

Mr Barnett: No.

Mr KOBELKE: - because one cannot get into a court to have the decision overturned.

Mr Barnett: No. Subclause (3) protects the Minister of the day only in respect of the manner of consultation. An example in point is Warwick Primary School where the parents voted that the school stay open. Subsequently, many parents withdrew their children and they came back to the Minister requesting that the school be closed; and we acted upon that.

Mr KOBELKE: What the Minister is saying, with respect, is not true. The current wording in subclause (2)(b) shows that it can take place if "the Minister is sooner satisfied that a majority of the parents wish the school to be closed" or "there are exceptional circumstances which justify closure". In other words, that the Minister is sooner satisfied that there are exceptional circumstances that justify closure is not adequate justification for doing away with the 12 months' notice.

Mr Barnett: The consultation process in clause 57, which we will return to later, still applies. Exceptional circumstances may arise; for instance matters of safety, condition of buildings or whatever.

Mr KOBELKE: I do not have a problem with that, and the Minister should have that power. Exceptional circumstances may arise: The majority of parents may not support the closure but there is overwhelming evidence that for good educational reasons the school should close. That would be operative without subclause (3) because the Minister would then have clear, objective criteria to be able to establish before any court that exceptional circumstances justified the closure prior to the end of the 12 months. I have no problem with that. The difficulty with subclause (3) is that there may not be any objective criteria which would justify the exceptional circumstances. It may be political criteria; it may be personal criteria of the Minister; it may be policy initiatives which are not well founded on objective criteria.

From time to time, all political parties have knee-jerk reactions which do not end in well-judged decisions. If subclause (3) remains, it is possible that the "exceptional circumstances" will not be exceptional. Subclause (3) gives the Minister the ability to determine the exceptional circumstances. The argument advanced by the Minister is that he should, in exceptional circumstances, have the power to short circuit the 12 months' period. I have no trouble with that. My problem is that the exceptional circumstances must be objective and it must be possible to present them rationally and logically in a court of law, if necessary. If they stand up, the Minister will have done the right thing. However, under subclause (3) such tests will be irrelevant because there will not be clear grounds on which to take the matter to court, because the Minister has total power to interpret what the exceptional circumstances may be.

Mr RIPPER: My objection to the clause is that it allows the Minister to close a school without consultation. He could make a judgment that the majority of parents at the school agree, or he could say that there are exceptional circumstances - and his judgment is unchallengeable. All the previous material in clause 57, which we will come to consider, and all the wording here which provides for a 12 months' notice period, is, for practical purposes, set at nought if the Minister does not want to follow those processes. The Minister can decide there are exceptional circumstances, and if everyone else thinks there are no exceptional circumstances that would justify the decision, it does not matter because no-one can hold the Minister to what people would otherwise see as the wording of the law in these circumstances. This subclause invalidates the rest of clauses 57 and 58 and makes the words in those clauses mere aspirations, not the law.

Mr BARNETT: The fundamental question is whether we give decisions over school closures or amalgamations ultimately to the parents or whether we leave that decision ultimately to the Minister. It has always been my view that the decision should lie with the Minister of the day, and the Minister of the day is publicly and politically accountable for any decisions. Clauses 57 and 58 lay down the legislative requirements in respect of the responsible process to be followed. The Government would argue to maintain subclause (3). If we did not have such a provision it would allow almost vexatious actions to be taken to maintain a school when that school may not be viable and may not be desirable educationally. After the recent experience of local area planning, I assure members that I feel very much publicly and politically accountable for the decisions that were made.

Mr Ripper: Every Friday morning at your electorate office!

Mr BARNETT: The member reminds me of that continuously.

School closures raise many non-educational issues. They are perhaps important issues for the community, including people who have properties adjoining schools who have particular interest in the valuation of properties. People may want to redevelop sites or prevent redevelopment. Unless we have such a provision, it could be almost impossible to close a school, because due to a particular agenda in the community, people could take vexatious and litigious action. That would take responsibility for education and the assets of the Education Department away from the Government and the Minister of the day. That is not acceptable, and it could be very damaging to the future development of education. The last thing we want to see in this State is the maintenance of non-viable, high cost schools, which would be to the detriment of education in other areas and to the equality of opportunity in education. We must be very careful about that. Some areas in Australia are littered with tiny schools due to the actions of very vocal groups. As an example, some areas of suburban Brisbane have one classroom schools. That is not good education or good use of educational resources.

Mr RIPPER: I do not want the Minister to misrepresent the Opposition's amendment. The Opposition does not want to take power from the Minister. The Opposition is not saying that the Minister will not be the authority ultimately responsible for closing schools. We are saying that the Minister should act not as a despot or in an arbitrary manner. The Minister should act in accordance with the processes in his own Bill, as set out in clauses 57 and 58. The Minister will retain power if the Opposition's amendment is carried, but he will be required to operate in accordance with the processes laid down in his own Bill.

The problem with subclause (3) is that it prevents anyone going to court and claiming that the Minister has not followed his own processes. If no-one can go to court and say that, the processes do not have any legal standing; they are simply aspirations. If the Minister chooses, and can get away with it politically, he could say that he has reached a decision that the majority of parents of students at a school want to close the school, or that he has reached the decision based on exceptional circumstances. However, if people queried that decision and said that it did not seem to be in accordance with the law, the Minister could say that he cannot be challenged.

That is our objection. We do not want to remove the ability of the Minister ultimately to determine what happens in the government education system. He is accountable to Parliament for that. However, we want him to operate in accordance with the processes in his own Bill. If he cannot be held legally accountable, those processes have no standing in law.

Mr BARNETT: This is a relatively limited case. It is outlined in subclause (2) in the preamble, that the consultation process must be followed before any decision is made within 12 months to close a school. It sets down the conditions. Ultimately subclause (3) is designed to stop people from taking all sorts of litigious action about the details of a process. I heard what the member said, but I differ in my view.

Amendment put and negatived.

Clause put and passed.

Clause 59: Permanent closure, when notice of proposal not required -

Mr RIPPER: In what circumstances is it contemplated that the Minister may permanently close a government school? It is stated that the Minister must be of the opinion that the safety and welfare of teachers or children at the school may be at risk. Will the Minister provide an example of the circumstances that would require the permanent closure of a school?

Mr BARNETT: The most recent example in this category would be the case at Burekup where white ants ate the school and the roof fell in. In such a circumstance, we might have to act immediately. Other unpalatable circumstances might be in the case of unrest in a township or perhaps serious attacks on teachers. In those cases it may be necessary to move in and act immediately.

Mr KOBELKE: I do not oppose the clause, because the Minister must have that power. It will come down to the judgment of the Minister of the day. In the Burekup example there was some contest from the parents about whether the school should close or be temporarily relocated until the building could be made good.

Mr Barnett: That was not an extreme situation. It was a recent example, and that is why I mentioned it. There have been cases of extreme acts of violence against teachers by members of the community, not children, and we had to act.

Mr KOBELKE: Unfortunately I foresee instances where the Minister quite rightly and properly cannot go through the due process required in clauses 57 and 58. A decision must be made. This particular clause gives the power for such a decision to be made. In some instances, the hazard or danger to the students can be passing. It does not mean that the Minister must avail himself of clause 59 and permanently close the school; that is another issue. That matter must be left to the judgment of the Minister of the day; that is, whether temporary arrangements should be used to deal with a hazard as it arises in a school - for example, fire damage. Clause 59 must not be used as a backdoor way of closing a school permanently rather than taking account of exceptional circumstances at the time and providing safe accommodation for students for a limited period by relocating them so the school can continue to operate. I hope that clause 59 will not be used as a means to circumvent clauses 57 and 58.

Mr BARNETT: An example that came to mind was a school at Wittenoom Gorge. Despite what the community thought, it was decided that the school should close permanently.

Clause put and passed.

Clause 60: Local-intake schools -

Mr KOBELKE: The provision of local intake schools seems to be used in this clause as an administrative arrangement giving the Minister powers to gazette areas to manage the system and not have overcrowding in some schools while neighbouring schools may be underutilised. It is right and proper that there should be powers of that nature. I hope that local intake schools take cognisance of the community's interest in them. The Minister's philosophy and approach to education does not see that as important. I place a very high educational value on the community's ownership and sense of support for a school. However, I suspect the Minister puts a different value on that. One hopes that local intake schools are more than a means by which the Minister will manage the number of

students moving from one area to another to ensure that unnecessary cost duplications do not arise. The sense of local schools belonging to a community is worth upholding. By implication, clause 60 has greater significance than simply being a part of the administrative arrangements which are required to manage the system.

Mr BARNETT: The effect of the amendment proposed by the Opposition would be to require that all government schools have a local intake boundary. If, heaven forbid, the Opposition is returned to Government and decides that that will be its policy, it could do that under this legislation as it is drafted. That is not the philosophy that this Government intends to follow. We intend to liberate local intake boundaries. These boundaries would be established where pressure of numbers exists in schools. Boundaries may be necessary to manage that situation. We would make a conscious decision to impose a boundary, rather than have it in a mandatory sense. The part of the legislation that deals with enrolments ensures that local children have priority at their local schools. Living locally to a school gives children that entitlement.

Mr RIPPER: I move -

Page 47, lines 1 to 7 - To delete the lines and substitute the following -

Local-intake area for government schools

60. (1) The chief executive officer shall by order published in the *Government Gazette* define the area from which each government school is to have its intake of students and each such area shall include the local area in which such government school is situated.

Page 47, line 14 - To delete "local-intake" and substitute "government".

The Minister is correct. The effect of the Opposition's amendments to this clause will be to require all government schools to have a local intake area. We note that the clause in the Bill allows the Government to declare any government school to be a local intake school. The implication is that the Government will not declare quite a number of government schools to be local intake schools and may not declare any government schools as such. This is a very important matter.

This clause has a bearing on two issues: First, the relationship between schools and communities. The Opposition sees schools as important community institutions. Schools underpin the sense of community. Members on this side are worried about the erosion of the sense of community in our society. That erosion is part of the underlying reason for some of the social problems experienced. Restoring that sense of community is an important way of tackling the quality of life and circumstances of our young people. Government schools are a very important part of that sense of community. This clause highlights the different approaches of the Government and the Opposition. The Government tends to have a competitive service provision approach whereas the Opposition has an approach which emphasises the importance of local community institutions.

The second issue is the real danger of the state school system developing two different tiers. Tier one includes those schools which are seen as successful, favoured teaching locations, and where parents want to enrol their children. Tier two includes those schools which are seen as struggling, which have more than their fair share of children with problems and which do not achieve very good educational results. This does not occur as a result of poor teaching staff at one school compared those at another. It occurs because of the choices made by parents about enrolments and those choices can become self-fulfilling. If a town has two schools and one school is seen as the school for middle class, white children and the other school is seen as having a higher proportion of working class and Aboriginal children, the result might be a group of parents having their children educated with the affluent white, middle class rather than with the working class or Aboriginal children. Gradually, a stratification of the two schools occurs. It is equivalent to a selective school system. One school for the middle class and one school for the working class. That will be very bad for equality of educational opportunities and it will be very bad from the point of view of social cohesion. If we want to preserve the advantages of a good government school system, we need to prevent the system deteriorating into two tiers; one well resourced and favoured and the other not so well resourced and not so favoured.

Mr BARNETT: We must understand how this system would work. The Labor Party's position is that all schools will have a local intake boundary and it will be a regimented system. Cross boundaries and so on will be allowed, but essentially that is the proposal. Under this proposal, all children will be entitled to attend their closest school - their local school. However, parents will have the choice of sending their children to another school. No restrictions, per se, would exist. If the population of children around a particular school reached capacity or was about to reach capacity then the director general could put a local intake boundary around it to preserve the entitlement of the local children to attend the local school. The use of the intake boundary is to react to only those situations where there is population pressure on a school. It will protect the position of the children who live close to the school.

It is maximising choice for parents. It allows schools to do different things, and it allows people to cross boundaries. There are some consequences of removing local intake boundaries. The member for Churchlands has a school in her electorate which it might be argued has had its enrolments maintained at an artificially high level by a local intake boundary. When that is removed, it is difficult to predict the consequences. There have been attempts to manipulate numbers between schools. The removal of boundaries gives choice, and requires schools to compete, to achieve and to attract families into their school communities. It is desirable, and it is not necessary to have boundaries where they are clearly not performing an adequate role. I imagine the majority of schools will not have local intake boundaries.

I recently attended some schools in the electorate of the member for Rockingham. There is a lot of pressure on the schools in that area, and there is a strong case for local intake boundaries to protect the interests of children living closest to those schools. Similarly, in the electorate of Southern River there might be pressure on schools in future, even though two new schools have just been built, and there could be a need for boundaries for a period. There may be pressure on schools in certain years, perhaps in the early childhood years but not in years 5, 6 or 7. There must be some sophistication. Generally, the structure of the Bill allows either policy approach. The clause is appropriate. If the Labor Party gets into government in the future and it wants rigid, strict, deterministic boundaries, it can have them.

Mr RIPPER: I am forced to refute that definition of Labor Party policy. We are not talking about rigid, deterministic boundaries or ring fencing parents to a local community school and compelling them to enrol their children in the local Gulag. The Labor Party wants to reinforce the link between community and school, and it is concerned that if the Minister has his way, the system will move in a direction that weakens that link. In the end, it will be a free enterprise or economic rationalist model in which schools compete with each other along the lines of small business providers, and may the best school win. It sounds great, but it ignores the socioeconomic factors that can operate. It is, regrettably, true that a significant number of parents are attracted by the idea of making a choice about the enrolment of their children, not because they make an assessment about the programs offered at the school but because they want to choose the children with whom their child will be educated. Some parents will want to choose a nice middle-class cohort with whom their child will be educated, and they will want to avoid educating their child with the riffraff.

Mr Barnett: We might publish this speech for you.

Mr RIPPER: This is a problem. If that approach is allowed, some schools will be residualised. All the middle-class children will have fled and there may not be an appropriate social mix. The knowledge gained from social policy for housing, also applies to education. It is a better result for all concerned if there is a decent social mix. We must avoid an educational arrangement which separates people from different segments of society and educates them in different schools. It is bad for their education and social cohesion, and for equality of educational opportunity.

Mr Barnett: We have a philosophical difference because under the coalition Government we are proposing to use this provision to ensure local intake boundaries are put in place only when the population is up against the capacity of the school. It is designed to protect the children living closest to the school, and to preserve their right to go to their local school. The Opposition is doing it as a ring fence around people to make sure they do not escape the circle. It is a philosophical difference. The Opposition wants to tie them to their local school.

Mr RIPPER: I first used the phrase "ring fence", and I used it specifically to refute the idea that the Labor Party is proposing that. It is not proposing to abolish cross-boundary transfers and neither would it do so in the future. The Opposition would not limit the parents' choice, but it underlines the idea in the first place that schools should be community institutions. People living in local intake areas should have absolute priority to enrol at the local school.

With regard to the exercise of parental choice, the Opposition wants to take action to ensure that schools which might, by virtue of their socioeconomic circumstances, be disadvantaged in an environment of parental choice. They should be supported so that they do well in the community competition. That will maintain their link with the local community so that they continue to educate an appropriate cross-section of children, rather than simply the children of those who are not able to flee them if the schools have unfortunately developed a negative reputation.

Mr BROWN: I support the comments of the member for Belmont. There are quite significant discrepancies between state schools, even those in the same area. In my electorate some state schools have excellent equipment and very good computers, mainly because of parent contributions over the years. Some state schools in my electorate have airconditioning, provided by parent groups over the years. However, other state schools in my electorate do not have those facilities. The children who attend those schools do not have the same degree of access to computers, and they are not able to escape the ravages of the weather because they have neither full airconditioning nor air-cooling in the school. Parents, particularly those who have the capacity to take their children to and from school by car, see considerable benefits in their children attending schools that have better facilities. That does not reflect on the educational capacities and skills of the teachers or principals, or the community ethos in the school. It relates to the

fact that parents in one area have had better financial capacity to support the school and provide that infrastructure than have parents in another area. I am concerned about a mechanism with this wholesale change.

I understand that some schools, both high schools and primary schools, can provide specialist programs. Parents may be keen for their children to participate in one of those programs, and children who want to be involved in a particular educational activity may be keen to go to a school that offers that opportunity, even though it means travelling out of their local area. That is fair enough, because not every school can offer the same range and the same specialisation. I have concerns about this type of proposal. If it came into operation, even in my electorate, some of the schools that are struggling would lose students to other schools that are travelling quite well in an economic sense. I would be concerned about that because if the children of parents who are more mobile are taken out, the base of the school that may be a struggling school will be attacked. I am not one who believes that we should straightjacket the situation. It is fair enough for parents to send their children to other schools if good and cogent reasons exist for them to go to those schools; for example, specialist classes, special programs and things like that. However, when the attraction is not based on teacher skills or the ethos of the school, but is based on the physical resources of the school, when those resources have come about over the years because of the different socioeconomic groups of parents associated with school as opposed to another school, there are inequalities in the system. The only way I can see this being resolved is if the State is prepared to put into those struggling schools greater resources than have been provided in the past. Even in that case, I doubt whether the State will be able to match some of the more affluent schools to which parents are prepared to contribute more.

Mr BARNETT: It is a reality that schools differ in their level of provision, either publicly provided or provided by parents. Differences exist across our society. However, when schools have fallen into the position outlined by the member for Bassendean, the Government has a responsibility to provide additional resources for those schools to ensure that they are attractive. It is an implicit assumption, perhaps not yet achieved, that all schools will be good schools under this system and all schools will be attractive to parents so that parents can choose between schools.

Mr BROWN: I can take the Minister to two schools within spitting distance of each other. One is beautiful, almost fully airconditioned, and has a computer room. I have the utmost confidence in the principals of both schools; they are both very good principals. I also have no equivocation about the staff in those schools; they are very dedicated. Both schools are run exceptionally well. If both principals were asked where they would prefer to be, they would both answer that they would prefer to be at the one school, because it is decked out magnificently. It is 90 per cent airconditioned. After two or three classrooms are airconditioned, it will be fully airconditioned; and it will have been paid for by the P and C association.

Mr Barnett: What will you say to a parent? I accept the situation presents a problem. Will you tell a parent that, although that school over there is a better school, I will stop you sending your child to it even though space is available? That does not seem to be very smart.

Mr BROWN: If a base of parents were taken out of school B for example, then school B would be very significantly undermined.

Mr Barnett: In that situation, let us address the needs of school B rather than limit school A or limit a parent's choices to go to school A. That is part of the responsibility of the Government of the day.

Mr BROWN: I am very pleased that will be the case. I acknowledge money is available now for computers and other things. I have asked the Minister questions on notice about airconditioning and air cooling. I know the policy on that. I understand it refers to non-metropolitan schools.

Mr Barnett: Another 80 schools this year.

Mr BROWN: Non-metropolitan schools?

Mr Barnett: Yes, but from memory I think we announced at the beginning of this year that another 80 schools would have airconditioning installed, which is a big proportion of schools.

Mr BROWN: I understand that the intention of the Government is to proclaim this Bill on 1 January 1999. Even with the best will in the world, it will take some time to overcome the inequities to which I refer. I am worried about the implications in these provisions until such time as we can resolve those inequities.

Mr RIPPER: I fear that the Minister is misrepresenting the Opposition's position because he has referred on a couple of occasions to choice. Let us analyse the possible options. We could allow a free-for-all with all schools competing and allowing children to go to whatever schools their parents choose for them. Alternatively, we could attempt to establish all schools as local community institutions, and provide priority for students who live in local intake areas for enrolment at that school, and support the schools that suffer from some enrolment drift because its facilities

require extra support. The third option would be to have the ring fence that we have talked about and to severely limit across-boundary transfers. I make it clear that the Opposition supports the second option. We do not want to restrict parental choice. We understand that sometimes children are unhappy at particular schools - there may be a personality clash with a teacher, a child may not progress, or there may be a bullying problem at that school. Any number of reasons may require parents to consider shifting that child to another school. The child might have been studying Indonesian and it may have been discontinued at the child's school, but be offered somewhere else. We do not oppose that choice. There are plenty of parents on this side of the House who want to have that sort of choice for their own children. We are not opposed to choice. However, we fear that the Government is leaning towards the first option - that is, a competition free-for-all - rather than what we regard as the preferred option - that is, the option to establish schools as community institutions with priority for an enrolment of students from local intake areas, and with support if for some reason there is an enrolment drift from that school. We think it is important not to tolerate our state schools becoming stratified. We do not want a situation in which different segments of society are educated in different state schools. One of the important roles of state schools is to bring people together and support social cohesion. That is best done if the schools are established as local institutions, rather than as schools competing with each other as though they are small businesses. One possible result of that sort of free competition model - if it is not limited in some way - would be an unhealthy separation of society and a loss of equality of educational opportunity.

Mr BARNETT: As I say, clearly we have a different philosophical view about this matter. However, clause 60 allows either policy to be implemented. It facilitates that. It is the intention of this Government to remove local intake boundaries. The general exception will be where there is a need for a local intake boundary to ensure children living close to a school have priority in getting a place there. We will guarantee that the children living within the natural draw area will get first choice of going to that school; otherwise we allow parents a choice. It is our intention generally not to have local intake area boundaries.

The Deputy Leader of the Opposition now has an opportunity to indicate that if a Labor Government is returned, that it will establish these boundaries. I suggest that if we remove those boundaries - except in those cases where there is pressure of numbers at the schools; more students than spaces - that will be well received within the community. Even in the long distant future, when the Labor Party comes into office, I believe - in fact, I am willing to bet a good bottle of red wine on this - it will not re-establish local intake boundaries.

Mr Ripper: What label was that?

Mr BARNETT: It will be an ALP quality wine!

Amendments put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Dr Gallop	Mr McGinty	Mr Thomas
Mr Brown	Mr Graham	Mr McGowan	Ms Warnock
Mr Carpenter	Mr Kobelke	Ms McHale	Mr Cunningham (<i>Teller</i>)
Dr Edwards	Mr Marlborough	Mr Ripper	

Noes (27)

Mr Ainsworth	Mr Court	Mr Masters	Mr Shave
Mr Baker	Mr Cowan	Mr McNee	Mr Trenorden
Mr Barnett	Dr Hames	Mr Minson	Mr Tubby
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Nicholls	Mrs van de Klashorst
Mr Board	Mr Johnson	Mrs Parker	Mr Wiese
Mr Bradshaw	Mr Kierath	Mr Pendal	Mr Osborne (<i>Teller</i>)
Dr Constable	Mr MacLean	Mr Prince	

Pairs

Mrs Roberts	Mr Day
Mr Riebeling	Mr Omodei
Mr Grill	Mr Sweetman
Ms MacTiernan	Mrs Edwardes

Amendments thus negatived.

Mr RIPPER: I raise with the Minister the way in which cross-boundary transfers are working at the moment and whether he sees a problem with the way in which they might work under the operation of clause 60, following the

defeat of the Opposition's amendment. I am told, for example, that some government high schools are not accepting cross-boundary transfers on a, shall we say, fair and equitable basis. On one hand, if a school is jealous of its academic reputation and it gets an application for a cross-boundary enrolment from a gifted student, it welcomes that student with open arms. On the other hand, if it gets a cross-boundary application from a student with a dodgy academic record, it says, "I am sorry; you are not from the local intake area and we are full up; away you go." Thus we can also get the de facto development of selective enrolment by schools within the state school system. What actions are undertaken by the Education Department to ensure that government high schools which are popular with those living outside their local intake area deal with applications for enrolment on a fair and equitable basis?

Mr BARNETT: I am aware of the problem. Ultimately it comes down to the professional responsibility of the principal, and indeed the district director. With respect to the implementation of changes in local intake boundaries, it is probable that we will leave boundaries in place throughout next year, although I do not make a firm commitment to that. We are not about rapid, wholesale change. In a fairly conservative way we will progressively relax and remove boundaries. They will probably remain in place during the next year while we assess the situation and the possible impact on different schools.

Mr Ripper: Has the department asked you directly to look at the fairness with which schools handle cross-boundary applications?

Mr BARNETT: I am not aware of it. I am aware of this issue and it would naturally come up. It will not come up once we remove the boundaries because people will have the choice, and principals will not be faced with that decision unless there is pressure on their school population.

Mr Ripper: I am asking whether people will have a genuine choice, or whether the gifted and talented will have a choice and those students who are a bit difficult to teach might not have that choice.

Mr BARNETT: If decisions are made for the wrong reasons or the decision making process is compromised, I would argue that that is a result of intake boundaries. Once they are removed, parents can choose. I would be concerned if some other level of criteria were introduced, albeit informally. For that reason, we must work out the management of the situation. There will be a progressive deregulation of boundaries.

Clause put and passed.

Clause 61: Functions of chief executive officer -

Mr BARNETT: This is an important clause. The CEO is a leader in the community and this is good in that it clearly defines the director general's role in education.

Mr RIPPER: I move -

Page 47, lines 21 to 25 - To delete the lines and substitute the following -

- (a) the standard of educational programmes for students enrolled in government schools; and
- (b) the standard of care provided to students attending those educational programmes.

This amendment does not embody any policy or ideological difference between the Government and the Opposition. It is a technical amendment, and the Minister may well be able to clarify the reasons for the present wording. I am not necessarily nailing the Opposition's colours to the mast with this amendment.

The Bill earlier provides for students to be enrolled in educational programs outside the school. The student might be involved in a work experience program, a vocational education program at TAFE, a distance education program and so on. Many options are contemplated for students in earlier clauses. This clause makes the CEO responsible for monitoring the standard of educational instruction in government schools. If a student enrolled in a government school is engaged in a program outside that school, but under the aegis of the school, the director general should also be responsible for the standard of that program.

The same argument applies to the standard of care provided to students in government schools. This clause appears to apply only when the students are in the school itself. However, they may well be attending programs outside the school, but with the authority of the school. The system should continue to be responsible for the educational standards of those programs and the standard of care provided. It is a matter of accountability and responsibility when students are adopting more flexible education programs than have been adopted in the past and those programs are conducted outside the traditional confines of the school. I am very interested in the Minister's comments on this amendment. If he can provide assurances that the standard of care will be maintained wherever the student is undertaking the educational activity, the Opposition will not proceed with the amendment.

Mr BARNETT: This is largely semantics. The term "educational instruction" has been used throughout the Bill and it should be retained for the sake of consistency. The CEO is responsible for the standard of teaching, the management of the school and the teaching program.

Mr RIPPER: What if it becomes common practice for students in post-compulsory education to spend 20 per cent of their time outside the school? Is the director general responsible for the standard of those activities?

Mr BARNETT: If a student is spending part of his or her time in a TAFE program, the director general is not responsible for that program. We might well argue that the director general is responsible for the decision to send the student to the program, but he cannot be held responsible for the program itself. As the Gracetown accident tragically illustrated, the duty of care extends beyond the school program boundaries if the students are in the care of the school. I do not support the amendment.

Mr RIPPER: I can understand the Minister's saying that the director general cannot be held responsible for what is going on in a TAFE college. However, what happens in the case of schools placing students with private providers or in workplaces for what they regard as valuable work experience? What if a question is raised about the nature of the activities in those private institutions?

Mr BARNETT: The onus in that case rests with the person who made the decision to send the students to those programs. The director general cannot be held accountable for programs over which she does not have direct control. If students have been sent from school to another program, and that program is inappropriate, we cannot hold the CEO responsible for that program. However, we can hold to account the chief executive officer, the district director or the principal responsible for making the decision.

Mr RIPPER: In light of the Minister's explanation, I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 62: Principal -

Mr RIPPER: I move -

Page 48, after line 20 - To insert the following -

(4) This section is subject to any relevant industrial award, order or agreement.

This clause relates to the appointment of school principals. The Opposition wants to ensure that industrial awards, orders or agreements are not overridden by provisions of this legislation or by regulations. This matter has been of considerable interest to the State School Teachers Union. I am very interested to hear from the Minister any reasons he might have for not supporting the amendment.

Mr BARNETT: The principal reason is that I do not believe it is necessary or relevant. Clause 224(3), which effectively does what the member is seeking to achieve, provides -

(3) The terms and conditions of service of members of the teaching staff, other officers and wages staff are to be -

(a) in accordance with any relevant industrial award, order or agreement;

The issue is covered adequately. We do not want to include all sorts of industrial restrictions on appointments. This Government wants flexibility not restrictions in the legislation.

Mr RIPPER: I am puzzled by the Minister's answer, because the State School Teachers Union is obviously not happy with the clause. It suggested that it wanted further protection with the addition of these words.

Mr Barnett: Clause 62(1) contains a direct reference to clause 224(2), so it cannot be misunderstood.

Mr RIPPER: Clause 224(3) refers to terms and conditions of service whereas clause 63 refers to functions. I am not sure that the same issues are covered.

Mr Barnett: We are dealing with clause 62, the appointment of the principal.

Mr RIPPER: I am not satisfied that the protection of terms and conditions of service provided for in the award entirely deals with what might be covered under functions of the principal in clause 63.

Mr Barnett: The member is referring to clause 63 not 62.

Mr RIPPER: My amendment to clause 62 will affect the functions applying under clause 63. I will persist with this amendment because the Opposition is determined to ensure that we do not, through any lack of attention to this matter, erode the industrial position which teachers would enjoy under awards, orders or agreements.

Mr BARNETT: There was a lot of discussion with the State School Teachers Union about this issue and we think we have adequately reflected its concerns without getting too prescriptive and making this an element of an industrial agreement. It is not that; it is a School Education Bill.

Amendment put and negatived.

Mr KOBELKE: Clause 62 requires that every government school is to have a principal. However, the definition section gives the word "school" no meaning at all except that it applies to government and non-government schools. Clause 65 enables the Minister to establish a school and that is how it is defined. The relevance to clause 62 is that schools may have two or more campuses. Therefore, the common perception of a principal for each school may not necessarily be the situation, because the Minister may designate that three or four sites will go under one name and only one principal will be required.

Mr BARNETT: It is as the member understands. Each school entity will have a principal. That may involve a campus school, particularly in a high school situation there may be a school principal and perhaps a deputy principal looking after two middle schools.

Clause put and passed.

Progress reported

[Continued below.]

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Leave to Sit while House is Sitting - Suspension of Standing Orders

On motion by Mr Barnett (Leader of the House), resolved with an absolute majority -

That so much of the standing orders be suspended as is necessary to enable a motion to be moved to allow the Joint Standing Committee on the Anti-Corruption Commission to sit during the sittings of the House today.

Leave to Sit while House is Sitting - Motion

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

That the House grant leave for the Joint Standing Committee on Anti-Corruption Commission to sit during the sittings of the House today.

Sitting suspended from 5.58 to 7.00 pm

SCHOOL EDUCATION BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Progress was reported after clause 62 had been agreed to.

Clause 63: Functions of principal -

Mr RIPPER: Clause 63 prescribes the functions of a principal. During the debate on clause 62 there was discussion about whether the functions of a principal should be subject to industrial awards, orders and agreements. We were assured by the Minister before the Opposition's amendment to clause 62 was defeated that there was sufficient protection under clause 224(3) for the industrial conditions of principals.

I ask the Minister how this will work. There might be industrial negotiations between the teachers' union and the Government for a new enterprise bargaining agreement and these discussions might bear on some of the tasks which principals could be asked to do. For example, I note that function (g) is to promote cooperation with the local community.

Mr Barnett: Albeit with no local intake boundary.

Mr RIPPER: The Minister has adequately pointed out a contradiction in his legislation! The teachers' union might negotiate with the Government on a new EBA and reach an agreement that principals would not be required to sit on local area education planning committees because that involved too much work for principals and would detract from their core functions.

Mr Barnett: That is why they will probably flock to workplace agreements.

Mr RIPPER: I am only painting a scenario. If the Government and the teachers' union were to reach that agreement and that was in the EBA, yet the Bill provided that they were to promote cooperation with the local community, which would take priority - the obligation under clause 63 to promote cooperation with the local community, or the more limited responsibility to promote cooperation with the local community that had been agreed to under the EBA? The Minister might pick holes in my example, but I am sure he can see what I am driving at. There is a potential conflict between a function which principals are legislatively required to perform and some limitation on that function which they have managed to negotiate in an EBA or win through an award or industrial order. What would be the legal position if they were legislatively bound to do something under clause 63 but had negotiated a more restricted obligation under an industrial award?

Mr BARNETT: The drafting of this Bill provides a legislative and legal framework, and also allows people to read about education and what we expect to happen within the school system. This clause is typical of a number of clauses which define what is expected of a principal. These are fairly general statements, and what will be expected of a principal in the future may be different from what is expected at this time, but clearly we would expect - and I think the member for Belmont would agree - a principal to promote cooperation with the local community, and any industrial agreement, award, EBA, workplace agreement or whatever, would need to be drafted with an awareness of what was in the legislation. At the end of the day - and I hope the member agrees - I regard principals as leaders of their schools and as the prime group within the education system to develop education. They are professional people, who are appointed to that position because of their qualifications and performance. This clause provides a broad indication of what principals should do; what they would actually do in a given situation would reflect the circumstances. They will be expected to perform professionally as leaders, both educationally and administratively, within the schools.

Mr RIPPER: This interchange demonstrates the nub of the issue and why the teachers' union was keen for us to move the amendment that clause 63 be subject to industrial orders, awards or agreements so that it would be possible to negotiate different options when it came to industrial discussions. If, however, clause 63 has priority over industrial awards or agreements the Education Department can simply say to the teachers' union that it is not on; it cannot negotiate that provision because it is contrary to the functions prescribed for principals under clause 63. It may be that the legal position is somewhat different. The position seems to be muddy, considering clause 224, which makes the terms and conditions of employment in the industrial awards, orders or agreements pre-eminent. However, there is some potential for conflict between the clause relating to the functions of principals and teachers and the clause relating to the pre-eminence of industrial orders, awards and conditions. Can the Minister provide clear legal advice on the matter?

Mr BARNETT: I doubt it. The clause must be seen for what it is - a broad description of the role and responsibility of a principal. If there were federal legislation or a federal award that was in contravention of this provision, it would prevail. I struggle to think of a circumstance under paragraph (g) in which a federal award could prevent a principal from having good relations with the local community -

Mr Ripper: Perhaps it was not a good example.

Mr BARNETT: It is always possible. One could imagine that in future if there were a bizarre piece of federal legislation or an extraordinary provision in a federal award, it could be in conflict. The member will agree that these are entirely proper, wholesome, decent objectives and roles for a principal.

Mr KOBELKE: I seek an explanation of paragraph (h). The amendment is necessary particularly in the light of that paragraph, because it requires a principal to perform any other prescribed function assigned to the principal by the chief executive officer. Can the Minister point out where in the Bill a "prescribed function" is laid out? If it is not specific, then implicitly what is to be taken as a prescribed function? My concern is that in most cases functions set down by the CEO would be right and proper and the expectation would be for the principal to follow that. However, there may be a grey area in the policy of the department, particularly if it is contentious, and in the extent and definition of the policy. The CEO may then dictate that the policy amounts to a prescribed function and principals must fulfil that function. In some difficult areas we may end up with conflict between the CEO and specific principals. It could also involve the terms of employment and what the principals understand to be their proper roles under the terms of employment. Are "prescribed functions" defined? What is the extent of the meaning?

Mr BARNETT : I refer the member to clause 65. Nothing in the clause being debated can contradict what may be laid down in an industrial award, industrial legislation or a contract of service. Clause 65 covers that point.

As to the query regarding paragraph (h), prescribed functions are not detailed in the legislation. I do not believe that it is intended to detail those in the regulations. However, some examples would be that a principal might be required to supervise residential accommodation -

Mr Kobelke: I am not asking for a list of specifics. What is the mechanism by which the prescribed functions will be established? Will it be by regulation or by a policy?

Mr BARNETT: I made an error. I am advised that the prescribed functions will be in the regulations and may include such things as supervision of residential accommodation and school bus routes.

Mr Kobelke: The prescribed function in paragraph (h) must be by regulation?

Mr BARNETT: Yes.

Mr RIPPER: By virtue of clause 65 that would have to be consistent with industrial awards?

Mr Barnett: Yes.

Mr RIPPER: I move -

Page 49, line 13 - To insert after the designation "(e)" the following -
subject to section 123,

The amendment relates to clause 63(1)(e). A function of the school principal is to establish a plan for the school, setting out its objectives and how the objectives and priorities will be achieved. We want the principal to go about establishing that plan in conjunction with two other groups of people. We want the principal to consult his or her teaching staff and the school council. The amendment is to insert at the beginning of subclause (1)(e) "subject to section 123". Clause 123 provides that the functions of a council for a school are to take part in establishing, and reviewing from time to time, the school's objectives, priorities and general policy directions. We want to make clear that when the principal exercises the function to establish a plan for the school, it is in accordance with clause 123 which gives the school council a role in that as well. We know that in the end the principal is accountable for the operations of the school, but there are considerable advantages in involving both the teaching staff and parents represented on a school council in giving everyone a measure of participation in the process and a degree of ownership in the outcome. The school would then work more effectively.

Mr BARNETT: We do not support this, not from any policy point of view but because it is implicit in the legislation that the principal would obviously consult and deal with the school council. Unfortunately, the reality is that some principals may not have a school council and others may have school councils which are ineffective or moribund. We do not have that level of cross-referencing in the legislation. The amendment would be upsetting to the continuity and structure of the legislation. At the end of the day we are saying that whatever the process might be, and it should imply consultation and involvement of school councils and everything else, the principal's function is to establish that plan. He is effectively the chief executive officer of the school. He must get that plan established. It is a requirement of him as a professional and as an employee of the Education Department. I do not disagree with the sentiment of the amendment, but it is unnecessary and implicit in the contents of the legislation.

Mr RIPPER: I am sorry that my amendment disturbs the beauty and symmetry of the Minister's legislation. It would make it much clearer for anyone opening up the Bill or the Act as it is to be and trying to work out what the principal does.

Mr Barnett: You would make a Rembrandt into a Picasso.

Mr RIPPER: It is too late in the parliamentary week for me to decipher that. However, I am disappointed that the Minister does not want to make it crystal clear that the principal should operate in conjunction with school councils.

Mr Barnett: Clause 63(3)(b)(ii) reads "subject to this Act". What the member is suggesting is achieved formally and is beyond being implicitly achieved.

Mr RIPPER: I think the Minister and I must agree to disagree because "subject to this Act" is not very clear to anyone other than the head of the School Education Bill review or to a QC. The Opposition will stick with its amendment, but I imagine the Government is about to defeat it.

Mr BROWN: How does this clause change the legal responsibility of principals now that the functions are included

in the legislation as opposed to being contained in common law? I thought that ensuring the safety and welfare of students was a common law obligation of principals, but now it will be a statutory obligation. Why do these functions appear in the Bill?

Mr Barnett: The philosophy of the legislation is to provide a plain English version that is readable, so that a lay person can read the legislation and understand what people's roles, functions and responsibilities are within the system. There is a trade-off, in that it creates grey areas. However, it is important that the average person be able to read and understand this legislation, and this is a very readable Bill. This clause defines the role and responsibilities of principals.

Mr BROWN: How does it change their legal responsibility?

Mr Barnett: Their common law responsibility as it relates to duty of care has not changed, and their contract of service responsibilities have not changed, whatever form that contract of service might take - whether it be award, workplace agreement or whatever.

Mr BROWN: I thought there might be a change now that it is enshrined in legislation.

Mr Barnett: I do not believe there has been.

Amendment put and negatived.

Mr RIPPER: I move -

Page 49, line 13 - To insert after "school" the following -
in conjunction with the school's teaching staff

This will insert the requirement for the principal to consult with the school's teaching staff in establishing a plan for the school. The amended paragraph would read -

to establish a plan for the school in conjunction with the school's teaching staff setting out its objectives and how the objectives and priorities will be achieved.

Mr Barnett: He would not be much of a principal if he did not consult with the staff.

Mr RIPPER: That is exactly right. Teachers must be regarded as professionals and they cannot be managed by despotic methods, but must be managed in a way that respects their professionalism and ability to contribute. In addition, in a school the principal is not in a position to micro manage what happens in each classroom. The teachers must have some ownership of the plan and some professional commitment to it if they are to be relied upon to implement the plan. The Minister is right in saying it is an implicit professional obligation and, therefore, it is not needed in the legislation. I have visited many schools during my association with education, and I am aware of the arguments within schools about the respective powers and rights of principals versus those of classroom teachers. People in some schools still feel they do not have sufficient say.

Mr Barnett: That was probably during the heady days of the industrial democracy debate - that was your era.

Mr RIPPER: As a teachers' union organiser, I promoted democratic decision making in schools and gave a number of speeches in staffrooms to that effect. The notion of democratic decision making is particularly appropriate with a work force of professionals working, as teachers often must do, as individuals. A management advantage arises in proceeding in that way, as well as the advantage for teachers in recognition of their professional status. The Minister says that any principal worth his or her salt would do it anyway. I say, make it crystal clear in the Act that the staff have these rights. Circumstances still arise in government schools in which staff feel that the principal is too autocratic.

Mr BARNETT: As argued in debate on the previous issue, school staff are involved in the school council. Therefore, they will necessarily be consulted as part of the school plan. One of the principal's prime functions is to manage staff, which involves dealing with staff and discussing options. That is part of the managerial role of the principal, and it is not necessary to include it in legislation.

Mr BROWN: I encourage the Minister to reconsider that position. As I perceive it, increasing responsibility is placed on principals these days. It seems that little supervision applies at the school level from district directors. In my area we have approximately 120 schools and two district directors. I have worked out that the district director could probably spend an hour twice a year in each school. Therefore, little time is available for principals to be supervised. They are set up as managers and operators of schools, and to make decisions on behalf of the school. If this Bill is to provide an easy reference point to know what principals are about, and to offer some guidance, the notion of being required to consult is not an unreasonable proposition.

Although I agree with the Minister that in the majority of schools the principal follows the process of consulting staff when making decisions, it is not the case in every school. Instances have arisen, very few admittedly, of poor decisions being made as a consequence of the principal failing to consult. In the last year or so in my electorate we had a couple of major problems in that regard. Staff were not consulted by principals and various ructions occurred at the schools. It was the first time in my five years as a member of this place that such things happened, and it was a coincidence that it happened in two schools within the same year. The matters have been attended to and new principals are in place at those schools. I understand that one school is working well, and I am yet to get feedback on the other school. It does not occur automatically with some principals. For guidance purposes it would be wise to include this amendment in the Bill. In any management structure, senior management is reticent about overruling junior management. The idea is not to overrule unless strong reasons exist for doing so. Even if junior management has made a mistake, senior management would not want to overrule for fear of being seen to be undercutting junior management.

If the provision were included, and if internal school issues were raised between principals and staff, one of the tests that could be used by the district director would be the degree to which the principal consulted with the staff. If the district director found those consultations were absent, he could seek to rectify the problem under this legislation. The requirement is implicit, and a district director seeking to impose his philosophy of how a school should be run, or a principal making the strong point that he is in charge of the school and, provided he is complying with the Act, needs to do no more, would find it far more difficult to act in such a manner.

This amendment will set out clear functions for principals, who should be able to take some comfort from that. Under the current provisions, a principal could say, "These are the functions and, quite frankly, there is nothing in the Act that requires me to consult. In the absence of that I will not do it." There are very good reasons for agreeing to the amendment moved by the member for Belmont.

Mr BARNETT: This part of the legislation outlines the functions of the principal. It is not prescriptive about how the principal should go about those functions. I expect any principal doing his job to consult his staff. It is entirely unnecessary to include this restriction. He should consult with parents, students or children. Where does he stop? This is not prescriptive for how the principal achieves that.

Ms McHALE: It is curious that the functions of a principal or chief executive officer are being enshrined in legislation in the first place. Given that the Minister has decided to enshrine the functions of the principal and the teachers in legislation it is important to indicate how he expects the principal to carry out those functions. This amendment does not just dress up the Bill with additional words; it has a significant role to play. It will give a very clear and explicit message to principals to be inclusive in the way they establish a plan for their school.

Mr Barnett: It involves school counsellors, which by definition is inclusive.

Ms McHALE: The difficulty is that it clearly states that those are the principals' functions and on the next page describes teachers' functions. It does not include teachers in establishing the plan and setting objectives.

I recognise that the council does that. In terms of the role of the teachers, it is possible that we could have a principal who might say, "The law tells me it's my function to establish a plan for the school setting. I may consult with you, but it is not your function." That is why we exhort the Minister to reconsider accepting our amendment. To summarise: It sends a message that the principal is a member of an executive team. Any good plan for any organisation can be constructed only with the involvement of the people in that organisation. We are expressing a concern that there may well be a gung-ho - or, heaven forbid, autocratic - principal who would establish a plan independently of the teachers. That plan would be incredibly deficient and, in my view, would not have any chance of success. Nevertheless, the legislation can be strengthened, without deviating from whatever principles underpin this clause, by accepting the amendment.

Mr BARNETT: The existing Act describes principals and, in effect, teachers simply as delegates of the chief executive officer; that is it. In this legislation, quite significantly, principals and teachers are formally recognised and there is a description of their functions. That is a big step forward in recognition and prominence, rather than saying that they are delegates of the CEO of the department. Teachers are represented on school councils. They are part of the staffing of the school, by definition. Many schools have a relatively small staff. I do not think this is worth pursuing. When we get to the clause dealing with teachers, for example, will the member suggest that teachers be required to contribute and take responsibility for the school plan? Teachers may well object to that on industrial grounds. We are saying that the principal is there and has responsibility to have a school plan. We are not being prescriptive as to how the principal does it. That principal will not be very effective if the staff are not included in that process. We have recognised principals and teachers, and we have given a description of their functions, and that is about as far as is should, and could, go.

Mr RIPPER: The problem is not that principals do not feel they are getting enough input from teachers; rather in some schools teaching staff do not feel they are getting enough chance from their principals to participate in the process. Our amendment addresses the problem that is reported to us from some schools. That why we are seeking to amend the principals' functions and not the teachers' functions. What would happen to a principal who did not develop the school plan in conjunction with the teaching staff?

Mr Barnett: We would encourage professional development, and with our support of the leaders' centre, for example, through the Western Australian Primary Principals Association, it will all be part of the professional development of principals.

Mr RIPPER: They would be subject to a bit of counselling if they did not establish the plan in this way?

Mr Barnett: That is right - cooperative, collaborative management.

Mr RIPPER: I am surprised that the Minister is refusing to accept the amendment. There does not seem to be much point in continuing to restate our view, while the Minister restates his. Perhaps this issue might have to be revisited.

Amendment put and negatived.

Mr RIPPER: I move -

Page 49, line 16 - To insert after the designation "(f)" the following -
in conjunction with the school council

I want to place on the record the Minister's comment that he is fighting for the rights of management. The Opposition is fighting for the rights of customers and staff. Unfortunately we have been defeated.

This amendment relates to the monitoring and reporting of the school's performance in relation to the plan conducted in conjunction with the school council. Clause 123 provides that the function of a school council is to take part in evaluating the school's performance in achieving the school's objectives, priorities and general policy directions. However, I would like to see this necessity for the principal to cooperate with the school council and his or her teaching staff reflected in the legislation. I have assumed that clause 123(a)(iii) will be argued by the Government as achieving what I am aiming to achieve with this amendment. I would like it confirmed that the activity taking place in respect of paragraph (f) is the same activity referred to in clause 123(a)(iii).

Mr BARNETT: Yes. It is a function of the school council to evaluate the performance of the school against the school plan. That is accommodated.

Mr RIPPER: Does the Minister intend to support or oppose this amendment?

Mr BARNETT: I will oppose it as it is unnecessary.

Amendment put and negatived.

Mr THOMAS: I move -

Page 49, after line 18 - To insert the following -

(h) to encourage innovation in educational practice; and

This amendment follows on from my contribution to the second reading stage. We should encourage innovation in educational practice. I cited the Montessori education system, which in a historical sense has had a significant impact on educational practice beyond its own structure. Its methods have flowed into other areas of schooling and most people believe that has been very beneficial. At the time those practices were introduced, they were very innovative. That is an example of the benefits that can accrue as a result of innovation in education.

The Whitlam Government established the Schools Commission in the 1970s and it introduced the innovation in education program. One of the legacies of that which remains 24 years later is the Spearwood Alternative School in my electorate. It was set up within the state education system using the old Spearwood Primary School - a typical old primary school. It was surplus to requirements because a new school was being built. A group of parents who wanted to run their own school got together and were able to persuade the Education Department they could do that within the education system. It is still operating and innovative in its practice. A lot of ideas in that school are able to be interchanged with other schools. The openness of the education system to innovative practices these days is greater than was hitherto the case. At one time the education system was centralised and practices were prescribed by head office and variation from those practices was not encouraged, and in many cases not tolerated. These days there is much more of an open mind both in the schools and in the universities where teachers are trained. In part

that is because teachers are now trained in universities rather than in teachers colleges. At one time teachers colleges were part of the Education Department and people used to leave school to go to teachers colleges and then back into the schools. There was very much an incestuous relationship and innovation was not encouraged. My amendment exhorts those responsible for the administration of schools to encourage innovation, and to look at other ideas which will encourage innovative practices which may be appropriate to the needs of that school and community. I am pleased that the Government is not averse to this amendment.

Mr BARNETT: No-one could disagree with the sentiment that there should be innovation in education. The issue is whether that is implicit. Paragraph (a) refers to educational leadership. One could argue legitimately that leadership involves good management, innovation and all of those things. One might also argue that points listed might be discrete and have a higher level of stature than this. I may have indicated in the second reading debate that it is an admirable objective and it does not detract from the legislation. It does give a message that we expect principals and teachers to be innovative and to keep up to practice in their professional development and teaching methods. The Government will accept that amendment. However, I reserve the right to, perhaps in the other Chamber, re-examine the wording. There might be some slight modification in the future, but that would not change the intent.

Mr THOMAS: I appreciate the Minister's indication that he is prepared to accept that amendment. If the Minister wants to change the form of words I would be happy to be involved in discussion on that.

Amendment put and passed.

Mr KOBELKE: I raise two matters. The first one is to commend the Minister for proposing paragraph (g), requiring principals to promote cooperation with the local community. The principals in my area do an excellent job in liaising with their local community, both through the parents of the students and the wider community. That adds considerably to the quality of education in our schools. I am also aware that some principals find that difficult. I have experienced principals who, in every other respect, are excellent principals and do a good job. However, they have difficulty striking up a good working relationship with their local community. In such cases, I believe the schools suffer. Perhaps others members have also experienced that, possibly with parents coming to them with some issue. When I have suggested to them that they should see the principal, they say, "He doesn't listen to us. We don't feel we have any rapport with the principal." With 800 schools across the State there is a wide range of educational strengths among the individual principals. One cannot expect every principal to have the ability to cooperate and liaise with the local community in full measure. I am pleased that it is stated as one of the functions which a principal will be required to fulfil.

The other matter I wish to raise relates to subclause (1)(b). This is the requirement for the principal to have responsibility for the day to day management and control of the school, including all persons on the school premises. I seek clarification of that part requiring the principal to have control of the school and all persons on the school premises. This matter needs to be judged together with other laws that apply to the rights of people to enter onto property, and their general personal rights. We are all aware that our schools are, to some extent, a haven for our young people and they are a centre of safety and protection. There are times in our community when things occur from which we wish to protect our children, and from time to time individuals entering onto school property do need to be removed. I seek advice on the extent of that control over strangers entering school property. It may be covered under other powers. If this is the main clause, is the Minister able to give some indication as to the meaning and extent of that phrase in regard to the other laws which also apply?

The other aspect of control I want the Minister to comment on is the extent to which that control applies to the persons who are normally allowed to be on the school premises. We are entering into an issue of the rights of schools and teachers and the extent to which the control of the principal will be exerted over them as laid out in the clause. It may be an easy answer. If the wording in this clause is the same as the phrasing that already exists in the Education Act, there is no problem because we have case law by which people could look into it. However, if it varies in any marked way from the wording which currently exists, we may be opening up a whole new area that will need to be explored. That may be beyond the Minister, or anyone currently here, to give a clear answer on. I have expressed my concerns and I leave it to the Minister to shed some light on the meaning of the word "control", both with respect to people who should be on the premises and those whom the principal does not wish to be on the premises.

Mr BARNETT: We are talking about the functions of a principal, and part of his function is the responsibility for and control over the site. However, that is in the context of other law. He may, for example, invite police to come to help with a situation that might arise, and they would operate under the police legislation and the Criminal Code.

Mr KOBELKE: If that happens and it flows on to a court action later, will the principal be standing behind this clause saying, "I have the power under the Act to remove people from the school premises and the police acted on that order." Is that the implication or am I misconstruing it?

Mr BARNETT: It is addressed in clause 115, which supports the proposition that the principal is in control and has that responsibility.

Mr Kobelke: What about the control of staff? I have no problem with the normal English meaning, but we are laying down law which at various times may be used in the courts. Is the wording similar to that in the existing Act, or is it new wording?

Mr BARNETT: At the end of the day, the principal has responsibility for control of the school, to the extent that he is empowered to do so according to other laws.

Mr Kobelke: We will have to wait for case law to test it out?

Mr BARNETT: Yes. To the extent that can be achieved in this legislation, the buck stops with the principal.

Mr RIPPER: I move -

Page 50, after line 5 - To insert the following -

(4) This section is subject to any relevant industrial award, order or agreement.

To a certain extent we run the risk of repeating the argument that we have had already, and the Minister may want to point to what he regards as appropriate protections for the role of industrial agreements, awards and conditions. I accept that other clauses are in the Bill which will protect principals and teachers from conflict with existing industrial awards and agreements. However, the point that is outstanding is that when it comes to negotiations between the union and the Education Department, circumstances may arise in which the union wants a particular matter dealt with in an industrial agreement, and the Education Department will find reason to say, "That cannot be in the industrial agreement because that will be contrary to section 63 of the Act." However, if my amendment were passed, the union would be able to reply to that argument by saying, "It may be in section 63 of the Act, but subsection (4), which was put into the legislation by the state Parliamentary Labor Party, makes those functions under section 63 subject to awards and industrial agreements, so we can negotiate this agreement that we want." This amendment will increase the scope for negotiated agreements between the union and the Education Department. It would be unfortunate if in the future a dispute which could be resolved by the negotiation of such an agreement could not be resolved because the Education Department could not agree by virtue of clause 63 of the Bill.

Mr BARNETT: This issue is addressed in clause 224(3). It is a question of which is the prior document. Generally, the award will refer to the Act, rather than the other way around. I do not support the amendment, for the same reasons that I outlined a while ago.

Amendment put and a division taken with the following result -

Ayes (16)

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

Noes (25)

Mr Ainsworth	Mr Cowan	Mr Marshall	Mr Shave
Mr Baker	Dr Hames	Mr Masters	Mr Trenorden
Mr Barnett	Mrs Hodson-Thomas	Mr McNee	Mr Tubby
Mr Board	Mrs Holmes	Mr Minson	Mrs van de Klashorst
Mr Bradshaw	Mr Johnson	Mr Nicholls	Mr Wiese
Dr Constable	Mr MacLean	Mrs Parker	Mr Osborne (<i>Teller</i>)
Mr Court			

Pairs

Mrs Roberts	Mr Day
Ms MacTiernan	Mrs Edwardes
Mr Grill	Mr Sweetman

Amendment thus negatived.

Clause, as amended, put and passed.

Clause 64: Functions of teachers -

Mr RIPPER: I move -

Page 50, line 18 - To insert after "students" the following -

within the terms of the school plan referred to in section 63(1)(e)

The effect of the amendment will be that the regular evaluation reports by teachers on the progress of students must be conducted within a framework set by the school plan. The amendment is necessary because it is all too easy for teachers to be held accountable for things which are done or not done or achieved or not achieved by students, when teachers do not regard it as their role to promote that achievement or to prevent that negative event.

I was talking to the teachers' union about those functions of teachers. The union is concerned about the breadth of this clause and the way in which it potentially holds teachers accountable for things which are beyond their control and for which they have not been asked to take any action. The Opposition sees this framework working as follows: The teachers and principals should work together on a school plan which sets out the policies and objectives of the school. The evaluation and reporting of the progress of students should be done against the school plan rather than against things which might not have been planned and provided for, otherwise it is all too easy to do what so many people do, which is to hold teachers accountable for every failing the community sees in young people.

Mr BARNETT: Under clause 64(1)(b)(iii) the school plan is referred to. Effectively teachers in undertaking instructional responsibilities are required to do so with reference to the school plan. I contend that the position is essentially covered already. However, paragraph (c) is referring to the evaluation of reporting on the progress of students. With something such as universal literacy testing to be applied in year 3, does the member for Belmont envisage a scenario in which the school says it does not agree with it because it is not part of its plan and a teacher might use that to frustrate the policy? I could agree to this amendment, but I would not want to see a scenario in which a school plan might be seen to be at odds with policy at a state level or even national level, as in this case, and teachers use it as a way to frustrate across the board school situations. That is my only hesitancy. I have no objection to it other than that it could be misused.

MR RIPPER: A school plan should not be at variance with departmental policy. We are operating a departmental system with government schools and not a system of independent or charter schools funded by the public purse. I would be surprised if schools were able to develop school plans completely at odds with state policy and, where state policy is consistent with national policy, at odds with national policy. I am simply trying to make the evaluation and reporting progress of students' clause consistent with the clause on teachers' instructional responsibility. They are expected to instruct in accordance with the plan; they should be expected to evaluate in accordance with the plan.

Mr Barnett: You are saying that should not be contrary to departmental or government policy.

Mr RIPPER: It should not because if it is, we are not running a government school system but a de facto charter school system. The amendment has been recommended by the teachers' union because of its concern about the way in which teachers could be unfairly held to account for things they have not been asked to do in the first place or for things which are out of their control. The Minister has done the right thing with instructional responsibilities. Teachers are expected to instruct only in accordance with the plan, to which hopefully they have had some input and with which they agree. They should also be expected to evaluate and report in conjunction with the plan. The amendment moved raises the profile and importance of the school plan, which is probably a valuable development in itself.

Mr BARNETT: The Government is prepared to accept the intent of this amendment. There is concern about the wording because the school plan sets out what should be achieved and does not describe the process, such as evaluation. I am prepared to accept the amendment on the understanding that, while not changing the intent, the Government may choose to reword it and come back to this clause to further amend it. Is that acceptable?

Mr Ripper: Yes it is.

Amendment put and passed.

Mr RIPPER: I move -

Page 50, line 19 - To insert after "for the" the following -

teacher's contribution to the

Clause 64(1)(d) states that the functions of a teacher are to be answerable to the principal for the educational achievement of students under his or her instruction. The teachers' union approached the Opposition and said the

provision was over the top and it did not think teachers should be subjected to that functional obligation. The union asked the Opposition to oppose that paragraph and move for its deletion.

I have a slightly different view from that of the teachers' union. I think teachers must be accountable for their professional performance; that is the way of the world and all sections of society are expected to be more demonstrably accountable than they have been in the past. However, it is unfair that teachers should be answerable under this legislation to the principal for the educational achievements of students, when many other factors impact on the achievements of students. Some students come from families in which there have been crises, some are from non-English speaking backgrounds, and others have parents who do not place the value on education that some think they should. Some students have developmental delays, some have specific learning difficulties, and any number of factors might impact on a student's educational achievement. Teachers should be accountable for their contribution to the educational achievements of students; that is, they should be accountable for the action they take but they should not be held accountable for all those other social, psychological and economic factors which might have an impact on a student's achievement. Teachers should be accountable only for what is realistically within their professional responsibility, not for those factors that flow from conditions in society.

Mr BARNETT: The Government does not support this amendment. Achievement by itself, by definition, is a relative term. In those circumstances the achievements of a disadvantaged group of students are relative to where they began and where they finish. This amendment is not appropriate.

Amendment put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Dr Gallop	Mr McGinty	Mr Thomas
Mr Brown	Mr Graham	Mr McGowan	Ms Warnock
Mr Carpenter	Mr Kobelke	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Edwards	Mr Marlborough	Mr Ripper	

Noes (26)

Mr Ainsworth	Mr Court	Mr Marshall	Mr Shave
Mr Baker	Mr Cowan	Mr Masters	Mr Trenorden
Mr Barnett	Dr Hames	Mr McNee	Mr Tubby
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Minson	Mrs van de Klashorst
Mr Board	Mrs Holmes	Mr Nicholls	Mr Wiese
Mr Bradshaw	Mr Johnson	Mrs Parker	Mr Osborne (<i>Teller</i>)
Dr Constable	Mr MacLean		

Pairs

Mrs Roberts	Mr Sweetman
Mr Grill	Mr Day
Ms MacTiernan	Mrs Edwardes

Amendment thus negatived.

Clause, as amended, put and passed.

Clauses 65 to 67 put and passed.

Clause 68: Curriculum not to promote certain subject-matter -

Mr RIPPER: I am concerned about subclause (1)(d), although I accept the general principle. I do not believe our schools should be vehicles for the dissemination of any form of propaganda. However, I wonder whether legitimate activities would fall foul of this clause. For example, in a teachers' industrial dispute, students in secondary schools might challenge the teachers to explain why they are taking action. It would not be in accordance with the teachers' responsibilities not to give an account of themselves.

When prolonged industrial campaigns occur in our schools, students become interested in them. In the past, students have demonstrated in support of parties to industrial disputes in schools. It does not seem possible for teachers to honour their professional, educational and personal responsibilities to their students if they are unable to provide an explanation to students - we hope an objective one - of their participation in industrial action without falling foul of this clause.

I am not arguing that teachers should give impassioned denunciations of the Education Department and the Government for not honouring the teachers' latest wage claim. However, when secondary students ask why they are

on strike, the teachers might apologise and say that they are prevented by section 68(1)(d) of the School Education Act from explaining why they are on strike and that the students should read about it in the newspaper.

Mr Barnett: If they are on strike, they will not be there, will they?

Mr RIPPER: When they return. I do not think teachers would do that. I am sure teachers would cautiously, and I hope objectively, explain what the dispute was about. I am concerned that they may fall foul of this clause of the Bill by virtue of its breadth.

Mr BARNETT : I do not disagree with what the member says. However, the key words are "not to promote". It makes it clear that no promotion should be undertaken of religion, political parties, industrial issues or commercial goods. It does not say that, in any sense, debate, discussion or even instruction of political issues should not take place in the classroom.

A classic example would be students studying the course Society and the Environment. In the lead-up to an election campaign, of course those students should be debating and discussing political activity. The reason for this clause is that the teacher should not promote the cause of one party, one religion or one side of an industrial action.

In the example the member cited, if there is an industrial dispute within the school, it is quite appropriate for the teacher to have the class discuss the merits of the dispute and the circumstances surrounding it; however, it is not proper, and it is identified in this clause, to promote the cause of one side or the other. I share the member's view. I think "promote" is the key word; therefore, it is quite appropriate as it is.

Mr BROWN: I seek clarification of subclause (1)(c); that is, that the curriculum and teaching in government schools is not to promote any commercial goods, products or service. A number of schools are now being sponsored by various groups. In Victoria the Kentucky Fried Chicken chain has commenced sponsoring a school; for every package of KFC fast food consumed, the school will get \$2.50 towards the library, or some such thing. The purpose of promotion, unless it is being done for altruistic reasons -

Mr Barnett: The issue of sponsorship is covered in a separate part of the Bill and we can address those commercial issues when we reach that clause. It is reinforced here, but a clause specifically deals with sponsorship arrangements.

Mr BROWN: I accept that; however, I wonder how this part deals with this matter. It refers to the curriculum and teaching in government schools. I guess it is, therefore, arguable that if a sponsor is included in the curriculum, and it does not offend, or if a sponsor is not included -

Mr Barnett: If a health program were to say it was healthy to eat Hungry Jack's hamburgers, because that company was a sponsor of the school, clearly that would be inappropriate. It would not be part of the teaching program. There may be sponsorship arrangements. Is a lamington drive an unhealthy promotion?

Mr BROWN: Some schools have now formed relationships with companies, and the products of those companies are promoted.

Mr Barnett: That is a sponsorship issue. Here we are dealing with the curriculum of the school. With respect, we will come to a debate on sponsorship later in this Bill.

Mr BROWN: Let us take the example of a computer company sponsoring a school. The computer classes could be dealing with a whole range of products, including software packages and so on. Is it inappropriate in those circumstances for the teacher to make reference to, or to have discussion about, the fact that company X, which provides computers, hardware, software and whatever, supports the school?

Mr Barnett: In cases where, for example, computers are provided, often there is an acknowledgment of the sponsor. It is inappropriate for a teacher to promote one brand of computer as better than another and that the kids go home and tell mum and dad to buy the brand that sponsors the school. That would be inappropriate in the curriculum.

Mr BROWN: Are there guidelines in place on this matter at the moment?

Mr Barnett: We will deal with sponsorship later in the Bill. I imagine there will be a series of regulations and policies dealing with that. Here we are saying that promotion of particular interests or products is not appropriate within the curriculum and the teaching program.

Mr BROWN: As I understand it the Curriculum Council has a beliefs and values component.

Mr Barnett: Yes, ethics and values. It is implicit through the curriculum.

Mr BROWN: Do subclauses (1) and (2) sit on all fours with that document? It has been suggested to me that they may not.

Mr Barnett: I am not aware of that. To me it is entirely consistent.

Clause put and passed.

Clause 69: Special religious education -

Mr RIPPER: I do not oppose this clause but my memories of special religious education lead me to conclude that it is not often a successful or productive activity because the people providing it are unfortunately in many cases not trained educationists and the children do not necessarily accept the legitimacy of the activity. I wonder whether it is a productive activity for anyone involved. I note that the Churches Commission on Education has a very successful chaplaincy program, which seems a more effective way to approach young people than the traditional special religious education program. Does the Minister have any comments on how effective this process is for all concerned?

Mr BARNETT: Subclause (3) makes it clear that the CEO must approve the persons to deliver special religious education. People doing that now are required to have had training and must be qualified to do so.

Mr Brown: How does this special religious education, which presumably means education in a particular religion -

Mr BARNETT: My recollection of religious education is that was largely multid denominational.

Mr Brown: How does this sit with clause 68(1)? If one is teaching a particular religion, presumably in that process one is imploring those undergoing the education to subscribe to the values and ethical standards of that religion. It appears to be promotion of a school of thought. I cannot see how the two are not in conflict.

Mr BARNETT: That is correct to the extent that clause 68 refers to the general curriculum and teaching. Special religious education is identified as a special case. Given that, it is a promotion of religion in a general sense. Therefore, clause 71 contains an exemption allowing a parent to withdraw a child. This is an exception to what is detailed in clause 68.

Clause put and passed.

Clauses 70 and 71 put and passed.

Clause 72: Principal may exempt child from particular classes -

Mr RIPPER: I would like some information from the Minister on the types of exemptions contemplated under this clause. There is probably a wide diversity of opinion in the community. I note for example that many parents refused to have their children participate in Sorry Day activities. Is this clause meant to cover that sort of exemption?

Mr BARNETT: This is essentially a conscientious objection requirement. Examples could include Sorry Day, which is a recent issue, and people who have a religious objection to the teaching of evolution, and particular works of literature which may be seen to be offensive or contrary to some people's beliefs.

Mr RIPPER: How far does this exemption policy extend? For example, if parents said they did not want their children exposed to any sex education whatever, would the CEO accept that? There probably comes a point when the community must say that the child has some rights as well and should not be deprived of education that might, in the case I have mentioned, save his or her life at some time in the future.

Mr BARNETT: A person may have an objection to their child undertaking sex education, and if that were part of a health curriculum that would be the only the part of that curriculum to which they could object. For example, they might object to education on contraceptive methods and not on the biological aspects. That will be subject to policy that will need to be developed in all those areas. It is one of those areas which can get extraordinarily complicated if we are not careful.

Mr Ripper: Do we have a scheme to give people exemptions at the moment?

Mr BARNETT: Not in the legislative sense, no.

Clause put and passed.

Progress reported.

LOTTERIES COMMISSION AMENDMENT BILL

Second Reading

MR COWAN (Merredin - Deputy Premier) [8.39 pm]: I move -

That the Bill be now read a second time.

The primary purpose of the Lotteries Commission is to provide funding to hospitals, the arts and sporting organisations, and community groups in Western Australia. Recent business planning and market research show that in order to maintain and increase the current levels of funding, the Lotteries Commission will need to introduce new games over the next three years. Because of the maturity of the market, it is unrealistic to expect any further significant growth in revenues from the core products of lotto and instant lotteries. That is especially true in Western Australia, where our per capita sales of lotto were No 1 in the world in 1997.

The current Act is very prescriptive in the products the commission may offer to the public. It also limits opportunities to form business partnerships to the lotteries organisations of the other Australian States, and only for the purposes of jointly operating games of lotto.

The commission is in partnership with other members of the Australian lottery industry in the Australian and national lotto blocs; 80 per cent of its income comes from that business partnership. The bloc has several new games in market research, none of which the Western Australian lotteries could join because of legislative limitations. If Western Australia is to keep up with its bloc partners, it is imperative that the legislation be changed.

Because the complete Lotteries Commission Act is currently under review as required by the 1990 Act, the current amendments are quite limited. While ideally it would have been preferable to await the outcome of the comprehensive review, the timing is such that to meet funding goals it is essential that the Act be amended immediately.

This Bill seeks to make amendments in four areas. Firstly, the Bill provides a very general definition of lotteries which will allow for the introduction of new lotteries products in Western Australia as the market demands. The commission will continue to conduct games of lotto, instant lotteries and soccer football pools but these will be included under the general definition. New games can be implemented only with the approval of the Minister.

The commission is very aware of government policy and community attitudes in relation to the expansion of gaming and gambling in the community. All new product development has been undertaken in this context.

The new products being considered are expected to appeal to existing players, as well as attract current non-players. They can be sold immediately through current distribution networks. As with current lotteries products, there is no evidence that any of the products in research will create social problems or add to problem gambling in the community.

The Lotteries Commission currently offers a sports lottery, soccer pools, which generates less than \$2m in sales each year. A new definition for sports lotteries has been included for the first time in the amended Act. Many overseas lotteries, particularly in Europe and Scandinavia, have been operating sports lotteries successfully since the early 1950s. It is expected that sports lotteries based on sports of interest to Western Australians will bring in new income and customers for the commission.

The definition of a ticket has also been amended to take into account the possibility of purchasing a lottery ticket via the phone or other electronic means. Electronic commerce is seen by the commission to be a logical extension of current business practices. On-line service delivery will provide the opportunity to improve customer services in regional and remote areas, assist in the development of new markets and reduce the costs of distributing business and product information to both the retail sales network and the customer.

The Bill also extends the range of organisations and jurisdictions with which the commission can make an agreement to conduct lotteries games. A "designated authority" is now a person as set out in the Interpretation Act 1984 and includes a "public body, company or association or body of persons, corporate or unincorporate". With approval from the Minister, the commission will be able to establish business partnerships with other organisations if opportunities exist for revenue generation. The functions and powers of the commission have now been streamlined to reflect these changes.

Two further amendments have been sought. The first is to restrict the sale of all lotteries products to persons over 16 years old. At present the Act restricts the sale of instant lotteries to those over 16 years. The Act is silent on age restrictions for other lotteries products. The amendments will mean that all lotteries, including lotto or soccer pools, can be sold only to persons over 16 years of age.

The other minor amendment will enable the commission to operate subsidiary bank accounts in addition to the main account and operate these accounts within normal commercial principles including that these accounts may only be overdrawn under terms and conditions determined by the Treasurer. This is not a significant matter, but the opportunity to introduce other legislative amendments allows this matter to be dealt with now.

As the Parliament is aware, the profits from lotteries in Western Australia have always been directed to community and charitable purposes ever since the commission was established in 1933. It is anticipated that overall the amendments will enable increased returns to hospitals, the arts and sport as well as the general community.

There is general widespread acceptance of the present arrangements for the distribution of lotteries revenues. Market research has found that there is strong support for the proceeds from lotteries to be distributed for community benefit. This Government also believes it is very important that the profits from lotteries remain for charitable and community benefit, and the track record of the commission in managing its funding responsibilities has been exemplary.

The formal legislative review of the Lotteries Commission Act 1990 will give consideration to any changes to be made to the distribution formulas. Thus, in the immediate future all the proceeds from new games will continue to be distributed to hospitals, arts and sports and the general community in the same proportions as were established in the 1990 legislation. The 1990 Act prescribes that up to 27 per cent of sales turnover is to be directed to these beneficiaries, based on a formula that assumes 60 per cent of sales turnover is returned in prizes to lotto and instant lotteries players. These amendments require that the method of calculating the distribution between beneficiaries be altered to allow for games that may have different levels of returns to players. Currently all games return 60 per cent, which allows a distribution based on sales turnover. However, with games that return, for example, anything between 40 and 70 per cent to players, a different method of calculation is required. The amendment proposes a method based on net subscriptions; that is, subscriptions less prizes. The new formula does not alter the ratio between the amounts the various beneficiaries receive or the actual amounts they would have received under the old formula.

The commission is very conscious of its social responsibilities. It will recommend only new games that have no demonstrable likelihood of causing problem gaming. All games currently under research and development are essentially extensions of existing games. The ultimate object of all new games is to maintain funding to the community. There will also be the additional benefit of contributing to the support of small business through the commission's retail distribution network, and providing a significant commercial opportunity for the other businesses that work in conjunction with the commission to sell lotteries throughout the State. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

Third Reading

Resumed from 10 June.

MR MCGINTY (Fremantle) [8.48 pm]: It became clear during the Estimates Committee debate that the allocation that had been made to Health was grossly deficient to enable our hospital system to continue to operate. An extra \$60m will be made available to Health for recurrent spending in our hospitals during 1998-99, but it is important to note before we start to talk about how that \$60m will be distributed among the State's hospitals that the Minister for Health has conceded that the 3 per cent pay rise that has been granted to the State's nurses will cost almost \$10m this financial year. That will come out of that \$60m that has been allocated for recurrent spending on hospitals. In addition, the privatised or collocated hospitals at Joondalup, Peel and Bunbury will cost an extra \$38m this financial year. That comprises an additional payment to the payment that was made last year to the Joondalup Health Campus - the privatised facility in Joondalup run by Health Care of Australia where an extra \$15.3m will be spent in 1998-99; the new campus at Peel, which is due to open in the current financial year, will cost \$18.2m more than it cost to run the Mandurah Hospital during the last financial year; and in Bunbury the new South West Health Campus, which is collocated with the St John of God Hospital, will cost \$4.2m more than it cost to run the Bunbury Regional Hospital last year.

Those three new hospital facilities will cost an extra \$38m, all of which must be taken from the extra \$60m for recurrent spending on hospitals. Adding together the 3 per cent pay rise for nurses and the additional cost of \$38m for collocated facilities, the total is \$48m of the \$60m set aside for the increases in recurrent spending on hospitals during the coming year. In other words, \$12m is available to government hospitals in Western Australia by way of increased funding during the coming financial year. That is out of a budget of roughly \$1.2b to \$1.3b. That is dramatically less than the inflation rate, dramatically less than the rate of drop out from private health insurance and dramatically less than the increased burden placed on public hospitals by the ageing population or improved medical technology.

In the current financial year metropolitan government hospitals alone are running at a deficit of \$55m. At this point, the hospitals are carrying forward a deficit, and they will be asked to use that extra \$12m, which is to be spread across all hospitals in the State, in order to pay the \$55m deficit from last year. Unless a mini Budget is introduced by the Treasurer to provide additional funding for state hospitals, we will have in dollar terms a decrease in spending on our government hospitals this year of \$43m. That is a decrease in the amount made available before taking into

account inflation or other factors. We will have \$43m less than last year to spend on hospitals, because the deficit must be paid for, the privatised hospitals must be paid for, and the first 3 per cent of the nurses' pay rise must be paid for. No wonder our hospitals are in crisis when the Government is cutting the number of dollars allocated for recurrent spending in hospitals by requiring up-front costs of \$43m from current services provided in those hospitals. It is no wonder that hospitals cannot cope.

After the blow-out last year, an extra allocation of some \$30m was made around November. In addition, there was a further blow-out in metropolitan hospitals of \$55m, which is the amount by which they have exceeded their budgets for the year. Unless a further allocation of funds to hospitals is made - and that is vitally necessary - the crisis in our hospitals over the last several months will pale into insignificance compared with what we are facing.

Without doubt, this area is the greatest failing of the Court Government. Without doubt, it is the most important area for the Government to get right for the community. The biggest area of expenditure from the State Budget is our hospitals. The Government is failing the people of this State. It is failing our hospitals, our nurses and the community in an area which requires most attention from the Government.

Let us not pretend - as the Treasurer did in his budget speech - that there has been an increase in recurrent expenditure in hospitals this year. There has been a decrease in real terms, and a decrease in the number of dollars to be made available to government hospitals this year. The extent of the decrease is \$43m. Today we saw the Minister for Health make a spectacle of himself. As long as he remains Minister for Health we can expect to see a repeat of the spectacle because there will be nothing but tragedy, disaster and pain ahead in the Health portfolio unless an immediate injection of funds is made.

The second point I wanted to raise arising out of the Health division of the Estimates Committee was the position affecting the nurses of this State. I am pleased that the Premier is here because it needs to be said for the record that after the Government's 6 per cent pay offer the nurses in Western Australia will be among the lowest paid in Australia. Some members of the Government, including the Premier from some of the answers he has given in this Parliament, do not seem to appreciate that that is the case. In determining nurses' salaries, the accepted practice from both the nurses' union and the Health Department is to look at the key classification of a level 1 nurse at a maximum rate of pay and then use that position as the comparison around Australia. A round of increases in nurses' rates is occurring at the moment throughout Australia. We have already seen agreements reached in Queensland, New South Wales, Victoria and South Australia. The way in which one looks at whether the Government's offer to nurses is fair is to look at what happens to that key classification at the end of the two year period which is being discussed as the appropriate period for the current agreement to operate. We already know that the settlements in each of the other States have been more than 6 per cent, which is what this Government is offering. The Government has also indicated it is prepared to offer more if the nurses pay for it out of their conditions of employment, so in real terms the offer is 6 per cent. The settlements in the other States have ranged from 8.5 to 12 per cent, which is an indication that the amount the Government is offering is mean spirited and insufficient.

A level 1 year 8 nurse at the end of the agreement period, which in most of the other States is July 2000, will be paid the following: In New South Wales, \$836; in South Australia, \$786; in Victoria, \$783. What is being proposed in Western Australia is \$20 to \$70 less than that paid in each of those other States. The rate in Western Australia after the 6 per cent increase has been paid will be \$763, some \$20 less than Victoria and South Australia and some \$70 less than New South Wales. Even if one accepts that New South Wales is something of an aberration at the top of the scale, there is no justification for paying nurses in Western Australia less than their counterparts in Victoria and South Australia. If the Premier were serious about ensuring that nurses were properly paid in this State, he would ensure that their pay was up there with the rates in the other States. That requires a pay rise of between 10 and 13 per cent. The Premier is wrong in not offering that to the nurses. He cannot expect nurses to accept a pay rise which will leave them among the lowest paid in the country at the end of the period of the agreement. It is no wonder that nurses have the bit between their teeth; why they are manning the picket lines in the rain; why they are protesting wherever the Premier goes; and why they are protesting and will continue to protest throughout the State.

The Premier must back down, and he must do it in a way that recognises the validity of the nurses' pay claim. He has not done that to date. The pressure will continue on him and it will be brought to bear not only by nurses but also by the entire community. He will be forced at the end of the day to pay something like the claim that has been made by the Australian Nursing Federation. That claim is fair when compared with what nurses get in other States. The only question is how much pain, suffering and damage the Premier will inflict on the community before he backs down. I urge him to do it quickly and to show some leadership, which to date has been sadly lacking in this whole area. I do not want to hear any more attempts to blame the ANF or Helen Attrill, the secretary of the union. She is not to blame if the Premier's offer is deficient. He must increase it or he will be held up as somebody who has not been fair in the treatment of the State's nurses. They must be treated fairly or they will vote with their feet. There has always been a shortage of nurses in Western Australia and it has become even more acute in recent times. The

nurses can go to most other States in Australia and, if the offer of 6 per cent stands, be better paid. Why should they stay in this State, which is doing so well economically, if it cannot afford to pay them a fair rate compared with the rates paid to their interstate counterparts?

Mr Bradshaw: It will cost them more to live.

Mr McGINTY: If the Government concedes that the offer does not pay them as much as they would receive in other States, we can have an argument about relative costs of living. If the member for Murray-Wellington suggests that the cost of living in South Australia is more than it is in Western Australia, when the South Australian nurses will be paid much more than the nurses in this State, we can have that argument.

Mr Bradshaw: In Sydney it is.

Mr McGINTY: It might well be, but the Government's offer does not equate with the salaries offered to nurses in other States. We do not want the nursing shortage made worse in Western Australia. The Government has provoked, by the meanness and mean spirited nature of its offer, an unprecedented strike by nurses. It is the Government's fault. It cannot blame the nurses and, most importantly, the public does not blame the nurses. It blames the Government. When the nurses get back to work in the hospitals, they will have a great sense of unfairness and antagonism towards the Premier and his Government. That is not good for anyone; it is not good for the patients or the hospitals.

Finally, the Minister for Health must be removed. No other option is left to the Premier. He did it when there was a crisis in the schools when Norman Moore presided over a chaotic situation. Wage negotiations were going nowhere, schooling was being disrupted for the hundreds of thousands of schoolchildren throughout the State, and the Premier was left with no option but to put his very able Deputy Leader of the Liberal Party in charge of education and to sack Norman Moore from that position. He must do the same with Kevin Prince. The Minister for Health is not up to the job. He has presided over a disaster in health care. I made the point by way of interjection today that if he were a football coach or a private sector manager, on the basis of his record he would have been sacked. He has presided over the greatest disaster this Government has seen, but the Premier seems intent on continuing to support him. Kevin Prince does not deserve that support. He has alienated every stakeholder in the hospital industry. He alienated doctors by selling out and watering down the anti-smoking regulations, and then telling doctors he did not believe them. He said the evidence on passive smoking is inconclusive. It is not, it is quite conclusive. Kevin Prince patronised the nurses. Whoever advised him to hector the nurses on the steps of Parliament House earlier this week should also be sacked. For all these reasons, I call on the Premier to sack the Minister for Health, and to do it quickly.

MR CARPENTER (Willagee) [9.03 pm]: I preface my remarks on the Budget with a general comment on the principles of taxation and the discussion that has been taking place in the community in light of the likelihood of taxation changes in the nation. I reflect upon some of the possible outcomes of the implementation of a goods and services tax.

One of the things that should be brought to the attention of the Parliament, bearing in mind some of the comments made yesterday about potential benefits of a goods and services tax, is the so-called black economy and the value such a tax would have in eliminating and recouping revenue for the Government from the black economy. I refer to an article which appeared in the *International Herald Tribune* on 10 June 1998. It deals with the need for the nations of the European Community to address the loss of revenue in the black economy in Europe. Bearing in mind what has been put forward as one of the virtues of a value added tax in eliminating the black economy, it is illuminating to see what the Governments of Europe consider has happened since the introduction of their broad based consumption tax. The first paragraph of the article written by a Geneva based international consultant on trade development and international migration states -

No one can be sure of the exact size of the black economy in Western Europe, but a recent report by the European Commission estimates that it equals up to 16 per cent of GDP compared with 5 per cent in the 1970s.

Of course, broad based consumption taxes began to be introduced through European economies in the 1970s. The article further reads -

In Italy, Greece, Spain and Belgium it is at least 20 per cent.

That is, the black economy is estimated to be at least 20 per cent of the GDP of those nations. It would be wise to understand that if there is a virtue in introducing a goods and services tax in Australia, it is certainly not in eliminating the black economy and reducing its proportion of the GDP. Many factors come into play, but one simply cannot attribute that virtue to a broad based consumption tax. I raise the interesting article in passing in light of debate in Australia and this Parliament in recent times.

I turn now specifically to the Budget. I am deeply disappointed that no allocation is made for a matter I have raised in Parliament on at least one occasion before; that is, the lack of respite facilities for the disabled in the goldfields. The member for Kalgoorlie, one of the most able, diligent and hardworking members in this Parliament, has brought this matter to public attention. It is unfortunate that the Government has not taken the matter seriously enough to direct funds to provide respite facilities in the goldfields where they are desperately needed.

The Goldfields Individual and Family Support Association, which I had the pleasure of contacting on a trip to Kalgoorlie a few weeks ago, which I reported to Parliament at the time, represents about 50 people with a disability in Kalgoorlie and their families. More than 200 people with a disability live in the broader goldfields area. When factoring in the associated family members, many hundreds or thousands of people in the goldfields area are affected by a disability, and yet have no respite facility provided to them.

People not directly involved in the disability area probably cannot understand the critical position of respite in the lives of people with a disability and their families. It can make the difference between life being bearable and unbearable. The lives of many people in Kalgoorlie who support a person with a disability are made unbearable because no respite care is available.

The Disability Services Commission owns a building in Burt St, Boulder, the use of which is given to the Goldfields Individual and Family Support Association. If you, Mr Acting Speaker (Mr Baker), had attended that building, as I have, you would never leave a member of your family there, especially one in need of support. It is simply not of sufficient standard to place people with a disability there for any time. The proposal advanced by the Goldfields Individual and Family Support Association is for the Disability Services Commission to sell that property, which it values at \$200 000 or more, and develop a specialist respite facility in the area for about the same money. In other words, it would be a cost neutral exchange which fits in with the general philosophy of this Government and could be done with a minimum of fuss or inconvenience. The Goldfields Family Support Association has identified a site in the area it believes is ideal. Its plan is to build duplex style accommodation for two or three people to provide their family members and full time carers with a break from their caring responsibilities for a night or two. I ask the Minister, who is not in the Chamber, to take this matter seriously. Unlike the metropolitan area where, although respite facilities are also in short supply, they are at least available, in the goldfields nothing else is available. A potential solution is being offered by the families which the Government should take up to redress a problematic situation.

I turn briefly to the Transport portfolio. A constituent of mine, Maurice Newton, the General Manager of OPSM in Fremantle, brought to my attention today the effect on him of the change in vehicle licensing fees. I took note of the changes generally but when confronted with them specifically their impact is far more powerful. Mr Newton, who as far as I know has no political affiliations whatsoever, is the owner of a 1995 Nissan Patrol which he can register for a year for \$257.30. From 1 July the registration cost of that vehicle will increase to \$441.10, an increase of \$183.80, because vehicle registration assessment will be based on weight.

Mr Bradshaw: What insurance does he pay?

Mr CARPENTER: That represents a 71 per cent increase which, as a business man, Mr Newton thinks is a bit hard to justify. The breakdown of costs the member for Murray-Wellington asked for is interesting. The licensing fee is \$51.05. When the changes come into effect from 1 July it will be \$212 - a 400 per cent increase. The insurance component will increase from \$192.25 to \$214.40. The recording fee will stay roughly the same at \$14.

Mr Bradshaw: Which insurance are you talking about?

Mr CARPENTER: Third party. In other words, the State Government will be taking an extra \$183 in registration and third party insurance fees for the same vehicle. His registration is due at the end of this month. If he were able to renew his licence now he could do it for \$257. As his registration is due by 1 July, he must pay \$441.

It was suggested that he deregister his vehicle now, pay a small fee, go to the licensing centre, take an interim licence, drive to the vehicle inspection pit and pay \$44 for a vehicle inspection, return to the licensing centre and licence his vehicle from today for the current price. He would save something like \$60. It is an opportunity which Mr Newton, as a canny businessman, has assured me he will make full use of. It is absurd that a person should be forced to take that action. The increase in vehicle licensing fees from \$257 to more than \$400 is unsupportable. After 1 July many people will probably struggle considerably to pay for their vehicle registration.

He tells me he has another vehicle in the family, a 1978 Kingswood. Bearing in mind that vehicle licensing is to be based on weight, he expects the registration for the Kingswood to increase from \$76 to \$168. That is a huge increase in licensing fees for a person with those two vehicles. Many people in the community will not find that an affordable increase. The Government has completely overshot the runway with the increase in vehicle registration fees. I call it legalised theft. The community can do nothing about it, and that is most unfortunate.

Finally I will address one matter from the Sport and Recreation portfolio, dealing with the lack of funding for the proposed new multipurpose sporting stadium. I do not want to leap to any conclusions about the fate of this stadium and the funding for it; however, I notice a rather subtle shift in the Government's position from 1 October 1997 when the Minister for Sport and Recreation put out a press release which stated -

. . . the State Government is well advanced in a study into the possibility of building a multi-purpose sporting stadium to accommodate both soccer and rugby in Perth.

A sum of \$40 million was put into the Government's forward estimates in the last State Budget to build such a stadium.

I could not find that \$40m in the budget papers, so yesterday or the day before I had a question asked of the Minister who resides in the upper House about whether there was an allocation of \$40m for this project in the Budget and, if so, where it was. His response states -

Over the past few years, up to \$40m was allocated in the forward estimates for a new sports stadium. The forward estimates, which are part of the current Budget, contain a small amount of approximately \$2.5m, if my memory serves me. I will provide the member with the exact figure. I cannot recall which year it is, but the aim of the exercise is to ensure that the project remains part of the forward estimates process.

In other words, the \$40m is no longer available. I find that a disturbing development. I take the Minister at his word when he says that once a location is identified the money will appear from somewhere. The lack of consistency in the two positions - firstly, that taken by the Minister in his press statement of October last year and, secondly, the reality in the budget papers - is quite stark and should be of some concern to people in the sporting fraternity.

MR KOBELKE (Nollamara) [9.17 pm]: I will comment on three areas which arose during the estimates debate and decisions on the budget of the Department of Training. These are the lack of clarity in the presentation of the budget papers which can be applied to most areas, not just this department; the budget for the industry training councils and how it has been treated; and the budget for the group training schemes. All members have become aware that the Treasurer's smoke and mirrors statement in relation to the Budget is about the truest thing he said about that document. His statements that the new format would improve the reporting procedures turned out to be totally false.

I will give one small example of the many complaints members have had about how the current presentation of the Budget has made it much more difficult to understand what is going on in various departments. I asked questions relating to some aspects of the Budget. I received an answer by way of supplementary information from the Minister for Employment and Training which stated -

Attempting to make a meaningful financial and statistical comparison between the Department's 1997/98 and 1998/99 budget papers is exceedingly difficult.

That was the reply I got back when I asked for a comparison on certain aspects between the two sets of figures. I will not go into the technical reasons for that, but one aspect I must highlight is that in the Department of Training much of the budget now flows through to independent colleges. We must wait until we get the annual reports from the independent colleges to make any sense about whether the budget money is well spent. That makes a mockery of presenting a transparent Budget so that we can see where the money goes.

In one instance that does not relate to this Bill we had expenditure of about \$30m on capital, but the total capital value in the same budget papers is \$13m. That is nonsense because the capital expenditure appears in the Budget, but the capital holdings of the department reflects only what is in the Department of Training and not what is happening in the various independent colleges, where most of the investment goes. Clearly there is no real transparency or ease of access to the information in the current budget papers. Perhaps I will have an opportunity to point out how capital is recorded in the Budget in another debate.

I will now refer to industry training councils. I asked questions of the Minister because I was aware that moves were afoot to change the financing arrangements for the ITCs. Since the Estimates Committee hearings an announcement has been made by the State Training Board, with the approval of the Minister, that changes will be made to the funding of ITCs. ITCs perform an extremely important role. If we are to ensure that the extensive expenditure on training is well spent and that we have a training network that meets the needs of industry and the community, it must be relevant. We need training that is appropriate and delivered on time. We cannot do that if we do not have a network that provides a very good system of feedback from industry. The needs of industry and technology are changing so radically that we must have a network providing that information, and that is the function of the ITCs.

The ITCs have been complaining for some years about not getting the funding they need to fulfil their obligations,

about the way in which this Government is treating them and about the way their advice is taken on board. Those complaints have been voiced to me on many occasions.

The funding for ITCs is to be cut in half to accommodate what are now called "core services". The total budget of \$2.3m stays the same, but core services will receive half and the other half will be made available on a purchaser-provider funding basis. It is made clear that the ITCs may not necessarily pick up that money. The real problem is that if the Government halves the amount of money going to maintaining the basic infrastructure the average amount is about \$80 000 per ITC. I have spoken to an accountant who has done the figures for ITCs and the advice is that one cannot maintain the structure for less than \$200 000. If we want an ITC representing thousands of businesses and 20 or 30 different industry sectors, including volunteers who are in touch with the industry and who give their time freely, and we want value from it, we must provide the basic administrative hub. That is clearly seen as involving three staff and an office and that cannot be provided for less than \$200 000. The Government is simply making a mockery of the whole ITC network if it does not ensure the basic provision of administrative support services. Their funding is to be cut to a level where many will fail to survive.

If this were about restructuring, the Minister could have announced a reduction in the number of ITCs from 16 to 10 or some such change which may have provided a minor cost saving. It is doubtful how much that would save. There could have been some minor savings, but nowhere near the amount allocated to core services.

We must try to guess what the Government is doing. Why is it sabotaging the important role played by ITCs? A proper estimate has been made that the value of ITCs in dollar terms for the free advice from people with knowledge and expertise in industry runs to millions of dollars. These people are professionals and they want their industry to grow and prosper. As individuals they give community service through their time and expertise to feed back valuable information from their fields to ensure our training is up to date and applicable for the needs of industry. What does the Government do? It pulls the rug out from under them by not allocating adequate resources to enable industry training councils to function efficiently. The result will be that decisions made by the Department of Training will be based totally on internal advice, as there will be no independent source of advice to government. I realise the pressures on the department and TAFE colleges. However, they need that independent advice. If they are not in touch with the needs of industry, millions of dollars will be wasted. They will be running programs for jobs that no longer exist, and teaching skills that are no longer adequate or up to date for the needs of industry. The Government can commission as many independent consultants' reports as it likes, but those reports will be worth nothing if the Government is not in touch with industry. If the Government intends to pay large sums of money to professional consultants to gather that information it will cost far more than it will cost to maintain the industry training councils and get that advice free from the people who are in industry and have a clear commitment to developing those industries and serving the public good. This reduction in funding to the core services of industry training councils is a bad step.

The Minister has offered a sop by saying that she wants longer term funding commitments - that is, a three year forward funding program - so that industry training councils can plan ahead. However, in the fine print, that is conditional on budgetary allocation, so that is not even a definite commitment. The industry training councils have been set up to fail. The Government is not willing to say outright that it is scrapping the councils and it wants to go it alone because it does not believe in consultation and listening to industry. It has set out to change the funding basis so that the councils cannot operate and will fall by the way, and de facto there will be no independent advice from industry on the needs of training in this State.

The final area is the need for group training, which is similarly under threat through the changed funding arrangements, although I understand that that scheme is largely driven by the Commonwealth, not the State. Group training is incredibly important to this State. The changes we have seen in industry over the past decade or so with a greater move to subcontracting mean that many small businesses cannot take on apprentices. They find it extremely difficult to guarantee continuity of employment to apprentices, which is essential for someone to finish an apprenticeship. The group training scheme was instituted in Australia, so someone who signs up to become an electrician or a plumber is placed with an employer. If that employer does not have any continuing work for an apprentice the group training scheme can place that apprentice with another employer in the same industry so that they finish their apprenticeship. That scheme has maintained a reasonably high level of apprenticeships. The answer to questions I asked during the estimates hearings was that there were 4 622 apprentices in Western Australia in 1996, and in 1997, which was the last year of the figures, the number had fallen to 4 444. That is indicative of the decline in apprenticeships that other figures have shown for some time. One must take into account that "new apprenticeships" have been on the increase because of the fancy play on words. The Federal Government has introduced new apprenticeships by lumping traineeships with apprenticeships, which is a way of camouflaging the fact that real apprenticeships are falling away.

However, there is real concern that the number of apprenticeships will not meet the needs of a whole range of our

industries in future. The change at the federal level has meant a change to funding which resulted from a meeting of state and federal Ministers in May 1997 when they endorsed a report entitled National Priorities for Group Training. The State gave a commitment that the size of the funding pool would remain the same. However, for individual group schemes, those changed training arrangements meant they were in jeopardy and were not able to continue to provide the number of apprenticeships that they had in the past. One hopes that they can meet some of the efficiencies required under this new scheme. However, we are all too familiar with this word "efficiencies" being used as a means of slashing expenditure and reducing the outputs required for the people of this State.

Time after time we have seen this pseudonym of "efficiencies" being used to cut expenditure to an area, thereby reducing the level of service. There is real fear that this new funding arrangement will not produce more outputs. The reduction in the funding available per apprenticeship will mean fewer people will enter into apprenticeships; because at the end of the day, if the employer must pick up the additional costs of those apprenticeships, many employers will not take on apprentices. Apprenticeships cannot be run through a group training scheme without an adequate level of supervision. It is no use saying, "Get them out to the employers, change your procedures, cut your costs." It comes down to reducing the level of supervision, the quality of the apprenticeships and the end product at the completion of those apprenticeships.

Quality must be maintained in the training provided if our industry is to continue to grow. It is no good reducing the quality of the output. We must improve training and training outcomes. That cannot be done simply by looking at the number of dollars that go in and the number of people to be obtained for those dollars. All of us understand that efficiencies are important. However, if we want to address those areas it is much better to talk with the industry; talk with those running the group training schemes; get them to come up with suggestions; and work collaboratively so that better outcomes can be produced for the dollar inputs.

This change to the funding formula will press those operating the group training schemes into doing things in a way that applies the efficiency pseudonym and places at risk the functioning of those schemes and their ability to produce the maximum number of young people in apprenticeships. It is a shame, particularly as today the unemployment figures published showed another jump in the number of young unemployed people in Western Australia. It is of great concern to see rising youth unemployment and a reduction in these areas of training.

MR MARLBOROUGH (Peel) [9.32 pm]: I want to address an item in the Budget that not only affects my electorate but also is a key factor in the production of wealth to the State; that is, the industrial area of Kwinana and the part of the ocean on which the Kwinana industrial strip sits - Jervoise Bay and Cockburn Sound. I want to address it in two parts: Firstly, the rapidly declining environmental standards applying to new industries being set up in Kwinana; and, secondly, a decline in standards applying to existing industries.

I will talk also about the lack of appropriate government planning for the establishment and future development of the Kwinana industrial strip. We saw the Government's attitude to the environment at Cockburn shortly after it came to office four years ago. Prior to that date, the then Environmental Protection Authority had carried out a significant assessment on Cockburn cement, an industry that makes its living by mining the seabed in the Cockburn waters and extracting limestone, which it pumps back through a pipe system to its cement works in the area at the back of Wattleup.

The EPA determined that it was no longer appropriate for Cockburn Cement to carry out its straight line dredging, which involved the mining of the seabed in a straight line and consequently tore through many of the pristine seagrasses that are extremely important to Cockburn Sound and the ocean environment. Cockburn Sound provides tremendous leisure activities for the people of Western Australia and also underpins an important fisheries industry, and the importance of the seagrasses in that area has been extremely well documented.

The EPA determined that Cockburn Cement should start to mine that part of the ocean bed in such a way that the seagrasses were not destroyed. That meant that Cockburn Cement would have to incur additional costs, because rather than use the industrially efficient method of dredging in a straight line, it would have to keep moving the dredge from one part of the ocean bed to another, which meant that it would have to dredge in deeper water, and to do that it would have to spend a significant amount of money - I think about \$20m - on the construction of a new dredge.

That EPA report, which proposed that the future of the cement industry should be based on mining the seabed in that way, was supported by the Government and brought before this Parliament. However, within 12 months of this Government's coming into office, it created the Department of the Environment, and one of the first things that new body did was reject the EPA's report on Cockburn Cement and allow Cockburn Cement to continue to mine in a way that the EPA had determined was not in the best interests of the ocean environment and of the people of Western Australia. That was the first sign that this Government would apply different environmental standards to industry and the community with regard to Cockburn waters.

Industries such as Alcoa of Australia Ltd and BP have in recent times had a tremendous track record in recognising that it is in their best interests to look after the environment in which they work, and they have been the flag bearers in responding to the increased demand by the community for a better environment. BP has spent hundreds of millions of dollars on water treatment plants and on extracting its oils, using what was by any definition an ageing refinery that was built in 1954 or 1956 and needed a massive amount of new investment to bring it up to world standards. It has done that extremely well.

Alcoa has always been very concerned about the environment. However, many other companies have not lived up to the expectations and standards demanded by the community today. The Government indicated when it flagged its new approach to environmental standards in Cockburn Sound, with the report on Cockburn Cement, that it was no longer interested in rigidly pursuing what was in the best interests of the environment and the people of Western Australia, and that it would put industry needs and requirements first. That was a very clear warning about how the Government would treat the waters of Cockburn Sound.

More recently, we have witnessed the impact of the total lack of planning for and coordination of new industries in that region. I will provide a few examples, because it is well known in this House and certainly in my electorate that I am a strong advocate of Kwinana as an industrial area. I believe in the industry, and I am aware that, as a politician, it would be extremely difficult - almost impossible - for a future Government to duplicate the Kwinana industrial strip anywhere in the metropolitan area. When we were in government we announced on a Monday that we would create an industrial strip at Breton Bay in the Moore River area but the public outcry was so great that we withdrew the proposal the following Friday. The proposal was announced and withdrawn within five days. It is very important for any Government to recognise that the Kwinana industrial strip is unique because not only does it generate millions of dollars in exports but also it must work. The Government is treating the Kwinana industrial strip as if it were not as important as I suggest it should be.

The Department of Transport is out of control. Lately the Fremantle Port Authority has been acting in the same way. I point particularly to the Minister for Transport, and I will explain why. We have had a ludicrous situation in Kwinana in the last two years. Through the Minister for Transport, the Fremantle Port Authority announced that we needed a new harbour to replace Fremantle harbour, and that the new harbour would be built just north of the Alcoa Refinery. We were told that a new harbour was necessary because by 2015 the Fremantle harbour would no longer be able to operate as a container terminal.

The Government undertook another survey at Kwinana on how industry should be allowed to operate side by side with the urban cells of Kwinana, Wattleup and Hope Valley. The Government commissioned the Fremantle Rockingham Industrial Area Regional Strategy, which would ignore the fact that the Fremantle Port Authority would build a new harbour. That was not on the agenda. The survey could consider the needs of industry generally, but should forget about the proposed new port. We lived with that situation.

As the local member I attended public meetings at which Fremantle Port Authority officers talked about the proposed new harbour which would be built north of the Alcoa Refinery by 2015. However, lo and behold, out of left field the Minister for Transport announced to the world that he was well advanced in his discussions with a private developer to build a private harbour in Cockburn Sound. The matter was never raised with the Kwinana Town Council, the Rockingham City Council or with industry. Kim Beazley and I attended a meeting with Peter West of BP Refinery during which we were told that a week after the Minister announced the possibility of building a new harbour, BP staff were approached by Fremantle Port Authority officers who indicated that the new harbour planned by the Minister would, if built in the location suggested by the Minister, cut through the BP water treatment plant which had recently been installed at a cost of hundreds of millions of dollars. The community was told that a harbour would be built north of the Alcoa Refinery, but out of left field five months ago the Minister announced that a private harbour would be built! There was no consultation with the community, the industry, or other government departments, such as the Department of Resources Development.

In the past month we have seen in Kwinana another announcement by the Fremantle Port Authority. We find in the local press last week that the Fremantle Port Authority intends to allow iron ore from Koolyanobbing to go off the existing Fremantle Port Authority jetty just north of the Co-operative Bulk Handling Ltd terminal and just south of Wesfarmers CSBP Ltd. It intends to extend the existing terminal wharf, to make a stockpile of iron ore and send it off across that wharf.

When I, as the local member, made inquiries, I talked to Rockingham council. It has no knowledge of it. The first it knew about it was when it read about the matter in the local paper. The Chief Executive Officer of the Kwinana Town Council says that the council has no planning application before it. The first the Department of Resources Development knew about it was from the announcement it saw in the local press on Monday of this week. People in Kwinana are rightly concerned about the state of the environment and the Premier's commitment to it. Councils and industry are concerned and want to see future development. People are rightly concerned that the proper

processes are not being entered into. Put those things together and the Premier is creating an atmosphere which is not conducive for the ongoing standing of the Kwinana industrial strip.

If the Government continues to act in this way, I guarantee that we will continue to see community rejection of Kwinana as an industrial strip and a lack of new export industries that need to be set up there, which are important to this State. It will be the Government's fault. People such as I, as the local member, and the mayors of Kwinana and Rockingham are not trying to stir up opposition to these industries, but only to the way they are presently being treated by government departments, such as the Fremantle Port Authority, and the Minister.

My plea to the Premier is that we need to upgrade the environmental standards for the Kwinana industrial strip and the waterways surrounding it. Environmental impact statement studies are important for the future success of that industrial area and for the people of Rockingham and this State. The Premier is allowing this very important area of the State to fall into disrepute by his own inaction and lack of recognition of how important it is to properly plan for industry and to protect the environment of Cockburn Sound.

Question put and passed.

Bill read a third time and transmitted to the Council.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mrs van de Klashorst (Parliamentary Secretary), read a first time.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

JOINT STANDING ORDERS AND PARLIAMENTARY SERVICES COMMITTEE

Council's Message

Message from the Council received and read notifying that -

- (1) It has concurred in the resolution as set out in Message No 110 from the Legislative Assembly regarding the repeal of Joint Standing Orders 1 and 2.
- (2) That it has amended Standing Order 303 by -
 - (a) deleting the reference to "House Committee"; "Library Committee" and "Printing Committee";
 - (b) inserting the following -

Parliamentary Services Committee 5
- (3) That the Schedule is amended by adding the following item -

Parliamentary Services Committee

 1. A standing committee under the name of "*Parliamentary Services*" is established.
 2. The committee consists of 5 members.
 3. It is the function of the committee to advise the President on any matter under the joint control of the President and the Speaker and any other matter referred to the committee for its consideration by the President.
 4. The committee has power to confer with a committee of the Legislative Assembly having similar functions.
 5. Standing Orders 311-317 apply to the committee.
- (4) That the "Parliamentary Services Committee" shall consist of the Hons Nick Griffiths, Tom Helm, Barry House, W.N. Stretch and Norm Kelly.

Assembly Membership

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

That the members of the Legislative Assembly Parliamentary Services Committee be the Speaker, and the members for Armadale, Carine, Churchlands, Midland and Roleystone, and that the Council be acquainted accordingly.

ADJOURNMENT OF THE HOUSE

MR BARNETT (Cottesloe - Leader of the House) [9.51 pm]: I move -

That the House do now adjourn.

I thank members for their cooperation this week. I regret that the House sat tonight, but that will be the nature of the beast for the next couple of weeks.

Question put and passed.

House adjourned at 9.52 pm

QUESTIONS ON NOTICE

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

LOCKRIDGE REDEVELOPMENT

2998. Mr BROWN to the Minister for Housing:

- (1) Since the commencement of the Lockridge redevelopment, how many -
 - (a) houses;
 - (b) townhouses;
 - (c) duplexes;
 - (d) flats;
 - (e) units;
 - (f) other accommodationhave been -
 - (g) demolished;
 - (h) refurbished;
 - (i) constructed;by Homeswest?
- (2) What is the total amount the Government has received from the sale of houses, townhouses, flats, units, duplexes and other accommodation in Lockridge?
- (3) What is the total amount the Government has spent on the redevelopment?
- (4) How many more -
 - (a) houses;
 - (b) townhouses;
 - (c) duplexes;
 - (d) flats;
 - (e) units;
 - (f) other accommodation;does Homeswest expect to -
 - (g) demolish;
 - (h) refurbish;
 - (i) sell;in the remaining stages of the redevelopment?
- (5) What is the estimated revenue the Government will receive from all sales?
- (6) What is the estimated total cost of all outgoings for the remainder of the redevelopment?
- (7) What is estimated to be the total -
 - (a) cost of the redevelopment;
 - (b) income from sales of land, houses, townhouses, duplexes, flats, units and other accommodation?

Dr HAMES replied:

- (1) (a)-(f) Answers included in (g)-(i)
 - (g) 307 Flats (this figure excludes the Clare Court demolition which is a further 132 flats. These flats were demolished prior to the commencement of the Lockridge redevelopment).
 - (h) 63 Houses, 41 Duplexes, 18 Town Houses, 48 Flats and 31 Units*.
 - (i) 14 Houses and 16 Units*.
- ** (2) \$10,203,982
- ** (3) \$10,487,184
- (4) (a)-(f) Answers included in (g)-(i).
 - (g) 16 Flats and 1 SkillShare building.
 - (h) 100 Houses, 8 Duplexes, 40 Town Houses, 50 Flats (figures are subject to tenant relocation).
 - (i) 50 Houses, 8 Duplexes, 40 Town Houses, 50 Flats (figures are subject to tenant relocation).
- (5) \$27,943,982.
- (6) \$12,657,000.
- (7) (a) \$23,144,184.
- (b) \$27,943,982.

*A unit in this question refers to Senior Citizens accommodation.

**As at end of February 1998.

POLICE OFFICERS - NUMBER ON EXTENDED SICK LEAVE

3103. Mrs ROBERTS to the Minister for Police:

- (1) How many police officers are there currently in the Western Australian Police Service?
- (2) How many of those police officers are currently on extended sick leave?

Mr DAY replied:

- (1) As at end of February 1998, there were 4718 sworn police officers currently serving in the Western Australia Police Service. This figure includes those who are part time.
- (2) Extended sick leave has been interpreted to include any continuous period of 30 days or more. As at end of 31 May 1998, 55 members were in this category.

POLICE ACADEMY

3107. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister advise on the stage reached on the proposal for a new police academy?
- (2) Will revenue from the sale of the Maylands Academy site be applied to land purchase and development of the new academy?
- (3) If not, where will the revenue generated from the sale of the Maylands site be directed?

Mr DAY replied:

- (1) Cabinet has approved the recommendation of the Police Academy Steering Committee to accept the joint proposal of Edith Cowan University and West Coast College of TAFE for the new academy to be located at Joondalup.
- (2)-(3) Revenue from the sale of the Maylands Academy site will assist to off-set the cost of current and future Police capital works.

COMMONWEALTH REGIONAL TELECOMMUNICATIONS INFRASTRUCTURE FUND
APPLICATIONS

3184. Mr GRAHAM to the Minister for Local Government; Disability Services:

- (1) Has any organisation within the Minister's portfolio area made application to the Federal Government for grant funds made available under the Commonwealth Regional Telecommunications Infrastructure Fund?
- (2) If yes to (1) above -
 - (a) for what purpose was the application made;
 - (b) which organisation made the application;
 - (c) how many applications were made;
 - (d) how much funding is each application seeking;
 - (e) what amount of state funding is committed to each application;
 - (f) which other State bodies are joint applicants;
 - (g) which other State bodies have an interest in each application;
 - (h) on what date was each application submitted;
 - (i) has the Minister sought discussion with the Federal Minister to support each application;
 - (j) which Federal Members of Parliament have supported each application;
 - (k) will the Minister make a copy of each application available?
- (3) If no to (1) above, why was no application made?

Mr OMODEI replied:

With respect to the Department of Local Government -

- (1) No.
- (2) Not applicable.
- (3) An application was not submitted because the Department of Local Government is not involved in the types of projects eligible for funding under the Regional Telecommunications Infrastructure Fund.

With respect to the Disability Services Commission -

- (1) No.
- (2) Not applicable.
- (3) Support for the Disability Services Commission's clients outside the Perth Metropolitan Region is provided by its Local Area Coordination offices. Due to the nature of these offices, i.e. one or two staff, the existing telecommunication infrastructure currently meets the DSC's requirements in regional Western Australia.

With respect to Keep Australia Beautiful Council, Metropolitan Cemeteries Board and Fremantle Cemeteries Board -

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

SPEEDWAY CONSTRUCTION

3245. Mr PENDAL to the Parliamentary Secretary to the Minister for Sport and Recreation:

- (1) I refer to the proposal regarding the building of a speedway out near the Perth Airport and ask is the Government intending to be financially involved in the building and/or operating of the speedway?
- (2) If so, what is the level and extent of support that the Government is providing?
- (3) What would be the intended terms and conditions of the support should the Government consider lending its support to the speedway proposal?

- (4) Why would the Government use taxpayers' money to fund what is a private sector operation?

Mr MARSHALL replied:

- (1) The Government has made no final decision on the site for a new speedway. Although financial provision has been made in the forward estimates, financing arrangements have not been determined
- (2) Not applicable.
- (3) Not determined.
- (4) It is Government policy to assist financially with the construction of State and local sport and recreation facilities. Such facilities may be publicly or privately operated.

GOVERNMENT VEHICLES WITH PERSONALISED NUMBER PLATES

3755. Mr MASTERS to the Parliamentary Secretary to the Minister for Tourism:

- (1) Have any of the Government agencies or departments within the Minister's portfolio responsibilities purchased personalised number plates for any of the motor vehicles within their car or truck fleets?
- (2) If yes, how many personalised plates have been purchased in each of the past three years and at what cost?

Mr BRADSHAW replied:

- (1) The Western Australian Tourism Commission has four vehicles in its fleet with personalised number plates. These are 100 WRC, 400 WRC, 500 WRC and 600 WRC. The WRC represents the acronym World Rally Championship.
- (2) Not applicable. The number plates were not acquired in the past three years.

GOVERNMENT DEPARTMENTS AND AGENCIES

Staff

3829. Mr GRAHAM to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

What are -

- (a) the numbers of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland;
 - (ii) South Hedland;
 - (iii) Tom Price;
 - (iv) Paraburdoo;
 - (v) Telfer;
 - (vi) Marble Bar;
 - (vii) Nullagine;
 - (viii) Karratha;
 - (ix) Halls Creek;
 - (x) Wiluna;
 - (xi) Dampier;
 - (xii) Roebourne; and
 - (xiii) Wickham;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr SHAVE replied:

DEPARTMENT OF LAND ADMINISTRATION

- (a) None.
- (b) Not applicable.
- (c) Funding for Government land development is available for projects in Karratha, Port Hedland, Paraburdoo and Wickham from the Department of Land Administration's capital works allocation. Administration and

allocation of Government land services are also provided to these areas, from both the Midland and Kununurra offices.

MINISTRY OF FAIR TRADING

- (a) The Ministry has two staff in Karratha. These officers also provide service to all the above towns and the Kimberly Region.
- (b) Senior Regional Fair Trading Officer; Level four.
Fair Trading Officer; Level two.
- (c) The Fair Trading Program.

LANDCORP

- (a) None.
- (b)-(c) Not applicable.

WESTERN AUSTRALIAN ELECTORAL COMMISSION

- (a) None.
- (b)-(c) Not applicable.

CARNARVON GROWERS SUBJECT TO PRICE MANIPULATION

3900. Mr BROWN to the Minister for Primary Industry:

- (1) Is the Minister aware a number of Carnarvon growers are facing financial problems due to Perth buyers driving prices down by claiming they can purchase at a lower price from the Eastern States?
- (2) Is the Minister aware that growers believe the market is being manipulated to their disadvantage?
- (3) Will the Minister instigate an investigation into the purchasing arrangements to ensure that growers are not being manipulated into accepting lower prices?
- (4) If not, why not?
- (5) What action does the Government intend to take to assist growers in this regard?

Mr HOUSE replied:

- (1)-(5) All purchasing arrangements entered into between growers and buyers are commercial transactions. Transactions at Market City are governed by by-laws. Following a request by myself these by-laws have been reviewed and are currently out for comment from growers, buyers and agents.

GOVERNMENT DEPARTMENTS AND AGENCIES

Local Purchasing in Country Areas

3929. Dr GALLOP to the Minister for Services:

- (1) Is the Minister aware that there is still concern being expressed by country business that many government departments and agencies are still not buying locally?
- (2) If yes, what steps is he taking to overcome this problem?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) The Government has taken a number of steps to encourage Departments and Agencies to buy locally in country areas. A key plank in this process is the Government's recently launched Regional Buying Compact that is designed to give more autonomy for agencies in regional areas, particularly for requirements up to \$50,000. The Compact also encourages greater use of local contractors and locally sourced goods and services through enhanced performance provisions. Government agencies in country areas are being encouraged to source locally, give local businesses a fair opportunity to bid and to look at how they package

their requirements so as not to exclude country suppliers. Since the launch of the Regional Buying Compact in December 1997, I have undertaken an extensive awareness campaign in regional areas to communicate the Compact. These awareness seminars will continue in 1998. A telecast was also conducted through the Westlink satellite network to gain wider State coverage. The Regional Buying Compact includes a process for suppliers to have a compliance concern investigated independently by the State Supply Commission.

I am also working with the business community through a number of advisory groups to examine other initiatives that can be taken to assist small business in Western Australia, particularly those in regional areas.

QUESTIONS WITHOUT NOTICE

NURSES DISPUTE

1233. Dr GALLOP to the Premier:

I refer to the worsening nurses' dispute in Western Australia that the Government has shown no capacity to resolve. Does the Premier stand by his earlier claims that the Government's inability to give the nurses the pay increase they deserve and are seeking is due to the lack of federal health funding from the Howard Government?

Mr COURT replied:

In relation to the pay claims across the Government, the Government has budgeted for wage increases within certain guidelines. It simply cannot meet the wage levels asked for by the nurses within the budget requirements.

Dr Gallop: Is it Howard's fault?

Mr COURT: In relation to federal government funding, the State Government has made it clear that it would like a considerable increase in the funding in a five year Medicare agreement. That increase in funding is needed to enable the Government to meet, among other things, the demand for elective surgery.

Mr Ripper: Would you give the nurses what they ask for if you received more funding from the Federal Government?

Mr COURT: The Government's negotiations with the nurses are within certain guidelines.

Mr Ripper: Even if you got that federal funding, you would not pay the nurses?

Mr COURT: I will comment on the nurses dispute. It concerns the Government greatly that the hospitals have been very seriously affected by the industrial action taken. In good faith, the Government paid an increase while negotiations were under way, because it did not want industrial action to occur. The hospitals are facing difficulties meeting the most basic level of service. The Government has today made application to move this issue into the conciliation and arbitration area because it cannot get anywhere with the negotiations. I urge the union involved to recognise that it would be not only more constructive, but also a much safer practice, if those negotiations could be undertaken around the table without industrial action.

NURSES DISPUTE

1234. Dr GALLOP to the Premier:

In relation to the nurses' dispute, why not do what the Government did to resolve the teachers' dispute; that is, change government policy, sack the Minister and pay the nurses?

Mr COURT replied:

The seriousness of this situation, as expressed by the Opposition, is such that in Parliament this week opposition members seem to have forgotten there is a health dispute in the community. This House went through private members' business yesterday -

Dr Gallop: Were you in the Legislative Council on Tuesday?

Mr COURT: The Leader of the Opposition is in this House.

Dr Gallop: There are two Houses in this Parliament.

Mr COURT: The Opposition wants to form the Government in this House. Yesterday, the Opposition brought on

a debate in relation to a goods and services tax, as part of a scare campaign. It was the most useless waste of time in private members' business.

Ms MacTiernan: The Minister for Health was not here yesterday, that is how seriously you take it.

Mr COURT: I will indicate how seriously the Opposition takes it. Today, to try to divert attention from the fact that the Government is proposing to wind up WA Government Holdings, the Opposition went back to Global Dance. The Opposition has demonstrated in the Parliament this week that it does not regard the nurses' dispute as serious enough to spend private members' time on. Its actions have shown how it is handling the matter.

MINDARIE PRIMARY SCHOOL

1235. Mr MacLEAN to the Minister for Education:

- (1) Has any progress been made in the planning for a new primary school at Mindarie?
- (2) If so, what is the extent of this progress?

Mr BARNETT replied:

- (1)-(2) The member for Wanneroo has been a very strong advocate for providing education for children in the Mindarie area.

An Opposition member: A member you can be proud of!

Mr BARNETT: He has been successful, as have other members on this side of the House, in establishing a school in houses project which has filled the void until a school can be provided.

Architects have been appointed and a concept plan is currently being prepared for a new primary school at Mindarie. The first consultation with the principal has taken place and the timetable, which will be met, will be for the school to open in the third term of 1999. It will have a \$4m price tag, and the initial population is expected to be 300 students.

HOSPITAL CRISIS

1236. Mr McGINTY to the Minister for Health:

- (1) Will the Minister for Health acknowledge that he is the problem and that he is the reason the State's hospitals are in crisis?
- (2) Will he now recognise that he has irreparably destroyed his relationship with every important stakeholder in the State's health service by outraging doctors, insulting nurses, leaving patients in pain and with no hope, and bleeding the public hospitals dry?
- (3) Does the Minister now recognise that his use by date is up, and that his resignation is necessary before the hospitals can get back to work again?
- (4) Will he resign as Minister for Health?

Mr PRINCE replied:

- (1)-(4) In the past two and a half years since I have been Minister for Health, the amount of extra funding to the health system from the State is \$250m.

Mr McGinty: Why not pay the nurses what they deserve? In the same period the hospitals in this State have gone through crisis after crisis. You should resign. You are absolutely hopeless.

Mr PRINCE: The crisis has been caused by an unwarranted -

Several members interjected.

The SPEAKER: Order! We are dealing with an extremely serious matter. I am prepared to allow some interjections from the member for Fremantle, who asked the question, but other people also want to interject and the rest of us want to hear the answer.

Mr PRINCE: The crisis has been caused by -

Mr Thomas interjected.

The SPEAKER: I formally call the member for Cockburn to order for the first time today!

Mr PRINCE: The crisis has been caused by an unanticipated high number of people going into the public hospitals. A 15.5 per cent increase has occurred in the past two years. That is something that we have never been able to predict or manage and it costs money. Eighty per cent of the health budget is spent on wages and salaries. While \$250m more has been found in just over two years to go into our health system, the same problem exists in every other State, including New South Wales which has a Labor Health Minister. Indeed, even though the New South Wales Government tried to reduce numbers on the waiting list, it is now significantly longer. I make the point - I have made it before and I will continue to make it - the problem is nationwide; it is not peculiar to any State.

Nurses received a 10 per cent pay rise between May 1996 and November 1997. On 4 May this year they received a further 3 per cent with no trade-offs and no condition changes. In the past two years, they have received a 13 per cent pay increase. They have a promise of more in succeeding financial years.

Mr McGinty interjected.

The SPEAKER: Order! Member for Fremantle.

Mr PRINCE: They have instituted strike action. We have lodged an application in the Australian Industrial Relations Commission and have asked the commission for an urgent hearing today. We will see what the commission does.

WESTERN AUSTRALIAN INSTITUTE OF SPORT SWIMMING PROGRAM

1237. Mr BAKER to the Parliamentary Secretary representing the Minister for Sport and Recreation:

- (1) Will the Parliamentary Secretary provide this House with a report concerning the successes, if any, of our Western Australian Institute of Sport swimmers at the recent national championships?
- (2) Has the Western Australian Government received any public feedback on benefits of the WAIS program?

Mr MARSHALL replied:

If I can make one comment.

The SPEAKER: Do not get sidetracked!

Mr MARSHALL: I am about to respond to something that is very dear to my heart; that is, elite sport and I do not tolerate fools when it comes to reading something that is very important to the State of Western Australia. I would like to reiterate the comments by the Minister.

- (1) Western Australian swimmers enjoyed a very successful Australian Championships this carnival. The championships also served as the Commonwealth Games selection trials. WA swimmers won eight medals. The successful athletes were: Julia Greville, who won the 400 metre freestyle and came second in the 200 m freestyle; William Kirby who won the 200 m butterfly; Jennifer Reilly, who came second in the 400 m individual medley; Rachel Harris, who came second in the 800 m freestyle and third in the 400 m individual medley; Richelle Jose, who came second in the 200 m backstroke; and the City of Perth Swimming Club, which came second in the 4x100 m freestyle relay. The swimmers in that team were William Kirby, Antony Matkovich, Jason Henneveld and Justin Goodliffe.

At the conclusion of the championships, five Western Australians were chosen to represent Australia at the Commonwealth Games. They are Julia Greville, Rachel Harris, Richelle Jose, William Kirby and Jennifer Reilly. This representation compares favourably with WA's two representatives at the last Commonwealth Games in 1994 and the Olympic Games in 1996.

All these swimmers -

Several members interjected.

The SPEAKER: Order! I tried to get the message over to members yesterday that a certain amount of interjecting is fine, but it must be relevant to what is happening. Three members on my left seem to be embarking upon some sort of a campaign to see how stupid they can be with their interjecting. The people whose names have been read out are probably extremely proud of their achievements, and extremely proud of the fact that their names have been put in the parliamentary record, and should they read the *Hansard* at some stage, there may be idiotic interjections interspersed with what is being said by the Parliamentary Secretary. I ask members to reflect on that.

Mr MARSHALL: I appreciate the Speaker recognising the three stooges on the other side of the House.

All these swimmers are WAIS scholarship holders except Jennifer Reilly. Jennifer is only 14 and has emerged as a

swimmer of national standard in the past six months. She did not reach the qualifying standard for a WAIS scholarship in 1997-98, but will be the recipient of a scholarship in 1998-99. WA's representation is 12 per cent of the total team from Australia, from less than 10 per cent of the nation's population. We should all be very proud of that.

- (2) WAIS can only comment on the feedback it has received about its program and the nature of the current program. WAIS and the WA Swimming Association reviewed the elite program after the 1996 Olympic Games as a result of poor representation at the previous Commonwealth and Olympic Games. The major change to the program was the appointment of a head coach to the WAIS program for the first time. The program has been based previously on individual coach's programs. The inaugural head coach is Dr Ralph Richards, a former Australian Olympic coach and head coach of the AIS women's program. While it is too early to attribute the recent national championship results to the new program, the response of the younger elite coaches in WA to Dr Richards' presence and his program has been positive and enthusiastic. WAIS and WASA believe the best approach to the rejuvenation of the program is to focus on the next generation of elite coaches while sustaining those existing programs that are producing national representatives.

The SPEAKER: Perhaps the Parliamentary Secretary could do us a service, and pass to the Minister who assisted in obtaining those answers the message that this place requires short answers. The member has had more than what was due to him in that answer.

NURSES DISPUTE

1238. Mr McGINTY to the Minister for Health:

I refer to the Minister's answer to question 1557 in the other place which confirmed a meeting of health personnel managers on 19 May to discuss the nurses dispute which was recorded on video tape.

- (1) Is it true that the video of that meeting includes evidence of tactics being adopted by the Health Department that are designed to frustrate and extend the resolution of the nurses dispute?
- (2) Will the Minister table an unedited copy of that video recording of that meeting, or is it too embarrassing?
- (3) If not, why not?

Mr PRINCE replied:

While I am aware of the answer in the other place because I signed it off, I cannot answer the questions that the member asked because I do not have that information to hand. However, I will make inquiries as soon as I can and get back to the member with an answer.

GLOBAL DANCE FOUNDATION

1239. Mr MASTERS to the Premier:

Is the Premier aware of a report in today's *The West Australian* newspaper which comments on correspondence in regard to the Global Dance Foundation, between the Director General of the Ministry of Premier and Cabinet and the Public Sector Standards Commissioner?

Mr COURT replied:

I am aware of the article that was in the paper today. I have some concerns about the issue. I believe that the Opposition this morning displayed both desperation and possibly dishonesty over this matter.

Mr Graham interjected.

Mr COURT: I ask the member to allow me to answer the question.

Mr Graham: You just answer my question. Was I dishonest?

The SPEAKER: Order! In some part the Premier has allowed the member to make the interjection four times. He does not have to respond to that interjection. If the member continues, it will be disorderly.

Mr COURT: This morning the member for Pilbara said that he had new information from the Treasury about advice, which was provided under the freedom of information legislation. It was part of the information provided to the Public Accounts and Expenditure Review Committee. The only new bit of paper he had was a letter that I wrote to *The West Australian* asking for an apology on a report in relation to Global Dance, one that was given. Similarly, I had an apology from the *Sunday Times* for something that was quite incorrect that was reported in that newspaper.

Ms MacTiernan: The West did not think it warranted an apology.

Mr COURT: It did; it apologised. The correspondence referred to was a letter from the Public Sector Standards Commissioner. In that letter he said that it was possible that the actions of some of the officers, as indicated in the findings of the report, may have breached general principles of official conduct as set down in the Public Sector Management Act.

Mr Graham: The very thing he said was that he agreed with the public accounts committee findings.

Mr COURT: He set out the 12 findings where breaches could have occurred. He then considered those matters and reported to the Director General of the Ministry of the Premier and Cabinet and found that, having considered the committee's report and the responses of the chairman and the chief executive officers, respectively, of the Western Australian Turf Club, he saw no justification in conducting any further inquiry. He finally suggested that the director general may care to forward the WATC response and his response to the public accounts committee for its consideration. He said that if the committee had further information about the matter, he would be happy to consider it and, failing that, he did not propose to take any further action.

Mr Graham: Will you table the whole document?

Mr COURT: My office gave all of that information on Tuesday to the public accounts committee for its consideration.

Mr Graham: Will you table the whole lot of the documents?

Mr COURT: I ask the member just to listen. The public accounts committee is meant to make sure that we all operate with propriety, that we do things correctly.

Dr Gallop: That's pretty difficult in your case, Premier. Why didn't you table all that material in your response to the public accounts committee? You are covering up, and you know it.

Mr COURT: I appeared before the Public Accounts and Expenditure Review Committee. It appears the member for Pilbara wants to have a second dash. He has already interrogated me. The report has been presented. He has done the whole bit. He now comes into the Parliament saying that he has new information, which is not the case.

Mr Ripper: If you keep misleading the House, we will keep pursuing you.

Mr Cowan: Take a look at Standing Order No 375.

Mr COURT: I take exception to this: Before the public accounts committee considered the Public Sector Standards Commission information - given by the Ministry of the Premier and Cabinet to the committee - it was given to the media.

Mr Graham: By whom?

Mr COURT: That is a very good question.

Mr Graham: You have had minders running around all week.

Dr Gallop: I wonder who guaranteed \$430 000 to a private individual for nothing. Who did that? You did that. That is who did it.

Mr COURT: Under Standing Order No 375 -

Dr Gallop: We have the goods on you, that is what we have here.

Mr COURT: I am just saying that if those opposite want to play the game properly, by the book, if they want me to give evidence to the public accounts committee -

Dr Gallop: Who is saying that?

Mr COURT: What does the Leader of the Opposition mean?

Dr Gallop: Have a look at your record, Premier, before you make a comment like that. This is \$430 000 of hard earned taxpayers' money given to one of your family friends. That is what happened.

Several members interjected.

The SPEAKER: Order! I can hear the voice of the member for Joondalup above all the others. I must say that he is interjecting incessantly and far too often. To the rest of the members I say that there is far too much interjection.

Mr COURT: The information, quite properly, was given to the public accounts committee for its consideration. It was made public before it has considered the matter - it may wish to do that - and reported to the House. The advice from the Public Sector Standards Commissioner is that he has no difficulty with all of the information being forwarded, and we have accepted that advice. It is proper for the public accounts committee to look into the matter and to give an explanation to the House about how that information -

Dr Gallop: Touchy, touchy; very tender.

Mr COURT: I am not touchy at all about it. I just wonder how that information became public before the committee considered it.

Dr Gallop: You don't like it. You are very tender; this is another cover-up.

Mr COURT: I am not tender.

Mr Graham: If you were fair dinkum, you would have suspended standing orders and set up a committee of privilege.

Mr COURT: If the members opposite had listened to the beginning of my answer, they would know that the Public Sector Standards Commissioner said that there were 12 findings in which breaches could have occurred. He has looked into the matter, quite properly, and has said that there is no justification for any further inquiry. Members opposite cannot have it both ways.

We hear about the expenditure of \$430 000. I think there is a little sensitivity about a petrochemical project announced yesterday and the winding up of Western Australian Government Holdings that we are announcing where the former Labor Government spent \$413m. Do members opposite know how many primary schools we could build with that sum of money? It would build 100. I return to the beginning of my answer. I certainly hope it is explained how the information became public.

GOODS AND SERVICES TAX

State Government Submission on Tax Reform

1240. Dr GALLOP to the Premier:

Is it the Premier's intention to support the tax policy of the Howard Government - including a goods and services tax - even if that policy ignores the recommendations contained in the submission on tax reform he tabled in this place yesterday; or is his support for any national tax reform package conditional on the recommendations the Premier has made being adopted?

Mr COURT replied:

The Leader of the Opposition is asking whether I will support a tax policy that has not even come down yet.

Dr Gallop: It is easy enough for everybody else to say whether he agrees with a GST, but you cannot bring yourself to talk about it.

Mr COURT: Yesterday in this Parliament I said that Mr Keating came across to Western Australia and promoted a GST, and got people here to support it. I did not say who in 1986 also promoted the GST. It was Kim Beazley.

Dr Gallop: That is not true.

Mr COURT: Both Kim Beazley and Paul Keating supported it. It is very true.

Dr Gallop: The Labor Party did not campaign for a GST.

Mr COURT: I think we had better start quoting some of the words of Mr Beazley and Mr Keating when the debate was on about the GST in 1986. In 1986 it was okay to support the need for taxation reform and a goods and services tax and to get those opposite to support it. I said this yesterday and I will say it again today: The Labor Party is doing this country a disservice by running a scare campaign. We have an opportunity in this country to reform taxation, and the contribution of those opposite to the debate is not relevant at all.

MIGRANT RESOURCES AND COMMUNITY SERVICES

1241. Mr BRADSHAW to the Minister for Multicultural and Ethnic Affairs:

An election commitment by this Government was to improve access to information about migrant resources and community services. Can the Minister provide an update to the House on this commitment?

Mr BOARD replied:

We made an election commitment to provide additional information to not only the migrant community but the entire community. I have pleasure today in tabling three documents that we have now provided to the wider community, in particular to government agencies providing services to the migrant community. This is a Migrant Services Directory 1998, the Western Australian Government Community Agencies Multicultural Services and an information kit on multicultural diversity in Western Australia.

These three documents have been well received in the migrant community as they update information that was some years old. That will be of great advantage not only to migrants but also to those who provide services to the migrant community.

[The papers were tabled for the information of members.]

BUS PURCHASES*Mercedes-Benz Electronic Fuel Injection Technology***1242. Ms MacTIERNAN to the Premier:**

This question is directed to the Premier because the Minister representing the Minister for Transport is absent.

The Department of Transport recently advised that the five gas buses to be bought would now use Mercedes Benz electronic fuel injection technology.

- (1) Is it true that Mercedes is still trialling this technology?
- (2) Has Mercedes provided in writing an undertaking to supply buses using this technology in the 1998-99 financial year; and, if so, will the Government table that document?
- (3) Why was established award winning WA technology passed over in favour of unproven foreign technology, especially when the tender documents said that only proven technology would be considered?

Mr COURT replied:

The Minister for Transport has provided an answer. I thought that the member for Armadale said that New South Wales was getting Mercedes gas buses and that it was good deal.

Ms MacTiernan: That is right. However, the WA Government has changed its criteria.

Mr COURT: So Premier Carr has got it wrong?

Ms MacTiernan: The Premier asked a question and I will give him the answer. Does the Premier want me to enlighten him? The Premier had opted for carburettor technology. As a result of this protest over Transcom he is now claiming to buy EFI Mercedes buses. Mercedes did not tender for EFI buses.

Mr COURT: Does the member for Armadale want the answer?

Ms MacTiernan: I answered the Premier's question, so he should answer mine.

The SPEAKER: Order! By answering the member for Armadale's interjection the Premier has allowed the member to make a mini-speech. Perhaps we can listen to the Premier.

Mr COURT: The answer reads -

- (1) Mercedes Benz has trialled the technology for three years. As in all forms of engine development, the development and refinement process is ongoing.

Ms MacTiernan: It is not proven; this is a disgrace.

Mr COURT: I appreciate the opportunity once again to explain that the Government has not rushed headlong into purchasing gas powered buses because the technology is new.

- (2) From the outset this Government has been committed to purchasing the latest available technology for its new bus fleet. We are advised by the Mercedes Benz Company that its EFI gas buses will be provided during 1999.

Ms MacTiernan: Does the Premier have that in writing and will he table that?

Mr COURT: Yes.

[See paper No 1485.]

Mr COURT: If the member for Armadale had waited, I was about to say that a copy of the letter is attached.

- (3) Mercedes Benz offered a complete superior quality product at better prices than its competing tenderers. It was a clear winner in terms of the published selection criteria upon which the evaluation of the tenders was based. The established award winning WA technology referred to was not a tender in its own right and therefore could not be considered in its own right. However, I believe that those proponents met with Mercedes to try to have their technology considered as part of the process.

The tender selection criteria specific to the evaluation of the buses tendered was published in the request for tender and included the following: Outright purchase price for each bus type; compliance with technical specifications; references which establish the reliability of buses offered, including durability and longevity; warranties and warranty periods; technical training and support; scheduled maintenance and spare parts costs; environmental impact, including noise and emissions - it was a stated requirement that vehicle exhaust emission levels shall comply with the requirements of EEC 1996, otherwise referred to as EURO II and documented proof is to be provided in clause 5.3.2 of the request for tender; contribution to passenger comfort; the degree to which the tenderer meets or exceeds the requirements of the action plan and the disability standards for accessible public transport; contribution to safety and security; delivery schedule; technology innovation and aesthetic design; and body construction.

As stated in the request for tender the basis adopted by the tender evaluation panel was advised as follows -

The Evaluation Panel will adopt a value for money approach when evaluating Tenders for the purpose of ensuring that the purchasing decision achieves the best overall value for the State consistent with the State Supply Commission Policy.

This meant that all the published selection criteria had to be considered by the evaluation panel and the issue could certainly not be decided upon the one in this case "environmental impacts". Mercedes Benz demonstrated that both its diesel and gas engines met the stringent EURO II emission standards as required by the request for tender.

RANFORD PRIMARY SCHOOL

1243. Mrs HOLMES to the Minister for Education:

I have been advised by the Ranford Primary School that it has been informed that the name Ranford may not be acceptable for the school. As the community has identified with this name can the Minister advise whether the name Ranford can be used and if not why not?

Mr BARNETT replied:

I thank the member for Southern River for the question. It is an interesting issue. The school that is to be built in what is known as Ranford is in fact in the suburb of Canning Vale. Ranford is not a suburb. Ranford is a commercial name used to promote the subdivision. The member for Mandurah had a similar experience with Elizabeth several years ago. Ranford Road provides some substance for the name.

The Geographic Names Committee has advised the Education Department that the gazetted location of Ranford is a siding near the township of Boddington. Although that does not necessarily preclude the use of the name there are some obstacles to resolve. The Education Department is prepared to continue to pursue the use of the name Ranford if that is what the community wants, although I suggest to the member that consideration also be given to alternative names. There might be some historic link with that area or some item of flora or whatever else to identify the area.

If the parents wish to continue to pursue that name we will take up their cause. However, some limitations exist in using that name and some hesitancy exists among the Geographic Names Committee.

BYRON, MR GARY

Legal Action

1244. Dr GALLOP to the Premier;

Is the State Government or any of its Ministers, agencies or officers involved in any legal action involving former Justice Ministry chief executive Gary Byron; and, if so, what is the nature of that legal action?

Mr COURT replied:

I am not aware of legal action under way. I am aware that threats have been made. The member should put the question on notice.

Mr Ripper: This Government is getting a reputation like Singapore's for threatening people.

Mr COURT: The member for Belmont has got it the wrong way around. The Leader of the Opposition should put the question on notice.

Dr Gallop: It was put on notice.

Mr COURT: I got notice of it this morning. We are not aware of any action that is under way, only threats. I will check that for the member.
