WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 18 June 1998

Legislative Assembly

Thursday, 18 June 1998

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

CITY BEACH SENIOR HIGH SCHOOL

Petition

Dr Constable presented the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned oppose the possible closure of the City Beach Senior High School.
>
> We believe
>
> . the City Beach community supports a local secondary school.
>
> . that City Beach Senior High School provides a high quality education.
>
> . that curriculum access at City Beach Senior High School meets the students' needs.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 33 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

[See petition No 238.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Discussion Paper, Tabling

MR TRENORDEN (Avon) [10.05 am]: I present the discussion paper of the Public Accounts and Expenditure Review Committee relating to tele-education and move -

> That the report do lie upon the Table and be printed.

This is the second discussion paper in the committee's government online inquiry. The document speaks for itself, and the committee is interested in receiving public feedback.

[See paper No 1500.]

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report, Tabling

MR THOMAS (Cockburn) [10.06 am]: I present the third report of the Joint Standing Committee on the Anti-Corruption Commission entitled "Report on Complaints made by Detective Sergeant Peter Coombs against Anti-Corruption Commission, special investigator Geoffrey Miller, QC and others". I move -

> That the report be printed.

This report deals with complaints about an Anti-Corruption Commission special investigator made to the committee by Detective Sergeant Peter Coombs, an officer of the Western Australia Police Service. He made 11 complaints in all, mostly relating to his appearance before Mr Geoffrey Miller, QC. Members will be aware that Mr Miller reported to the Anti-Corruption Commission in December last year. Subsequently the ACC sent an edited version of the report to the Commissioner of Police and six officers were suspended by him under section 8 of the Police Act for want of confidence. Detective Sergeant Coombs was one of these officers. The report was also referred to the Director of Public Prosecutions.

Members will also be aware of a most unsatisfactory course of events since then. The suspended officers obtained an injunction to prevent publication of the Miller report, as it has become known. Last month the full court ruled that suspensions were invalid because they were based on findings of guilt in the Miller report, findings which were beyond the power of the ACC to make. The ball was then back in the ACC's court. The Miller report was reformulated and sent to the Commissioner of Police. He is expected to announce his intentions shortly. I stress that

the committee's report is not about the substantive subject matter of the Miller report. The committee has not seen that report and is not in a position to comment on its veracity. In itself, that is unsatisfactory, but it will require amendment to legislation to remedy that situation.

The complaints of Detective Sergeant Coombs relate to a hearing of the Miller inquiry on the morning of 3 October 1997, at which he gave evidence. During the evidence, the name of a person known to Mr Miller came up. Shortly before an adjournment, Mr Miller let it be known that he knew this person through a recreational interest and asked whether he should stay away from him. Detective Sergeant Coombs advised Mr Miller that he should. Mr Miller then asked about three other people and received similar advice from Detective Sergeant Coombs. Just as the hearing was about to adjourn Mr Miller stated that the interchange about his associates was personal and need not be included in the written transcript of the hearing. During the adjournment this was reconsidered and when the hearing reconvened, but before Detective Sergeant Coombs was readmitted to the room, Mr Miller revoked his instruction that the earlier interchange should not be transcribed.

Detective Sergeant Coombs made three core complaints: Firstly, before the adjournment on 3 October 1997, Mr Miller directed that a tape recording of the interchange between him and Detective Sergeant Coombs regarding Mr Miller's associates should be, and was, erased; secondly, Mr Miller misused his powers as a special investigator in compelling Detective Sergeant Coombs to provide sensitive police information about people Mr Miller knew privately; and, thirdly, a close personal association existed between Mr Miller and certain well- known participants of a crime syndicate.

Notwithstanding Detective Sergeant Coombs' persistent assertions to the contrary, the Joint Standing Committee on the Anti-Corruption Commission finds that Mr Miller did not direct that the tape be erased and nor was it erased. The written transcript of the hearing supports this conclusion. It is appended to the report. It records Mr Miller's instruction and retraction as relating to the transcription from the tape, not the erasure of the tape. The committee was initially reluctant to listen to the tape to verify the accuracy of the transcript because we were told there was extremely sensitive material relating to organised crime and the drug trade recorded on it. We obtained statutory declarations from the three commissioners of the Anti-Corruption Commission, Mr Terry O'Connor QC, Mr Don Doig and Commodore David Orr. Each of the statutory declarations stated that the transcript was an accurate record of the tape of the proceedings. In addition, the committee called as witnesses all who were in the room at the time when Detective Sergeant Coombs was there and when the exchange took place. Those people in the room were Mr Miller QC, Mr Tannin, counsel assisting the special investigator, Mr Pruiti, junior counsel assisting the special investigator, Mr David Warren, an Anti-Corruption Commission senior investigator and Ms Rosie D'Uva, the recording monitor. All of them confirmed the accuracy of the transcript. In addition, Mr Cyril White, the manager of Verbatim Reporters, who was on the premises and responsible for overseeing the recording and transcription, was called and confirmed that the tape had not been erased. Notwithstanding our earlier reluctance, the committee resolved to hear the tape and did so at the Anti-Corruption Commission premises. This confirmed the accuracy of the transcript and it did not sound as if it had been wiped or dubbed. The committee did not seek forensic tests on the tape, but for Detective Sergeant Coombs' allegation that the tape had been wiped to stand, it would require that a conspiracy of forgery and subsequently perjury by Messrs Miller, Tannin, Pruiti, Warren and White and Ms D'Uva had been perpetrated. The committee has concluded that is not credible.

I turn now to Detective Sergeant Coombs' second core complaint; that is, that Mr Miller used his position to gain restricted and sensitive police information for personal benefit. Mr Miller explained that the questions he was about to ask were of a personal nature. He explained that he knew one of the people and asked whether he should stay away from that person. He was advised by Detective Sergeant Coombs to do so. He then named other individuals and received similar advice that he should stay away from them. Detective Sergeant Coombs characterised the information he gave - that is, that Miller should stay away from those people - as sensitive. It is only sensitive in that it could be inferred that those people were known to police. There was nothing more in the information that was sought by Mr Miller or was given by Detective Sergeant Coombs.

Mr Miller characterised his motives and actions in seeking information as seeking to protect the integrity of the investigation. There was no evidence given or any suggestion made that there was any use made of the information, other than possibly Mr Miller deciding with whom he might associate. I add that Detective Sergeant Coombs as the custodian of this sensitive information could have invited Mr Miller not to persist with his question. He was asked a question and was obliged to answer it, but he could have asked Mr Miller if he could be excused from answering the question on the basis that it was sensitive information. Mr Miller had explained, as can be seen from the transcript, that it was only for personal information. Detective Sergeant Coombs did not do so. We have listened to the tape, and the information was freely given by Detective Sergeant Coombs in a jocular manner. The committee finds that Mr Miller did not improperly use the coercive powers of the Anti-Corruption Commission to obtain highly restricted police information.

The third core complaint that Detective Sergeant Coombs made is that there is a close personal association between Mr Miller and certain known criminals and an organised crime syndicate. Detective Sergeant Coombs' knowledge of their criminality is based on information he claims to have as the officer in charge of the organised crime squad. That may be, but the police records, which the committee has examined, do not suggest that is the case. They do not have any convictions that are relevant to what might be described as major crime or an organised crime syndicate. The relationship between Mr Miller and those individuals was a matter about which Mr Miller was frank. He indicated that he had known three of them through a shared recreational interest and with all but one the relationship between him and them did not extend beyond that shared recreational interest. He did admit that he knew the other person and had acted for him in his profession as a lawyer. The committee finds that the relationship between Mr Miller and those individuals is incidental to a shared recreational interest.

Those are the core complaints or allegations that have been made by Detective Sergeant Coombs. Most of the others, except a number that have been made against the Anti-Corruption Commission, seem to flow logically from those core complaints. He did complain that there was a conflict of interest with Mr Miller arising from his association with those people who were described as known criminals. The committee finds that there was no conflict of interest on two grounds: Firstly, the relationship between Mr Miller and the individuals has not been found to be as close as Detective Sergeant Coombs suggested. Therefore the basis upon which it could constitute a conflict of interest is diminished. Secondly, those individuals were not under investigation by the special investigator. This has been confirmed by Mr Warren, one of the investigators. As they were not under investigation, it is difficult to see how there could be a conflict of interest between his being a special investigator and his relationship with them.

It is also asserted by Detective Sergeant Coombs that there was a criminal conspiracy between Mr Miller and Mr Tannin to falsify by omission the record of the special investigator on that day in October of last year. As reported earlier, the committee finds that the discussion between Mr Miller and Mr Tannin as to the record of the hearing related only to the transcript of the hearing, not to the tape. It was not possible for the tape to be altered and so therefore the complaint made by Detective Sergeant Coombs which is dependent on his suggestion that the tape was erased, cannot amount to conspiracy because that is not what they were seeking to do.

Detective Sergeant Coombs went on to make what could be described as a series of subsidiary complaints against the Anti-Corruption Commission. He complains that the Anti-Corruption Commission conspired to prevent him from appearing before the Joint Standing Committee on the Anti-Corruption Commission. This complaint is based on the fact that he was invited to meet with the Anti-Corruption Commission. He construed this invitation as the Anti-Corruption Commission's being about to commence an inquiry into matters that our committee was inquiring into. Under the terms of reference of our committee we are not permitted to inquire into specific matters that the Anti-Corruption Commission is inquiring into. Detective Sergeant Coombs suggested that if the Anti-Corruption Commission started an inquiry, it would abort our inquiry. That is not how we read the standing orders. We see no reason that - I cannot imagine why we would do so - if we as a committee were so minded, we could not be conducting a parallel inquiry into the same subject matter as the Anti-Corruption Commission. In any event, the Anti-Corruption Commission stated it had no intention of seeking to abort our inquiry. Indeed, it suggested that we should undertake it.

A further complaint by Detective Sergeant Coombs against the Anti-Corruption Commission is that Mr Terry O'Connor knew of Mr Miller's association with "high level crooks". This surmise is based upon the speed with which a file was located in the Anti-Corruption Commission shortly after an interview between Mr O'Connor and Howard Sattler on 6PR. The explanation for that again is contained in the report. Mr Warren heard the interview on the radio and surmised correctly that the chairman would want the file fairly quickly. Of course he had been involved in the inquiry and, as a result, the file was located promptly.

Finally, there is a complaint that the chief executive officer of the Anti-Corruption Commission, Mr Wayne Mann, acted beyond his authority in stating to Detective Sergeant Coombs that he would not be prosecuted for a matter that they wished to discuss with him.

He complained that Mr Mann had no authority to give that undertaking. The chairman of the ACC, Mr O'Connor, explained that Mr Mann was authorised to convey that information. He effectively acted as a messenger.

Each of the 11 complaints that Detective Sergeant Coombs made to the committee have been thoroughly investigated. It found that there was no basis for any of them. A substantial number of witnesses were called. Evidence was taken from Detective Sergeant Coombs on three days, and the committee examined all relevant documentary material and went to the ACC to listen to the tape recording of proceedings on the relevant day. In my view, it thoroughly investigated all the complaints made.

The joint standing committee on the ACC is a committee of both Houses of this Parliament which comprises members of all major parties and an independent member. It could be described as being a committee which is representative

of the Parliament. It should be noted that the report I table is a unanimous report from what is a representative selection of members of this Parliament. The committee raised the question of how it deals with complaints against the ACC. This is canvassed in the report. It is in the nature of things that there will be complaints about the ACC by people who feel aggrieved by actions that it has undertaken. There is no provision in the legislation for dealing with that. We feel that this is a matter that must be addressed fairly promptly. The committee undertook a thorough investigation of the complaints made to it by Detective Sergeant Coombs. However, the fact is that the committee is not well set up to do that, it does not possess forensic skills, and members of the committee are not detectives. It is not the sort of inquiry that a parliamentary committee is well placed to undertake. A number of models exist in other jurisdictions for dealing with complaints against bodies such as the ACC. A parliamentary commissioner has been established in Queensland, which answers to the parliamentary committee overseeing the Criminal Justice Commission and it is able to undertake investigations. It has access to confidential information which the parliamentary committee cannot have, but it reports to the parliamentary committee. An inspector general has been established in Queensland to oversee the police integrity commission in that State. Another possibility which is contemplated in this State is to give the Ombudsman the legislative authority and resources to undertake complaints against the ACC. The committee has not reached any conclusions on that matter, but it simply says that the experience it has had over the past couple of months in evaluating complaints made by Detective Sergeant Coombs indicates this is a matter which must be addressed.

The Miller inquiry is the first of the special investigations which has been undertaken by the ACC, and it has already produced a number of complaints, only one of which has come before our committee. That is enough for the committee to say that it must look seriously at the legislation to establish a mechanism so there can be a body to deal with complaints against the ACC.

Question put and passed. [See paper No 1503.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Thirty-third Report on the Road Traffic Code Amendment Regulations (No 2) 1997

MR WIESE (Wagin) [10.16 am]: I present the thirty-third report of the Joint Standing Committee on Delegated Legislation on the Road Traffic Code Amendment Regulations (No 2) 1997 and move -

That the report be printed.

In presenting the report I briefly put before the House the content of the report and recommend to members who have an interest in this issue that they should look at it. Members who have an interest in road transport and the road transport industry should have a look at this report. There is before the other House a motion of disallowance of this regulation which will be dealt with within the next two or three days. The report I present recommends the disallowance of the regulations.

The regulations were brought into being by the Department of Transport as part of the process of adopting uniform performance standards throughout Australia. It puts in place standards that were adopted by all of the States, formulated by the Federal Office of Road Safety. These load regulations put in place constraints to ensure the safe carriage and the restraint of loads as part of the national heavy vehicle reform package - the 10 point reform package. The committee noted that in all other States the regulations refer to load restraint guidelines set out in a publication called the Load Restraint Guide. The reform package specified the adoption of and I quote-

. . . standard regulations and a practical guide . . .

And there is emphasis on that practical guide -

- for the securing of loads throughout Australia.

The Western Australian regulations however make no reference to that practical guide which has been developed in conjunction with all state authorities and with industry and which is printed and available as the "Load Restraint Guide - Guidelines for the Safe Carriage of Loads on Road Vehicles". In the committee's opinion it is a very important matter that is missing from the Western Australian regulations.

The load restraint guide refers to the performance standard. This performance standard is the performance standard which, if not adhered to, will be an offence for anyone involved in carrying goods in Western Australia. The performance standard which the person involved in the industry must comply with is as follows -

(5) In this regulation -

"g" means the force equivalent to the force generated by the rate of acceleration due to gravity, which is to be taken to be 9.81 metres per second per second for the purposes of the performance standards;

> "the performance standards", in relation to a system by means of which a load is restrained on a vehicle, means the requirement that the system is capable of restraining the load on the vehicle despite being subjected to each of the following forces separately -
>
> (a) 0.8g deceleration in a forward direction;
>
> (b) 0.5g deceleration in a backward direction;
>
> (c) 0.5g acceleration in a lateral direction;
>
> (d) 0.2g acceleration, relative to the load, in a vertical direction.

That is the performance standard that a transport operator in Western Australia must adhere to and must prove that he has actually adhered to in the event of a charge being laid. The committee heard evidence from Mr John Dombrose and Mr James Stiles from the Department of Transport. In their evidence, it was brought to the committee's notice that the department recognised that before implementation of these laws there should be a campaign to educate those enforcing the regulation, such as the police, the vehicle examiners, and the transport compliance unit as well as those who are involved in the industry, the public at large, and especially the transport industry.

However, the committee is very concerned that that has not been carried out. It was stated in evidence that initially no education campaign has been put in place, despite the fact that the regulation has been in operation for five or more months.

The committee is also concerned about how widely the load restraint guide has been circulated, although it has not been adopted in Western Australian regulations. It has been brought to the committee's attention that a promotion video has been developed by the department to accompany the load restraint guide. The video makes reference to the fact that compliance with the loading standards in the guide will satisfy the performance standards. The video states that if vehicles are loaded other than as set out in the guide, it will then be the responsibility of the person loading the vehicle to ensure that the manner of restraining the load is of equal or greater effectiveness than the performance standard contained in the guide. The department realises and accepts that adherence to the load restraint guide is an essential part of regulating the carriage of loads in Western Australia, but it has not incorporated that guide in any way in the regulations.

The committee also has serious concerns about the evidentiary provisions in the regulations. Regulation 1610 sets out the offences which may be committed, including that a person shall not drive a vehicle carrying a load that is placed on a vehicle in such a way as to make the vehicle unstable or otherwise unsafe and so on. The offences are detailed in the regulations. However, the committee is concerned about the evidentiary provisions that relate to securing of loads. Regulation 1610A states -

> (1) In any proceedings for an offence against regulation 1610(1), evidence that the load on the vehicle driven by the defendant was not restrained on the vehicle by a system which complies with the performance standards is evidence that the load was placed on the vehicle in a way that made the vehicle unstable or otherwise unsafe and, . . .

The committee is concerned that the absence of evidence to the contrary is proof of that fact. All that is required to prove an offence is for the department to indicate that it believes that the load restraint did not comply with the performance standards. Those performance standards do not relate to how the load is secured on the vehicle; they relate to whether it is able to sustain forces of 0.8g, 0.5g or 0.2g as applicable. The committee has grave concerns about the reversal of the onus of proof requiring the driver or the person responsible for loading the vehicle to prove that he or she is innocent rather than requiring the prosecution to prove that the driver of the vehicle has committed an offence. The committee believes that that is a very unsafe way in which to regulate or legislate unless there are very strong requirements for the legislation to reverse the onus of proof. It does not believe there is a justification for the reversal of the onus of proof in this case. That is one of the substantial reasons the committee has recommended the disallowance of these regulations.

The committee also has concerns about the clarity of the terminology in the regulations. For example, regulation 1610(1) states -

> A person shall not drive a vehicle carrying a load that is placed on the vehicle in a way that makes the vehicle unstable or otherwise unsafe.

That could be read to refer either to the manner of driving the vehicle or to the method of restraining the load. It is not clear what offence the regulation is seeking to address. Hence, the committee very strongly believes that the lack of clarity suggests the regulation should be rewritten to make very clear exactly what it is trying to achieve.

The committee also has concerns about the fact that the regulations do not clearly indicate who is liable for an offence under the regulations. Can the proceedings be taken against the driver of the vehicle? Clearly they can. Are these regulations similar to the New South Wales regulations in that proceedings can also be taken against the owner of the vehicle? The New South Wales regulations also create an offence against people who load the vehicle and everyone else involved. The regulations should more clearly indicate who is liable for offences.

For those reasons, the committee has recommended disallowance of the regulations. People who have an interest in the road transport industry should look at these regulations and ensure that steps are taken to clarify what is intended. These regulations do not apply only to the road transport industry; they could as easily apply to anyone taking a load of rubbish from their house to a rubbish dump or to anyone carrying goods on a trailer or a caravan. For that reason the regulations have the potential to impact across the community.

I commend the report to the House.

Question put and passed. [See paper No 1501.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Shire of August-Margaret River Local Law Relating to Wallciffe Reserve No 41545

MR WIESE (Wagin) [10.36 am]: I present for tabling the thirty-second report of the Joint Standing Committee on Delegated Legislation on the Shire of Augusta-Margaret River Local Law Relating to Wallcliffe Reserve No 41545. I move -

> That the report be printed.

This local law was brought to the attention of the committee in November last year very soon after the Shire of Augusta-Margaret River made a decision to implement a local law which had the effect of totally banning persons from a section of the Wallcliffe Reserve between Margaret River and Prevelly Park. The effect of the law is to ban entry to the cliff and cave area in the reserve. Considerable discussion ensued before this step was taken. In fact, it was stated during the taking of evidence that this matter had been under discussion since 1992 and that the shire had developed a draft management plan for the area during 1993. The plan was drafted but never adopted by the shire. Many groups and individuals had indicated that the draft management plan could have formed the basis for a well managed permit system in the area.

Submissions to that effect were made by the Tourism Commission and by the Climbers Association of WA which had been involved in climbing activities on the cliffs for some time. Concern was expressed by the ecotourism groups which operate in the area and by members of the public. It was drawn to the attention of the committee that even the shire's rangers department had made strong comments along similar lines.

I draw on some material provided to the committee in the submission to the council by the rangers department when the matter was being discussed. The comments were -

> As the enforcement authority for the Local Law we would like to offer our observations.
>
> We believe a controlled permit system for ecotourism groups and climbers defining restrictions, numbers, access points, parking, fees etc., and including indemnity against liability is infinitely preferable to a total ban on access.

That statement highlights the level of concern in the area about the wisdom of adopting the local law.

On 13 November last year the council unanimously resolved to adopt the local law which was subsequently published in the *Government Gazette* on 29 January 1998. As I indicated earlier, the Climbers Association of Western Australia approached the committee on 18 November, before the local law had been gazetted and came into force. The committee heard substantial evidence on this matter. We took evidence from representatives of the local council - councillor Terry Merchant; and the director of corporate services, Mr Noel Mason; and from representatives of the Climbers Association of WA. That evidence was taken in Perth. Mr Mark Hohnen, the owner of the property adjoining the reserve, had a special interest in the matter and contacted the committee.

The committee travelled to Margaret River to inspect the reserve, to look at the cliffs, and to meet with groups and individuals who had an interest in the local law. We met with shire representatives, and representatives from the Climbers Association of WA; the town planning consultant, Mr Peter Gleed; Ms Helen Lee O'Brien who represents Bushtucker Tours; and a representative from Prevelly Park who uses the reserve for recreational walking. We held formal hearings in Margaret River and took evidence from Mr Peter Gleed, Ms Helen Lee O'Brien, and Mrs Ricky Coates, a resident at Prevelly Park who often uses the reserve as a venue for walking.

The committee accepts the concerns expressed by the shire about the degradation and the need for preservation of the reserve. We also accepted the concerns expressed by the shire, especially following the Gracetown tragedy in September 1996, relating to the safety of the cliffs, conservation issues, and the heritage value and the Aboriginal significance of the cliff area.

The area is an A class reserve for the purpose of recreation. It abuts the Leeuwin National Park, and extends out to the coastline at Margaret River and inland approximately two kilometres until it meets the eastern boundary of the Walcliffe House property, location 97, which is owned by Mr Mark Hohnen. The committee heard evidence that the national park, which is under the control of the Department of Conservation and Land Management, has a system of controlled access. The department charges a fee to enter the park. It operates a permit system for cave access whereby all organised users, such as abseilers, cavers and climbers are required to book the site and pay an appropriate fee. That assists CALM with the management of the national park. In contrast, we heard evidence that no fees are charged for entry to the shire reserve, and there is no permit system. We took evidence which indicated that once the local law takes effect it will be very difficult for the local authority to police and implement.

The committee saw evidence of some environmental damage to the cliff face, including graffiti. We saw evidence of destruction of vegetation at the base of the cliffs, and of substantial incursion of noxious plants and declared weeds in the reserve. Some noxious weeds have a long history, because there is a solid infestation of arum lilies - a declared noxious weed - all along the riverfront which is a major part of the reserve and especially the area about which I am speaking. We saw evidence of heavy pedestrian traffic at the foot of the cliffs. The committee heard evidence of people sheltering under the cliffs.

The committee also heard evidence about the historical importance of the reserve to white settlement in Western Australia. Walcliffe House, which is only about 400 metres from the cliffs, immediately adjoins the reserve. The cliffs extend into Walcliffe House location 97. The historical house was built in 1865, and was originally occupied by the Bussell family. It is of significant heritage importance to the region and to Western Australia.

In that regard, I bring to the attention of the House the fact that the first schedule which is annexed to and forms a significant part of the local law, incorrectly indicates that the cliffs are entirely within the reserve to which the local law applies. The local law imposes a 10 m exclusion zone around the cliff area. The map is incorrect, because the cliff area extends beyond the reserve and into location 97; hence the regulations being considered by the committee imply that the local law will be applied to private property which is not part of the reserve. For that reason alone, the committee had considerable concerns about the local law.

In its report the committee outlines its concerns about the total ban on access to the cliff face. We heard evidence of the significance of the reserve to Aboriginal people. An annexure to the report outlines the Aboriginal significance of the area. The local shire has investigated the options of limiting entry to the reserve except for those persons who have a licence issued by the shire. A draft law to this effect was drawn up by the shire and advertised in October 1996. Considerable objections were made to the draft local law. The Department of Local Government found that draft to be faulty and recommended that the shire start all over again. Ultimately that was done. This committee has considered and is now reporting on that local law.

The shire has expressed reluctance to revisit the management plan or to redraft the local law to allow entry to the reserve on a limited basis. The report states in section 6.4 that the local law bans all persons from entering the area to within 10 metres of the cliffs. I have already indicated that Aboriginal heritage issues arise in this area; hence the committee notes that the Aboriginal heritage issues and the Aboriginal Heritage Act 1976 require that Aboriginal persons have access to any of these areas of significant Aboriginal heritage importance. This regulation clearly prohibits that from happening, and while the recommendations in the report do not mention that as a reason for disallowance, I bring to the notice of the Parliament that that would appear to render this local law ultra vires the Aboriginal Heritage Act; hence that should be sufficient ground for the disallowance of the legislation.

I will summarise the committee's reasons for recommending disallowance of the regulation. The area of exclusion around the Wallcliffe cliffs which is detailed in schedule 1 of the local law appears to the committee to be misleading in that it shows the entire Wallcliffe cliffs to be within the reserve. For this reason alone, the local law is considered flawed and should be disallowed.

The committee noted that the factors surrounding the use of the reserve appear to be public safety, environmental preservation and conservation, the cultural significance to Aborigines, and heritage issues. It noted also that the 1993 management plan commissioned by the shire addressed all of these issues. The committee report states also -

> The Committee can see no reason why the Management Plan cannot be revisited involving all relevant stakeholders so that Wallcliffe cliffs, described to the Committee as a magnificent, unique, national asset, can be enjoyed by as many people as possible.

The Committee is concerned at the precedent this Local Law sets for the future management of public reserves throughout Western Australia.

If a local government authority that believed it had a public liability with regard to the rocks around the coast of Western Australia from which people fish were to pass similar legislation, the whole community would be in uproar, and this Parliament would need to address that as a matter of urgent importance. That is basically what this local law is putting in place.

The report recommends disallowance of the local law, and that matter will be debated in another place in the next two or three days. I recommend that people who have an interest in the matters dealt with in the report take notice of the report and give it due consideration.

Question put and passed. [See paper No 1502.]

BILLS (2) - RETURNED

1. Revenue Laws Amendment (Taxation) Bill.

   Bill returned from the Council without amendment.

2. Revenue Laws Amendment (Assessment) Bill.

   Bill returned from the Council with amendments.

SCHOOL CHAPLAINCY SERVICE

Statement by Minister for Education

MR BARNETT (Cottesloe - Minister for Education) [10.55 am]: Mr Speaker, many members of this House are aware of and support the chaplaincy service which now operates in almost 70 government schools. Chaplains are not appointed to preach or convert, but to act as a Christian presence in schools. Their role is multifaceted, incorporating pastoral, resource and referral components, and they function as part of the student services personnel of a school, working as part of a team under the direction of the school principal. Chaplains are at the service of the whole school community - students, their parents and extended families, and also staff members and their families.

A special area of responsibility assumed by school chaplains, with the encouragement of school communities, is to work with young people at risk; for example, those with significant family problems, and those experiencing social ostracism or low self esteem.

In supporting staff, students and their families as these and other problems are addressed, chaplains provide a valuable service. The importance schools place on their chaplaincies is reflected in the positive comments made to me during school visits and the numerous letters I, and I know other members of the House, have received commending the service.

While the chaplains are school based, the Education Department has no direct input into their appointments. These are conducted by the Churches' Commission on Education on behalf of the local school and church communities which guarantee the salary for the position. For the past three years the Education Department has contributed $90 000 per annum to the program. The balance of the costs are met through the commission, churches and fundraising by those committed to supporting individual chaplaincies. Unfortunately, many rural areas cannot support a chaplaincy program, and schools in poorer metropolitan areas also have trouble raising the required funding. In many cases, the schools which cannot support a chaplain are those which would benefit significantly from having one.

Earlier this year I met with a delegation from the Churches' Commission on Education to discuss the funding of the program. I indicated then that I supported the work of school chaplains and would explore ways of increasing the funding provided by government. I am now able to advise the House that the Government will offer the Churches' Commission a three year service contract from 1998-99, with funding starting at $150 000 per annum and rising to $200 000 and $250 000 in the following years. Each year, $50 000 of the increased funding will be provided by the Office of Youth Affairs, and I thank my colleague the Minister for Youth, Hon Mike Board, for his willingness to assist in supporting the chaplaincy program. The balance of the funds will be provided by the Education Department.

The Minister for Youth and I are very pleased that it has been possible to substantially increase the government funding to this valuable service. We are confident it will continue to receive significant support from schools, churches and the broader community, and wish it ongoing success.

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, 18 June 1998.

STANDING ORDERS AND PROCEDURE COMMITTEE

Report - Commission on Government Recommendations

MR BLOFFWITCH (Geraldton) [10.58 am]: I present for tabling the report of the Standing Orders and Procedure Committee on the Commission on Government Recommendations. I move -

> That the report be printed.

When at the end of 1997 the House referred to the Standing Orders and Procedure Committee various Commission on Government recommendations related to the Parliament, the scope and depth of the implications of some of those recommendations was not immediately apparent to many members. While undertaking this work, the Standing Orders and Procedure Committee has consulted with other relevant committees of the Parliament and has sought and received very senior legal advice. In reporting to the House, the committee is generally supporting the recommendations of the Commission on Government, but in some cases has proposed alternative ways of implementing the principles proposed by the commission. Many COG recommendations are very specific and detailed and promote in principle directions which can be supported, but need modification to take into account functional aspects and existing practices.

I now refer to some major aspects of the report. With regard to those recommendations dealing with parliamentary privilege, codes of conduct and declaration of pecuniary interests, it is apparent to the committee that implementation of the principles embodied in the Commission on Government recommendations will require a great deal more work. The Standing Orders and Procedure Committee will undertake that work in addition to, and in concert with, the total review of the standing orders which is being undertaken at the moment.

In relation to the Commission on Government recommendations on parliamentary committees, the Standing Orders and Procedure Committee supports the idea put forward by the Commission on Government that there be a rearrangement of committees and that a standing committee system be established. In implementing those recommendations it is important to take account of the practical advice and experience of various parliamentary committees which have made recommendations on the issue. The Standing Orders and Procedure Committee proposes that the implementation of the committee system be based on the recommendations of the Select Committee on Procedure which reported in 1996.

One of the Commission on Government recommendations relates to the merger of the Joint Standing Committee on Delegated Legislation and the Standing Committee on Uniform Legislation and Intergovernmental Agreements. The Standing Orders and Procedure Committee received advice from both those bodies and believes that the work of the two committees can be blended together very appropriately. However, it will be necessary to maintain the current staffing level of the two committees so that the flow of information to the new committee is not reduced. Of course, in order to achieve the merger of those two committees, the consent of the Legislative Council is necessary as the Joint Standing Committee on Delegated Legislation is a joint committee.

The Commission on Government's recommendation on the research needs of members and committees is supported, and it is proposed that specialist research in areas including economic, legal, environmental and social policies be available in order to provide a better analysis of information for members of Parliament and committees of the Parliament in a timely, focused and clearly presented way.

When reviewing the Commission on Government's recommendations on the management of time of the House, the Standing Orders and Procedure Committee built on work already done by the Select Committee on Procedure. The committee recommends trial sitting hours which propose finishing at 10.00 pm on Tuesday, and sitting through the meal breaks on Wednesday and Thursday so that the hours on those days would be -

> Wednesday - 11.00 am to 7.00 pm; and,
> Thursday - 10.00 am to 6.00 pm.

Following evaluation of that trial, a further change could be proposed by the Standing Orders and Procedure Committee.

The Standing Orders and Procedure Committee does not support the Commission on Government's recommendation for the automatic referral of Bills to committees. This has been tried elsewhere but it has failed. Alternative recommendations are made, which include establishing the portfolio related standing committees already referred to, the provision of legislation committees with evidence gathering powers, and the establishment of an arrangement whereby Ministers provide those committees with all reasonable information necessary to facilitate consideration of legislation.

The Commission on Government's recommendation to bring all subsidiary legislation within the purview of the Parliament's Joint Standing Committee on Delegated Legislation is supported, as is the method for doing that, which has already been recommended by the Joint Standing Committee on Delegated Legislation.

The principles contained in the Commission on Government's recommendations, especially in relation to parliamentary privilege, cannot be implemented without a great deal of work. The implications for not only the Western Australian Parliament, but Parliaments across Australia, of the codification of parliamentary privilege, are considerable. The change to some aspects of privilege which has occurred in the United Kingdom in recent times is cause for considerable concern and it will be important to ascertain the direction of privilege in the United Kingdom. As there is little codification of privilege in any Westminister style jurisdiction around the world, the influence of any work done in Western Australia might be considerable, in the same way that the limited attempts at codification of some aspects of privilege by the Federal Parliament have had very wide ramifications. This is not a light or easy matter and it needs thorough consideration.

Although with this report the committee finalises its recommendations on the Commission on Government's recommendations, much ongoing work is needed in order to recommend to the House appropriate ways in which those principles might be implemented.

The Speaker has asked me to thank all members of the committee for their cooperation and constructive approach to the committee's work and for the significant amount of time they made available in order to report according to the schedule established by the House. It is the Speaker's view that, perhaps more than any other committee, the Standing Orders and Procedure Committee requires very experienced parliamentarians from both sides of the House who understand all the parliamentary processes well and who are prepared to consider issues for the good of the Parliament, untrammelled by any desire for short term party political advantage. That is also the reason the committee has recommended that it be renamed the Procedure and Privileges Committee, and that it deal with any privilege issues which may arise from time to time.

I have a few personal comments to make, in addition to the comments I have made on behalf of the committee, particularly with regard to delegated legislation. I ask the Leader of the House to take note of the request to change the Interpretation Act so that any regulation of a legislative form will be considered by the committee. In the seven years I spent on that committee, it was clear that the use of some ministerial orders, notices and the like, which the committee had no opportunity to review, in many cases was deliberate. This committee is the only watchdog of these important laws and regulations, and it is time to make this change. Most other Parliaments have this provision and I ask the Leader of the House to consider the proposal.

The committee was asked to consider 48 recommendations by the Commission on Government, and it has done so. The committee considers that the Public Accounts and Expenditure Review Committee as a whole functions well and has a very useful purpose. The committee proposed by the Commission on Government would consider the estimates and give detailed reports on them and all annual reports. The Standing Orders and Procedure Committee felt that, although it would be useful, it would detract from the role of the Public Accounts and Expenditure Review Committee in pursuing certain issues and in pursuing those referred to it by the Parliament. There is merit in the suggestion that the estimates be considered, and I ask the public accounts committee to consider the budget program not in a critical way, but from a supportive point of view, to determine what information would be useful to members, and to make a recommendation for a future format which would be to the satisfaction of members.

Mr Trenorden: The public accounts committee has decided to do just that. I heard your comments a few weeks ago and I have heard the comments around the House and from other influential people. The committee will talk to a range of people and will put a seminar together.

Mr BLOFFWITCH: I am very pleased to hear that. I mentioned the other three standing committees that the Standing Orders and Procedure Committee recommended should be established. The first committee would cover community, education, social and commonwealth affairs; the second committee would consider health and justice issues; and the third committee, which would be very comprehensive, would look into primary industry, resources, transport and trade. A great deal of work will need to be done.

They are the reasons for the COG recommendations. This is not a huge Parliament and we do not have unlimited

members to sit on standing and select committees. However, if we had a comprehensive set of standing committees, this Parliament could function much better and could consider issues more fully. Committee members know the difficulty in sitting on two or three committees in trying to schedule meetings. The proposed system could instil better order. I recommend the proposition. I thank members for their support. I urge all members to look through the report, as its recommendations will affect all members of this House so it is important that members present their views.

MR JOHNSON (Hillarys) [11.11 am]: I support the committee's report. I had the privilege to be a member of the original Select Committee on Procedure under the chairmanship of the then Deputy Speaker, the current Speaker. We looked at many items which the Commission on Government considered. I also had the privilege to be the Chairman of the Joint Standing Committee on the Commission on Government. Also, I am a member of the Standing Orders and Procedure Committee. Therefore, I have seen many of the recommendations develop from their embryo stage under the committee chaired by the current Speaker.

I will touch on the recommendations briefly because I know the member for Midland and the Deputy Leader of the Opposition wish to raise certain matters. In general terms, the Standing Orders and Procedure Committee agrees in principle to most of the COG recommendations. As my colleague the member for Geraldton said, one recommendation was that all legislation be referred to standing committees. The principles of the COG recommendations are sound, but we cannot agree with the detail. The Standing Orders and Procedure Committee in this House is better placed to know how to deal with legislation within the workings of standing committees. The suggestions in the report presented today are very sound.

We agree with the Commission on Government's recommendations regarding privilege. Some people may find this hard to believe, but as an ex-Pom I am happy to see the ties cut at some stage with the House of Commons, but only when it is to the benefit of this House and the people of Western Australia. As the member for Geraldton said, many implications are involved in cutting those ties if we do not have some proper replacement.

This committee has not recommended any specific items in relation to privilege in this State. We need to look at the matter in more detail. For instance, alterations were made by the House of Commons over the last few years, and such changes may or may not benefit the Western Australian Parliament, or any other Parliament in the Westminster system. It is essential that we spend sufficient time to consider the issue of privilege.

I turn briefly to the recommendation within the report for different sitting times. Many members would agree that the proposal represents more sociable sitting times, which would enable members to spend a little more time with their families in the evening. This will be possible only if we progress the same amount of work through the Chamber as occurs within the current sitting hours. Therefore, the proposal is to sit through some meal breaks. As my colleague the member for Geraldton suggested, the recommendation is that we sit through meal breaks on Wednesdays and Thursdays. I do not see that as a problem. Members have other things to do during meal breaks, so I suggest that we arrange the business of the House so that no divisions are necessary during meal breaks. I suggest that committee reports could be considered during those times.

Mr Trenorden: I agree.

Mr JOHNSON: I would like to see committee reports debated by members during meal breaks when no divisions will be necessary. My colleague the member for Avon concurs with my view that no votes or divisions be taken. I would like to see grievances and 90 second statements delivered during meal breaks as, again, no divisions will be involved. Ninety second statements are important to the member delivering the statement, but are of no great importance to the rest of us. I am aware that grievances arise in private members' time, but with goodwill it could be accommodated without the loss of any private members' time to the benefit of the House. Some time may be left during the meal breaks for other business after taking grievances, committee reports and 90 second statements. Goodwill will be necessary for this to work, and no divisions can be taken. If a division is necessary, it could be taken at a later time that evening.

With the goodwill of the House, the Leader of the House and the Government, conducting business during meal times would be beneficial to every member of the House. I would love to leave this House at 7.00 pm on Wednesdays. Select committees could sit after 7.00 pm, which would not require members not on the committee to hang around. Committees may choose to sit from 7.00 pm until midnight, although this may have staffing implications as staff may not be happy to sit those times. However, such committee meetings, say, from 7.00 until 9.00 pm would not interfere with other business in the House, and will allow other members to spend more time with their families. I sincerely hope that the Leader of the House and the Government will look carefully at, and concur with, the recommendations the committee handed down today.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [11.18 am]: Briefly, the committee considered

recommendations presented by the Commission on Government, although, remarkably, the recommendations had already been considered by a parliamentary committee; namely, the Joint Standing Committee on the Commission on Government, chaired by the member for Hillarys. The recommendations were considered again by the Standing Orders and Procedure Committee, and some recommendations will require additional work. I was impressed with the advice given to the committee which indicated that parliamentary privilege matters are especially thorny and difficult to resolve.

Regarding many of the other recommendations, I indicate to the Leader of the House that it is time for the Government to pick up the ball. It has the majority in this House. The Leader of the House has the responsibility for the management of the House, and has the capacity to put motions onto the Notice Paper and has the numbers to put them through the Chamber.

It would be good if the Leader of the House were to examine the recommendations of the Committee on Standing Orders and Procedure. So far, we have not had a formal Government response to the final report from that committee. I hope the Government will pick up one aspect of these recommendations and those of the Committee on Standing Orders and Procedure; that is, the need for a proper standing committee system in this House.

We have an ad hoc system of select committees established on the basis of the enthusiasm of particular members for political issues which might arise from time to time. The budgets of those select committees are high, particularly as most of them travel. Therefore, it can be seen that a great deal of money already goes into our committee system. It is enough to fund a proper, rational system of standing committees of this House. However, while we delay the establishment of a proper system of standing committees, more and more ad hoc select committees will be established and until they have worked their way through the system, resources will not be available for a system of standing committees. The Government must bite the bullet and bring to a halt the proliferation of select committees, rationalise the system and establish in this House a proper system of standing committees. That system will lead to the formation of a more informed and educated group of members who will be better equipped to hold the Government accountable because they will be dealing with issues on an ongoing basis and will develop expertise in the portfolio areas for which they are responsible.

The Commission on Government recommended one set of standing committees and the Standing Orders and Procedure Committee recommended another set. I prefer the set of committees recommended by the Standing Orders and Procedure Committee. That committee has a better understanding of the traditions, requirements and opportunities in this place. However, the important point is this: We need a system of committees to replace our current ramshackle, ad hoc committee system. It does not matter greatly which system we choose, but I suggest that we choose the system recommended by the Standing Orders and Procedure Committee. For that to happen, the Government must consider the report of the Standing Orders and Procedure Committee, decide its own position and come into the House with a set of motions which we can then debate.

Mr Barnett: I will undertake to do that on our return after the break. Now that both of those committees have reported, I agree with the member for Belmont and I am relatively disposed to what has been said by the chairman of the committee.

Mr RIPPER: I appreciate what has been said by the Leader of the House. There are two other issues which are the responsibility of people other than the Leader of the House. The first is the need to develop a code of conduct for members of Parliament. We need to develop a program to induct new members and discuss ethical issues with new and existing members. We need to move in this direction; it is a direction in which most other professions with which we would compare ourselves have moved. Every profession has codes of conduct, induction processes and processes to decide ethical issues that might arise within the profession. Members of Parliament are behind the state of the art when it comes to those issues.

Mr Johnson: We do have that in part at the moment. The Clerk of the House conducts an induction process for all new members which, as a new member, I found very useful. I believe it should be put in the handbook for members.

Mr RIPPER: I do not want to mislead people by saying there are no induction processes at all. However, we should enhance the induction processes that we have. It is not only the responsibility of the House, but also the party should be doing this internally with its new members. New members do not believe that the induction processes are adequate to prepare them for the breadth and multiplicity of the roles which they have to play. I am pleased that my colleagues on the Standing Orders and Procedure Committee have agreed to work on the code of conduct issue. It is an issue which the committee will be able to give priority to over the next year.

The other matter which requires work by people other than the Leader of the House is the preparation of the information on the Budget. I hope the chairman of the Public Accounts and Expenditure Review Committee will note recommendation No 5 of the Standing Orders and Procedure Committee.

Mr Trenorden: I have already agreed with that.

Mr RIPPER: That recommendation says that the PAERC should examine the information available to the House on presentation of the State Budget and make recommendations on the level and type of information which should be made available to the House prior to the consideration of the estimates.

Mr Trenorden: I think that is an excellent suggestion. I agree we should do it before consideration of the estimates and I am sure that will be supported.

Mr RIPPER: While the debate on the presentation of this year's budget papers was not part of the committee's deliberations, nevertheless it is interesting that recently in this House we debated the quality of the information presented in the budget papers. The two matters come together. We should be aiming for a big improvement in the quality of information that is presented to the House before we go through the Estimates Committee process. I am glad to hear that the chairman of the Public Accounts and Expenditure Review Committee has indicated that the committee will be examining this issue. I hope the committee will examine and report on this matter in time for the Government to improve the Budget presentation next year.

Mr Trenorden: We will be having a seminar at the end of this year. We need support from all members of the House to attend the seminar and we will accept representations from agencies. The purpose is as you outlined.

Mr RIPPER: Can the member assure us that this work will be completed in time to influence the presentation of the budget papers for next year's Budget?

Mr Trenorden: That is the reason we want to conduct it before the formulation of the next Budget. We will be doing that in September or October.

Mr RIPPER: I commend the recommendations of this report to the House.

MRS ROBERTS (Midland) [11.28 am]: I am pleased to add my support of this report to that of my fellow committee members. I note that the members for Geraldton, Hillarys and Belmont have already made meaningful and sensible comments in respect of this report. I do not intend to go over what they said; however, I endorse most of that which each of them has said this morning.

I thank the Speaker for the role he has played in leading this committee. I also thank the staff who put considerable work into the report, especially the Clerk, Deputy Clerk and the Sergeant at Arms. This report will take the Parliament in the right direction, moving forward in time so that it can meet the community's expectations.

One of the recommendations which other members have not spoken to is recommendation No 22 which relates to the sitting hours. One of the most archaic aspects of this Parliament is the hours that we sit. People in the community think that we must be mad to sit here all hours of the day and night. Today is yet another example of madness. We will sit from 10.00 am to 10.00 pm - 12 hours in this place in one day. Many of us have early morning meetings before we come here and other commitments to attend to most evenings of the week. The current sitting hours do not enhance the way this House functions. I am keen that the House take up the option to conduct a trial as suggested in recommendation No 22, although I would go further than that trial suggests. I recognise that the pace of change in a place like Parliament is very slow.

Mr Ripper: Glacial.

Mrs ROBERTS: Glacial, yes.

Mr Barnett: Not that quick.

Mrs ROBERTS: Old habits die hard and we must take this in small steps.

I hope that the trial works out well. I would have liked to see us sit a little earlier perhaps on Wednesday morning. Unfortunately because of the committee system and its functions to which the member for Belmont has referred, there will be a lot of committee commitments in members' diaries for those Wednesday mornings. If we were to start earlier in the mornings and have the evenings free, maybe the evening might be a more appropriate time for committees to meet, so that only those members who were members of particular committees need stay back in the evenings. In a modern day Parliament, we need to be mindful that we are no longer gentlemen of the nineteenth century who attend to our farms and business affairs in the mornings and sit in Parliament in a voluntary capacity in the evening. We need to be mindful that if we want to have a broad cross-section of people in the Parliament and make it more attractive to all people with families, especially women, we need to have much more sensible sitting hours and much more regular hours. This would be much more productive for the Parliament.

Mr Barnett: Do you think we should sit on Fridays?

Mrs ROBERTS: That is something that could be considered.

Mr Barnett: We could sit till 2.00 pm or something like that.

Mr Osborne: I hope that Friday would not be acceptable. It would make it very difficult for country members.

Mrs ROBERTS: That is one of the reasons we need to look quite carefully at this question. One of the things we are trialling is sitting through some of the meal breaks. Anybody who watches Parliament at times other than question times and key debate times such as a matter of public interest debate will note that regularly there is only a handful of us in the Parliament at any one time. There would be no difficulty with members taking dinner and luncheon breaks while the House is sitting. I realise that may impose some difficulties on staff who are not at this stage geared up to operate that way. Through this trial, when we sit through two lunch breaks and one dinner break that we would have had on Wednesday nights, we will make up three hours, which will enable us not to have to sit on Wednesday nights. That is a worthwhile trial. If it is successful and members find there is value in our not being here on Wednesday nights and our sitting only one night of the week, we could then consider not sitting on Tuesday nights by either sitting through the dinner breaks or coming in earlier in the morning and working more sensible hours. As has the member for Belmont, I urge the Government to take these recommendations seriously and to take action at the earliest opportunity. I am heartened by the interjection that the Leader of the House made on the member for Belmont in support of the reforms.

Question put and passed.

GAS PIPELINES ACCESS (WESTERN AUSTRALIA) BILL

Second Reading

MR BARNETT (Cottesloe - Minister for Energy) [11.35 am]: I move -

> That the Bill be now read a second time.

I have pleasure in introducing this Bill which is to implement the national third party access regime for natural gas pipeline systems in Western Australia.

The Bill is integral to the ongoing energy reform process in Western Australia and maintains this State at the forefront of reform of Australia's natural gas industry. The reform process is aimed at creating a competitive natural gas industry, where large consumers will be able to contract directly with a gas supplier of their choice for the supply of gas and contract separately with a pipeline operator for the transportation of the gas. It will also facilitate the introduction of specialist gas trading companies to service the smaller gas consumer. This competition will stimulate the gas industry to become more efficient leading to a reduction in gas prices and improved service. Industry has strongly supported this reform process and has been actively involved in the development of the National Third Party Access Code for Natural Gas Pipeline Systems. This reform process will create opportunities for gas producers to sell more gas and opportunities for consumers to negotiate better deals for the supply of gas. It will also provide owners of gas pipelines with better utilisation of their assets.

The introduction of the Bill as complementary legislation enables Western Australia to retain a balance between Australia-wide consistency and the State's flexibility to deal with its unique regional differences. The Bill essentially mirrors the gas pipelines access legislation being enacted in other jurisdictions. It has, however, specific provisions to implement the Western Australian derogations and transitional arrangements agreed in-principle in November 1997 between all States, Territories and the Commonwealth.

The Bill includes the provisions that -

> make the gas pipelines access law a law of Western Australia;
>
> provide for regulations to be made for the purpose of that law;
>
> establish the Western Australian Independent Gas Pipelines Access Regulator, Gas Review Board and Gas Disputes Arbitrator;
>
> make consequential amendments to certain Acts which would otherwise be inconsistent or alter the effect, scope or operation of the Bill;
>
> provide for transitional arrangements in Western Australia; and
>
> give legal effect in this State to the National Third Party Access Code for Natural Gas Pipeline Systems. This regime is commonly referred to in the industry as the National Access Code or simply the Code.

This reform of gas pipeline access has its genesis in February 1994 when the Commonwealth State and Territory Governments made a commitment to achieve free and fair trade in natural gas to enhance competition in the natural gas sector. To implement these objectives the jurisdictions set up the Gas Reform Task Force followed by the Gas Reform Implementation Group to develop a national regulatory framework to govern third party access to natural gas pipeline systems in accordance with the provisions of the competition principles agreement made between jurisdictions in March 1995.

The Gas Reform Implementation Group is made up of representatives of all State and Territory Governments, the Commonwealth, plus industry representative bodies. The industry is represented by the Australian Gas Association, the Australian Petroleum Production and Exploration Association, the Australian Pipeline Industry Association, and the Energy Users Group of the Business Council of Australia. The Gas Reform Implementation Group consults with the National Competition Council and the Australian Competition and Consumer Commission.

The group developed the national access regime including a third party access code and legislation to give effect to the code. The draft code was revised in the light of public consultation in July 1996 and underwent a further public consultation process conducted jointly by the Gas Reform Implementation Group and the National Competition Council in July-August 1997.

The various State and Territories Governments and the Commonwealth Government pledged their commitment through an intergovernmental agreement to legislate to implement the code. This agreement known as the natural gas pipelines access agreement, was signed by first Ministers on 7 November 1997.

The process of energy reform in Western Australia took a quantum leap on 1 January 1995 with the split of the State Energy Commission of Western Australia and the formation of AlintaGas and Western Power, providing direct competition between gas and electricity. Staged access to the then state owned Dampier to Bunbury natural gas pipeline was introduced and with the disaggregation of the North West Shelf gas contract, large gas consumers commenced contracting directly with their producer of choice. The gas market was totally deregulated in the Pilbara which lead to an immediate halving of gas prices in the region.

The Government has continued to introduce reform at a pace which balances the needs of industry with the debt and take or pay liabilities of the state owned corporations and minimizes disruptive price impacts on the community. Subsequent reforms include bringing forward gas and electricity access thresholds, the sale of the Dampier to Bunbury natural gas pipeline, and the commitment to the national access code for gas pipelines. In November 1997 along with the State's commitment to implement the code, I announced an accelerated rate of access to the Dampier to Bunbury natural gas pipeline and AlintaGas' distribution system. Third party access is provided now for customers who consume more than 250 terajoules per year at a single site and this will decline to 100 TJ per year on 1 January 2000, 1 TJ per year on 1 January 2002 and completely unrestricted access beyond 1 July 2002. On 3 march 1998, the Government announced the sale of the Dampier to Bunbury natural gas pipeline to Epic Energy at a cost of $2.407b. The sale included the non-exclusive right for the new owner to expand the pipeline.

The transitional access regime contained in the Dampier to Bunbury Pipeline Regulations 1998 came into effect on 25 March when the Dampier to Bunbury natural gas pipeline assets were transferred to the new owner. That regime applies until 1 January 2000 or until an access arrangement is approved for that pipeline under the code. The transitional regime features negotiability of tariffs and declining capped reference tariffs. Firm full-haul tariff at 100 per cent load factor will fall from $1.19 per gigajoule to $1.00 per gigajoule by the year 2000. Existing transmission contracts will be grandfathered, although the new owner of the Dampier to Bunbury natural gas pipeline is obligated to offer the current declining capped tariffs to existing shippers which are not exempt contractors. In addition, beyond 1 January 2000, the owner is obligated to offer prices contained in the approved access arrangement under the code to shippers which are not exempt contractors.

Since the successful sale of the Dampier to Bunbury natural gas pipeline to Epic Energy, the Government has addressed the arrangements necessary to undertake an expression of interest process for additional transmission capacity from the north west to the south west of the State. This process needs to be staged, transparent and non-discriminatory, and will seek to identify credible proposals for either expansion of existing capacity or the installation of a second pipeline. The Dampier to Bunbury natural gas pipeline corridor is being expanded in width from 30 m to 100 m to facilitate the construction of additional pipeline capacity and to allow additional pipelines to be constructed in the future.

In addition to the above initiatives, the restrictions on the sale of LPG in the Perth metropolitan area were removed from 1 January 1998. This now allows LPG suppliers to compete directly with AlintaGas with the benefits from this competition flowing on to small to medium businesses.

The next step for the State is to implement the code and the gas pipelines access law in a manner that will have an

essentially identical effect to the code and law introduced by other jurisdictions. The commitment of jurisdictions within the time frame specified under the intergovernmental agreement may be assessed by the national competition council as a commitment under the national competition policy reform package.

An adverse assessment by the National Competition Council has the potential to put at risk the State's $1.6b competition policy payments from the Commonwealth. The payment scheduled for 1998/99 is around $60m and for 1999/2000 is around $100m.

Having outlined the importance of proceeding with this Bill, I now turn to the national access code and its five primary objectives, which are the focus of this Bill. These objectives are -

> To provide an open and transparent process to facilitate third party access to natural gas transmission and distribution pipelines.
>
> To facilitate the efficient development and operation of a national market for natural gas and to safeguard against abuse of monopoly power in transmission and distribution of natural gas.
>
> To promote a competitive market for gas, in which customers are able to choose the producer, retailer or trader to supply their gas.
>
> To provide a right of access to transmission and distribution networks on fair and reasonable terms and conditions, with a right to a binding dispute-resolution mechanism.
>
> To encourage the development of an integrated pipeline network.

The jurisdictions agreed that the code should be given legal effect by a uniform gas pipelines access law. South Australia agreed to be the lead legislator and enacted this law in South Australia at the end of 1997. Jurisdictions other than Western Australia are applying the South Australian law. This approach is intended to maintain, as far as possible, the uniformity and integrity of the national access regime across all jurisdictions.

Western Australia agreed to enact the gas pipelines access law as a law of Western Australia by means of complementary legislation. This has enabled Western Australia to modify the law so that it suits Western Australia's specific circumstances. Enactment as complementary legislation was agreed to by the other jurisdictions provided the Western Australian legislation has an essentially identical effect to the South Australian law. As for all other jurisdictions, the Western Australian Government sought and received formal approval to the Bill of each other jurisdiction prior to its introduction into Parliament.

Under the intergovernmental agreement each participating jurisdiction has received in principle approval of derogations and transitional measures appropriate to its circumstances. The derogations and transitional arrangements for Western Australia provided for in this Bill are as follows -

> A Western Australian independent gas pipelines access regulator will regulate under the code all intrastate gas transmission and distribution pipelines in Western Australia. The relevant Minister in relation to the application of the code to all intrastate pipelines will be the state Minister. Elsewhere in Australia the Australian Competition and Consumer Commission will regulate transmission pipelines and various state regulators will regulate distribution pipelines.
>
> A Western Australian appeals body will deal with all administrative appeals under the code in respect of state bodies, including the regulator and the state Minister where the Minister is required to make a determination to have a gas pipeline covered under the code. Elsewhere in Australia the Australian Competition Tribunal will conduct administrative appeals in relation to the Australian Competition and Consumer Commission dealing with transmission pipelines.
>
> The Supreme Court of Western Australia will have exclusive jurisdiction in respect of all matters of law relating to the access regulation by the independent gas pipelines access regulator of intrastate gas transmission and distribution pipelines. Elsewhere in Australia the Federal Court deals with matters of law in respect of the Australian Competition and Consumer Commission regulation of transmission pipelines.
>
> The Dampier to Bunbury natural gas pipeline is deemed to be covered under the code until 1 January 2000 by access arrangements in place under the *Dampier to Bunbury Pipeline Act 1997* and will be covered thereafter by an access arrangement developed under the code.
>
> The goldfields gas pipeline is deemed to be covered under the code to 1 January 2000 by the access arrangement in place under the *Goldfields Gas Pipeline Agreement Act 1994* and subject to provisions of that Act will be covered thereafter by an access arrangement developed under the code.

The AlintaGas mid and south west gas distribution systems are deemed to be covered under the code until 1 January 2000 by arrangements under the *Gas Corporation Act 1994* and will be covered thereafter by an access arrangement developed under the code.

Ring fencing of the gas distribution and trading activities of AlintaGas is to be made consistent with the provisions of the code by 1 July 2002.

Existing gas distribution franchises and licensing arrangements are to be retained until 1 July 2002.

A gas trading franchise and a 10 year gas distribution franchise will be provided to AlintaGas for the Kalgoorlie/Boulder distribution system.

To implement the code consistent with the agreed derogations the Bill establishes -

the Western Australian independent gas pipelines access regulator as the regulator under the code;

the Western Australian Gas Review Board as the appeals body under the code; and

the Western Australian gas disputes arbitrator as the arbitrator under the code.

The establishment of an office of arbitrator under the code is a more specific step in relation to resolution of access related disputes than has been addressed so far in other jurisdictions. The arbitrator in Western Australia will also become the gas referee under existing Western Australian legislation.

I now turn to the provisions of the Bill. The Bill has the following four elements -

implementing legislation;

schedule 1, containing the gas pipelines access law;

schedule 2, containing the national third party access code for natural gas pipeline systems; and

schedule 3, consequential amendments to other Acts.

Parts 1 to 5 of the implementing legislation deal with preliminary issues, definition of terms and some mechanical aspects. These mechanical aspects include the arrangements for the Governor to make regulations and the conferring of powers on certain code and judicial bodies to enable national administration of the code and enforcement in Western Australia.

One important difference in the Western Australian Bill from the legislation in other jurisdictions is the extension of its application to pipelines reticulating liquefied petroleum gas and tempered liquefied petroleum gas. This extended application will, for example, allow the code to be applied for third parties to transport gas through AlintaGas' distribution system at Albany, providing for competition in supply to consumers in that regional market to be available over time as it is to consumers on the natural gas system in the south west.

Division 1, of part 6 creates the independent gas pipelines access regulator. The regulator will be appointed by the Governor and will not be a public servant. The appointment term will be for a period not less than three years and not more than five years, with eligibility for reappointment. The Governor will determine the conditions of appointment of the regulator and will be able to suspend the regulator in certain circumstances. The suspension must be confirmed by both Houses of Parliament before the regulator can be removed from office. The regulator will be independent of direction or control by the Crown or any Minister or officer of the Crown in the performance of the regulator’s functions and powers. The Minister will be able to give directions to the regulator but those directions may relate only to the regulator’s management responsibilities and will not constrain or impair the regulator’s independence in fulfilling his or her code functions.

The division also provides for the regulator to be independent from industry. It requires the regulator to inform the Minister of potential conflicts of interest and empowers the Minister to direct the regulator to resolve a conflict of interest or, if the conflict is not resolved to the Minister's satisfaction, provides for the Governor to appoint an acting regulator over the specific pipeline that is causing the conflict of interest.

This Government is well aware that the Western Australian community places a high priority on there being, wherever practical, uniform charges for water, electricity and gas, at the residential and small business end of the market. Currently for gas, some price variations exist between the south west and mid west distribution systems connected to the Dampier to Bunbury natural gas pipeline, and the stand alone Albany system and the Kalgoorlie system. However, within these systems uniform charges exist for gas to residential and small business consumers.

It is intended that when full competition in gas exists for south west and mid west residential and small business consumers, the existing "uniform tariff" approach will become a maximum delivered price approach.

The desired outcome is for all of these customers to be valued customers for the organisations competing for their business. This would be facilitated if there were a uniform cost of transporting gas via transmission and distribution systems to each of these customers. This is clearly not the case given the geographic spread of these systems. In assessing access arrangements under the code the regulator will be obliged to take into consideration these different costs as well as a variety of other factors in setting reference tariffs across each system.

For this reason clause 37 clarifies for the regulator that one of those factors to consider is the extension of effective competition in the supply of gas to domestic and small business customers. Acting independently, the regulator is therefore expected to give proper consideration to the impact reference tariffs may have on the supply of gas to the small consumer end of the market and to seek a pipeline tariff outcome that enhances competition between suppliers of gas services to the small consumer sector. The Government envisages such an outcome to provide for small consumers a single gas distribution tariff across an individual distribution area. The regulator is permitted to delegate functions and powers. Provisions are made for the appointment of an acting regulator, and for the regulator to resign.

The regulator may employ staff under the Public Sector Management Act. Public service employees can also be assigned, with the agreement of the regulator, to work in the office of the regulator. Government agencies can be engaged, with the agreement of the regulator, to perform administrative and support services for the office of the regulator.

The regulator will open and maintain a bank account. Money may be appropriated by Parliament and the regulator may borrow money from the Treasurer for the purposes of that office. It is intended, however, for the gas industry to pay the costs of the regulator under a user pays principle.

The Minister will annually set a general expenditure limit for the regulator and the regulator will be able to incur expenditure within that limit as he/she deems appropriate. The division provides for financial management by the regulator and for the provisions of the Financial Administration and Audit Act to apply in respect of the regulator's operations. Immunity provisions are made for acts or omissions in good faith in the exercise of official powers or functions by the regulator.

Division 2 of part 6 establishes and provides for the composition of the Western Australian gas review board as the appeals body under the code. Division 2 requires the Governor to establish panels of legal practitioners and experts. The review board will constitute, from time to time as the need arises, a legal practitioner selected by the Attorney General from the panel of legal practitioners and two experts chosen by the legal practitioner from the panel of experts.

Division 2 sets out the principles governing hearings by the review board and its powers and procedures. Immunity is conferred on any member of the review board or the registrar of the review board for an act or omission, in good faith and in the exercise of official powers or functions.

Division 3 of part 6 creates the Western Australian gas disputes arbitrator. The administrative arrangements for the arbitrator will be similar to those already described for the regulator. However, it is important to note that the arbitrator will not only perform functions and powers under the gas pipelines access law but will also have the functions and powers of the gas referee established under the Gas Referee Regulations 1995. Consequently, the arbitrator will be able to also hear contractual disputes with regard to the Dampier to Bunbury natural gas pipeline and the AlintaGas distribution system under their respective legislation. This will avoid duplication and is another example of the law being modified to suit Western Australian circumstances.

The same independence, financing and immunity provisions will apply to the arbitrator as will apply to the regulator. Unlike the regulator, the arbitrator will not appoint permanent staff, but Public Service employees can be assigned, with the agreement of the arbitrator, to work in the office of the arbitrator. The arbitrator will support the gas review board and will be responsible for the financial management of the board. It should be noted that the board does not hear any appeals against the arbitrator and, therefore, its administrative accountability to the arbitrator does not constrain or impair its independence.

Division 4 of part 6 provides for regulations to be made by the Governor prescribing all matters necessary for the purposes of the Bill. The regulations may prescribe for pipeline operators to pay fees to the regulator, such fees to be determined on a non-discriminatory basis and reflecting recoupment of costs, for the funding in part or whole of the regulator on an ongoing net appropriation basis. Fees and charges may also be prescribed for the purposes of the arbitrator and the gas review board.

Part 8 contains transitional arrangements to apply in Western Australia as allowed under the natural gas pipelines

access agreement. It provides for the existing deregulation timetables for the AlintaGas mid and south west distribution systems and the Kalgoorlie-Boulder system. It also exempts the AlintaGas distribution system from the ring fencing requirements under the code until 1 July 2002.

Part 8 deems the existing access regimes applying to the AlintaGas distribution systems, Dampier to Bunbury natural gas pipeline and goldfields gas pipeline to comply with the code until 1 January 2000 and provides for the preservation of existing gas transportation contracts relating to the Dampier to Bunbury natural gas pipeline. It also protects the rights of the goldfields gas pipeline joint venturers under the Goldfields Gas Pipeline Agreement Act that otherwise may be affected by the application of the code to that pipeline. However, it allows the State to continue negotiations with the joint venturers to ensure the full application of the code to that pipeline.

Schedule 1 to the Bill contains the gas pipelines access law which has an essentially identical effect to the South Australian gas pipelines access law. Part 1 of schedule 1 contains the principal definitions of words and expressions used in the law. It sets out the jurisdictions that are scheme participants for the purposes of the law and the circumstances in which a scheme participant will cease to be a scheme participant and how such a jurisdiction may become a scheme participant again.

Part 2 of schedule 1 provides that relevant Ministers may, by agreement, amend the code to make provision for any matter relevant to the subject matter of the code. An agreement to amend the code can be made by two-thirds of the relevant Ministers, unless the amendment is an amendment of a core provision, or extends the application of a provision relating to administrative review of decisions by code bodies, or inserts a provision in the code dealing with a matter not previously dealt with. In those cases, the unanimous agreement of relevant Ministers is required.

Part 3 establishes a procedure whereby a pipeline may be classified as a transmission pipeline or a distribution pipeline. In Western Australia, an application for a classification of a pipeline will be submitted to the relevant Western Australian Minister. Although part 3 provides that an application for determination of the scheme participant with which a cross-border pipeline is most closely connected may be submitted to the relevant Ministers of other jurisdictions or to the commonwealth Minister, the provisions will apply in Western Australia only if a distribution pipeline crosses a Western Australian border. The Bill does not specify which regulator addresses cross-border transmission pipelines. Under the natural gas pipelines access agreement, Western Australia has agreed to conduct a review as to whether a state-based regulator will continue to regulate transmission pipelines in Western Australia when a significant transmission pipeline crosses its border or after the expiry of five years, whichever is earlier. Part 3 provides also that a person must not engage in conduct for the purpose of preventing or hindering the access of another person to a service provided by means of the code pipeline.

Part 4 of schedule 1 applies if, in accordance with the code, a service provider or another person notifies the regulator that an access dispute exists and notification of the dispute is not withdrawn in accordance with the code. It provides that the regulator must appoint the person who holds the office of the arbitrator to conduct an arbitration. Part 4 sets out procedures for the arbitration of access disputes under the code. It also provides for the costs of an arbitration, including that fees and costs of the arbitrator may be recoverable from the parties to the dispute as apportioned at the discretion of the arbitrator. A party to an access dispute or to a contractual dispute referred by the parties to the arbitrator may appeal to the Supreme Court of Western Australia on a question of law from a determination of the arbitrator. The State Supreme Court will hear proceedings in respect of a matter arising under the gas pipelines access law. It also provides that all pecuniary penalties under this law in Western Australia be paid to the state Minister.

Decisions made by the regulator and other code bodies will be enforced through sanctions and remedies for breaches of the code contained in the law. The regulator may bring legal action for specified breaches of the code and any other party may bring legal action for other specified breaches. The gas pipelines access law does not limit the remedies available under any other law. Among the remedies available under the national access regime will be pecuniary penalties, imprisonment, injunctions, damages, and a general remedial power.

Under part 6 of schedule 1, a person adversely affected by a decision may apply to the gas review board for a review of that decision. The decisions to which the law applies include: A decision that a pipeline or proposed pipeline is a pipeline covered by the code, or a decision that a pipeline is no longer covered by the code; a decision to add to, or waive, the requirement under the code that a service provider be a body corporate or statutory authority or not be a producer, purchaser or seller of natural gas or relating to the separation of certain activities of a service provider; and a decision not to approve a contract, arrangement or understanding between a service provider and an associate of a service provider. The gas review board may make an order confirming or setting aside or varying the decision under review.

Part 6 provides also that if the regulator decides to draft and approve an access arrangement or draft and approve revisions of an access arrangement, the service provider or a person adversely affected by the decision and who made

a submission to the regulator may apply to the gas review board for a review of the decision. Such an application may, however, be made only on the grounds: Of an error in the regulator's findings of fact; that the exercise of the regulator's discretion was incorrect or was unreasonable having regard to all the circumstances; or that the occasion for exercising the discretion did not arise.

Part 7 of schedule 1 contains some general provisions, including powers of the regulator to obtain information and documents and restrictions on disclosure of confidential information. It also provides that a person who is aggrieved by a decision of the regulator to disclose information may apply to the gas review board for a review of the decision.

The appendix to schedule 1 contains uniform interpretation provisions of a kind which are usually contained in the interpretation Act of a State or Territory.

Schedule 2 contains the code and is identical throughout Australia. The code establishes the rights and obligations of pipeline operators and users in relation to third party access to natural gas transmission and distribution pipelines. It is designed to replicate competitive market outcomes where there are monopoly pipeline facilities serving a market in which regulation of third party access is necessary to ensure the competitive supply of gas.

The following are core principles of the code -

> To enable third parties to negotiate access to pipeline haulage services on fair and reasonable commercial terms and conditions.
>
> To facilitate negotiations, and to redress the imbalance in negotiating power between pipeline operators and seekers of pipeline access.
>
> To establish tariffs known as reference tariffs for a number of standard services called reference services for third party access to pipelines. The reference tariffs will be established by a uniform process using established principles.
>
> To provide a regulator-approved competitive bidding process to enable reference tariffs for new pipelines to be developed.
>
> To ensure access seekers have sufficient information to determine whether the tariff proposed for access is fair and reasonable.
>
> To provide flexibility for an access seeker to accept a reference service at the reference tariff or seek to negotiate with the pipeline operator for a different service, or for a discount for the reference service.
>
> To allow disputes about access to be resolved in a timely manner by binding arbitration and to require the arbitrator to apply the reference tariff relevant to the reference service in a dispute over access to a reference service.
>
> To provide a high level of discretion within the code, to enable pipeline-specific circumstances to be taken into account by the regulator.
>
> To ensure the monopoly component of a pipeline business is ring-fenced from related but contestable components of the business. This will ensure the transportation of gas will be separated from retailing of the gas commodity or the production of the gas.
>
> To facilitate the trading of unused pipeline capacity.

Schedule 3 contains consequential amendments to various Acts, such as the Constitution Acts Amendment Act 1899, Dampier to Bunbury Pipeline Act 1997, Energy Coordination Act 1994, Energy Corporations Powers Act 1979, Financial Administration and Audit Act 1985, Freedom of Information Act 1992, Gas Corporation Act 1994, Parliamentary Commissioner Act 1971, Petroleum Pipelines Act 1969, and the Petroleum (Submerged Lands) Act 1982.

The consequential amendments are necessary to ensure provisions contained in those Acts are not inconsistent with, or would alter the effect, scope or operation of the Bill.

When Western Australia has passed this Bill, it will submit to the National Competition Council the access regime, including the gas pipelines access law and the code, for assessment for certification as an effective access regime under part IIIA of the Trade Practices Act.

Once a regime is certified as an effective access regime, third party access to the relevant transmission and distribution pipelines will be governed by the code, and the pipelines will be protected from declaration under part IIIA of the Trade Practices Act.

In conclusion, I reiterate that with the Bill the Government is making another important step in its ongoing reform of the energy sector in Western Australia. The Government is committed to continue energy sector reform for the benefit of both the energy industry and its customers.

The Bill complements this Government's initiatives aimed at increasing competition in the gas and electricity markets leading to lower energy prices, better service and greater customer choice.

The ultimate gains of Western Australian energy reform are reflected in increased economic activity and value adding by industry, particularly our mineral export industries, and creation of more employment and greater wealth for all Western Australians.

The process of gas reform has already delivered considerable benefits and with the implementation of the code it will continue to deliver those benefits. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

PORT AUTHORITIES BILL

Second Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.02 pm]: I move -

That the Bill be now read a second time.

It is with great satisfaction that I bring this Bill before Parliament. The Port Authorities Bill will give effect to the Government's policies for port reform in this State as described in the Government's major policy statement on ports, *Principles to Guide Western Australia's Port Authority Development Through the Nineties* which was released in November 1995.

The November 1995 statement clearly identifies that the role of the State's port authorities is to facilitate trade and export opportunities for Western Australia's farmers, miners and manufacturers and that this be undertaken in a commercial and efficient manner.

Port authorities are provided with the power under the Bill to provide all the services and activities which are required by port users. The legislation provides port authorities with the flexibility to either provide a service themselves, enter into business arrangements which will allow the private sector to become involved, or stand back and let the private sector provide the service.

The overall objective of the legislation is to improve the efficiency and effectiveness of ports which will benefit port users and the Western Australian community.

The Port Authorities Bill is based on the successful and proven model adopted for the water, electricity and gas corporations. Adaptations have been made where appropriate to tailor the legislation to the ports' environment. The legislation is also in keeping with the principles recommended by the Commission on Government report and national competition policy and principles.

Placing the new legislation in some perspective requires a brief overview of the present position. Each of the State's seven statutory port authorities has its own piece of legislation detailing its duties, functions and powers. Some of these Acts date from the turn of the century and all are in need of updating.

Port authorities are also required to comply with a number of maritime Acts covering aspects associated with shipping, pilotage, navigation aids, dangerous goods, pollution and a host of central government and other Acts including the Financial Administration and Audit Act 1985 and the Public Sector Management Act 1994.

The existing port authority Acts, together with the regime of other legislation, make it difficult for port authority boards and management to facilitate trade in a commercial manner.

The Port Authorities Bill, together with the Port Authorities (Consequential Provisions) Bill and the Maritime Fees and Charges (Taxing) Bill will address these shortcomings. The Port Authorities Bill both reforms and modernises existing port authority legislation. It creates the opportunity for the State's ports to benefit from greater commercial freedoms more closely aligned with those of the private sector. Port authorities will be better placed to respond to changes in market conditions and meet users' needs in terms of price and service quality. In keeping with modern day commercial thinking, port authorities will no longer be agents of the Crown or have the status, immunities and privileges of the Crown. Moreover, like the water, electricity and gas utilities, port authorities will not be subject to the Public Sector Management Act or the majority of the provisions of the Financial Administration and Audit Act.

Provisions based on corporations law will apply in relation to the constitution and proceedings of boards, the duties

and responsibilities of directors, the chief executive officer and staff, and financial administration and audit. Boards will be responsible for the appointment of chief executive officers and staff, subject to minimum employment standards and conditions.

The Port Authorities Bill also redefines the relationship between the port authorities and the Government.

Port authorities will have a greater responsibility for day to day operations and management autonomy and authority will increase. Management will put into action decisions in response to changes in the market. It will encourage port management to become more competitive in the provision of services to existing and potential port users. However, there will still be government controls and an emphasis on accountability to Parliament.

The legislation requires port authorities to develop an annual strategic development plan and an annual statement of corporate intent for approval by the Minister and the Treasurer. This will enable the Minister and the Government to play an important role in setting the overall direction of the ports while ensuring minimal involvement in the daily operations of a port authority. The Treasurer's focus will be on the financial and economic aspects of the plans.

The statement of corporate intent will be the primary document against which the Government will annually evaluate the performance of port authorities.

The Port Authorities Bill requires port authorities to consult with the Minister before embarking on any major initiative or taking any action that is likely to have significant public interest. The Minister may give directions in writing to a port authority in respect of the performance of its functions and the port authority is to give effect to any such direction. Directions by the Minister must be laid before Parliament. Port authorities will continue to be audited by the Auditor General and annual reports will be tabled in Parliament.

Special provisions in schedule 6 of the legislation relate to the port authorities of Dampier and Port Hedland. These are necessary because both ports were initially developed and constructed by private sector interests. Schedule 6 picks up the relevant provisions from the existing Acts applying to both port authorities and confirms obligations arising from state agreements.

The remainder of the Port Authorities Bill unifies an approach to activities already existing in current legislation including navigation, port charges, proceedings for offences, miscellaneous provisions and regulations.

In summation, the legislation rationalises, unifies, reforms and modernises existing port authority legislation. It represents a new partnership between Government and the State's port authorities to take Western Australian port users into the next century. It meets Government's competitive neutrality principles. It provides for rigorous accountability and for mechanisms to monitor and assess performance.

Port authorities will be expected to achieve certain financial and operational targets. There will be clear authority for management to seek opportunities, within the scope of a port authority's functions and powers, to improve productivity, reduce costs, and provide the best possible service to customers either directly or indirectly. It will enable Government to set broad strategic policy directions. Most importantly, the Port Authorities Bill is a mechanism by which the State's port authorities can more effectively facilitate and foster growth in international trade and commerce. This legislation will improve the administration of the State's port authorities for the benefit of port users, the broader community and the State's economy. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

PORT AUTHORITIES (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.09 pm]: I move -

That the Bill be now read a second time.

The Port Authorities (Consequential Provisions) Bill is a straight forward piece of legislation which deals with consequential amendments to Acts which will be affected by the commencement of the Port Authorities Bill 1998 and the repeal of the Ports (Functions) Act of 1993 and the individual port authority Acts for Albany, Bunbury, Dampier, Esperance, Fremantle, Geraldton, and Port Hedland.

These provisions are of a technical nature and are mainly to do with amending references to existing port authority Acts in other Acts. It should be noted that the existing port authorities are not being abolished and appropriate transitional and savings provisions are provided for the continuation of these port authorities. I commend the Port Authorities (Consequential Provisions) Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

MARITIME FEES AND CHARGES (TAXING) BILL

Second Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.10 pm]: I move -

That the Bill be now read a second time.

In terms of their new commercialised status and functional responsibility, port authorities will be required to provide a fair and reasonable dividend return to their owners, while continuing to facilitate growth in regional trade.

However, in order to comply with national competition policy obligations, specifically the competitive neutrality objectives of the competition principles agreement, port authorities must also compete with private port operators on a level playing field. This requires that port authorities be subjected to similar cost inputs and investment return requirements as their private counterparts. As government organisations, port authorities require legislative power to levy fees for services as any recoupment of a profit margin within a compulsory fee over and above the cost of providing an essential service may be construed as a tax.

The Maritime Fees and Charges (Taxing) Bill is designed to overcome any possible legal impediment to port authorities including necessary profit margins within their fee structures. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA BILL

Second Reading

MR DAY (Darling Range - Minister for Emergency Services) [12.12 pm]: I move -

That the Bill be now read for a second time.

This Bill seeks to improve the coordination and planning of our State's emergency services through the establishment of the Fire and Emergency Services Authority of Western Australia. This initiative is designed to achieve an improvement in the delivery of services to the community and to more than 20 000 emergency services volunteers and over 1 000 frontline staff throughout Western Australia; a more effective and coherent framework for policy development and implementation; and a coordinated approach to planning and management matters across emergency services agencies.

The establishment of the authority will consolidate under one board and chief executive officer the following entities -

the Bush Fires Board - a statutory authority established under the Bush Fires Act;

the Western Australian Fire Brigades Board - a statutory authority established under the Fire Brigades Act;

the Department of Fire and Emergency Services - a department originally established under the name of the Western Australian State Emergency Service.

The Bill will establish the authority, and provide it with functions and powers relating to the provision and management of emergency services. The provisions of the Bill include the following matters -

establishment of the authority as a body corporate, which may sue or be sued, and as an agent of the Crown;

establishment of a board of management with a maximum of 10 board members. This will include three members representing emergency services volunteers, and one member representing local government authorities. Although these four members of the board will have a representative basis to their appointment, it is essential, in order to ensure the success of the new structure, that all members consider the needs of the organisation as a whole in their deliberations. The FESA Board will replace the Bush Fires Board and the Western Australian Fire Brigades Board.

Functions and Powers of the Authority: These relate to the provision and management of emergency services vested in the Authority under the "umbrella" of emergency services Acts. This includes the Fire and Emergency Services Authority of Western Australia Bill 1998, the Bush Fires Act 1954 and the Fire Brigades Act 1942.

Administrative matters, including constitution and proceedings of the board; appointment of chief executive officer and staff; financial provisions, including establishment of accounts, sources of funds, expenditure, investments, borrowings, and the application of the Financial Administration and Audit Act; establishment

of consultative committees to provide advice to the board and chief executive officer; and savings and transitional matters.

Protection from liability for acts done in good faith in performing functions under the emergency services Acts.

It is important to note that no jobs will be lost as a result of the consolidation of emergency services agencies. Any savings achieved through the establishment and utilisation of common resources will be used to increase service provision by the new authority.

This Bill has been drafted following a great deal of consideration and consultation regarding an appropriate framework for the management and coordination of emergency services in this State.

The Bill represents the first stage in a process that will see Western Australia provided with comprehensive emergency services legislation to underpin the work undertaken by emergency services staff and volunteers in assisting the community in times of crisis. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

MR DAY (Darling Range - Minister for Emergency Services) [12.16 pm]: I move -

That the Bill be now read for a second time.

This Bill is necessary as a result of the introduction of the Fire and Emergency Services Authority of Western Australia Bill. This Bill seeks to effect changes to a number of other Acts of Parliament which include references to the Bush Fires Board or the Fire Brigades Board. Such references will be substituted by references to the Fire and Emergency Services Authority of Western Australia. Amendments to the Bush Fires Act and the Fire Brigades Act will provide for the abolition of the Bush Fires Board and the Western Australian Fire Brigades Board; and the transfer of their powers and functions to the Fire and Emergency Services Authority of Western Australia. I commend this Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

SCHOOL EDUCATION BILL

Committee

Resumed from 17 June. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Progress was reported after clause 111 had been agreed to.

Clause 112 put and passed.

Clause 113: Disputes and complaints -

Mr BARNETT: I move -

Page 77, line 27 - To delete "teachers" and substitute "any member of the teaching staff".

Amendment put and passed.

Mr RIPPER: I move -

Page 78, after line 11 - To insert the following -

(3) In this section -

"disputes or complaints" includes a dispute or complaint about any teacher, teaching staff or other person or officer appointed in accordance with PART 6, any principal or deputy principal, any member of a school Council, any member of a Parents & Citizen's Association or any other person who performs voluntary work relating to a school or any other person employed or otherwise engaged by the department to perform services that affect the provision of all or part of an educational programme of a student enrolled at a government school; and

"provision of education" includes all or any part of the educational programme of an enrolled student and the materials, services or facilities associated with the provision of an educational programme.

My amendment will allow complaints about people other than members of the teaching staff to be dealt with by the complaints procedure. That is important because in some circumstances many people are active in the school other than members of the teaching staff, such as volunteers, community members of a school council and other people employed by the department such as school nurses or other professionals or para-professionals.

It should be possible for parents to have access to a disputes or complaints procedure concerning the activities of those other people as well as the activities of teachers. I am sure occasions must arise when parents are aggrieved about other parents acting as volunteers. A proper procedure should be in place to enable a complaint like that to be dealt with. Equally, sometimes parents might not be happy with the care provided by a school nurse to a sick child.

Mr BARNETT: The situation may well arise. However, the Government does not agree with the amendment because it is not considered to be in the province of the Education Act. For example, a complaint about another parent should be dealt with in the normal course of the law. We have responsibility for teachers and staff employed in schools. We cannot extend that to school counsellors, parents and other people. They must rely on existing laws.

Mr RIPPER: These people work in schools under the authority of the principal. If he arranges for volunteers to assist in classes with reading or other activities and another parent complains that the volunteer has done something wrong to his or her child, surely that should be dealt with by the complaints procedure. Must the complaint be made against the principal for allowing an unsuitable volunteer into the school? Will it be dealt with at all by this complaints procedure because the action complained of is performed by someone who is in the school on the authority of the Education Department through the principal, but not covered by this procedure?

Mr BROWN: I endorse the comments of the member for Belmont. Although the Minister said it does not fit within the confines of the Bill as he would like, he has not explained the rationale for rejecting the amendment. Irrespective of whether he will accept the amendment, it is incumbent on him at least to put on the record his rationale for rejecting it.

Disputes and complaints arise other than issues concerning the conduct of teachers. Those matters are for the principal to deal with. If that is the case something should be included in the regulations to deal with those matters. We are not suggesting that this clause cover professions for which professional remedies are available. However, a number of other areas exist in which the principal must make a decision and powers must be exercised about complaints made by other people on school premises.

Mr BARNETT: I do not deny that disputes can occur around school communities. However, the jurisdiction of the director general and the Minister does not extend logically to all these people. For example, a dispute could arise between estranged parents over a child. That would give rise to Family Court matters coming into schools. Feuds could occur between parent groups or individuals. The Education Department cannot take responsibility for them.

However, I refer the member for Bassendean to clause 63(b) at page 49. Part of the principal's responsibility is to manage the school and all people irrespective of whether they are employees. That subclause adequately covers it as a management responsibility. If we accepted these amendments the director general and the Minister of the day would be adjudicating in family feuds and all sorts of matters.

Mr RIPPER: I do not accept the Minister's interpretation of the amendment that the Minister would be adjudicating on family feuds. However, if a person is working in a school and an allegation is made that that person has adversely affected the interests of a child, somebody must deal with that allegation. I am concerned that a parent may not have any avenue for redress of such a complaint if the person complained of is not a member of the teaching staff. I am not asking the Minister to adjudicate in family law matters. I appreciate that sometimes outside circumstances will cause a complaint to be made. However, many legitimate circumstances will arise in which someone has a genuine grievance. It might not be able to be dealt with through any disputes procedure instituted by the Education Department.

Mr BARNETT: If a grievance is made against a gardener, for example, or other people, various public service or normal laws of the land exist for dealing with it. This clause deals with teachers and teaching staff because of their unique responsibility in providing education, supervision and care of children in the school environment. It is not trying to cover anyone who might wander onto a school property.

Amendment put and negatived.

Mr RIPPER: The Opposition has a problem with the disputes and complaints procedure under regulation 135 of the

Education Act. It is cumbersome and does not operate in the interests of parents. Under that regulation, a parent's complaint about a teacher must be in writing. It is then referred to the teacher for his or her comments. The Education Department then examines the teacher's response. If the Education Department believes the matter should be taken further, it asks the parent complaining to put the matter in the form of a statutory declaration. If the statutory declaration exactly matches the tenor of the original written complaint, the Education Department might decide that it should investigate the complaint.

A couple of things are wrong with that process: First, the parent must complain twice; and, second, the parent is exposed to the possibility of legal action. When the written complaint, which the parent has signed, is forwarded to the teacher for his or her response, the teacher may then take action for defamation. There may be an argument that a certain privilege is attaching to the original complaint of the parent; however, that does not mean the parent does not have to consult lawyers and spend considerable amounts of money on legal fees. This is not a theoretical argument; it happened to one of my constituents. The constituent was threatened by a very high powered and aggressive lawyer. Quite a bit of concern and worry was caused to the constituent because she had made a complaint about what she regarded as unfair treatment of her son. As a member of Parliament, one of my jobs was to try to find a lawyer that this constituent could afford, because these matters can be very expensive.

A problem with the legislation is that it gives a general power for the establishment of a complaints and disputes procedure, but it does not tell us exactly what that procedure will look like. I imagine it will be handled within the regulations. I hope that when the regulations for this matter are drafted, they will provide a system that gives parents some protection against the possibility of receiving a writ for defamation when they are so bold as to make a complaint about the treatment of their son or daughter.

Mr Barnett: The point made is a good one. The drafting group is aware of it and it will be addressed in the regulations which will be put out to consultation as well.

Clause, as amended, put and passed.

Clause 114: Management and control of school premises -

Mr KOBELKE: I seek advice about whether any penalties attach to this clause. The restrictions covering people going onto school premises and what they may, or may not, do on school premises are established by regulation. We need those sorts of controls. Perhaps the penalties covering this clause are picked up in a general clause. I seek an indication of the penalties that may be attached for contravention of any of those prohibitions contained in subclause (2).

Mr Barnett: I refer the member to clause 232. The pecuniary penalties can be up to $2 000.

Mr KOBELKE: Is that by regulation?

Mr Barnett: Yes.

Clause put and passed.

Clause 115: Dealing with persons disrupting school premises -

Mr RIPPER: I move -

Page 80, after line 12 - To insert the following -

(3) The chief executive officer must issue a certificate of appointment to any authorized person.

(4) An authorized person must identify themselves to any person in respect of whom the authorized person is about to exercise any power as an authorized person by producing the certificate.

This amendment is similar to that which we moved about the authorised person for the purposes of enforcing enrolment and attendance requirements at school. In this case the authorised person is enforcing the security and good order on school premises. We think it would be conducive to that function if the authorised persons were required to show a certificate of authority to those in relation to whom this power is about to be exercised. Quite often, there can be unnecessary issues and unnecessary argument caused when people do not realise that someone has the authority or the power to take a certain action. Members can well imagine an angry parent saying, "You are just a school principal; my child is enrolled at this school; I am a parent; I am entitled to be here and to kick up this fuss that is disrupting the good order of the school because you have done something wrong to my child." The principal will then seek to have the person removed from the school premises because there is obviously a potential for conflict. It would be helpful if the principal were required to indicate to the person causing the trouble that the

principal had the legal authority to take the action that is being proposed. It is also a matter of ensuring that there is no abuse of power by those who might be charged with the responsibility of maintaining good order on school premises.

Mr BARNETT: We recognise that this is a powerful clause and gives those who are authorised considerable power to ensure people leave the school sites. It also allows the authorised people to act quickly in dealing with the situation. We hope cooperation will prevail and people will agree to leave school sites. Regrettably, that is not always the case. We have many difficult situations in schools and, often, people whose presence on school site is quite inappropriate. That might relate to those who are drunk; issues of drug dealership; a potential threat in terms of paedophiles accosting young children; and all sorts of things. It is a strict requirement, and one that we hope will not be used often. The relatively high level of penalty is a clear message to the community that people should not be hanging around school sites and that the authorised officer - typically, the principal or senior staff member - has the ability to have the offending people removed and to act immediately. It is part of a fundamental commitment to the safety and protection of children.

Mr BROWN: I find myself in complete agreement with both the member for Belmont and the Minister. I do not think the Minister has told us why the amendment should not be accepted, although he did say why the clause is necessary.

Mr Ripper: I agree with the clause and the power.

Mr BROWN: At one school in my electorate, one child attacked another, as children do. The parent of the child who was attacked chased the attacker back onto the school premises and was extremely angry. Who knows what might have happened had the person caught the attacking child? The principal had to intervene to protect the child who did the attacking from a very irate parent. The principal did an appropriate thing when he ordered the person off the school site in the best interests of the child. That should be done, and it is appropriate that it be done. I do not think any people will have any qualms about that, and saying that if these things are happening and are threatening the safety of staff or, more particularly, the children, those powers must be available.

This is not an argument about the powers. They must be very strong. It is simply an argument about someone showing his or her badge of authority when carrying out those actions. That enhances the position of the person in authority ordering people off premises. It is the same for a police officer who is in plain clothes. When a person is in a police uniform - unless the person is not a police officer and is bogusly wearing the uniform - that uniform is the stamp of power. Likewise, when dealing with someone in plain clothes, such as a police officer, until people see that person's formal identification, they do not recognise and accept that that person has the authority to act. The type of amendment proposed by the member for Belmont enhances this clause. It makes it known very clearly to the person who is being ordered off the school property or being given instructions to leave that this is a serious matter.

They are not simply being given those instructions. They are being clearly told that that person is acting under the authority of the Statute as an authorised person empowered to make the demands outlined in the clause. We think the clause is appropriate and we do not quibble with it. The member for Belmont's proposal will enhance the operation of the clause and provide more power, rather than less power, to the persons who will be required to exercise a discretion under it.

Mr BARNETT: I disagree with that. If the member supports the fact that the principal or authorised staff who might be teachers on duty should have this power, then they cannot be limited. Imagine a gang of young kids or a drunk on the site and the teacher on duty telling the gang or person to leave the school site. Under the member for Belmont's amendment, the teacher must produce a certificate and explain the details. It is totally impractical when dealing with someone who is misbehaving. I am saying that the principal of the school and the school staff will have the ability to order people off school property, and if they act, the Government will back them up legislatively and in terms of penalties.

The member's amendment will require a teacher to present a certificate to someone who is misbehaving. How will that be achieved? Will the teacher carry a certificate and an authorisation? It is not practical. The teacher must either be backed up or not. Our position as a Government is that we will back up schools and their staff if they kick off school properties those people who misbehave. If the member makes teachers run back into the staff room to get certificates and the rest of it, it will not happen and the member will be on the side of the thugs, whereas I am on the side of the teachers.

Mr KOBELKE: Clearly I do not think anyone on this side is suggesting that when someone is likely to harm a student, a staff member or the school, strong action should not be taken and taken swiftly. The enforcement would be very easy. However, schools are much more complicated than that. For example, a dispute may occur between two parents. The principal may come onto the scene simply to assist in resolving the matter because it is not

appropriate for two parents to be shouting at each other or involved in some form of altercation. The situation may arise in which a parent may not be aware that he is liable for a fine of $5 000 or six months imprisonment because he is having a tiff with a parent of another child.

Mr Barnett: If the member reads clause 115(1)(a) he will see that the person would have to be disrupting the education program or the students. The person must be interfering with the operation of the school. If the person is having a bit of an argument or a tiff in the back room, that will not come under this. We are talking about serious situations.

Mr KOBELKE: But that is the good order of the school. To have two parents yelling at each other is clearly upsetting the good order of the school. In most cases it is not a problem, but we do need to be cognisant -

Mr Barnett: This is when they refuse to take an instruction to leave the school. In a situation where two parents are arguing or a group of kids is misbehaving on the school grounds and they are asked to leave, and they refuse, and they are threatening the education program or discipline or safety of children, the Government will back up the principal and the staff totally. If penalties and the police are involved, we will use the provision. The member cannot say he is serious about the safety of children on school sites and then limit the ability of the principal or teachers to act.

Mr KOBELKE: I do not disagree with what the Minister intends, but he must face the fact that he is the law-maker. It is not his intent that counts; it is the law as it is written and how it will be interpreted in the courts that counts. We do not have any concern with the proposition the Minister puts with respect to the general run of the mill cases, but we must be certain that this legislation will not be misused, misunderstood or abused. The Minister must take account of the fact that difficult circumstances will occur.

Leaving aside the certificate which I think is the right way to go, in the example of two feuding parents, there is no requirement to inform them that they could be liable for six months gaol or a $5 000 penalty. If all parents knew about that and when told by the principal to get off the property were informed to the effect, "I have the power under the law to order you off the premises and if you do not heed my instructions, you are liable to a penalty of $5 000 or six months imprisonment", that would be fair and reasonable. However, situations in which there is no serious threat to students, teachers or the school, people could still be caught by the provision which covers disruption to the good order of the school, so the Act would be applicable. In a case such as that, when the principal may not indicate to the people who should be off the school premises the implications of their not complying, an injustice could occur.

Mr Barnett: These are maximum penalties. A court is not likely to imprison parents because they had an argument in the school grounds. The member must be realistic.

Mr KOBELKE: I do not know what Cottesloe is like, but in my electorate I am aware of disputes between neighbours and the problems that arise. They become incredibly intricate. People become committed to their points of view and such situations are very difficult to resolve. Unfortunately principals will get caught up in these issues from time to time.

Mr Barnett: They can have their dispute, but not on the school ground. They can go across the road to have their fight.

Mr KOBELKE: I am concerned about the penalty, because if a parent were unaware of the powers vested in the principal by this clause, an injustice could be perpetrated on a member of the community or on a parent of a child at the school.

Mr BROWN: We all know that principals and teachers move from school to school. In my electorate some teachers or principals who have been at the school for a long time have moved in the middle of the year. The local community gets to know them, and all of a sudden, someone new is at the school. That person has these powers and the potential to order somebody off the school property. How is someone to know that the person ordering them off the property is an authorised person?

Consider the case of a school in my electorate which I have known for five years; I know the principal and all about the school. All of a sudden, the principal is gone; something happens; and someone comes up and barks an instruction or whatever else it is at me. How do I know he is an authorised person? Who is he? He has not been around before; he has only been there five minutes.

I understand the Minister's views. He will not accept the amendment, but I can tell the Minister that when this is challenged, sooner or later there will be a test in the court. Someone will say to the judge, "I would have taken his instructions had I known who he was, and had I seen some form of identification, but I did not know who he was. He could have been anybody blown off the street giving me those instructions and I was not prepared to follow them."

Mr Barnett: "So I stayed there and made a nuisance of myself on the school grounds." The member's whole philosophy is wrong.

Mr BROWN: It is likely, but the Minister in his normal know-all way is not prepared to listen. Be that as it may, the amendment has been moved to enhance the provision. I will not push the point and in time we shall see who is proved correct.

Amendment put and negatived.

Clause put and passed.

Clause 116: Dissemination of certain information on school premises -

Mr RIPPER: I move -

Page 81, lines 22 and 23 - To delete the lines.

The clause relates to the dissemination of certain information on school premises and subclause (2)(d) reads as follows -

This section applies to information that -

(d) advocates the case of a party to an industrial dispute, including the chief executive officer.

Schools should not be vehicles for the dissemination of propaganda about anything, including industrial disputes, but I am concerned that those two lines in subclause (2)(d) will cause trouble because of the way in which industrial disputes are usually handled in schools.

Progress reported.

[Continued on page 4302.]

HORSE RACING RADIO COVERAGE

Statement by Member for Perth

MS WARNOCK (Perth) [12.50 pm]: I draw attention to the fact that country racing people in general and those around Mt Barker in particular are angry about the lack of broadcasting of horse racing to their area. These people receive limited coverage from the Australian Broadcasting Corporation on Saturdays and some Monday holidays, and Racing Radio does not seem to be able to solve the problem for them. Limited coverage, of course, means limited interest in the industry. It cannot thrive if people cannot listen to a race to get a result or trainers or owners cannot hear how their horses are doing.

In the regions, people genuinely fear for the future of racing if they cannot receive better radio coverage. Betting turnover is directly related to the health of the industry - an industry which is a great employer of people throughout the State, and an important generator of tax revenue for the Government and the people. These people deserve our support and I urge members to write to the ABC, the Totalisator Agency Board or Racing Radio to urge improved and consistent coverage for the country and provincial racing industry.

Mr Bradshaw: They should write to the ABA.

Ms WARNOCK: They should also write to the Australian Broadcasting Authority. These people should not be left in the lurch. The industry is important to Western Australia and I urge fellow members to do their best to support it.

RECYCLING IN GOSNELLS, HUNTINGDALE AND CANNING VALE

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.51 pm]: While I was doorknocking during the 1996 election campaign in the areas of Gosnells, Huntingdale and Canning Vale, it became obvious that the people want a recycling facility. In answer to the ongoing requests that I received, I approached the City of Gosnells at that time to seek its support for the introduction of a recycling initiative for its ratepayers.

It is very pleasing for me to know that the city has now contracted Cleanaway to provide the service to the residents in the City of Gosnells which will start on or after 30 July. My understanding is that residents will be provided with new recycling bins from 23 June onwards. They will also receive a calendar, giving them details of their fortnightly collection weeks and a recycling brochure, as well as a letter from the mayor, Councillor Norm Smith.

The initiative will also provide a free recycling service to all the schools in the area. In addition, the schools will receive education packs which will give information on recycling, including the articles that are suitable for inclusion in this service and those that are not.

It is extremely pleasing to me to know that recycling will soon be available for the people in the City of Gosnells and I congratulate the council on its introduction of this much needed facility in the city.

FINANCIAL INSTITUTIONS DUTY AND BANK ACCOUNT DEBIT TAXES

Statement by Member for Cockburn

MR THOMAS (Cockburn) [12.53 pm]: I draw the attention of the House to an anomalous tax; that is, a tax on a tax. Recently I was visited by a constituent, Mrs Ciraolo of Spearwood, who is very careful in checking her bank statements. When she checked her bank statement on 1 May she discovered that she had been charged for FID and BAD, the levies on bank accounts. The bank account debit tax is proportionate to the number of transactions on a sliding scale depending on the number of withdrawals made. According to Mrs Ciraolo's calculations, she should have been debited with a $2.10 BAD tax, but the amount on the statement was $2.40. She inquired at the bank to find out what was going on, and it turned out that the FID deduction attracts a BAD tax. Therefore, she had to pay BAD tax on her FID deduction. The extra 30¢ was attached to the FID calculation.

According to the Budget Statements tabled in recent weeks, $110m a year is paid into the State's coffers from that source. I wonder what proportion of that $110m collected through the bank account debit is a tax on FID, which should not be applied.

NATIONAL TREATMENT WORKS WEEK

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.55 pm]: The Alcohol and Other Drugs Council of Australia is sponsoring national Treatment Works Week from 21 to 28 June this year. In WA, next week's event is being sponsored by the Western Australian Network of Alcohol and other Drug Agencies, commonly known as WANADA. Treatment Works Week is a national incentive which seeks to acknowledge the often unacknowledged role of individuals and organisations in the alcohol and other drug field. This area of work encompasses treatment, early intervention, prevention and community education. A large number of dedicated people work tirelessly in the treatment of drug related harm in the Perth metropolitan area, such as Dr George O'Neil, of naltrexone treatment fame, and Dr Pat Cranley of Northbridge.

I ask all members to join with me in supporting the success of Treatment Works Week, and thereby assist in working towards a reduction in the social, economic and health harm from alcohol and other drug use and abuse in the community. Of course, this particular week has the full endorsement of the Prime Minister, Mr John Howard, and it is part and parcel of the be tough against drugs strategy he announced several weeks ago, which is working very well indeed in the Australian community.

PARLIAMENT HOUSE BAR - INSTALLATION OF BREATHALYSER

Statement by Member for Armadale

MS MacTIERNAN (Armadale) [12.57 pm]: There has been some mirth about the installation of a breathalyser in the parliamentary bar, but I have no embarrassment in acknowledging my role in putting the case for the installation of that machine to the Joint House Committee. One of my motivations was to set an example for other licensed premises.

The introduction of strict drink driving laws, together with random breath testing, has been a major contributor to the reduction in the number of deaths and serious injuries on the roads. I strongly support random breath testing. However, at the same time it must be recognised that alcohol use is deeply entrenched in our community's social life. It must also be recognised that hotels and other licensed premises are important centres for community life. In my view, as a matter of course, we should provide people who have been drinking at licensed premises with a reliable way of determining whether it is safe to drive. At the moment it is a raffle.

We should consider ways of encouraging licensed premises to instal this equipment; for example, a rebate on licensing fees or alcohol tax could be offered to the owners of premises who installed appropriate equipment. This may result in the police collecting less revenue, but surely the aim of random breath testing is to stop drink driving and not to raise revenue.

REGIONAL HEADWORKS ASSISTANCE SCHEME

Statement by Member for Ningaloo

MR SWEETMAN (Ningaloo) [12.58 pm]: I shall speak briefly about the regional headworks assistance scheme put in place by the Minister for Commerce and Trade, which is available for new and expanding businesses. It provides assistance for gas, sewerage, power and water connections.

A recent situation developed in my hometown of Carnarvon, where a group of growers got together to build a central packing facility. They did not know when they made plans to build this facility that they would have any problem with power supplies, because the cables ran past their premises. They thought it would be a simple matter of connecting to the supply on the day they needed it. However, the supply needed to be upgraded by Western Power at a cost of $55 000. They could not afford to pay that amount and could not proceed. However, I helped the growers to put together a package, and they applied for assistance and received a 75 per cent subsidy towards the cost of $55 000 for the power connection. They were overwhelmed by that. During his last visit to Carnarvon the Deputy Premier made the announcement to those growers and, of course, they are very grateful.

I mention this scheme simply because, even though I am a member of the Government, I did not know that such a scheme existed. If it were not for a small advertisement in the local newspaper, I would not be aware of it. Doubtless, I have been informed at some time in the tonnes of mail all members receive in their electorate offices. However, I had to learn about it from the newspaper. An application was made and it was successful.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

BOOKMAKERS BETTING LEVY AMENDMENT BILL

Second Reading

Resumed from 7 April.

MS WARNOCK (Perth) [2.40 pm]: The Opposition supports this Bill, which aims to reduce from 2 per cent to 0.5 per cent the sports betting levy payable by sports bookmakers fielding at a race course under section 4B of the Betting Control Act. The reason behind the move is to give the relatively young sports betting business in this State an opportunity to compete with other more successful sports betting States. The most successful State is the Northern Territory. With its lower level of turnover tax of 0.5 per cent, as compared to 2 per cent in this State, the Northern Territory's turnover is in excess of $63m, a great deal more than Western Australia, where I understand it is around $3m.

The industry in this State believes that, given the opportunity of a level playing field, the increase to be achieved in sports betting turnover will more than compensate the racing codes for the proposed reduction in turnover tax from that which they are now receiving. Some opposition members have been asked why they would be prepared to accept this lesser amount of levy, because after all, the industry benefits from that source. The reason is quite simple: We believe that the business will increase as a result of the reduction in the tax - as seems to have happened elsewhere - and it is worth making the sacrifice to build up future business.

Sports betting began in this State in 1992, and still we have only two sports bookmakers. Section 4B of the Betting Control Act authorises bookmakers fielding on a race course to undertake sports betting during a race meeting. Later they were permitted to operate at any time from a race course, not only during race meetings. Sports betting is different from betting on horse racing. Sports betting sometimes involves only two competitors, such as at a football match. That kind of competition is called head to head betting.

These changes may seem like a small adjustment. It is not a very large Bill. Indeed, it may seem to some people like a small adjustment. However, the industry, which is anxious to compete with its more successful rivals elsewhere, believes the adjustment is necessary to kick start the business. It is believed that our higher betting tax or levy rates are causing sports punters to look elsewhere, and that is the reason the change was suggested. This change will remove the competitive disadvantage suffered by Western Australian sports bookies and will give Western Australia a chance to even the score with the Northern Territory, for example.

The two sports bookmakers in Western Australia, Kieran Glynn and John Kirkpatrick, are facing pretty tough competition from their 30 interstate rivals. Therefore this legislation will give them and the field in Western Australia a bit of a leg up, to use the racing metaphor. I understand that Mr Glynn believes that the future of bookmaking lies with sports betting. I suppose he would, because he is in sports bookmaking. In the face of a sharp decline in bookmaking generally, that must be very good news for punters. I know that probably a few members in this place

have contributed a fair bit from time to time to various bookmakers' incomes, and those members may feel less than charitable about the profession as a result. However, bookies remain an important part of racing, and are seeking to become an important part of the general sporting scene as well.

I must admit that, like my opposite number in the other place, I am a non-punter who has nonetheless been associated with the racing business for a long time. Addressing racing in general, I turn to a speech made in this House in November 1954 when the Betting Control Bill was being debated. The then Minister for Police stated on 9 November 1954 -

> I would say that anyone who indulges to any extent in any form of betting is ill-advised. Nevertheless, there is something in the trait or make-up of the average Australian that seems to make him want to bet in some form or the other.
>
> I believe there is an insistent public demand for it -

The speech was made at a time when the Government was trying to regularise betting in general in Western Australia.

Although members in this place may from time to time have bad feelings about the profession of bookmaking, I believe it is an important part of both racing and increasingly of the sporting field in general. I support this change.

Forty years after the passage of the Bill to which I referred earlier, we find ourselves, as a community, debating the wisdom of gambling still, and with the number of gambling Bills that are due to come to Parliament this year we will have an opportunity to express some views about gambling in general, and to debate the wisdom of gambling. However, with this Bill we are seeking to assist the Western Australian gambling industry in its battle with competitors elsewhere. It is generally believed that the reduction in the sports betting levy will make a difference to the success of this relatively new business.

I have some material which was sent to me when notice was given of this Bill. Various people, including representatives of the Western Australian Bookmakers Association and others, have written to us. One letter on the subject was written to the Minister for Racing and Gaming two years ago when the subject first arose. The letter states -

> Given the opportunity of a level playing field, the W.A. Bookmakers Association (Inc) believes the increase to be achieved in Sports Betting turnover will more than compensate the racing codes for the proposed reduction in turnover tax from that which they are now receiving.

That is the essence of this matter today. People are prepared to make a temporary sacrifice in order to build the industry in the future. They genuinely believe this legislation will make Western Australia more competitive with the Northern Territory, in particular. For that reason, the Opposition supports the Bill.

MR MARSHALL (Dawesville - Parliamentary Secretary) [2.50 pm]: I am in favour of the changes to the Bookmakers Betting Levy Act proposed in this amendment Bill, and wholeheartedly support the reduction in the turnover levy from 2 per cent to 0.5 per cent for sports bookmakers. This drop in turnover levy not only will allow local sports bookmakers to compete with their Northern Territory counterparts but also, because of the level playing field that will apply, it will increase their turnover.

It is interesting to note that sports betting turnover in Western Australia has increased from $1.8m in 1995-96 to $3.2m in 1996-97. That should be compared with the sports betting turnover in the Northern Territory, which in 1995-96 was more than $63m. I believe this change to the legislation will help Western Australian bookmakers to increase their turnover and to soon become a match for those in the Northern Territory.

Sports betting is often termed as head to head betting, and it involves even money or odds-on betting. Western Australian bookmakers have been at a disadvantage in this form of betting because they had to pay a turnover levy of 2 per cent, while bookmakers in the Northern Territory were subject to a turnover levy of only 0.5 per cent. That meant bookmakers in the Northern Territory were much more able to take even money or low money in the red. Local bookmakers have been at a disadvantage and it is not fair.

Bringing back the levy to 0.5 per cent in Western Australia means that local sports bookmakers will be able to give punters better odds. They can hold more money, create larger books, and increase their turnover. For example, if a local sports bookmaker had a turnover of $10m, the reduction of 1.5 per cent in the turnover levy would make a difference of $150 000. That is a lot of money by which local bookmakers have been behind bookmakers in other States. It simply is not fair. As the previous speaker said, there is little doubt that Australians like to bet. However, bookmakers are needed to add colour and glamour to the betting industry. Unfortunately, the number of bookmakers in this State is decreasing. In July 1995, Western Australia had 86 licensed bookmakers, and by July 1996, that number had reduced to 82. In 1996-97, seven new licences were issued, but 16 bookmakers retired. In July 1997,

73 licensed bookmakers were operating in Western Australia. Only two sports bookmakers are operating licences in Western Australia, although unlimited licences are available for other people to take up the option. Bookmakers have been reluctant to take up those licences because it has been too difficult for them to compete with the other States.

I fully support the initiatives contained in this Bill, which will encourage existing bookmakers to remain in the industry and will attract new bookmakers.

MR MARLBOROUGH (Peel) [2.54 pm]: The Opposition supports this Bill. Some moves were made, as late as 1996, to try to create an atmosphere in which bookmakers at racecourses took bets on other sports and improved their conditions and turnover. An amendment was made to section 4B of the Act, which allowed bets to be taken at any time on the racecourse, but time has proved that that step was not enough.

The annual turnover of $63m in sports betting in the Northern Territory is a very healthy amount, compared with the $2m to $3m turnover in this State. In view of the difference in population, one must consider the reasons for this variation. It is true that the Northern Territory has been running this activity for much longer than any other State, and it may be a matter of first in, best dressed. Punters, like any other group in the community, are somewhat traditional and if they have found a method that is safe and secure they will continue with that method. Of course, because the turnover levy in the Northern Territory is 0.5 per cent, as opposed to 2 per cent in Western Australia, the bookmakers in the Northern Territory have been able to not only make a better profit, but also offer better odds.

The odds offered on sporting events are quite different from those offered on horse races. The field in a race may involve 10 or 12 horses, and punters have the opportunity to bet in a number of different ways by choosing the horses that will finish first, second or third or by betting on a quinella or trifecta. However, those betting on sporting events, such as football, cricket or tennis, are able to bet only on one team against the other. It is a head to head betting proposition. In those areas of sport, people can be attracted to betting if better odds are offered for their dollar. If a bookmaker has the financial resources to offer better odds, it is an advantage. Without this reduction in turnover levy to 0.5 per cent, Western Australian bookmakers would be consistently disadvantaged in the odds they could offer compared with those that could be offered in the Northern Territory. I support the amendments in this Bill.

Another benefit of the better odds is that those who want to bet on the outcome of football matches might be able to win back any money they had previously lost. The member for Dawesville is a prime example of a person who is loyal to his local football team, Peel Thunder. He probably bets that it will win each week and loses his money.

Mr Cowan: He is not that foolish!

Mr MARLBOROUGH: I understand he will bet on two flies going up a wall. I am told he is a good punter. It may well be that each week he becomes more depressed about the money he loses when he bets that Peel will win its game, because it loses all the time. Once it starts to win, with better odds, he will be able to get back his money more quickly.

This Bill is a step in the right direction. It is fairly obvious that betting patterns continue to change dramatically. The Government should be looking at future betting trends and people's ability to bet through the Internet, nationally and internationally, from their lounge rooms. Governments must become more adept at introducing appropriate legislation. They must be ahead of the game with that legislation.

Some interesting reports are available at present in Australia where other State Governments and the Federal Government have looked at this matter; that is, betting in general and the growth of betting on the Internet or through home computers. Some trends are worrying. The reports that I have read indicate an inability to legislate on the form of betting and the best one can hope for is that the organisation providing the opportunity for people to bet is a legitimate one. That is the best guarantee we can give a punter. Although we cannot control the way people bet through the Internet, at least we will have in place legislation which will protect them and control the outlets where they place their bets and the organisations through which they do so. It is an area that will change rapidly and members will constantly visit this legislation in the next two or three years. It is worth a great deal of money to the Government. If the turnover in sports betting increased in the next two years to the level in the Northern Territory of $63m, even with the levy at half a per cent, a fair amount of money will be returned to the Government from this area as well as from other legislation covering betting.

This is an area of constant change and will require constant vigilance by the Government. There will be a fair amount of community and public pressure. South Australia had the first member elected to Parliament on the basis that he opposed the legalisation of poker machines. One could argue that that is rather outdated technology, unless one visits the Burswood Casino to play on the machines. In the same way as people no longer mainly drink at hotels and increasingly drink at home, so too will we see this trend occur with betting and people will bet from their lounge rooms.

Committees that are meeting in Australia have looked at evidence here and all over the world which indicates that legislation will do very little to stop people having a bet. Therefore, the areas in which people put their money must be safe and secure. The best way to ensure that is for the Government to control the body through which a person is able to bet; that is, the TAB. Even Burswood Casino, which is a private body, is protected by government legislation. That is the way we should go forward. Members of Parliament will debate these issues on a regular basis in the next couple of years as changes to technology occur. I support the Bill.

MR COWAN (Merredin - Deputy Premier) [3.04 pm]: I thank the members for Perth and Dawesville for their contributions to this Bill and their preparedness to strictly adhere to the content of the legislation, which seeks to reduce the rate of the levy imposed upon bookmakers regarding sports betting from two per cent to half of one per cent. The members' comments that justified the Government's decision are certainly accurate. That is why this is being done and I appreciate their support. I also appreciate the support of the member for Peel, but I remind him that this legislation does not deal with electronic gambling or gaming. That issue may need to be addressed in the future, but it is not covered by this legislation. I thank the members for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Council.

RACECOURSE DEVELOPMENT AMENDMENT BILL

Second Reading

Resumed from 11 March.

MS WARNOCK (Perth) [3.05 pm]: The Opposition supports this Bill because it will greatly benefit the racing industry. At present the Racecourse Development Trust, a fund set up using unclaimed dividends from betting on racing and trotting, can only be used to make loans or grants to the Western Australian Turf Club, the Western Australian Trotting Association or to racing or trotting clubs that are registered with those two organisations. No other racing bodies presently have direct access to these trust funds. That has been a disadvantage for such organisations as Lark Hill training track, the Byford training complex and a similar facility at Mundijong. These are used extensively for training horses, although no racing takes place there. Therefore, these organisations are not registered as racing clubs and cannot get access to these funds under the present legislation. That must be changed for the good of the industry and this Bill will allow that to occur.

For members who are not familiar with the Racecourse Development Trust, I will briefly outline its history. The Racecourse Development Act of 1976 was introduced for the purpose of assisting country racing and trotting clubs to improve facilities on their racecourses. The clubs had been experiencing great difficulty financing improvements to courses and the funds were to be used only for country clubs. The fund was established using 25 per cent of unclaimed TAB dividends from betting on thoroughbred and harness racing and a 60:40 contribution from racing and trotting clubs. According to the records I consulted, in the first year the Government contributed $145 576 which was matched by $87 346 from the WA Turf Club and $58 230 from the WA Trotting Association.

Following the 1988 Quin report, amendments were introduced in 1990 to allocate all unclaimed TAB betting dividends, rather than just a proportion of them. In 1989-90 that amount was $1.2m. Other changes introduced in 1990 included: Allocating all unclaimed TAB dividends to the trust; allowing trust funds to be used in the metropolitan area; and expanding the membership of the trust to seven, which included a chairman appointed by the Minister, the chief executive officer of the Office of Racing, Gaming and Liquor, or representatives of the WA Turf Club and the WA Trotting Association appointed by the Minister and representatives of country racing and trotting.

The idea also according to these new rules was to make the trust subject to the direction from the responsible Minister; to require representatives to abstain from voting on matters for which it could be perceived there was a vested interest - that is very proper - to require the trust to apportion funds according to the changing ratio of distribution of TAB funds established in 1988; and to provide the trust with powers to direct the clubs on safety matters. I remind members of the distribution of those funds which continues to be controversial in some circles. As of 1990, the distribution was 65 per cent to thoroughbred racing, and 35 per cent to harness racing.

In 1996, Mr Russell Twogood was asked to conduct a review of the Racecourse Development Act. His report gave rise to this Bill and the minor amendments it contains which the Labor Party is happy to support. Mr Twogood was asked to look at the effectiveness of the operation of the trust and the need to continue its function. A proper regular review of the kind done on various pieces of legislation was carried out. Its report concluded that the trust was effective and its work was valued by the industry. It concluded that greyhound racing should continue to be treated separately and not be allocated funds by the trust.

Concern was expressed about the amount of funding available, and the report noted that unclaimed dividends could be reduced by technology changes; that is, the introduction of electronic gambling and new forms of gambling. It was stated that the Government might have to consider putting more funds into the trust. That was part of the report by Mr Twogood.

The purpose of the trust is to make loans or grants available to racing and trotting clubs, first, to provide new facilities or improve the existing facilities on a racecourse or training track; second, to establish a new racecourse or training track; or third, to help a club conduct its affairs during a period of some difficulty. The trust's priorities are track improvements, safety, course facilities and the public facilities available to the majority of patrons. Facilities available to members only are not generally assisted under the trust.

The Opposition supports this Bill. I am sure my esteemed colleague the member for Peel will comment on this Bill as Lark Hill training track is important to him and to the people he represents down south.

I engage the Deputy Premier's indulgence to reiterate comments made about the recently introduced Western Australia racing business plan, which was designed to give the thoroughbred racing industry a shot in the arm. This plan has been a long time coming. However, it was produced with the true consensus of the industry after exhaustive meetings between the codes. I am glad that as a result of this report, which I read a month or so ago, the WA Turf Club has faced some major issues: It is maintaining stake money to keep breeders and owners in the industry, and is directed to the people they in turn employ. I made the point earlier that the industry is a great employer in Western Australia. That is one of the major reasons to keep it healthy.

I was glad when I read the report that the WA Turf Club has committed itself to reduce debt, something which has troubled it in recent times, and to improve the quality of its product to service the public. The gambling dollar faces huge competition, and wagering has been losing out in recent years. It must fight back and the Turf Club needs to attract non-punters in increasing numbers. Increasingly, as members who follow the industry will know, consideration is given to Sunday or twilight racing. The Turf Club accepts that it must increase its non-race day income by using its catering facilities and venue for hire and so on.

The future of racing is more problematic, despite the fact its fortunes have picked up here a little, and in Victoria and New South Wales, for altogether different reasons, have picked up a great deal. It is likely to be discussed in this House because of the pressures on racing from other forms of gambling and the increasingly complex ways in which people can gamble.

The fortunes of the Turf Club's recent season have improved, as it is making efforts to attract more people to racing, recently at Ascot and now at Belmont. A record breaking season of racing was held at Ascot, including a summer carnival which finished on 9 May. It had record on-course turnover, which increased by 15.2 per cent, with TAB turnover up by 7.9 per cent. This established new wagering benchmarks. Attendances during that period rose by 6.4 per cent on last season - it certainly needed that improvement. Anybody concerned about the industry will be pleased to hear those results.

The Turf Club had plenty of people turn out for the two-day Easter Carnival. The on-course tote investment exceeded $1.33m, with TAB turnover on Perth racing increasing by 16 per cent to $2.595m. The industry still has many issues to face in its future, and hard thinking to do about its directions. However, it has been a good season of local racing so far, which one must applaud.

The future will involve innovations such as Asian racing development, expertise transfer, racing tourism packages and so on. Also, the club must face the problem of electronic gambling and the Internet. The Opposition supports the Bill.

MR MARSHALL (Dawesville - Parliamentary Secretary) [3.18 pm]: The small changes which form the Racecourse Development Amendment Bill are in order. I compliment the Minister for recognising the need to amend the Act by including reference to "allied bodies". The change will enable training facilities such as Lark Hill, Mundijong and Byford to become eligible to apply for funding. In the past, the racecourse development trust could only make loans or grants to the WA Turf Club or the WA Trotting Association, or to racing clubs affiliated with those bodies. However, training facilities such as Lark Hill, Mundijong and Byford do not conduct races but contribute greatly to the sport. These clubs will be able to submit applications for loans or grants following passage of the Bill.

Lark Hill, Mundijong and Byford play a huge role in the promotion of the racing industry. About 120 horses use the sandtrack at Lark Hill every day, 100 horses use the grass track for fast work on Tuesdays and Thursdays, and trials are held there once a fortnight. Mundijong is mainly a training track for thoroughbreds, although it is used by some trotters. It is a 110 acre complex with a 2 000 metre sandtrack used by 30-odd horses daily. Byford has been an important training facility for over 25 years, and over 200 trotters use the track each day. It has a fast track, a jog track as well as swimming facilities. Ross Olivieri who trains horses for the members of Geraldton, Hillarys and me,

had been the leading trainer in Western Australia for the last four years, takes our horses up there for training on the fast track regularly.

Interestingly, Ross Olivieri was a champion tennis player and my doubles partner when he was aged 20 years and I was aged 40. For three years we won every title in Western Australia. He was a young university graduate. He did medicine in his first year at uni, he became a accountant and suddenly, out of the blue, he took up trotting. As a result of his background in sport, medicine and accountancy, he has become a very good horse person. For four years he was the leading trainer in the State.

Justin Warwick has taken that role from him over the last 12 months and looks certain to do it again this year. However, Olivieri surprised everyone with his knowledge of horses. One of the reasons is that he goes to the Byford track and uses that facility regularly. More horses train at Byford than at Gloucester Park. Therefore, I agree with the amendment to clause 4 inserting a reference to "allied bodies".

I compliment the other change. I agree that a country representative who was previously nominated by the Turf Club can now be nominated by the country racing associations; and they know who they want to represent them. I congratulate Mr Russell Twogood on the professional manner in which he reviewed this Bill and I close by saying that I wholeheartedly support the amendments.

MR MARLBOROUGH (Peel) [3.22 pm]: I support the Bill. I congratulate the Government on the changes to clause 6 on section 4 which allows the provincial racing associations to elect their own candidates to the appropriate racing authorities. Historically, those nominations have been put forward by the Turf Club and it is a recognition that the country and thoroughbred racing associations have played key roles in racing and are more than capable of nominating the parties to represent them.

I support that part of the Bill which sets out to protect the future of Lark Hill as a training complex. That complex has been going for seven or eight years. It is run by the Southern Districts Thoroughbred Racehorse Association. While we were in government, we convinced the then Premier, Brian Burke, to advance a loan of $500 000 to the Southern Districts Thoroughbred Racehorse Association which it repaid at $25 000 a year. Anyone who has seen that facility - the Deputy Premier and the Minister representing the Minister for Racing and Gaming have been down to Lark Hill on a number of occasions - would have to admire the tremendous work that has been put in by the Southern Districts Thoroughbred Racehorse Association. It has turned a loan of $500 000 into something that is probably worth $2m in terms of the work and facilities there. There are stables on that track for approximately 100 horses. Trials are being run from that track. It is, arguably, the best grass horse track in Western Australia. It has a fantastic drainage system; a great underground aquifer that can be used for the proper maintenance of the turf; and a sand track.

Mr Cowan: Do not forget the length of the straight - 1 000 metres.

Mr MARLBOROUGH: The length of the straight is 1 200 m. It is the longest straight in WA and it is a 2 600 m. It is tremendous. In its early days it struggled not only for finance, obviously, but it struggled because the Turf Club, through a number of other racing affiliates, were suspicious of its future and there was a fear that it could in future become a race track and jeopardise the traditional method of running racing in this State, particularly in the metropolitan area where it is controlled by the WA Turf Club. Consequently, there was a fear it would jeopardise the investments that had been put into Belmont and Ascot. It is now seen in its correct perspective; that is, a magnificent training facility for a very important industry in this State.

The training of racehorses has changed significantly in WA. It is no longer appropriate for many trainers to live in and around Belmont and Ascot. The cost of real estate is far too high. The ability for battling trainers to live and train there is extremely limited. Trainers have been forced, mainly for financial reasons, to go to the extremities of the metropolitan region and set up in what is left of the rural enclaves within the metropolitan area. Within my electorate of Peel - which covers Kwinana, Baldivis, Rockingham and Hope Valley - many of these horse trainers have found a place to live and properly train their horses through the Lark Hill complex. Prior to that, many of the trainers were training on dirt bush tracks and, unfortunately, there were some fairly serious accidents. I am aware of at least two fatalities that occurred while horses were being taken through the bush in the Rockingham region prior the Lark Hill track being put in place. It is crucially important. I am delighted that the Turf Club is allowing trials to be run from there in the last two years. This is an indication that it has begun to recognise its importance to the industry.

I have said before, and I know the member for Dawesville has said the same thing, that this is a significant industry. Unlike the member for Dawesville, I do not know anything about horses. I do not bet on them and I do not know how to train them. All I know is that the people involved in horses are great Australians. I make it a habit to go down to Lark Hill every second Saturday morning usually from 6.00 am to 8.00 am. I have a talk to Johnny Miller, Bobby

Maumill and Lenny Pike. That is where I get all my political advice from. We sort the world out on Saturday mornings among that lot. They are great characters and they are great Australians.

That industry is very important to the State. It provides millions of dollars in turnover and betting taxes and it creates thousands of jobs. One does not have to be a highly skilled person to work there unless one is a jockey or trainer. One does not need a university degree. One has to have a love of hard work, a love of horses and to not mind getting up at 2.00 am or 3.00 am to look after them.

At the end of all that, although some might argue on the figures, the horse racing industry employs directly and indirectly between 9 000 and 14 000 people in Western Australia. It employs vets, people who feed and transport and people who are generally involved in the horseracing industry, whether they be catering at Belmont or Ascot on the weekends or on weekdays or at a track at Northam or York. The industry is a massive employer. Whereas these days we have seen many industries going away from the bush, the racing industry has become increasingly important as a thread of gold, as it were, through many communities. It gives an opportunity at least once a month or even once a year, as with the carnivals in Broome or Kalgoorlie, for the community to come together as one. The community can mix at all levels and help the economy at the same time as having a great time. There is an opportunity for all Australians, regardless of politics, religion or colour, to enjoy themselves. People cannot do that in many sports reasonably cheaply, but they can in racing unless they are punters and losing. A day at the races at many provincial tracks is not expensive. People dress up for the day. They look forward to not only watching horses go round a track but also socialising and catching up with old friends and family.

In that light, I am delighted that the Government has now seen fit to further guarantee the future of Lark Hill through this proposal which allows $50 000 a year to help maintain the Southern Districts Thoroughbred Racehorse Association at Lark Hill through this body rather than from where it has traditionally come, which is the Western Australian Turf Club. In the past two years the Turf Club has at least recognised that it is an important feature which should not be downgraded and that it should be at the forefront of any future consideration of racing in Western Australia. It more clearly indicates that the Government is also saying that it is willing to back this facility because it is important. The credibility of that facility is owed very much to the Southern Districts Thoroughbred Racehorse Association, headed by people like the Lennie Pikes, Bob MacPhersons, Johnny Millers and the Bobby Maumills of this world, who spend countless hours of their own time in a voluntary capacity as well as running their own businesses as horse trainers making this facility work, so that it benefits the whole of the racing industry.

I congratulate the Government on going down that path and supporting Lark Hill and the people who have worked so hard to make it work. I commend the Government on bringing this matter before the House.

MR COWAN (Merredin - Deputy Premier) [3.35 pm]: I thank members who have spoken in this debate for the support of the Bill. More than anything else, members have recognised that it is appropriate for funds from within the Racecourse Development Trust to be able to be made available to a greater range of bodies which provide facilities for racing or trotting. I would make the point that this does not guarantee funding; it merely makes allied bodies eligible for application to the trust for funds. One would assume that those bodies which have so competently developed their own training facilities would be in a position to be able to develop an application which would be looked upon favourably by members of the trust. There is no question about that. However, the legislation does not give any guarantees; it merely makes those allied bodies eligible to apply for funding from this source of financial support.

I would like also to mention the Western Australian racing business plan. As the member for Perth undoubtedly knows - and although like her I welcome the business plan, I reinforce the fact - it has been put forward by the industry. There is no government involvement in it, although I must say that in the past the Government has had an involvement in giving support to the thoroughbred breeding industry inasmuch as we have given support to some of the bodies to bring buyers to Western Australia, particularly buyers from Singapore and Malaysia, to identify whether they can complement their stables with horses from Western Australia. I understand that particular program has been going for a while and has attracted some interest. As a consequence, some horses have been purchased by overseas interests. The interesting thing about that is that those horses are not immediately transferred to the other country but are retained here, trained here, broken in here and even trialled and sometimes raced here before they go to the new owner's country. In other words, the owners prefer to have a proven horse rather than take a yearling to their country. So there has been some support but not in the form in which some people might think. The industry plan is put forward by the Turf Club; the Government has no involvement in it. I have no doubt that during the implementation of the plan there might be some request for government support, but that is a separate issue. Again I thank members for their knowledge of the legislation before the House and for their support for it.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

LOTTERIES COMMISSION AMENDMENT BILL

Second Reading

Resumed from 11 June.

MS WARNOCK (Perth) [3.39 pm]: The Opposition supports the Bill and records its appreciation of the importance of the Lotteries Commission in the fabric of Western Australian society. I do not think many people would disagree with that proposition. As its slogan "Millions Won, Thousands Helped" suggests, it is a very successful organisation.

Mr Cowan: I have been one of the helpers.

Ms WARNOCK: Indeed. It plays an absolutely essential part in the funding of thousands of community organisations, hospitals and sports and arts group in this State. In fact, in 1997 the per capita sales of Lotto were number one in the world. That is quite remarkable and certainly an extraordinary record for a Western Australian organisation. Those who are utterly opposed to gambling of any kind may disapprove. As a non-gambler, I believe that the commission is an extraordinarily responsible organisation which is careful about the kinds of games it introduces. It is there, let us remind ourselves, for no purpose except to raise funds for hospitals, the arts and sporting groups and hundreds of small community organisations.

Its very success has caused it some problems. That in a sense is what this Bill is about. Because the commission has saturated the market with its successful products, it needs to introduce new ones to catch the eye of the Western Australian community and the regular lotto buyer from all over the country.

It needs to introduce new games and to form new partnerships with other groups to expand its market. To do that, the legislation must be changed. The current Act is very properly prescriptive about what products the commission can sell. It should not seek to sell irresponsibly addictive games, and I am assured that that is not its intention. It merely needs to expand the kinds of games it offers to attract and keep the attention of the lotto buying public, and it should be able to do that. That is the reason the Opposition heartily supports the legislation.

The amendments sought by the commission are relatively limited in scope. The reason is very simple: The Lotteries Commission Act is currently under review as required under the 1990 Act. It is not therefore appropriate to ask for wholesale changes. To those members who wonder why we should amend the legislation in those circumstances, the commission's reply is simple: To meet its community funding goals the Act must be amended now. A lead time must be considered when introducing any new product and that lead time makes the matter urgent. That is why we have been asked to deal with this legislation now.

All games being researched in order to interest new and regular players are extensions of already existing games. The commission is aware of growing concerns about the level of gambling in our community. Most people in Australia would be aware of that because it has attracted a great deal of attention recently. The commission is aware of those growing concerns and it will introduce only those games that have no obvious chance of causing problem gambling.

I refer members to a thoughtful editorial in *The West Australian* of 2 May. The question of gambling and liquor sales is a difficult one for all societies and for all Governments. Governments need revenue and people, particularly Australians, love to gamble. As the Federal Government's inquiry into the social and economic impacts of gambling suggests, there is a growing unease about how much gambling we all do and how much Governments have come to depend on the resultant revenue.

I recently saw one estimate that Australians gambled about $80b last year. There must be an enormous number of non-punters like me, so someone is spending a lot of money on gambling. Gambling turnover in Australia has doubled in four years. Last financial year Australians notched up over $10b in gambling losses or 3.03 per cent of household income. It has been stated that Governments might very well not be terribly unhappy about the fact that so many people are gambling and losing because its gambling revenue has doubled over the last decade. It now collects $3.4b. For that reason, people like the editorial writer of *The West Australian* and many others, including total opponents - which I am not - have been discussing how much we gamble in Australia and how much Governments depend on that revenue.

The main thrust of the Bill is to allow some new games to be introduced; games that are already being researched or introduced in other parts of the lotteries bloc with which the WA Lotteries Commission is associated in an essential way. The amendments are necessary if this is to be done, and they are needed now if the Lotteries Commission's beneficiaries throughout our community are not to be disadvantaged. The Health budget gets about $62m from the Lotteries Commission and in these very bad times it needs every cent.

The Opposition understands that there is no intention to introduce any game that is not socially responsible and that

most new games are based on existing games. For reasons of commercial confidentiality, the Lotteries Commission does not want to describe the games. I understand that. However, it assures us that this is not an underhand way to introduce pokies into this State. That controversial issue has been discussed in this House previously. Furthermore, nothing in this Bill gives the Government the power to privatise the Lotteries Commission, which has been floated around in questions asked by members of the Opposition.

The Bill also makes it illegal to sell all Lotteries Commission products to anyone under 16 years of age. That is also an improvement. Previously the prohibition related only to instant lotteries products. Members should support this move.

I refer members to what the Lotteries Commission achieves in our community. The annual report points out that Western Australia achieved the world's highest sale per capita of Lotto in the 1997 calendar year. In the same period, the Lotteries Commission celebrated the granting of $1b in total lotteries funding to the community. A record $45.1m was approved in grants directly to the community and $75.5m was provided for health, arts and sports. We should remind ourselves about these achievements from time to time. Members of Parliament have very good reason to know about the work of the commission because our constituents frequently ask for help in obtaining some kind of grant. However, while people might buy tickets from time to time, some are not necessarily aware of what the commission does in the community.

The annual report also states that in 1996-97 $225.2m was won by Western Australian lotteries players. Therefore, plenty of people apart from Government were happy because they have won big prizes. During the same period a Fremantle grandfather became Western Australia's biggest winner with a $9m Powerball prize. That would be a life changing experience!

The report also states that total product sales reached $384.1m. I note in the previous year that figure was $391.4m. That gives members an indication of what this Bill is about because the commission needs to maintain its income so it can keep funding projects in the community. That is something everyone can applaud because we are all aware of the importance of this organisation.

The annual report indicates that the commission has a turnover of nearly $400m and it returns $120m to the community. This report states -

> In a society experiencing considerable dislocation, strengthening the social fabric of the community is perhaps the greatest contribution the Lotteries Commission can make to the quality of life in Western Australia.

I applaud that because I am well aware, as are most members, of the enormous effort the commission makes in spreading its funds throughout the community to hundreds and thousands of community groups that are very glad to receive funding to carry out their various activities in the community.

During 1997, the commission experienced a slight reduction in turnover due to a variety of factors. The point is made that this year the trend is likely to continue with sales likely to grow only slightly, while demands for lotteries funds are certain to increase. I do not think any member of this House would doubt that. There is a lot of competition, in other words, for the gambling dollar. The Lotteries Commission, which has a totally public purpose, if I can put it that way, needs to compete, and I am sure members would agree, unless they are totally opposed to gambling, that it is important for the commission to do that.

The annual report states also -

> In November 1996, 64 years after being established to control illegal gaming and to use the profits to benefit the Western Australian community, the Lotteries Commission celebrated giving a total of one billion dollars to charitable and community groups.

It is important to remind ourselves about the reasons for and the story behind the establishment of the Lotteries Commission.

One of the particularly successful aspects of the work of the Lotteries Commission is the 18 lotteries houses that have been set up throughout the community. I am sure all members in this House will have one of those houses within or near their electorates. The lotteries house in Stirling Street, Perth, has been a great success. These lotteries houses provide secure, affordable accommodation for small, non-profit groups which use volunteers and work for people within the community of all ages and types. These groups would not be able to operate without this public funding. Many small community groups start off well, do important work and are supported by the community, but because they cannot get the funding to set up their headquarters, they often find it very difficult to continue their work. I applaud the Lotteries Commission for providing that funding.

I have attended the Festival of Perth regularly for the past 30 years, and I am intensely aware of the commission's great importance to festival-arts funding. Together with Healthway, it has had an enormous influence on the ability of the Festival of Perth to enrich and make its product widely available to the people of Western Australia. I am very happy to defend the work of the Lotteries Commission and to support a Bill that will allow it to vigorously fight for market share. Although it is a charitable organisation in one sense and has a public funding purpose, it must compete vigorously in the market, as must everybody else these days.

This Bill has been amended in the upper House, by agreement between the Government and the Opposition. Some Opposition members had expressed concern about an apparent intention to allow the introduction of electronic scratchies. They believed this was going too far and might concern people who were opposed to gambling because it would provide too easy an access to gambling from the home and might lead to an addiction. Some of my colleagues have different views about this matter, and as my colleague the member for Peel has indicated, this matter will be discussed in this House in the future, because it is obvious to many of us that it will become increasingly commonplace for people to gamble electronically through the telephone or the Internet. The community, and certainly the House, need to have a serious discussion about how we should handle this type of gambling when it does become freely available. Electronic gambling is on its way, and everyone is very wary of it. Eventually, we will all need to come to terms with it, and it is a matter that we will need to discuss at greater length in this House. On this occasion, I am very happy, on behalf of the Opposition, to support this Bill to give the Lotteries Commission the opportunity to compete in the marketplace and to catch up with its competitors so that it can continue its very important work in our community.

MS McHALE (Thornlie) [3.55 pm]: The member for Perth has very eloquently covered the views of the Opposition, but I wish to make some comments on the Lotteries Commission Amendment Bill because of my shadow portfolio responsibility for the Arts and the critical role that is played by the Lotteries Commission in funding the arts community.

In trying to find a theme on which to deliver my speech, I went back to the original second reading speech on the Lotteries (Control) Bill 1932. I am a bit of a researcher and an historian, and I always like to go back to the origin of issues, because we often forget that a great deal of history lies behind what we do. It is remarkable that the issues that we are now facing with regard to gambling, social mores and values, and the difficulties of state gambling versus interstate and now international gambling, were very real issues when the Act and the Lotteries Commission were first established in 1932.

The debate at that time reflected the social mores of the day and bears a great similarity to the situation that we face today. In 1932, there was a great deal of anxiety about what the legalising of gambling would do to our society. The same sorts of comments are made today, but perhaps on a larger scale. Hon J. Scaddan said at that time -

> Perhaps next to the liquor question there is none that causes quite the same amount of controversy as that of gambling.

As the member for Perth indicated, certain people within our community oppose gambling, and it is incumbent upon both the Government and the Lotteries Commission always to be aware of their social responsibilities and the impact of gambling upon our social mores and values. Hon J. Scaddan said also -

> After all, there are very definite divisions of public opinion on the question of gambling, and particularly on the question of the conduct and control of lotteries. There is one section which decides very definitely, not only against legalising it, but against permitting it to be conducted at all, while there is another section just as definitely inclined towards permitting it . . .

That division, while perhaps not being as great as it was in the 1930s, which was a time of depression, is still very much an issue now, and we do talk about the increase in gambling and the concern in our community about the social effects of gambling, and how we do not wish to see an extension of gambling. They were very real problems with which the Government in the 1930s had to deal. The origins of this Bill were about controlling gambling and dealing with what was regarded at the time as a very real social problem. It was also regarded, interestingly, but perhaps also critically, as the way of assisting charitable organisations.

Hon J. Scaddan said -

> . . . and see if we cannot, by some means, arrive at the conclusion that we can materially assist charitable organisations worthy of assistance, and at the same time very effectively control this particular form of gambling and prevent it from degenerating into an abuse.

The role of the Lotteries (Control) Act was then, and perhaps the role of the legislation is now, to generate moneys for charities because at that time it was hard for charitable organisations to get money from the community for

nothing. It was felt that introducing lotteries would give people an opportunity to gain something as well as give money to charity.

One of the current issues facing the Lotteries Commission is perhaps no longer having to deal with the threat of opportunities for gambling from interstate. However, the real dilemma now is between gambling in Western Australia versus gambling internationally through the Internet. It is a current issue because gambling through the Internet and through the website Cyberbet is happening now. Although the amendments in the upper House have curtailed opportunities for Internet gambling, it is very much a real issue.

The Government cannot ignore the fact that cybergambling and gambling on the Internet is happening. Many people think that is wrong and do not accept the logic that, as it exists, it is better to capitalise on it as a State and ensure that some revenue comes to the State. I tend towards the view that it might be better to ensure revenue is obtained from that gambling, rather than its going elsewhere. Perhaps the Government can control it, if it is controllable. There are debates about whether gambling on the Internet is controllable and how it could be done. Nevertheless, that is certainly a debate that must be held fairly soon rather than its being left to much later.

The dilemma of curtailing gambling, as opposed to its availability across borders, was a problem facing the Government in 1932. The Minister for Railways said, and he made a very critical and important point that is relevant today -

> It is useless to complain against the conduct of lotteries within our own borders and for the benefit of our own people, especially when it would be for the benefit of our sick and maimed, and of our orphans and widows, and yet permit this money to be sent out of the State to the advantage of similar people elsewhere. I have always understood that charity begins at home.

In 1932 that Government said that if it did not control gambling, it would happen anyway so it should obtain the money for this State's orphans, widows and the maimed. The Lotteries Commission has extended its generosity, but the issue is still relevant today, as it was then.

The member for Perth talked about feelings in the community of the effect of gambling on our social fabric. That should be at the forefront of our thinking. I know the Lotteries Commission and, in particular, the chief executive officer, take that issue very seriously and are aware of the potential damage to society. Again, back in the 1930s it was said by one member of Parliament -

> I have no doubt in my mind about the menace of gambling to the community. . . Gambling, however, has reached such proportions in the City of Perth that some action must be taken against it.

That person recognised that gambling was part of our social fabric, and it has been for hundreds of years. There was almost a view, and people reconciled themselves to this view, that men, particularly in those days - and even some women and children in the 1930s - would gamble anyway so it should be made legal.

In the 1930s raising funds for charitable organisations was a problem, as it is now. The Government of the day had some useful insights into why people gambled. In the second reading debate members spoke of poverty and addiction. This is still the context in which many people bet and gamble today. Hon W.D. Johnson said about gambling -

> It is true that to-day gambling is on the increase. It is true also that women and children who never gambled before are gambling to-day. The reason for that is not very hard to find. It is due to the fact that people who usually have sufficient to maintain them are not getting enough today.
>
> . . .that the only hope of putting things right for them was to win a Tattersall's sweep.

People then were betting because they did not have enough money and they thought about what they would do if they won the lottery. Their imaginations then were as fertile as people's imaginations are today. Some may dream about going to Tuscany and others about buying a boat.

Mr Cowan: The advertisement promotes the dream.

Ms McHALE: Probably in the 1930s their dream was about buying a loaf of bread or a decent side of beef. The principle is the same - it is the dream and the hope.

The lessons to be learnt from the debate when the Lotteries (Control) Bill was first introduced are important ones for today. It would be remiss of me not to refer to Hon P. Collier, who wanted to protect future generations from gambling. He opposed the Bill, and was concerned that it would be deleterious to the community's moral standards. He said -

> I wish to approach it with some regard for the people of the State and of future generations. Is there anyone who will dispute the fact that opening the door to gambling and extending every encouragement to the principle, will not have its effect in weakening the moral fibre of the race?

Some people still feel the same today. The Lotteries Commission was born in the 1930s amid concerns about excessive gambling, poverty, controlling gambling and the real issue of cashing in on gambling when it was already happening in other States. These issues are faced today. Fortunately, people from the Lotteries Commission do not have to come to the Parliament every year, unlike their forefathers - the Lotteries Commission in the 1930s and 1940s comprised all men. From 1932 to the middle of 1940, Parliament renewed the Lotteries Commission every year. That perhaps reflected the anxiety of the Parliament of the day about setting up the Lotteries Commission.

They gave it a 12 month trial, and it was to be renewed every year. In 1942, it was given a three year extension, followed by a five year extension. An interesting comment was made when the Bill had a radical overhaul in 1942. I quote this reference as I was tickled by the suggestion made about the year -

Mr McGowan: You are an historian.

Ms McHALE: I am; I am anything the member wants me to be! I quote from *Hansard* of 1954. A Bill was introduced in 1949 to extend the duration of the Act for a further three years. At that time, people started to regard the Lotteries Commission as a permanent institution in our society and not the evil body anticipated. It took 20 years to reach that realisation. Debate ensued on how long the legislation should operate before it was reviewed again. The speech reads -

> . . . moves were made to extend the duration for a considerable period, the greatest being until 1999.

It is a pity we will not be discussing this Bill next year, as that would have been an historical nicety.

Mr Barnett: We will come back and do it again.

Ms McHALE: All right.

Mr Cowan: No!

Ms McHALE: It was suggested in 1954 that the Lotteries Commission operate until 1999, and we are dealing with this Bill in 1998. They did not accept the 1999 suggestion, and gave another five year extension. That history lesson was for the benefit of the member for Rockingham. Everything has a history; nothing is really new as most things have cyclical characteristics.

I move now to the details of the Bill. Having acknowledged the fundamental role of the Lotteries Commission in the arts world, the wealth of creativity would not be found in the cultural fabric of our society without that funding. The Lotteries Commission, as the member for Perth indicated, funds the Festival of Perth significantly, as it does other icons of our culture, such as the WA Ballet Company, the WA Opera Company, Country Arts (WA) so regional Western Australia can benefit, the Barking Gecko Theatre Company and a range of other orchestras and performing arts bodies.

Clearly, the commission's role is integral to our cultural life and viability. We would have an unimaginable problem if that funding were not provided. Therefore, it is important to maintain the viability of the Lotteries Commission to ensure it remains at the forefront of the lotteries industry in our society. Legislative control minimises the difficulties many community members have about the expansion of gambling and its negative consequences on society.

The Bill will change the allocation of funding. Notwithstanding the briefing I had from the commission's CEO, for which I was grateful, and subsequent documentation supplied, I cannot give a comprehensive overview of the changes. However, it is important to note that on paper it looks like the sports, arts and film community will receive more money. The percentage has increased, but people should not get excited as this is a higher percentage of a smaller slice of the cake. The estimates are that the arts community will receive the same funding under the new formula as it did under the old formula even though the percentages have changed. The Opposition will keenly monitor the impact of the new games and the varying percentages of prize money to ensure that the film, arts and sport communities can be guaranteed that their funding will increase, or at least remain the same, as a result of the changes.

In summary, I have shown today that real problems are experienced in our society through gambling. However, let us not take it out of context: Those concerns were very real in the 1930s when it was feared that gambling was excessive and had to be curtailed or controlled. It was said to be damaging the moral fibre of our society. Many organisations were concerned about that. Those comments are made today. Social issues continue within society.

Mr Pendal: Do you agree with it or not?

Ms McHALE: Some forms of gambling should not be encouraged.

Mr Pendal: What forms are they?

Ms McHALE: The Opposition made its position very clear on poker machines; it opposed them. The social environment in which people gamble on poker machines is not healthy. It can lead to addiction because it is repetitive, and it is not an interactive environment. I suppose that scratch and match tickets are not interactive either; however, degrees apply. That is one example, but I will not enter into an argument with the member.

Mr Pendal: I was not starting an argument; I was asking a question.

Ms McHALE: I realise that.

Social problems are involved. The Lotteries Commission faces viability questions. We are led to believe that amendments to the Bill will preserve the commission's position in the world market of lotteries. The Opposition accepts the claim that it is not a desire to expand gambling in Western Australia, and that these games will not harm the community. The Labor Party supports the commission's work in relation to ensuring the maximum funding possible for the arts, sports and film industries. Lotteries and gambling are already on the Internet, so we need to form a position on that as a community and Parliament.

MR KOBELKE (Nollamara) [4.18 pm]: Like the previous Speaker, I acknowledge the very important and wonderful work which flows from the Lotteries Commission. Members are well aware that the profits from the Lotteries Commission are major contributors to the funding of our health system, and provide important contributions to the arts, sports and a wide range of charitable and community organisations.

All members are cognisant - perhaps in their own electorates - of the role that the Lotteries Commission plays in ensuring that many small organisations receive support. In my area the autumn centres have benefited considerably from one of the programs of the Lotteries Commission which assisted in fitting out and furnishing those autumn centres. The lotteries house initiative has been going for some time and has an extensive program ensuring that community office facilities are available in a range of locations for non-profit organisations which serve our community and usually do not have sufficient funds to pay commercial rent.

In my own area of Mirrabooka, Balga and Nollamara I have been aware for some time of a range of organisations which could not afford to have an established office. In one case, a program that was working with street kids was working out of a house, which was a non-conforming use of that property. Although it was reasonably managed, minor problems did crop up from time to time. Organisations such as that, which perform a very valuable role, need appropriate accommodation. Along with councillors David Boothman and June Copley, I worked with the City of Stirling to get A lotteries house into our area. Although we were not successful in achieving that, the City of Stirling, in building the new Mirrabooka library, was able to get considerable help from the Lotteries Commission to establish what is now the Kevin Smith community offices building. As far as I am aware, that is almost completely, if not fully, taken up with a whole range of organisations based there. Those projects are some examples of the very valuable contribution made by the Lotteries Commission to local community groups and services.

I am also aware from my involvement through Northside SkillShare of the employment programs in which the Lotteries Commission has become involved over the past few years. Particular projects have been designated and funded by the Lotteries Commission in order to help young people, who do not have much prospect of getting work, to be given work experience and a whole range of experiences to show what they can achieve, to lift their expectations and motivate them so that they can go on to further training and employment. Those programs were a new initiative for which the Lotteries Commission needs to be commended.

There are many uses - it is not appropriate to go through them all - to which the proceeds of lotteries go. Suffice it to say that members here are well aware of the impact of this funding across the whole community and in their own electorates. We are aware also that the source of funds is from various types of games or gambling and the basket of money available from gambling in this State is limited. It is a matter of how we, through the legislation of this Parliament and the policies of Government, try to divide up where those gambling dollars go and who is the beneficiary.

There are always groups in our community who feel that they would like to get a larger share of the gambling dollar. I, along with most members, have been lobbied by licensed clubs and the racing industries because of the particular share they get of one form of gambling. The amount of dollars that go into gambling is limited and one cannot expect to make changes with respect to gambling in one area - such as the Lotteries Commission - and not take account of the implications that might flow to the dollars that go into some other form of gambling.

Conversely, we need to be aware that if changes are made to the rules relating to the TAB or the casino, it will impact directly on the amount of dollars that will flow into the Lotteries Commission and therefore be available to a whole range of very important works in our community.

We need to take cognisance that it is a matter of choice by people regarding how they spend their gambling dollar. The Lotteries Commission is very much aware of this. It is aware of the pressures and issues that currently exist in the marketplace. They have sought to respond to the change in market trends. At the end of the day it will be the decision of the individual gamblers or buyers of lotto tickets that predicates the way the market moves. The lotto is well known as a key product of the Lotteries Commission. We see very regularly the large prizes which go to lotto ticket buyers in Western Australia. It is a considerable part of the gambling market in Western Australia. The percentage of winners of the national lotto in Western Australia indicates that lotto is more popular in WA than in most of the rest of Australia. That is largely because in other parts of Australia there are competing forms of gambling which we do not have to the same extent here in WA. It is also caught up with the fact that in other parts of Australia, Governments in those other States take a much larger share of revenue from gambling dollars. Those other forms may relate to the introduction of gaming or poker machines into hotels, the availability of casinos and other forms of games of chance. In WA we have had a more restricted range: one casino, the racing industry - horses and dogs - and the Lotteries Commission. Even in WA, the contribution from gaming directly into government coffers, and indirectly through the Lotteries Commission to such things as our hospitals, is an important source of revenue.

I do not have the figures before me; however, the dollars in other States that flow from gambling into general revenue is mind boggling. I am pleased that both the Leader of the Opposition and the Premier are in unison in not wishing to see a major extension of gambling into hotels and clubs in Western Australia.

Many people disagree with that. In some circles it would be popular to see a major extension, particularly because of the economic hardships which are experienced by many hoteliers; even more so by licensed clubs which are finding it difficult to maintain their flow of revenue and, therefore, their club and their services; they would like to see an added form of revenue through the extension of some form of gaming machines into those clubs and hotels. However, I fully support the stand that has been taken by the Leader of the Opposition and the Premier. As other speakers have mentioned, there is a downside to gambling. With the lotteries we see the positive side of what can be achieved in our community by the use of the proceeds of one form of gambling. We are also cognisant of the damage it does to individuals and their families for those people who cannot control their urge to gamble.

The charities that benefit from the Lotteries Commission are obviously cognisant of the money which they receive from the Lotteries Commission. They are also very much aware - and some of them have made representations to the Government in recent times - that their own fundraising would be put at threat by any major extension of gambling into the community. A range of health foundations and other charitable organisations, that are crucial to meeting the needs of many people who have special needs or who are particularly disadvantaged, rely on being able to pick up dollars through raffles and other minor forms of gaming in which they are entitled to participate. Some of those foundations and charities made it clear to government when pressure was on to extend the forms of gambling, that they would not be able to survive if they were not able to compete in the marketplace through raffles and other forms of fundraising as a major source of their funding.

Organisations were able to provide to the Government examples from other States where their sister or brother body had a huge cut in revenue when those States extended the forms of gambling. We need to be very much aware of the balance that exists and which we hope can be maintained in order to look after the interests of a number of different industries that rely on gambling and, at the same time, ensure that we try to move with the demands of the people who wish to spend their dollars on some form of gambling.

The pressure on many of these foundations and charitable organisations is intense. In some areas into which these not for profit organisations have tried to move in order to meet needs, we have seen a withdrawal of government funding. We are also aware that our society is always advancing and that people are trying to do things better to more fully meet a whole range of needs which previously have gone unrecognised or unserviced. Competition has increased among a wide range of charitable organisations to raise dollars to fund their programs.

At the same time as we have seen this expansion in the need to raise money for good causes, we have seen many companies reducing the money they are willing to spend in what they perceive as non-core areas; that is, where companies see that they can do some good in the community or where they are involved with charities which may have very positive promotional spin-offs. As companies have gone through tight economic times, many have reduced the funds they are willing to donate in the form of grants to charitable organisations.

The competition between charities for the available dollars means that they are very concerned about any changes that we make, such as those in this legislation, to the forms of gambling or gaming that are available to the citizens

of Western Australia. If we are to extend gambling in this area, as this Bill does in some ways, we need to be cognisant of the effects it may have on the fundraising of a number of very important charities in this State.

I comment briefly on advertising and promotion of the Lotteries Commission. The commission runs a very high profile series of advertising. At times I must express some doubt as to the real objective of the advertising. I have no difficulty with the Lotteries Commission seeking to maintain its base in the community to ensure a continuing cash flow of comparable size so that it can fund the very good causes that it serves. However, in my judgment, at times it goes beyond maintaining its market share to the point of promoting gambling. It is a fine line. Perhaps my judgment is wrong and many others here feel the Lotteries Commission's position is correct. However, I place on record my belief that some of its advertising has been more about promoting gambling than maintaining market share. A minor part of the commission's advertising informs people of the availability of its various products and how they work.

I must recognise that we are dealing with a shifting market. When people are looking at putting their gambling dollars into different areas, if the products of the Lotteries Commission do not have a reasonably high profile, its market share will shift. This Bill seeks to address that shifting market. We are very much aware that other States offer different products which we need to be able to match. A range of other types of gambling, such as that available over the Internet, provides challenges and new forms of competition to the Lotteries Commission. The Lotteries Commission needs to be able to adjust its products in order to ensure that the choice made by gamblers does not move funds away from it and, therefore, undermine the very good work that the profits from those products are able to support.

There is an old saying that gambling in Australia is a form of taxation by choice, because it is such a very important part of the revenue of the States and a whole range of charitable organisations. In most cases punters choose to commit their dollars to a particular form of gambling, knowing that a percentage of the money they spend will be taken off in the form of a tax which will flow through and hopefully be used in wise and productive ways. In that way, of their own volition people make a major contribution to taxation in this State. If people commit their dollars knowing that and also wishing to get the maximum return, they will move those dollars around. If we do not adjust the forms of the games and the ways in which they are available, we might simply find that the dollars move out of the Lotteries Commission and are lost to the charities and the various other organisations which rely on it. That says nothing of the impact it might also have on the revenue of the State. We need to be cognisant of the fact that the forms of gambling and products available from the Lotteries Commission must change to meet the needs of people.

We also have the real threat or challenge of trying to keep up with changes in technology. In this Bill we have not really addressed that problem. I am not saying that as a criticism, because it is a very difficult area and one on which I hope the Government is working. If people are able to bet in Vanuatu or any other place, through the use of the Internet or other modern technology, and they do not have to pay a tax to the Government, as that system becomes available and people have some faith in it, they will no longer spend their dollars in Western Australia on the forms of gambling available here. It is a very big issue. I do not know the answer. I certainly hope the Government is taking considerable heed of the situation and, in addition to the moves in this Bill, tries to readjust our system in order to ensure that we get maximum advantage from the gambling dollar and do not lose it because we are behind the play.

The second reading speech mentioned that the sports lotteries will follow with these changes, looking to new income and customers. I will look with interest at the form of those new games. Given most Western Australians' fanaticism and interest in sport, it is an area where perhaps gambling has not reached anywhere near its potential. Perhaps it is the lack of appropriate products and their marketing. We may see a shift towards gambling on sport. The move to telephone and electronic methods of placing a bet or buying a ticket was mentioned, and the situation will change in this regard because the definition will change in the Bill. That is another example of trying to move with the times, which is being addressed in this Bill.

I am reassured the next issue will be controlled by the legislation, but it is an area where matters could get out of control. I refer to the changes that will enable the commission, with the approval of the Minister, to establish business partnerships with other organisations for the purposes of revenue generation. An organisation such as the Lotteries Commission would clearly already have business partnerships with a whole range of organisations, including printing contractors, promotional groups or organisations running some of the products that the commission offers.

The Lotteries Commission has a highly professional approach and the accountability requirements of a government instrumentality. I am not saying that the accountability mechanisms cannot be improved, but that is a matter for the Government, not the commission. That structure provides a certain sense of security that the commission is serving the public good and the private profit motive is not a negative to that public good. If we allow the establishment of business partnerships, we must ensure there is no reduction in that level of accountability, and that the Lotteries Commission is not placed in a position where it is responsible for things done by companies but over which it has no control. We must ensure that its integrity is not undermined.

The commission is held in very high regard by the community. It is seen as a very professional organisation. One would expect more public complaints and criticism as a result of minor problems and mistakes in administration, given the amount of money involved. In my 10 years as a member of Parliament only one constituent has come to me with a complaint about a lotteries commission agency. The media coverage indicates a very low level of complaint. That reflects very well on the commission and it is part of the reason it is held in very high regard.

The other reason it is held in high regard is the huge amount of good it does with the profits of gambling. However, once the commission moves into partnerships or joint ventures with business operations - I am not saying it should not happen - we must ensure that adequate checks, balances and accountability mechanisms are put in place.

We have seen time and again that this Government's performance in respect of accountability is very poor. The checks and balances are usually totally missing. Yesterday we witnessed the Premier's refusing to answer factual questions on key issues. If that is this Government's approach, we must ensure that we have the highest possible accountability mechanisms to avoid people creaming off some of the profits.

I have been given some assurances, and the current provisions in the Bill appear to ensure that we have that level of accountability. I will be looking at that more closely. The Government must provide for accountability in this situation more effectively than it has in many other areas of its operations.

MR MARLBOROUGH (Peel) [4.47 pm]: The Parliament must recognise the significant role that the Lotteries Commission has played in the community of Western Australia. The benefits it has bestowed over its 65 year history illustrate why it is important that this Parliament pass legislation allowing the commission to be at the forefront of providing for those most in need in the community.

The communities in my electorate would be significantly poorer if the state Lotteries Commission did not exist. The Medina senior citizens' group is about to receive its fourth grant from the commission to construct a $80 000 dining room. Without the commission's support it could not happen.

Community centres have been built and enhanced in my electorate, including the Golden Bay facility and extensions to the Warnbro community centre. Significant amounts of money went into those areas. The Golden Bay facility could not have been built without the commission's support and that money comes into the community. Those funds are boosted by local government contributions and the community groups that want the resources also contribute directly or in kind.

The Lotteries Commission brings the community together - State Government, local government and the public. At the end of the day, that is a plus. Its record shines as a beacon to the rest of Australia. The Lotteries Commission can be proud of its history. In the time I have lived in Western Australia, since 1963, it has been a trendsetter for the other States. The legislative program supporting the commission and the way it has been managed have been a model for other States. Its management, as always, is top class. I have seen nothing to dissuade me from the view that the commission is the most appropriate body to deal with the needs of the battlers in the community. It allows for the distribution of funds at minimal administration cost to those who most need them, as quickly as possible. We could not survive without the commission.

Arguments rage about the commission's running ads encouraging people to gamble. We could debate that all day. The reality is that gambling is part of the entertainment dollar. Obviously, 10 or 15 years ago we did not have the events or the venues we have today in Western Australia. We did not have a casino or an entertainment centre 15 years ago and the five-star hotels up and down St Georges Terrace were not there. We did not have cheap air travel and the ability to go on holidays. The gambling dollar comes under the entertainment umbrella.

If people are faced with a choice about where to spend their gambling dollars, the commission must encourage the view that they could not choose better than to spend it with the Lotteries Commission.

People know when they buy a ticket from the Lotteries Commission that not only are they partaking in a great system, but also they are giving something to the community. Last year alone in this State, the Lotteries Commission put $120.6m back into the community in one way or another. It gave $45.1m in direct grants to the community for things such as the extensions to the Medina Senior Citizens' Centre, and it gave $75.5m to be divided between sports, health and the arts. Sports and the arts could not survive in the way they can now and could not put in place significant programs for artists and young sports people without the support of the Lotteries Commission.

If we were to sit back and allow the Lotteries Commission to fall behind what is offered elsewhere in the entertainment industry, simply because we wanted to argue about the rights and wrongs of gambling, either less money would be available for those groups in the community, or the Government of the day would need to find some other way of gathering the revenue. That would usually be in the form of a tax on industry, or a tax on consumers through either the petrol bowsers or cigarettes. I do not think the Government can raise taxes through the petrol

bowsers any more. The loss of revenue would be so great across the board that it would have a dramatic effect. I do not want to see that take place.

Of course, the argument about the level of gambling, the style of gambling and whether we are encouraging people who should not gamble to gamble should be at the forefront. However, what should also be at the forefront is the recognition that, one way or the other, people will spend their entertainment dollar as they see fit. Very little legislation will control that. The Lotteries Commission is a well managed, well controlled body, established by legislation and in a democracy, that gives people a feeling not only of security but also of knowing that when they put in their money, every dollar will be accounted for. At the end of the day when they lose, they can have a smile on their face because they know that Princess Margaret Hospital for Children will be looked after, the Western Australian Institute of Sport will be looked after, and the Medina Senior Citizens' Centre will be able to extend its kitchen and dining room. I wholeheartedly support this legislation, which is an attempt to keep the Lotteries Commission at the forefront in its ability to raise revenue.

Mr Cunningham: Can you give us some money from your area? You get a lot down there. I would like you to share it.

Mr MARLBOROUGH: I do get a lot, but that is because I have a lot of people who need it a lot.

Mr Cunningham: Share it around!

Mr MARLBOROUGH: I want to make sure that money continues to come to my area.

I want to give members an idea of how well the Lotteries Commission is managed. Members of Parliament may not be aware that one of the things the Lotteries Commission does with its weekly or monthly income from the community is invest on the short term money market. This Bill will allow the Lotteries Commission to have an overdraft facility and to borrow money on a 24 hour basis, so that once it has invested its money, it can leave that money on the short term money market for a period and use the overdraft facility to meet certain short term demands. Last year alone, that investment by the Lotteries Commission on the short term money market generated $6.5m. That money was added to the $120m that went back to the community through community grants or to the arts, sports and health areas. I support the Bill because it recognises that the Lotteries Commission has the ability to generate $6.5m in addition to what punters pay to the community.

The Bill seeks to keep pace with a number of things that are happening in Australia and that are providing opportunities for people to spend their entertainment dollar, not the least of which is a new game that will be introduced later this year by the Lotteries Commission. The experts tell us that game will generate an extra $20m per annum for the Lotteries Commission. That means that under the legislation that controls the Lotteries Commission, a large percentage of that money will go back into the community.

Mr Cowan: I hope some of that money will come from your pocket.

Mr MARLBOROUGH: It may well do, and I will be happy to pay for it. There is a $17m jackpot this week. We are all in it!

Mr Kierath: Will that mean mass resignation if we win?

Mr MARLBOROUGH: It may do. Do not worry about that! The money is coming!

If I had a concern about the process, it is that this legislation is being brought into the House at the same time that the Lotteries Commission Act is under review. Although we would prefer these changes to be included in the new Act that will come before the Parliament at some time within the next 12 months, the reason that this legislation has been introduced is the need to keep abreast of the rapid changes that are taking place. Severe problems would be created if the Lotteries Commission fell behind in its ability to raise money for the community.

My upper House colleagues have dealt with the concern that people may be able to access scratch and match tickets on a television screen in their homes. That issue has been clarified, and I understand that it is not the intention of the commission that scratch and match tickets be used in that form. However, new games will be introduced as people's needs and wants change, and the agreed changes to the legislation in the upper House will ensure that that can be accommodated without causing undue concern that the Lotteries Commission will allow people to gamble using a television screen in their homes. However, I believe that is inevitable.

I said earlier in another speech about the racing and gaming legislation that that sort of gambling will soon be available, and all the reading I have done in the past fortnight on the sort of gambling that is now appearing on the Internet indicates that Governments have not come to grips with legislation to protect the individual. It is just simply too difficult.

Bodies must be put in place if the individual is to be given some comfort and protection; that is, bodies such as a lotteries commission supported by government legislation and appropriate and proper management and processes. Therefore, if someone spends a dollar on gambling it will be properly managed. That person will know if he has won a prize and he will know that if he loses, it will go to a good cause. Nothing I have read, whether it is from America or from bodies that are investigating this matter in every State in Australia, indicates that a form of legislation exists that will stop people gambling from their home through the Internet, or if people do, legislation which will protect them from unscrupulous operators. That is why it is important to establish bodies such as the Lotteries Commission, whose reputation is second to none. The part of the Act which seeks to clarify the interpretation of people under the age of 16 years who are not able to obtain lotteries tickets is appropriate and has been broadened to include games other than soccer.

I commend the Bill and hope my colleagues and other members of Parliament recognise that this is an area of rapid change. What does not change is that the Lotteries Commission continues to be well managed, supported by excellent legislation and supported by this Parliament. At the end of that process, it gathers money which goes back to the areas of most need in the community. My constituents, and those of my colleagues, will be far worse off without the support of the Lotteries Commission. I support the Bill on the basis that it will allow the Lotteries Commission to continue to be at the forefront of not only gathering money in the entertainment industry, but also delivering to the community that portion of the money that is not taken up in the giving of prizes.

MR COWAN (Merredin - Deputy Premier) [5.02 pm]: The members for Perth and Thornlie have referred to themselves as "shadow Ministers". I strongly recommend, given the extent to which they have researched their subject, that they dispense with that terminology and call themselves "Opposition spokespersons". If the members look at the definition of "shadow", they will find that it is something that one can see but which has no substance. I suggest that, considering the amount of substance they have given to their contributions through their research of this Bill, what it does and what impact it has, the members are doing themselves a disservice by referring to themselves as "shadow Ministers". I commend both the member for Perth and the member for Thornlie for their contributions based on their knowledge and understanding of the legislation. I am not sure I thank the member for Thornlie for the history lesson; it was never one of my favourite subjects. Notwithstanding that it was very interesting. I find that I have no greater favour for it now than when I was a schoolboy.

As the member for Peel has stated, the Lotteries Commission is a body of which every Western Australian can feel justifiably proud. It provides an opportunity for the Australian habit to be pursued, while at the same time giving some justification to that habit. Tangible evidence proves that the funds it collects and redistributes, either to health, the arts or sport, are put to very good use. As the member for Perth mentioned, these amendments are necessary to meet the changing times of those areas of games and contributions made by the Lotteries Commission to varying aspects of today's society in order to keep pace. It is timely legislation to amend the principal Act in this way.

The member for Nollamara commented about advertising. Society will always debate whether advertising by the Lotteries Commission promotes gambling or simply lets people know that a particular option is available to those people who gamble. I will not stand in judgment on whether it does or does not promote gambling. As the member for Peel has acknowledged, it is appropriate to maintain a level of income to the Lotteries Commission through these different games - novelty games or new games that might be introduced - and also have a greater volume of funds which can be redistributed.

There is a very clear correlation between advertising and the amount of money that is spent. The best example is the decision to offer 18 lines of Lotto, as opposed to 12, for a considerable discount. It was taken up quite readily by the Lotto playing public and it might be argued that gambling was being promoted, but it was also equally able to be argued that the punter was merely provided with an option that demonstrated that he will receive better value for his money by taking 18 lines rather than 12. I will not enter into the moral issues associated with this matter. It has been stated that the Lotteries Commission exercised a great deal of integrity when making a decision like that. Given its record of performance, it very clearly demonstrates that it draws a very fine balance in the way in which it advertises the available products.

This legislation is designed to allow the Lotteries Commission to introduce new games, to enter into partnerships with other agencies which might have a game in the making and to make that game available to Western Australia. It will be welcomed by the general public, as it has been welcomed by members who have spoken tonight. The enhancement of those laws which require a clear penalty for 16 year olds or clarification of the age at which people are permitted to purchase lottery tickets in a game is appropriate. Given that we are moving into an electronically based society, it is appropriate to provide some recognition of the way in which a ticket can be purchased, rather than generally across the counter.

I thank members for their comments. However, I chide the member for Nollamara. If he had read the standing orders, he would know that two standing orders preclude him from making any comment about debates which have

taken place earlier this week. If he does not know it, I inform him that they are Standing Orders Nos 125 and 133 and I suggest that he read them. I thank members for their contribution to this debate and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mrs Holmes) in the Chair; Mr Cowan (Deputy Premier) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr COWAN: I move -

> Page 2, lines 2 and 3 - To delete "the day on which it receives the Royal Assent." and substitute the following -
>
> > such day as is fixed by proclamation.

This will ensure sufficient time in which to make regulations. Rather than the Bill coming into law when it is given the royal assent it will be on a date to be fixed by proclamation.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Section 3 amended -

Mr COWAN: I move -

> Page 2, line 23 - To delete "subsection (5);" and substitute "subsection (4);".
>
> Page 3, line 10 - To delete "subsections (3) and (4)" and substitute "subsection (3)".

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 6 to 23 put and passed.

Schedule 1 put and passed.

Title put and passed.

Bill reported, with amendments.

SCHOOL EDUCATION BILL

Committee

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

Clause 116: Dissemination of certain information on school premises -

Progress was reported after the member for Belmont had moved the following amendment -

> Page 81, lines 22 and 23 - To delete the lines.

Mr RIPPER: The two lines I seek to delete relate to the dissemination of material advocating the case of a party to an industrial dispute including the chief executive officer. I was explaining that I am not in favour of propaganda being distributed to children, but I am concerned that this clause may prevent appropriate material from being distributed. When an industrial dispute occurs, advice must be given to parents about what will happen at the school. Typically, the school principal sends a notice home with children advising the parents that proper supervision cannot be provided at the school the next day and that they should keep their children at home because of the industrial dispute.

Sometimes dissension arises between the Education Department and the teachers' union about whether such a notice should be sent home. The staff of a school may send a notice home to parents explaining what course of action they propose to take. Many school staff feel an obligation to explain to the community why they are not providing a service which they would normally provide. In these cases the material is not targeted at students. It is not given to them to read; it is given to them to take home. However, I am concerned that material given to students to take home will be caught up in this ban.

In other words legitimate communications between a principal of a school and the parent community, and the teachers and the parent community which, in a practical sense, must be carried out by children taking home notices could be hindered as a result of this legislation. We are not in favour of children being proselytised by one side or another in an industrial dispute. However, the Opposition feels that both the union and the chief executive officer, the staff and the principal should be able to communicate with the parent community. As we all know, that is done by giving messages to children to take home. I only wish that more of the children produced those messages from their school bags and gave them to their parents.

Mr BARNETT: This is an important matter of principle. Political, commercial or industrial material is not to be distributed via children in our school system. If an industrial dispute involves teachers it is up to the principal, if appropriate, to send a note home with the children to advise parents of the arrangements for the next day. It is not up to the principal to comment for or against the industrial action. Although this clause may stop the teachers' union from distributing union material, it also prevents the chief executive officer from doing the same. This Government will not allow children to become pawns in industrial action in schools. It happened in 1995, and it will not happen again.

Mr RIPPER: It is not a question of children being pawns in a dispute; it is a question of the communication systems that operate in school communities. The following example does not relate to an industrial dispute: Recently the Minister was promoting a process that will result in the closure of certain high schools. In one case the P & C association at one of those high schools wanted to arrange a public meeting to discuss the proposed closure of the school. It was prevented from doing so by the district officer instructing the principal not to give material advertising this meeting to the students to take home to their parents.

Mr Barnett: Absolutely.

Mr RIPPER: That hampered the P & C association's from conducting its public meeting to dispute a government decision. It may be that schools should attend to their communication practices. If schools were able to give a list of the names and addresses of the parents to the P & C association, it would have a list of its members and would be able to post out the material. Posting the material would be preferable to giving it to children. Often the school will not give the addresses to the P & C association so the only way it has of communicating with its members is to give the material to the children. It is unsatisfactory, but we do not have any alternative. That means that if the P & C association is taking a political approach to the future of its school or some other educational issue affecting the school, under this rule it will not be able to communicate with its members. I would like to see the same system operating at all schools that operates at Kewdale Senior High School. If that P & C association wants parents to attend a meeting, it sends a letter or notice to the parents in the mail. That is more effective than relying on students to fish out a crumpled and greasy message from the bottom of their school bags. I want P & C associations and teachers and principals to be able to communicate with the community.

I agree that sending messages home with students is not the most satisfactory situation. They are not given to students to read; they are given to them to take home. If the material were addressed to the parents in an envelope and sealed, would it fall foul of this legislation?

Mr BARNETT: From my recollection, the recent example of a P & C association wanting to send home material advocating a protest to save our schools is an example of exactly the material that should not be distributed through children. I am happy for the P & C association in that case using political antics and having a protest rally, but the children should not be involved.

Mr Ripper: I agree with that.

Mr BARNETT: What happens at Kewdale is appropriate. Mailing of material home to parents, no matter what its content is fine. The preamble to this clause refers to material that will impress a viewpoint or message on the children's minds. It is the students having the material or being influenced by it that is of concern. In principle I do not have difficulty with properly enveloped and sealed material being delivered by students. However, I would be wary. I would prefer a more professional line of communication that did not involve students.

Mr RIPPER: Part of this clause relates to giving information to students verbally. What would be the position if a teacher were asked to explain to a student why teachers were intending to strike the next day? Would a teacher who

said teachers intended to strike because they were seeking a 10 per cent salary increase and the miserly Government was proposing to give them only 3 per cent fall foul of this clause?

Mr Barnett: Clause 68 makes it clear that teachers can talk about industrial disputes or political parties. However, they are not to promote a cause or philosophy, or one side of the argument. The explanation must be an objective account, not support of a cause.

Mr RIPPER: I take these following assurances from the Minister: If asked, can a teacher give an objective account of an industrial dispute without falling foul of this clause?

Mr Barnett: Yes.

Mr RIPPER: If a P & C association member or staff member put material into sealed envelopes for the parents, addressed to the parents, would they fall foul of the clause?

Mr Barnett: Again there is discretion there for the principal. If teachers believe students might open highly inflammatory material and read it, that would be inappropriate. I do not think that practice would fall foul of this legislation. I will not open the door to abuse by the use of colourful envelopes, for example, with material printed on the front. Done in a sensible way it should be acceptable.

There will be guidelines and the principal should be able to advise the parents and citizens' association on that.

Mr RIPPER: There seems to have been some action undertaken in 1995 which has led to the Minister's consideration of this clause. During an industrial dispute, have members of the teachers' union traditionally engaged in any action which the Minister is trying to cut off with the imposition of this clause?

Mr BARNETT: There is no particular action, but from my recollection material was distributed to students during the industrial dispute in 1995. Students staged their own assemblies cum strikes on school ovals. Effectively those students were mimicking the behaviour of the teachers. I did not think that was a desirable thing.

Mr Ripper: The teachers did not think it was desirable either.

Mr BARNETT: It happened and promotional material was given to students. That was totally inappropriate and I hope that, on reflection, the teachers' union will agree that that was not desirable.

Mr Ripper: There is no suggestion that they tried to get the students to do these things.

Mr BARNETT: No. If teachers are concerned, they can hand out material directly to parents outside the school gate, and so can P & C associations; however, it will not happen within the school ground and it will not involve students directly.

Mr KOBELKE: I seek clarification on a technical point arising from clause 116. I am not taking issue with its intent. A penalty of $2 000 applies if a person on the premises of a government school gives to a student, orally or in writing, material that could be party political information and not part of the education program of the school. We are well aware that schools are used quite regularly as the polling place for elections. At those elections, it is considered, within the constraints of the Electoral Act, quite right and proper to hand out party political information.

The DEPUTY CHAIRMAN (Mrs Holmes): I remind the member that we are dealing with the amendment. Perhaps the member might continue his remarks after we put the question on this amendment.

Amendment put and negatived.

Mr KOBELKE: I thank you for your guidance, Madam Deputy Chairman. I will try not to repeat any of my comments. There is a penalty for people handing out political information which does not relate to the educational program on the premises of a government school. Government schools are polling places at election times. Clearly it is not intended that this legislation will make it an offence for that information to be handed to a schoolchild. It comes down to the possible definitions that apply within this clause or, alternatively, it may be that the Electoral Act overrides any other legislation with respect to the conduct of a poll.

If it is permissible under the Electoral Act to hand out party political propaganda, such as how to vote cards, within the constraints of that Act, it may cover the possible technicality that causes me concern. If students turn up at the school on polling day and accept party political matter, on a technicality, the person handing out the material may have committed an offence which has a penalty attached to it of $2 000. The adviser has suggested that the definition of "student" would get around this; that is, if young people of school age turn up on a Saturday not for the purpose of attending school, they do not meet the classification of students. That may overcome the difficulty to which I am alluding.

It may not be as clear cut as that. My youngest boy plays netball on a Saturday. The teams which play on the Saturdays are school teams. Perhaps these players may turn up in uniform at the school on polling day to play some sporting fixture and could be considered part of the educational program, although in a general sense it is extracurricular. On that basis they could be classified as students; therefore, there is the potential for a technical offence. My question relates purely to the technical possibility that within this clause we could catch a set of circumstances relating to elections which is not intended.

Mr BARNETT: I think the member answered the question for himself. It might also apply to school premises being used by a church on a weekly basis. Young people might attend the church, but that does not contravene this clause. They may be there as churchgoers or during election time, but they are not there as students. This relates to only those times when students are involved in an educational program. That problem does not arise. It is good that it has been clarified.

Mr RIPPER: The speech of the member for Nollamara bears on the amendment that I will move, which defines a student and makes absolutely clear that this clause applies during school hours. We could quite easily have a circumstance where a student is on the school premises for other purposes. We have discussed some of those. A political party meeting might occur on school premises after hours and the student might be there with his or her parents.

A church youth group might use the school and perhaps the members of the group are students at the school. It may be a Baptist youth group and it may promote that denomination during youth group activities on school premises at night. I do not think we can say that a student is not a student at the school just because it is after school hours, unless the Minister can point me to a definition somewhere else -

Mr Barnett: They are not in an educational program. The definition of a student is a young person who is involved in an educational program.

Mr RIPPER: Is there a definition? Clause 4 gives the definition of "student" as a person who is enrolled at a school. That is pretty open and shut to me: The student is enrolled at the school; the student is on the school premises; the material given to the student is political, commercial, religious or industrial. I do not think the Minister has shown that this amendment which I will seek to move is not required. I move -

> Page 82, after line 5 - To insert the following -
>
> > (4) In this section **"student"** means a student enrolled at a government school who is on school premises at a time when the student is required to attend the school as a part of her or his educational programme at that school.

Mr BARNETT: The Government does not accept this amendment. We do not think it is necessary. It is putting unnecessary detail and repetition in the Bill

Mr BROWN: The Minister says that we should not worry about this amendment; that it is not necessary. That may well be correct; however, I want to know how the Minister arrives at his conclusion. The definition of "school" is pretty clear; that is, it is a government school or a non-government school. In my electorate, and I imagine in all others, both government and non-government schools are usually polling places during an election. A school is a school, irrespective of whether it is used for other purposes. It is not a sponge cake on the weekend. A student is defined as being a person who is enrolled at the school.

Mr Barnett: Clause 23(1) says that it is someone who is enrolled in an educational program at the direction of the principal. You are clutching at straws.

Mr BROWN: It says that a student must, on the days in which the school is open for instruction, either attend school, participate and so on.

Mr Barnett: If we follow this line, we will be defining every term and clause of the Bill. One of the objectives is to have a readable and workable piece of legislation.

Mr BROWN: I think that is right. It is appropriate to have a readable and workable piece of legislation. How does the Minister conclude that this clause narrows the scope of the definition of "student"?

Mr Barnett: A young person who is on the school premises on a weekend, and who is not part of the school program is there as a young individual, not as a student. He can be on any school grounds, whether or not it is the school he attends.

Mr BROWN: I understand and agree with the Minister's logic. The concern is whether the Bill reflects that. I find it difficult to comprehend the Minister's advice that section 23 can be read as narrowing the definition of "student"

as contained in the definition clause. However, if that be the Minister's view, so be it. I would have thought that if the matter went to court and was judicially determined, it would be an interesting test.

Mr Barnett: The Government had the amendments moved by the Opposition examined, and it is our legal advice that I am correct. However, I am prepared to have them re-examined, and if I am wrong, we will bring the amendment back into the upper House.

Amendment put and negatived.

Clause put and passed.

Clause 117: Dealings with a parent -

Mr RIPPER: I move -

Page 82, line 9 - To insert after "student" the following -

, or a person whose details have been provided under section 16(1)(b)(ii)(II), the principal must notify that person,

This is really in the nature of a technical amendment which has been suggested to the Opposition. This is about principals' dealings with a parent. Occasions are contemplated in the legislation in which people, other than parents, will be on the enrolment register. It might be a grandmother, an uncle, or some other person who is a guardian. Those people, other than parents who nevertheless have a quasi parental responsibility, are people whose details have been provided under clause 16(1)(b)(ii)(II). We suggest that this clause should provide for those people, which relates to a school's responsibility to deal with a parent.

Mr BARNETT: The circumstances could involve an Aboriginal aunt or grandparent, who effectively cares for the child and takes responsibility. However, this clause defines the legal responsibility which lies with the parent. That will not prevent a school principal from providing information or communicating with an aunt if that is the practical situation. Were we to accept the amendment, which we will not, we would be putting further legal obligations on terms of communication and that would be unnecessary, an enormous duplication of work, and would probably lead to dispute. Commonsense will prevail. The principal will know whether he has to communicate with a grandmother, an aunt or a cousin and nothing will prevent him from doing it.

Mr RIPPER: The principal may do it. The principal may also say that he cannot find the parents, and so is not obliged to advise anyone who is not the parent. Therefore, the person who has the day to day practical responsibility for the child will not get the information. That is why we moved the amendment. I expect the Minister is right in that in most cases a professional school principal will make an appropriate decision. However, in most cases a professional school principal will provide the information to a parent, and so why have the clause in the first place?

Mr Barnett: It provides guidance to the principal. Every situation cannot be anticipated.

Mr RIPPER: The Minister wants the situations he anticipates included in the legislation. However, the situations we anticipate put too much detail into the Bill, according to him!

Mr Barnett: That is right; that is it.

Amendment put and negatived.

Mr RIPPER: I made these comments with regard to an earlier clause relating to dealings between schools and parents. I want to repeat them on this clause. It is important for schools to recognise that students have potentially two parents who have an interest in them. In many cases, students are in the day to day care of one parent, but only in contact with the other. I would like schools to recognise the rights of those parents who do not have a residence order with the child under the family law legislation, but who have a contact order. Too often parents in our society only have contact or access orders and lose contact with their children. To be realistic about it, in most cases we are talking about fathers who do not have access to or contact with their children. This clause allows a principal to deal only with the parent who has the residence order or the custody order, and to completely ignore the parent who has the contact or the access order. I am not saying that schools should get involved in disputes between estranged marital partners or divorced people. I would like schools to be more sympathetic to people who are in danger of losing contact with their children. It is not only a matter of a parent's rights; it is also a matter of the child's rights, and schools should be encouraged to send duplicate reports or school newsletters to the contact parents. That would be in the interests of the child.

Mr BARNETT: I understand the point made by the member for Belmont. It is a very prevalent problem in our community. This clause relates to a legal obligation to inform one parent. The policy guidelines will be drafted to

encourage principals to keep the contact parent informed, as long as it does not breach a Family Court order. We will do that.

Mr Ripper: I am pleased to have that assurance.

Clause put and passed.

Clause 118 put and passed.

New clause 119 -

Mr RIPPER: I move the addition of a new clause -

Page 83, after line 9 - To insert the following -

Corporal Punishment

119. A school shall not discipline any student by administering corporal punishment.

We have not had corporal punishment in government schools for more than a decade. The provision is in the regulations under the existing Education Act. I have no doubt that this Minister will insert a similar regulation in the new regulations under the School Education Bill. I regard this as an important issue.

This Parliament should make a statement about the invalidity of corporal punishment. We should entrench the ban on corporal punishment in government schools in this Bill. We should not leave it to our hopes about what the Minister will put into the regulations.

This is a controversial issue for some people, but they are looking to the past rather than towards the future. Today we have modern methods of managing children; we have more sophisticated approaches to managing children. With teachers' greater professionalism and with modern management methods we have achieved the required level of school discipline. We should not resort to the brutal methods of the past when dealing with our children. That would send a very bad message to children that when they have a problem, when they have a dispute, they can solve it with violence. In our community we are experiencing a frightening increase in violence, and the last message we want for our children is that violence can solve any problem. If they receive that message, as adults with greater strength and opportunity to use violence they will remember the way in which adults dealt with problems when they were children and they will be inclined to use violence to solve their problem.

Some people in the community would like to see children disciplined by corporal punishment. Unfortunately, some people in the community have an anti-youth attitude. People are suspicious and frightened of young people. People have no trust in our young people. Some people see young people's approach to life and fashions as a threat to the social order with which they are comfortable, and those people want young people to be disciplined strongly. They are prepared to use corporal punishment. I do not think that in a modern society in which we aim for a better quality of human relations and less violence we should be contemplating corporal punishment on school children. We do not flog rapists or murderers -

Mr Johnson: We should!

Mr RIPPER: We do not flog armed robbers or car thieves; yet some people consider that we should flog 10 or 11 year old children in our primary schools. If that is not an appropriate approach for hardened criminals why is it appropriate for children who have committed mere breaches of school discipline? We have set a policy on corporal punishment in this State in the Education Act regulations. We should make a statement as a Parliament and entrench that provision in this legislation governing our schools -

Mr Pendal: You are probably right, but as a matter of interest when was the last time that corporal punishment was used in schools?

Mr RIPPER: I do not remember the precise date, but I think it was put into the regulations fairly early in the term of the last Labor Government. Therefore, it is more than 10 years since corporal punishment was carried out in schools. It has not existed in practice for some time. It is covered by the regulations but it should be entrenched in this legislation.

Mr JOHNSON: I oppose the amendment. It is no surprise that I do so. I note the comments by the Deputy Leader of the Opposition that some people in society have an anti-youth attitude. I can assure the member that I am very far from having an anti-youth attitude. I have four children and five grandchildren. I work very closely with children and have done so for many years. However, I believe corporal punishment in schools is addressed in the regulations, and that is where the issue should remain. There may come a time when this State will bring back corporal punishment in schools in certain instances. I do not believe for one moment that it does a child any harm to receive

a whack across the bottom if the child has behaved so badly that it is warranted. Without a doubt, in countries such as Singapore the rattan has been used, but the number of people who have received the cane twice would be about 3 per cent. That is an admirable goal to reach.

I had the cane when I was at school on two or three occasions and it never did me any harm -

Mr Barnett: That is a matter of opinion!

Several members interjected.

Mr JOHNSON: It is lovely to receive a vote of confidence from my colleagues!

This amendment is similar to the philosophy of the do-gooders who say that parents do not have the right to smack their children. The amendment is travelling along the same avenue. The pendulum has swung too far to one side. We need to return the pendulum to the centre, so that we have some balance. I do not believe teachers would whack children's bottoms just for doing things the teachers thought were wrong. I do not agree with that thinking.

I do not agree with beating children, but I believe that a whack across the backside is acceptable, if a child has committed a violent act against someone or has done something bad, after repeated warnings, detentions, and writing lines. I am aware that members opposite are totally opposed to corporal punishment. However, I think that most members on this side believe that it does no harm -

Mr Riebeling: They want to get into it, with clubs!

Mr JOHNSON: No. Their children are under the care and supervision of teachers. Teachers do not particularly like carrying out corporal punishment. I know that the member for Churchlands, who has been a deputy principal at a girls' school -

Dr Constable: Do you support corporal punishment for boys and girls?

Mr JOHNSON: I would have it for both, if they deserved it. I believe in sexual equality. If a girl behaved so badly that she deserved a wallop on the backside or across the hand, so be it.

Several members interjected.

The DEPUTY CHAIRMAN (Mrs Holmes): Order!

Mr JOHNSON: Some people do that for pleasure! I do not suggest that in this instance we do it for pleasure. We would be doing it for the good of children. I have smacked all my children, when they have misbehaved. I know that some of my friends took the new age attitude, never to smack their children, but some of those children have turned out to be nothing but trouble.

Mr Ripper: Read their names into *Hansard*!

Mr JOHNSON: I will not do that.

I do not suggest that we go to the extreme of capital punishment. However, when we did away with capital punishment in the 1960s, the murder rate increased astronomically.

Mr Kobelke: Where was that?

Mr JOHNSON: I am talking about the United Kingdom. The statistics are similar throughout the world.

Mr Kobelke: Not at all!

Mr JOHNSON: There have been more murders in Australia since capital punishment was repealed. I am merely saying that corporal punishment should remain in the regulations, where I believe it belongs, because at some stage we may need to bring it back and it will be easier to do so if it is left in the regulations. I am a firm believer that an odd whack does not hurt any child when the child deserves it.

Sitting suspended from 5.59 to 7.00 pm

Mr BAKER: I am concerned about the relationship between this proposed amendment and section 257 of the Criminal Code, which states, under the heading "Domestic discipline", that -

> It is lawful for a parent or a person in the place of a parent, or for a schoolmaster or master, to use, by way of correction, towards a child, pupil or apprentice, under his care, such force as is reasonable under the circumstances.

I understand that that provision purports to create a specific defence to assaults against children in certain circumstances. Is it the intention of this amendment to override that provision?

Mr RIPPER: The intention of this amendment is to prevent corporal punishment being used as a means of discipline in government schools. I do not believe the amendment has any connection with the section of the Criminal Code to which the member referred. The member described that section as a defence. I would need to check - I am responding off the top of my head - but I imagine that a person who was charged with assault as a result of administering corporal punishment in a school might be able to use that defence. However, if the school had breached a provision of the Education Act, there would certainly be ways of dealing with the circumstance other than by a criminal prosecution for assault of the teacher concerned. I am trying to give the member an answer without having had a chance to study the point that he made. We are not intending this amendment to impact upon circumstances in the home, which are separate from circumstances in the school, and neither are we trying to alter the criminal law. We are simply trying to put into law a ban on corporal punishment in government schools.

Mr BAKER: I accept that that is the intent, but the proposed amendment necessarily excludes the application of that defence in circumstances involving corporal punishment in schools. To give a simple example, prima facie the application of force to a child is an assault; and an assault is an unlawful assault unless it is justified, authorised or excused by the law. Section 257 of the Criminal Code states that certain assaults on children in certain circumstances are lawful. It does not state, for example, that the defence can apply only in respect of assaults upon children at home or at school; it is a blanket defence. However, the proposed amendment basically excludes the application of that defence to corporal punishment if it is exercised at school.

Mr Ripper: I am seeking to shift to the Act a ban that has been in the regulations since 1987. I cannot see that having it in the Act will have any different effect from having it in the regulations. The member is a lawyer; perhaps he can advise me whether the situation with regard to the Criminal Code will be in any way altered by shifting a ban from the regulations to the Act.

Mr BAKER: That is a matter for debate. The member can consult various lawyers and they will give him different opinions.

Mr Ripper: I want your opinion. Will you give me your opinion for free?

Mr BAKER: Of course.

It seems that the proposed amendment will totally override the situation where a parent is prepared to delegate to a school teacher the authority to use corporal punishment in certain circumstances. A parent can effect that delegation to a baby sitter, a grandparent, or a person who is in place of a parent. Is the member saying that a parent does not have the right to delegate that authority to a school teacher?

Mr Ripper: The intention of the amendment is that corporal punishment will not exist in government schools, as it does not exist now, and a parent will not have the right to say to a teacher "If my son misbehaves, cane him."

Mr Johnson: What a pity!

Mr Ripper: A parent will have the right to say that, but it will have no effect.

Mr KOBELKE: I support the amendment and wish to take up some of the matters raised by the member for Hillarys. The member for Hillarys said that the next thing we will want to do is ban parents from disciplining their children by using corporal punishment. I do not think that is the issue. People may believe that they have the right to use corporal punishment on their children. However, that is very different from allowing a stranger to take some form of instrument to their child and inflict corporal punishment. There are many caring teachers and principals whom parents would trust, but in many cases principals are strangers to the parents of a child, and even strangers to the child. The member for Hillarys is suggesting that we should submit our children to being interfered with physically by being struck by a principal who is a total stranger to that child. That is a totally different matter from parents seeking to discipline their child by using corporal punishment. A principal is an authority figure, and a principal in any given situation may not have a relationship with the child to whom that principal is administering the corporal punishment, such that the child regards that corporal punishment other than as being sadistic and the infliction of physical pain for the principal's own purpose, whatever that purpose may be.

I find it strange indeed that the member for Hillarys is suggesting that there can be some positive gain from having a strange man whack the bottom of a young girl. Clearly that is a major problem. There cannot be discrimination between girls and boys in schools on matters of discipline. The corporal punishment must be equally applicable to girls and boys. It is unacceptable in this day and age for principals, who in most cases are strangers to the children, to inflict physical punishment on a boy or a girl. That has particular significance if a male principal is inflicting physical punishment on a female student.

People in the community are becoming more aware of the extent of sexual abuse and paedophilia, and they are grappling with the mechanisms to ensure children are protected from it. Detailed psychological analysis has been carried out on sadism and masochism and its connection to physical punishment. I know nothing about this, apart from what I have read in books. One of my constituents is a lawyer who has made a study of this because of the public debate. He has spent time going through this study with me and advising me of the authorities. He made it clear that some of the strange sexual practices of members of Parliament in the United Kingdom can be related to some of the private school practices in Britain and the common practice of corporal punishment in those schools. That connection between the British school system's use of corporal punishment and the range of weird sexual practices among Conservative members of Parliament is totally strange to me. I welcome the visitor to this country, the member for Hillarys, who seems to be well acquainted with the practices of his Tory colleagues in the United Kingdom. He seems to feel there is no problem with a male principal inflicting physical punishment on a female student. It is anathema to me and I could not countenance it.

Mrs HOLMES: I find it interesting to listen to members' comments about the amendment proposed by the member for Belmont. My comments are made as a result of information I have received from a deputy principal in one of the schools in my electorate. She spoke to me some time ago about the difficulties she was having with a group of children in her school who were terrorising another group of children. Some of the children being terrorised asked her to take some action on their behalf. She spoke to the parents about the children's request. As a result of the consultation between the deputy principal and the children, it was agreed that a cane would be placed in a glass case in the principal's office.

Corporal punishment is a wide ranging and far reaching phrase. In this school the existence of the cane in the principal's office became a deterrent. In the case of this Bill, we are talking about a deterrent and not about teachers and principals wielding canes, whacking children over the head and doing all sorts of things. I do not believe any member in this Chamber had that in mind. I have given an example in which the cane was used as a magnificent deterrent for children who were running amok. Some parents cannot control their children, for whatever reason, and when those children attend school they think they can behave in the same way as they do at home. That type of behaviour is not acceptable in schools but nor is it acceptable for teachers to strike children. I must admit that when I was at school I got the slipper, the cane and the ruler, and I had chalk in my ear, but I survived quite happily. When I told my mother I had been in trouble, she said it was my hard luck and I deserved everything I got. Things have changed since then.

This amendment is very far reaching in as much as it prohibits corporal punishment. A cane placed in a glass case in a principal's office could be regarded as corporal punishment. I am concerned about Bills in which the provisions are too specific. Principals and teachers are intelligent, knowledgeable and trained, and they know exactly what their job is. They will not hit children but they will try to teach them discipline so that they understand they have a purpose at the end of their school years. I will vote against this amendment because it is too specific, as such it could prevent action, such as, a cane being held in a glass case in a principal's office.

I am pleased to advise members that since that action was taken at the school to which I have referred, there have been no problems with the children who required that action to be taken in the first place. I urge members to think very carefully about this. They should not anticipate the use of corporal punishment in schools or that teachers and principals will wield batons and behave like the SS. That is totally ludicrous. We are talking about children being brought up in an environment in which they respect their teachers and principals and their values, and they learn to respect themselves.

Mr BROWN: I have vivid memories of the use of the cane when I was at school. One day at a lesson on religious instruction, I was told that honesty was the best policy and that an honest person was pure and would be rewarded in the hereafter. Shortly afterwards along with the other boys at the Scarborough Senior High School, which the Minister is seeking to close, I went to recess. The 200 or so boys were all throwing rocks at the wall. We were sprung by a teacher and asked to be honest and own up. Having just come from a lesson in religious instruction, I put up my hand, along with one other boy. We were the only mugs. The other 198 were saved from the lash. As a result of that experience, I am concerned about the arbitrary nature of the use of the slash and lash.

I recall another incident, which I am sure would not happen these days, involving an intellectually impaired student at the school. This was an excitable young man, and clearly off balance. He was walking into a classroom one day and he turned around and ripped off a young woman's tunic. It is not behaviour that one would countenance at all. However, it was clear that this young person had an intellectual impairment, as it was later found. He was caned mercilessly at that school, on the hands, arms and legs. I remember that very well. It would not happen today in a more enlightened society, but it certainly happened then. I am interested when people who advocate corporal punishment say that we should have the Singaporean system. I ask whether they realise that in Singapore adults are caned; caning is not limited to children. Is the member advocating caning for drunk drivers; and, if not, is he

advocating that it is okay to take the lash and the cane to children but not to adults? What sort of screwball intelligence is it that says it is okay to whack a six year old but it is not appropriate to whack a 30 or 45 year old drunk who has been endangering lives on the roads? Is it more important to give young Johnny a good whack if he has misbehaved than it is Fred who is a 45 year old drunk endangering lives on the roads? What about the double standards of that? How does the member justify that in a civilised society? If members opposite believed in corporal punishment they would apply it to adults as well as to children, and they would not shy away from that and say it is only for children.

Mr BAKER: I am sure that before advocating this amendment the member for Belmont would have researched the possible impact on other areas of the law. Let us consider the hypothetical case of a 16 year old student who is 6 foot tall and weighs 15 stone, and who is known to be a bit of a lad and misbehaves quite often. We know that assaults are quite common. If this lad lashes out and assaults a teacher - it may be a punch, a kick, a push or a shove - and the teacher lashes out in response, can that teacher avail himself or herself of the defence of provocation or will this amendment exclude that defence? Assaults on teachers are very much a problem in our schools at the moment. I cannot see why teachers should be treated as second-class citizens because of their occupation.

Mr RIPPER: The member for Joondalup has asked me a series of legal questions to which I can give an amateur's answer. Including a prohibition in the regulations will not change the current situation.

Mr Baker: Why put it there?

Mr RIPPER: I explained that when I moved the amendment. The Opposition wants a declaration by this Parliament that corporal punishment should not exist in schools, and the impact of that prohibition is strengthened by inclusion in the legislation.

Mr Baker: So it is a symbolic statement?

Mr RIPPER: No. It will not change the practical situation in government schools because corporal punishment is banned by regulation in government schools already. I am assuming that when the School Education Bill is passed, the new regulations will include the regulation relating to corporal punishment.

Mr Barnett: Probably a stronger variant.

Mr RIPPER: It will be good to have that explained to us when the Minister responds to this amendment in formal debate.

I am not a lawyer but my impression is that teachers are as entitled as anyone else to use reasonable force to protect themselves from assault. The key to that is reasonable force. If it is a reasonable proposition to physically restrain a student who is about to assault another teacher or student, the teacher is entitled to do that. If a teacher is assaulted and there is no need to use force to prevent a further assault, in other words, if the teacher lashes out when there is no need to lash out in order to prevent an assault, the teacher has got himself or herself into some trouble because teachers are not permitted to assault students.

Mr Baker: We are all human beings and I was referring to the situation of the teacher responding to provocation before he has fully considered his position.

Mr RIPPER: The teacher would only be entirely in the right if the action he took was reasonable force to prevent an assault.

Mr Baker: So your amendment would not override the application of the provocation defence?

Mr RIPPER: This amendment has nothing to do with criminal law. It is about preventing the establishment of a system in government schools in which people are punished corporally. The system used to be that only the principal or deputy principal could use the cane and the name and reason had to be written in the book. This is about abolishing that system.

Mrs van de KLASHORST: I have taught in schools for many years and I say categorically that there is no place for the cane in schools. We should not use a cane in crime prevention or in discipline in schools. All that does is to teach children to hit. However, I will oppose this amendment simply because it is silly to elevate this to the highest level of legislation when it is not occurring in our schools at the moment. In the early 1980s regulations banned corporal punishment in schools. This amendment will bring the issue to the fore. Why give this issue credibility and credence when professional teachers are not hitting children and have not been hitting children for 15 years, and they should not be? Hitting children is no answer. If members read my speech in the budget debate I talked about role models in the family and the fact that children follow the example of adults. If adults are hitting their children, those children will hit. When we change and give some love with discipline, we will start to give some positive role models

for children. I managed children through managing student behaviour procedures in school, and found this to be effective. Even though I oppose the amendment, I categorically state that the cane has no place in schools. We must not elevate it to legislation. It should be in regulations, as it would be silly to elevate it to law when corporal punishment is not happening.

Mr BROWN: This issue may have arisen because of comments made by the Premier over the past three or four years. I am sure the member for Swan Hills will recall the Premier saying on more that one occasion that he would consider re-introducing corporal and capital punishment if it were decided positively by a referendum. In the lead up to the last election, the Premier repeatedly raised the prospect of a referendum being held on the issue at the time of the election vote. It was a standby speech. Every time something went wrong with school discipline or the criminal justice system, the Premier wheeled out his tired old speech about reintroducing these measures if the public supported them. Nobody believed him. No referendum was held at the 1996 election.

I have taken up the matter with the Premier on a couple of occasions since in questions without notice. He said a referendum would not be held because insufficient public support justified it. Interestingly, the State Government, according to the Premier, stated that neither corporal nor capital punishment would be put in the Statute book until sufficient public support existed for it. No referendum has been held. If we are not to hear this excuse extracted from the Premier's desk draw to rattle the chains again whenever a problem arises with schools or juvenile crime, and if it has been put to rest, why is this amendment not appropriate? The Premier made that comment not by way of interjection or when caught unguarded, but in a considered response to two questions on the Notice Paper. If that is the policy of the State, it is appropriate to reflect it in legislation.

Obviously, if the Premier decides to go to a referendum on the matter, and people support his view, the legislation can be changed, as occurs with any other matter on which the Government of the day has sought public views. On one occasion it was proposed that daylight saving would be continued only subject to a positive determination in a referendum. People voted it down and it was not continued. It seems it is policy of the State Government to oppose corporal punishment. If it is outlined in legislation, the Premier will not be able to give his tired old speech every time something goes wrong. The only implication of the amendment is that it would need to be changed if a referendum were held and a positive determination were made. That is not a strong enough excuse for excluding this amendment from the Bill.

Dr CONSTABLE: It seems to be an evening for anecdotes, and I have a couple also. The first teaching position I held was at an inner city junior boys high school in Sydney. Most of the boys were aged from 12 to 15 years and were from non-English speaking backgrounds, and they could not speak much English at all. Large classes were taught in those days. I was an inexperienced teacher. In fact, I did not have a teacher qualification, as a teacher shortage meant just about anybody could get a job as a teacher.

The first class I taught contained forty-five 13 year old boys. If there was a problem, I told the child to stand outside the classroom so he and I could cool off. I discovered after the first two or three weeks at this school that a teacher walked up and down this corridor and every time he saw a boy standing outside a classroom, he would make him hold out his hand and give it a few whacks. It was extraordinary. I soon stopped putting the boys outside the door, firstly, because I was teaching the boys and it was my punishment; and, secondly, because someone was interfering with my relationship with the students. It was appalling that anybody, without knowing why someone was outside the class for punishment, would treat the boys in that way. However, that was the standard practice for treating boys, but not girls, in New South Wales schools in those days. It was cavalier. This teacher enjoyed beating those boys. We may think in 1998 that teachers would not behave in that way if corporal punishment were allowed. However, with 28 000 teachers in the State, I am sure a few of them would enjoy beating students with a cane if they could.

My second anecdote relates to research with which I was involved when living in Boston and working at Harvard University. I was involved in observing mothers and children interacting. We spent thousands of hours recording and analysing the behaviour of mothers and their children. The upshot of the research was that corporal punishment was seen to be an ineffective way of punishing children. More effective ways can be used to impose punishment so children learn discipline and to respect the wishes of their parents. All the research I have read or come across confirms the findings of those studies. Therefore, teachers can discipline children in better ways than corporal punishment, and teachers are taught those ways in teacher training programs. I expect that will continue. Corporal punishment used to be a landmark of punishment regimes in non-government boys schools. It is no longer the case, and has not been for many years; in fact, they pride themselves on the fact it is no longer part of the punishment regime in the single sex, boys schools. Corporal punishment is not accepted even within institutions where it was a traditional form of punishment 10 or 15 years ago.

I support the amendment. I agree with the Deputy Leader of the Opposition that we should make the statement in legislation rather than leaving it within regulation, which could be changed without Parliament's involvement.

Mr BARNETT: I do not support corporal punishment in schools, either as an individual or as Education Minister, and neither does the Government support it; and it will not be reintroduced. Regulation 32 put in place in 1960 provides that discipline enforced in schools shall be mild but firm and any degrading or injurious punishment shall be avoided. In 1987 corporal punishment was expressly forbidden in government schools.

Mr Ripper: By administrative order, rather than regulation?

Mr BARNETT: Under a regulation by administrative action it has been forbidden since 1987. As the member for Swan Hills queried, why are we legislating against something that is not practised? Many things are not practised in schools and we do not regulate or pass legislation to prohibit them. I am sure most males got the cuts at some stage along the way for which they showed a sense of bravado and it did not do them any harm. We all recognise that corporal punishment, irrespective of whether it did harm, is a bygone era. Should the cane be used we can imagine the outcry from parents. Although there might be a sense of bravado it would be acceptable to neither the parents concerned nor the student population. It is not sought by teachers or school administrators. The Opposition has accused the Government of provoking debate on similar issues. Why is the Opposition provoking debate on corporal punishment? It has not applied in schools for many years and will not apply in the future. The amendment to prohibit corporal punishment applies to that part of the School Education Bill relating to government schools. If we have a strong moral or ethical position why not propose to ban corporal punishment in all schools?

Mr Ripper: Are you?

Mr BARNETT: No. The member for Belmont's amendment seeks to ban corporal punishment by legislation in government schools but to leave non-government schools untouched. That is discriminatory and unacceptable. A limited number of perhaps fundamentalist Christian schools maintain some elements of corporal punishment; almost all non-government schools do not. Principals of most private boys schools have said that in no way would they introduce corporal punishment. Seeking to ban corporal punishment specifically in government schools but remaining silent about non-government schools is hypocritical. This issue has been handled by regulation. It is not necessary to have the ban in the Bill. We will develop a regulation to replace regulation 32. I do not have the wording now but it will be far stronger and it will prohibit corporal punishment in government schools over which the government has direct jurisdiction. We are not about to legislate in this way for non-government schools which, although it may be inappropriate, may still use some elements of corporal punishment.

Ms ANWYL: I note the member for Joondalup left the Chamber but he raised the issue of the Criminal Code. I listened with some sense of satisfaction I suppose to the comments of the Minister for Education because it is important he make his position known. I accept his position on this issue. Unfortunately some parts of the community would like to see corporal punishment reintroduced into schools as a matter of course. According to my recollection of the summaries of the One Nation Party policy, mention is made of corporal punishment being reintroduced.

In my capacity as Labor spokesman for Family and Children's Services I have heard comment that there should be no government interference in the disciplining of children, not only among parents but also in schools. If we examine the Minister's comments in an objective sense where he says it is not an issue in our current society, the trouble is that section 257 of the Criminal Code refers to it being lawful for a schoolmaster or master - I am not sure where that leaves female principals, but this is the language we have in our laws - to use by way of correction towards a pupil, child or apprentice under his care such force as is reasonable under the circumstances. I accept this may not be occurring and in my time as a member of Parliament I have not had a complaint from a child about the issue. However, it is important to know that the Government's position could be contained in the Act. This debate is whether that should be by way of regulation or by way of the Act. Some segments of our society believe children should be punished in a physical way as a matter of course. I am not sure whether they think that is good for the soul or goodness knows what. Perhaps they think it will help young people find jobs. It is part of the simplistic way of disciplining young people for antisocial behaviour we see in the media from time to time.

I support the comments made by the member for Belmont. It is significant that this issue be covered in the main legislation.

Mr RIPPER: The Minister responded to my amendment with some welcome remarks on the one hand and unwelcome remarks on the other hand. He is opposed to corporal punishment and does not see it having a place in government schools and he assures us that a regulation will implement that policy position.

Mr Barnett: Stronger regulation.

Mr RIPPER: I welcome that assurance. His unwelcome remarks are those in which he accuses the Opposition of being hypocritical because it has moved this amendment in relation to government schools and is silent on the issue in relation to non-government schools. The Minister's position is the same. He is proposing to outlaw corporal

punishment in government schools, albeit by regulation rather than legislation; he is not proposing to outlaw it in non-government schools.

Mr Barnett: It is not the same.

Mr RIPPER: The second point is that there is a difference between government schools and non-government schools. Many people have no choice but to enrol their child at government schools. We have compulsory education and a very large proportion of our population does not have the financial capacity to make any other choice. With non-government schools, people have a choice. They can move their child from that school or leave them there if they wish.

The second set of unwelcome remarks from the Minister was the accusation that the Opposition had unnecessarily raised an issue that was not of significance. It is significant because there still are people in the community who believe that children should be subject to corporal punishment. An array of government backbenchers have given speeches in support of it. If we did not make a strong statement about this and had no regulation, some teachers and principals would believe that corporal punishment should be applied to children.

It was not the Opposition that first raised the issue of corporal punishment in recent times. The issue was long dead. The Premier canvassed the possible introduction of corporal punishment. I do not have a direct quote from the Premier; I have a quote from an article in the *Parents and Citizens Voice*. It was so alarmed that it developed a response to the Premier's comments. The article stated that recently Premier Richard Court announced that his Government might reintroduce corporal punishment into schools as part of an overall strategy to get tough on law and order issues. What we have is a Premier who does not do these things; we have not had a Bill in Parliament to reintroduce capital punishment; and we have not had a Bill in the Parliament to reintroduce corporal punishment. What we got was a throwaway media line designed to make a gesture to people in the community who believe in corporal punishment or capital punishment. The message the Premier was trying to send is, "I am really with you but I cannot do it because there are practical difficulties or some other reason why it cannot be done".

If the Premier will stop raising issues of capital and corporal punishment, the Opposition will stop raising them. However, while he flirts with those sentiments and encourages people in the community, then those people who are opposed to both capital and corporal punishment have to be on their guard and have to put up arguments against them. I have put up moral arguments against corporal punishment. However, there are also practical arguments against corporal punishment. It is not the most effective system of discipline that can be applied in schools. There are all sorts of negative aspects to corporal punishment which have been revealed by research. It is not only a moral issue about how children should be treated but also a practical position which should be adopted. The research shows that corporal punishment is not the most practical means of disciplining children in our schools.

Amendment put and a division taken with the following result -

Ayes (17)

Ms Anwyl	Mr Kobelke	Ms McHale	Mrs Roberts
Mr Brown	Ms MacTiernan	Mr Pendal	
Dr Constable	Mr Marlborough	Mr Riebeling	Ms Warnock
Dr Gallop	Mr McGinty	Mr Ripper	Mr Cunningham *(Teller)*
Mr Graham	Mr McGowan		

Noes (22)

Mr Ainsworth	Mr Bradshaw	Mr MacLean	Mr Trenorden
Mr Baker	Mrs Edwardes	Mr Marshall	Dr Turnbull
Mr Barnett	Mrs Hodson-Thomas	Mr McNee	Mrs van de Klashorst
Mr Barron-Sullivan	Mrs Holmes	Mr Minson	
Mr Bloffwitch	Mr House	Mr Nicholls	Mr Osborne *(Teller)*
Mr Board	Mr Johnson	Mrs Parker	

Pairs

Dr Edwards	Mr Court
Mr Grill	Mr Day
Mr Carpenter	Dr Hames
Mr Thomas	Mr Prince

Amendment thus negatived.

Clause put and passed.

Clause 120 put and passed.

Clause 121: Exemptions and approvals -

Mr RIPPER: I move -

Page 84, line 9 - To delete "some other means" and substitute the following -

a Parents and Citizens Association established under section 136

This clause enables the Minister to decide that a school should not have a council. The relevant exemption clause reads as follow -

(i) because the functions to be performed by a Council can be provided by some other means;

It is considered by many that the "other means" should be a representative body of parents and the relevant representative body is a parents and citizens association. That is why the Opposition has moved this amendment. Either a school has a council, or a school has the functions that would otherwise be performed by a council performed by a parents and citizens association. I think every school has a parents and citizens association. However, it would be interesting for the Minister to comment on that.

Mr BARNETT: I am just advised not necessarily. Obviously in a State with the geography of Western Australia, there may be many very small and isolated schools where the practicalities of having a school council just do not measure up; it just does not work. The effect of the Opposition's amendment is that if a school council cannot be formed, the P & C association performs the role. The P & C association has a particular role in terms of a parent body. However, a school council is meant to reflect parents, students, principal, teaching staff and perhaps even the community. Therefore, it is not appropriate to say that if a school council cannot be formed, the P & C association takes on that function. The P & C association has a particular function in its own right. This reflects the fact that in Western Australia in some schools it will not be practical to have a school council. We would love to have them. However, in some cases it will not be possible.

Mr RIPPER: What would happen if a school council could not be formed because the right people could not be found, for example? I am not sure why a council could not be formed. Would it be only if parents or staff or community representatives could not be found to serve on it? In what circumstances is it contemplated a school council might not be formed?

Mr BARNETT: How do we get on with a one or two teacher school, or a school in a very remote location with maybe a dozen or 15 students? That is the scenario we are talking about. Where it is practical to have a school council, everyone would support it. We must take into account the circumstances of some schools in this State. In some schools it just will not happen. It is not realistic. This allows the exemption.

Mr RIPPER: This is what I am driving at with my amendment: Even those parents at a very small school might want some involvement in the school.

Mr Barnett: The P & C or parent involvement would provide that. A school council is set up as a reasonably formal body. In very small or isolated schools it just ain't going to happen, to put it bluntly. However, that doesn't mean the P & Cs and parents are not involved directly with the principal in school management.

Mr RIPPER: The purpose of my amendment is to ensure that, even when there is not the critical mass to form a school council, people still get to have some say, some consultation, in school management.

Mr Barnett: Absolutely.

Amendment put and negatived.

Mr KOBELKE: My comments relate to more than one clause, but it is appropriate to raise them on this clause, which allows for exemptions and approvals by the Minister. My reading of the clauses on school councils gives me the impression that this is quite a good system. I will comment on one element of the system of establishing councils which relates to how these clauses will be put in place by the regulations that will go with them. I preface my comments by talking about the current arrangement for school councils or, as they have been called in the past, school based decision making groups.

The Labor Government moved to establish these councils and to require that all schools have a school council. As I say, at that time they were called school based decision make groups. I was very supportive of that move, although I was not comfortable with the way in which the Labor Government implemented the rules. I was not able to win

the day; therefore, I had to go along with that. It was a case of one model fitting all; all schools were required to fit into a fairly tightly prescribed set of rules for the group.

The exemptions in clause 121, in clause 122, which refers to the constitution and functions of councils, and in clause 124, under which the Minister can approve functions of the council, seem to be a basic structure that will allow a fair degree of flexibility. The council for a school may have a structure and a range of powers which best suits the needs of that school. Although that is my hope, it does not mean that is the way in which it will function. Many of these matters will be more clearly defined by regulation. Is it the intention that the regulations will be fairly prescriptive and all school councils basically will have the same model, or will a reasonable degree of flexibility be allowed? One school may want a small council of five members, to function in a particular way and to see itself playing a particular role and having a specific set of functions. Another school not far away with a different clientele, with parents from a different socioeconomic base, may want a council of 15 members, and to take on a range of functions which vary in some way.

I hope the Minister will be able to allow a degree of flexibility with rules so school councils will more closely fit the needs of a school. Will it be the intent, when drawing up the regulations, to have one model with variations; or will the Minister open up a fairly wide range of models, when it can be shown they will suit the needs of the school?

Mr BARNETT: The way in which this clause is structured allows sufficient flexibility. If necessary, we may be able to add to that by regulation. We have tried to recognise primary and secondary schools and senior colleges in the future and to allow that flexibility. Essentially we want teacher, parent, student and community involvement. What happens will vary from place to place. There is sufficient flexibility in this clause. If we need to reinforce that through regulation, we will do so.

Mr Kobelke: That is my understanding of the Bill; however, I am asking what is the intent, because the regulation making power that goes with this will enable the flexibility to be tightened or be let out.

Mr BARNETT: The intent is to allow flexibility, not to restrain or restrict it.

Clause put and passed.

Clause 122: Constitution of Councils -

Mr RIPPER: I move -

Page 84, line 22 - To insert after "school" the following -

including persons whose details have been provided under section 16(1)(b)(ii)(II)

My reason for moving this amendment is a technical one. This clause provides for parents and students over 18 years to be members of the school council. In some circumstances children will be cared for on a long term basis by people other than their parents - foster parents, grandmothers, uncles, aunts. People have all sorts of family arrangements at the moment. Where those people are responsible for the day to day care of the child, although they are not the child's parents, I would like to see them eligible for membership of the school council under the parental clause, rather than that relating to members of the local community. That can be achieved if this amendment, referring to the inclusion of those people on the enrolment register under clause 16, is accepted.

Mr BARNETT: We do not disagree with the sentiment. I foreshadow a series of amendments to be moved by the Government which will cover that point, but in a way that is appropriate to the structure of Bill. I think they are being circulated. That will achieve what the member is raising.

Mr KOBELKE: I thank the Minister for trying to take up the concerns which were raised by the Deputy Leader of the Opposition when he sought to provide an extension of those persons who can comprise members of the school councils under clause 122. I am not sure of the nature of the amendments, having just had them drawn to my attention by the Minister. Will the Minister move then en bloc?

Mr RIPPER: This is our chance to get very accurate information - the Minister has left the Chamber and is taking a breather! In the hope the Minister will be advised of my questions, having re-read his proposed amendment to clause 122, I do not see that his amendment actually takes account of the purpose of the amendment which I have moved. I am trying to get grandmothers, aunts, uncles and others on the school councils under the parental clause. The Minister seems to be moving amendments to change the provision for school councils where the majority of the students at the school are aged 18 or more.

I imagine that the Minister would like me to withdraw the amendment in favour of his. Before I embark on that course of action, will the Minister explain how the clauses will read once his amendments have been carried and how they will cover the intention of the amendment I have just moved? Since we are talking about the composition of

a school council, the Minister might want to foreshadow the debate on the next amendment, where I want to insert after "students" the words "and parents". There I am trying to allow parents to be part of a school council where a school has a majority of students aged 18 or more. These days the length of parental responsibility is being extended. The Commonwealth Government wants parents to look after their children until they are 25.

Mr Barnett: At least.

Mr RIPPER: If students are aged 24 and enrol in medicine, they will still be on the parental books until the age of 30.

Mr Barnett: Most parents would be delighted if their children found independence by the age of 25.

Mr RIPPER: I understand that it is a growing social problem. Parents are finding it difficult to move their children on in some cases, at least financially. We may deal with this more effectively, if the Minister wishes me to withdraw my amendments, if the Minister will explain how his amended clauses will deal with the issues I have raised.

Mr BARNETT: I do not agree with the first amendment. I think we will accommodate the second one. At a senior college where the majority of students are aged over 18, at law they are adults, therefore parental involvement, which I agree can contribute greatly to the educational institution, will be by way of community representation.

Mr Ripper: You are not intending that where the majority of students are aged over 18, parents will be part of the school council as of right?

Mr BARNETT: Not as parents but as community representatives. I assume those community representatives typically would be parents, but they are not designated as parents. The students are adults.

Mr RIPPER: The Minister is saying that he will not make provision for uncles, aunts and grandmothers.

Mr Barnett: That is right.

Mr KOBELKE: I would like to draw the Minister's attention to the situation at Nollamara Primary School, which for many years had a spare room which became a drop in centre, not so much for uncles, but for aunts and grandmothers. It was a very good centre and formed an important part of the community. They did handicraft and other work that created money for the school. It was a very important adjunct to the school. In situations like that, grandparents could come and contribute and become part of the school. As I read the proposed legislation, they could be on the board if they lived in the local community; however, if they travelled from outside the community, they would seem to be excluded. That is my concern. The amendment moved by the Deputy Leader of the Opposition would enable a grandmother, aunt or uncle, who had a degree of care for a child and lived outside the area, to become actively involved in the school and to be a possible appointee to the school council.

Mr BARNETT: It is an interesting point. Aunts, uncles, family friends and whoever else can contribute greatly to a school. They would be there as members of the local community. As the member spoke, I started to think of an ethnically based school, where the local community may be an ethnic group in the community and in no sense local geographically. I am pondering whether the word "local" is inappropriate in those circumstances and whether it might be better to delete the word "local". I take the member's point because if "local" is interpreted to mean geographically local, it would be inappropriate. Generally it would be that but there may be some other sense of community.

Amendment put and negatived.

Mr BARNETT: I move -

Page 84, line 22 - To delete "or," and substitute "except".

Mr RIPPER: Will the Minister explain the effect of the amendment?

Mr BARNETT: If the majority of students are aged 18 years or over, there is not the special category for parents because the students are adults. If parents were involved, they would be so by being community representatives.

Mr RIPPER: We are obviously dealing with the same issue that will be covered by my amendment. The Minister says that where the majority of students at a school are aged 18 years, the parents do not get appointed unless they are appointed under the community criteria. The only circumstances where we are likely to get that are in a senior college. If senior colleges are established, we would have years 11 and 12. Once the change in the schools starting age works its way through, if we had a large year 12 and a small year 11, we might get the majority of students aged 18 years or more. There would still be a significant minority of students aged under 18 years. The students who would be adults at the school would have only recently achieved adult status. There would still be a very considerable parent interest. The change in treatment of children really comes between the end of year 12 and the

beginning of tertiary or technical education or work rather than in the break between years 11 and 12. It may be that my son will have news for me in that regard. However, I think I am right, and parents would have a great interest in being on a council, even though 51 per cent of the students at a school happen to be aged 18 years. There would still be 49 per cent of the students aged under 18 years. Whatever the percentage, the parents would still have an interest in their future.

Mr BARNETT: There is commonsense in what the member says. However, the Government is respecting the fact that there might be a school in which the majority of students are over 18 years old. In those cases the parents of those concerned will be interested. Commonsense dictates that there would be more community representatives than might otherwise be the case, and typically that would include parents. Again, we can get tied up in this issue, but it can be handled practically.

Amendment put and passed.

The DEPUTY CHAIRMAN (Mr Sweetman): At this stage we must conduct a test vote unless the member for Belmont withdraws his amendment. Both amendments affect the same line of the same clause. The question will be that the words "the students" be deleted. If that is agreed to, the Minister's amendment could be passed. However, it would make the member for Belmont's proposed amendments invalid.

Mr BARNETT: The effect of the series of amendments I intend to move is that the school councils may comprise parents, except in schools where the majority of students are adults, community members, staff members and adult students. Students under 18 years of age can be members only of incorporated school councils.

Mr RIPPER: We have argued the principle of my proposed amendment and the Minister has indicated that he is not prepared to accept it; he thinks the matter can be handled. In view of the fact that he is not prepared to accept it and its moving is complicating the business of the Committee, I will assume that it will be defeated if it is moved. Therefore, I will not move it and we can avoid esoteric devices such as test votes.

Mr BARNETT: I move -

Page 84, line 24 - To delete ", the students at the school".

Amendment put and passed.

Mr KOBELKE: I move -

Page 84, line 25 - To delete the word "local".

The Minister indicated that he might be prepared to accept this amendment. It means that members of the school council can comprise other members of the community. "Local" therefore does not have to be examined carefully to establish whether it means geographically, locally or just members of the community.

Mr Bloffwitch: Would you not be a local if you were the aunt of a child going to a school? You would still be classified as a local.

Mr KOBELKE: That is a reasonable interpretation, but it is not the most commonly accepted interpretation. It normally means the local geographic community. For four years I was a member of the school council of Morley Senior High School. I live in Nollamara, which is two suburbs away. I might have been judged to be a local because I was the local member for that area. I certainly did not live in that suburb or in the next suburb. If we delete the word "local", we are not losing anything. It will overcome the potential difficulty of people having to work out the exact meaning. It broadens it so that people can be included in that community group if a school determines that it does not have people of a particular group who could be of benefit to the council or in the rare circumstance of a relative of a child at the school living a considerable distance away but being involved as the carer for that child. That individual may make a very good member of a school council. Clearly that person would be a member of the community. We are dealing with rare cases, but this provides some additional flexibility and I hope it will be acceptable to the Minister.

Mr BARNETT: The Government accepts the amendment.

Amendment put and passed.

Mr BARNETT: I move -

Page 85, line 2 - To delete "the Council is not incorporated and".

Amendment put and passed.

Mr BARNETT: I move -

Page 85, line 3 - To insert after "school" the following -

, but no student under 18 years of age can be a member of an incorporated Council

Amendment put and passed.

Mr RIPPER: I move -

Page 85, lines 12 to 14 - To delete the lines and substitute the following -

(4) The majority of members of a Council must be persons referred to in subsection (1)(a).

This clause relates to the provision that a majority of the members of a council cannot be staff of the school. The Minister contemplates a council composed of parents, students and members of the local community. I would like to see a majority of the council composed of parents of students at the school. This entrenches the rights of parents in the composition of councils.

Mr BARNETT: The Government does not accept this amendment. We always hope there is a fair balance of numbers and views on a school council. The effect of this would be to ensure that the parents, the community and students are always in a majority. That typically would be the case. However, there might be a scenario in a school where it is difficult to get parent and community involvement. This would preclude the establishment of a council for that school. While I understand the intent, legislating in this way could lead to all sorts of unintended and undesirable consequences.

Mr RIPPER: I am puzzled by the last comment. The Minister's proposal is that staff cannot be a majority on the school council. If the school cannot find parent or community representatives, it will not be able to form a council. The Minister's arrangement is slightly more flexible because, if the school can get a majority of parents and community members, it can form a council. My amendment provides that there would need to be a majority of parents. The ideal situation might be to have a provision giving parents the majority unless it would be impractical to form a council in such circumstances. That would cover the majority of schools, which would be able to attract enough parents, and the circumstance the Minister envisages, in which a handful of schools could not attract enough parents and therefore could not form a council.

Mr BARNETT: I want to protect the flexibility for when it is needed.

Amendment put and negatived.

Mr RIPPER: I move -

Page 85, after line 22 - To insert -

(6) The Chairperson of the Council is to be elected by and from its members.

Apparently it is not always accepted by members of a school council that they have the right to elect the chair. In some circumstances, I am told, it is just assumed that the principal of the school will be the chair of the school council. The principal assumes that role as if by right.

Mr Bloffwitch: Can you give us an example? I have never seen that happen in any of the schools in Geraldton.

Mr RIPPER: I am pleased to hear that.

Mr Bloffwitch: The only time it would happen is when no parent wanted to be the chairperson, and the principal would be asked to fill that role. You are saying that in that situation parents should not be able to do that. That amazes me.

Mr RIPPER: The member does not understand my amendment. If the school council wants to elect a member as the chair of the council it can do so. My amendment seeks to provide an election process. I am told, although I do not have a specific example, that in some circumstances members of school councils have the mistaken view that the principal is automatically the chair of the school council, and the members do not have the right to conduct an election. This provision should be written into this legislation. This is supposed to be plain English, user-friendly legislation, to give people a guide in the exercising of the roles of school councils. I seek this provision for the election of a council chairperson to avoid a situation where a principal may be able to dominate by virtue of the lack of skills, competence or knowledge of the parents who happen to be members of the council.

Mr BARNETT: We do not think this amendment is necessary. The procedures for the operations of school councils are outlined in clause 134. It is self-evident that the chair of the council would be elected from within the council.

Mr Ripper: I am told that it is not self-evident. Perhaps the Minister needs to issue some guidelines for the operation of school councils.

Mr BARNETT: It is a superfluous provision, but if it is a matter of importance to the Opposition, we will agree to it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 123: Functions of Councils -

Mr RIPPER: I move -

Page 86, lines 3 to 22 - To delete the lines and substitute the following -

(a) to establish and review from time to time the school's objectives and priorities and to approve any plan developed under section 63 (1)(e) to implement them;

(b) to establish, review and approve school-based policies in consultation with the students, their parents and the staff of the school, including -

(i) any parent participation policy;

(ii) any code of conduct;

(iii) any dress code for students when they are attending or representing the school; and

(iv) any general policy concerning the use in school activities of prayers, songs and materials referred to in section 68(2)(b);

(c) to participate in the planning of financial arrangements necessary to fund such objectives, priorities and policies;

(d) to approve -

(i) the school budget; and

(ii) any agreement or arrangement for advertising or sponsorship entered into under section 209;

(e) to promote the school in the community.

This is a replacement amendment for the functions of the school council. I have no embarrassment in saying that the amendment was suggested by the WA Council of State School Organisations. WACSSO believes that this is a better description of the role of school councils than that sought by the Minister. WACSSO believes that this amendment defines the school councils' functions more explicitly. WACSSO also argues that some schools will allow participation only in decisions that are explicitly defined as a responsibility of school-based decision making groups in the current Act or regulations.

In view of the fact that some principals are inclined to take a very strict interpretation of the role of school councils, the Council of State School Organisations is keen to have in the legislation a broader and more explicit description of the function of school councils.

Mr BARNETT: In our view and on our legal advice, this is not a well worded amendment and as such would be a poor substitute for the amendments that I intend to move, which will give the school council a clear role in matters pertaining to sponsorship and advertising. Therefore, we do not support the amendment.

The DEPUTY CHAIRMAN (Mr Sweetman): The Minister has indicated that he intends to move the amendment on the Notice Paper in his name. There is a degree of overlap between the Minister's amendment and the one that the member for Belmont has moved. I intend to put a test vote, which is that lines 3 to 18 be deleted. If that vote is successful, in effect the member for Belmont will be able to continue with his amendment; if it is not, the Minister's amendment will be more correctly put. The question is that lines 3 to 18 be deleted.

Question put and negatived.

Mr BARNETT: I move -

Page 86, lines 19 and 20 - To delete "and 98(3)" and substitute the following -

, 98(3) and 204(5)

The effect of the amendment will be to enable school councils to approve any local arrangements concerning advertising and sponsorship, which is addressed later in the Bill.

Amendment put and passed.

Mr RIPPER: Is it the intention of that last amendment that councils have a veto on sponsorship arrangements?

Mr BARNETT: This amendment will give councils the power to approve. I am not sure whether that will extend to a veto. If we had an across-schools sponsorship arrangement - for example, for a Quit campaign - I do not envisage that a school council would be able to veto a government policy. I am advised that when we get to clause 204, I will move some amendments that will clarify the role of councils and give councils a role in respect of advertising and sponsorship, and a veto. I will give consideration to across-school policies. We need to think about that.

Mr Ripper: As things stand, they will have a veto, but you have a last minute worry about across-school sponsorship?

Mr BARNETT: Yes. I do not have a problem with a veto that will apply to things peculiar to a school. However, if a statewide program were implemented across all schools, I would be concerned if a school council could somehow exempt a school from that program. We will give that matter some thought, and by the time we get to clause 205, I will have an answer for the member.

Clause, as amended, put and passed.

Clause 124: Minister may approve additional functions for a Council -

Mr RIPPER: Clause 124(2)(a) states that with the approval of the Minister, a council for a school may take part in the selection of the school principal. Clause 125(1) states that regulations may be made prescribing functions that a council may perform only if it has the approval of the Minister in terms of subclause (2). The state Opposition opposes clauses 124 and 125 because it wishes to prevent school councils becoming involved in the hiring and firing of principals and teachers. This was a matter of some controversy recently and it made the front page of *The West Australian*. At a forum on devolution organised by the Education Department the Minister said that school councils would not be involved in the hiring and firing of principals and teachers.

Mr Barnett: No. I was talking about staffing and I said school communities and councils will not hire and fire staff. Schools already play a role in the selection of principals and can play a role in the merit selection of staff. That is appropriate. However, they are not the hirers and firers of staff. There is a difference between making a recommendation about an appointment and actually making the appointment. School councils are not the employers and they will not hire and fire staff. They should, and I hope they will, play a role on selection panels. Selection panels will not make the appointments.

Mr RIPPER: This distinction is becoming more mushy and grey. I thought the Minister said at the forum that school councils would not hire and fire staff.

Mr Barnett: They will not.

Mr RIPPER: I was pleased to hear that because WA is a very large State, in which some schools will be the subject of intense competition from teachers for appointment, and at other schools there will be virtually no competition.

Mr Barnett: Are you opposed to merit selection?

Mr RIPPER: No, I am not opposed to appointments based on merit. However, there should be a centralised staffing system which distributes the available teaching talent across the State in a fair manner. There must be a move away from the situation where, for example, the Paraburdoo school cannot get an manual arts teacher and the Carnarvon Primary School starts every school year without a full complement of staff. There are shortages of teachers in remote areas and the education of children living in those areas suffers as a result. If all the employment of teachers is organised on a local basis, to the extent that it is organised on a local basis there will be difficulty attracting experienced and knowledgeable teachers to less favoured areas, such as remote and rural areas. Schools in these areas will find it hard to survive in the competition for teaching staff. Unfortunately, some schools in the metropolitan area are not regarded by teachers as a preferred teaching environment, and those schools, which are principally in the less wealthy areas, will find it difficult to attract staff in the competition.

I have no objection to a school council telling the Education Department what type of principal appointment it would like. A school may want a principal with expertise in Aboriginal education, or one with great experience in

mathematics. The school councils will have a good role in indicating to the Education Department the type of staff the school requires. However, if staffing is organised on a school by school basis - even if it is called merit selection - the schools that are well off and well favoured will become even more well off and well favoured, while others will lose out in the competition.

Mr BARNETT: I understand the argument; it is put by the teachers' union.

Mr Ripper: It is put by a lot of people who support the public school system and worry about inequity.

Mr BARNETT: I refer the member to subclause 2(a), in which a school council may take part in the selection of the school principal. That is entirely appropriate, and I am encouraging school communities to take part in the selection of school principals. Those principals are merit selected but not merit appointed. There is a distinction. A selection panel involving the community and parents plays a role, along with Education Department personnel, in making a recommendation for the appointment of a school principal. The appointment is always made by the chief executive officer, who is the employer in the context of government schools.

Typically in merit selection the principal selects staff. The principal may decide to involve the community. Perhaps there is a philosophical difference between the member for Belmont and me. I want to see parents and community members involved. Although there has been controversy about the process, invariably where there has been merit selection of the principal it extends to merit selection of the staff, and there is a great sense of pride among the staff because they are there because they are good teachers, and there is an enormous amount of pride in the community that they had a role in the appointment of staff. The atmosphere among parents and staff is positive. I can see the point that the member makes that there may be some unintended consequences and some schools may face problems. We may need to provide extra assistance and implement special provisions to do that. I do not think it will arise, but if it does we will address that. However, that is not a reason to stop merit processes and community involvement. I support this. It is hardly a dramatic change or policy shift. It is interesting that the member for Belmont is raising this now, when the teachers' union did not voice this concern during the consultation process.

Mr RIPPER: I have listened to the Minister present this argument on previous occasions. Schools operating in a pilot program for merit selection will be more advantaged than if merit selection were spread out across the system. If only 60 or 70 schools are involved in merit selection, which is about 10 per cent of government schools, obviously they will have the pick of the teaching work force. The Minister has been visiting the winners under a merit selection system, and good luck to them if they can assemble a committed, enthusiastic and highly professional staff. However, I am concerned about those schools that are the losers. They begin term 1 with the dispiriting situation of having no English or manual arts teacher and have had to cancel a class, of possibly getting a retired teacher who is living in a town 30 km away if she is prepared to come over. The morale of those schools suffers and the education of the children suffer. I am concerned about the losers while the Minister has been visiting the winners.

Mr KOBELKE: I support the sentiments expressed by the member for Belmont. I appreciate that the Minister is seeking to encourage the good schools to do better. Where parents are involved and there is a sense of community, the Minister wants to encourage them to take a role in setting a course with their school, developing a style of education, and enhancing the education that is available, and if they want a particular type of principal to help them with that, that is all well and good. However, the Minister runs the grave danger of destroying something else that is good in our education system. We need to achieve a balance.

Mr Barnett: This is worthy in its own right and, given the Equal Opportunity Commission, appointments are essentially based on merit. We cannot wind back the clock.

Mr KOBELKE: I understand what the Minister is saying, but merit selection in many areas has become a dirty word.

Mr Barnett: I agree that a lot of criticism and concern arose about it. I have noticed significantly in the past six months or so, during this school year, that attitudes are changing quite quickly. It is working and working well.

Mr KOBELKE: The Minister has returned to an apt response to what I was saying, but I had not finished my point. I was applying it across the whole of government, not picking only on the Education Department. Many people across a range of agencies believe merit selection does not mean what the name suggests. It has nothing to do with selecting people on merit, as it has not been implemented to give opportunities for an advancement by those seen by the majority of their peers to be the most capable people. I allude to the problem not as a criticism of the Education Department, but regarding its applicability to any department the Minister may wish to identify. It is a matter of whether it works. Although one has good intentions to make it happen across a large bureaucratic system, it cannot be done.

What is the downside of this? The short answer is that we currently have a high quality of professionals in our teaching service. Clearly, a range of abilities and competencies can be found. One needs most of those people, if

not all, to make it work. If the Minister is to ensure that those who already have the most are able to organise themselves so they receive the best, it will lead to a dichotomy in the system. That would be a major negative. Public education has been a fundamental ingredient in developing Australian democracy. If we have no commitment to educating all children beyond a minimum standard, we will strike at the very heart of Australian democracy and the unity which largely has been achieved across a wide geographic area and a wide range of ethnic and religious backgrounds, irrespective of people's wealth and income. It is important, in promoting what is good, that we do not divide people between the haves and have nots. I am genuinely concerned that in aspiring to advance the best, as we should, the Minister's structure is likely to open up a big negative. Many teachers I have as friends and acquaintances in the past have had a clear commitment to education in the State. This has led them to be committed to their school, but the school has come second in many minds to a professional commitment to education. It is a danger that one could have a focus not on schools' interests, but the interests of the profession. Cosy arrangements will be made by which principals will swap posts which will be advantageous to them professionally.

Mr RIPPER: The Opposition has raised the question of quality of education opportunities regarding these two clauses. It is important to ensure that all schools in the State have a fair opportunity to obtain a fair share of the teaching talent available. If one has school by school employment, or some variant of or movement towards school by school employment, to the extent that such a move is made, some schools will be winners and others losers. The Labor Party fears that the losers will be the schools that are already struggling the most, and have the populations most difficult to educate. Schools that already have the least chance of raising additional resources from their communities will also be the losers if the new staffing regime is adopted.

We know that the public school system is a very important bulwark for equality of opportunity in this State. We do not want the public school system to become inequitable, because it would lose that role as a protector of equality of opportunity. We know also that education is becoming ever more important in determining people's future positions in society. In the coming world more and more advantages will accrue to people who are skilled and well educated. Fewer secure places will be available for people who have not managed to succeed in the education system. Education has always been an important determinant of people's social standing. It will become more so in the future.

Those equity considerations are important reasons that the Opposition will oppose these two clauses. When large numbers of teachers apply for large numbers of positions in a very large system, surely it would be more efficiently handled at a central level. I am already hearing that the process of merit recruitment and local selection is taking up considerable time at schools. I can envisage hundreds of teachers applying to dozens of different schools which would involve the applications being assessed many times; whereas that assessment could be done by a centralised selection panel, which would produce more consistency in selection and involve less wastage of resources than at the school level. It would allow schools to get on with educating children rather than involving themselves in what should be the human resources management responsibilities of the Education Department.

Clause put and a division taken with the following result -

Ayes (27)

Mr Ainsworth	Mr Court	Mr MacLean	Mr Pendal
Mr Baker	Mr Cowan	Mr Marshall	Mr Sweetman
Mr Barnett	Mrs Edwardes	Mr McNee	Mr Trenorden
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Minson	Dr Turnbull
Mr Board	Mrs Holmes	Mr Nicholls	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Omodei	Mr Osborne *(Teller)*
Dr Constable	Mr Johnson	Mrs Parker	

Noes (15)

Ms Anwyl	Mr Kobelke	Mr McGowan	Mrs Roberts
Mr Brown	Ms MacTiernan	Ms McHale	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Riebeling	Mr Cunningham *(Teller)*
Mr Graham	Mr McGinty	Mr Ripper	

Pairs

Dr Hames	Dr Edwards
Mr Prince	Mr Grill
Mr Shave	Mr Carpenter
Mr Day	Mr Thomas

Clause thus passed.

Clause 125: Incorporated Council may have prescribed additional functions if approved by the Minister -

Mr RIPPER: Clause 125 raises the same issues as raised by clause 124. The same equity and efficiency considerations apply. I will not repeat all of the arguments. However, we oppose clause 125 for the same reasons as clause 124. I am interested in the additional functions which the Minister thinks might be extended to incorporate school councils under this clause. The Opposition is voting against this clause because we interpret it as giving the potential for school councils to be involved in the hiring and firing of not only principals but also school teaching staff. It is a very broadly worded clause which gives the Minister power to give additional unspecified functions to a council if it is incorporated. I will not rehash the arguments about equity and efficiency. I have done that already with regard to clause 124. However, I want the Minister to explain his intention.

Mr BARNETT: This clause relates to an incorporated council which could be given extra functions. A typical example might be to run the canteen and have responsibility for it.

Mr Ripper: That may be the Minister's explanation. However, in the way it is worded, the clause could give the council employment functions, could it not?

Mr BARNETT: I suppose it could in terms of employing people to work in the canteen, but not in employing principals or teachers; that would be the function of the chief executive officer.

Mr RIPPER: There is no restriction like that in this clause unless the Minister says that other clauses override it. The chief executive officer might remain the nominal employer of the teaching staff. However, all the essential human resource management functions - the recruitment, dismissal and transfer functions - which bear on where the quality teachers in the system go, would be exercised by the school council.

As I say, it is a very broadly worded clause. My interpretation is that under this provision the most significant parts of the employment function, even if the chief executive officer remains the nominal employer, could be given to school councils.

Mr BARNETT: Clause 126(c) makes it very clear that a council cannot exercise authority over teaching staff or other persons employed in the school. An incorporated council may run a canteen, or may decide to run some special out of school hours program, a youth program, and someone is employed to do that. That is fine; but it is not the teaching staff or the educational program of the school. The principal and the staff remain the people employed by the chief executive officer.

Mr RIPPER: Although clause 126(c) says that the school council cannot exercise authority over teaching staff, it does not say that a school council cannot, on behalf of the chief executive officer, do all the recruitment of the teaching staff.

Mr KOBELKE: The matters raised by the member for Belmont cause me concern. It is appropriate to speak on them now and not under clause 126, which says that a council cannot intervene in the control or management of a school unless the council is one to which clause 125 applies and the intervention is by way of performing a function prescribed for the purposes of clause 125. Again the Minister is saying what is his intent, but that does not necessarily match the way in which the words in the provision may be properly interpreted. It seems to me that clause 125 provides a mechanism by which a Minister in the future - I accept the Minister has said he has no intention of doing it; he does not believe it can be done - could devolve powers to a school council that directly relate to the appointment of staff.

The control and management of a school could rightly cover the employment of staff, and the method of staff selection. It is not saying that the staff would be employed legally by the council. However, matters relating to control and management and the school very much relate to the staff mix, and may come down to the individual staff members who are judged to serve best the educational interests of that school. Therefore, that "out" in clause 126 means that clause 125 provides powers to the Minister of the day, which I believe may go well beyond the Minister's desire and his expressed understanding of clause 125. I am not in any way trying to question the Minister's intent, but I do not believe the words match what the Minister says is the intent of the clause.

Mr BARNETT: The member is partly right: It would, theoretically, be possible to give a school council, so incorporated, the powers to recruit and recommend appointments; but it could not employ the principal or teaching staff. Under this clause we could devolve the power to recruit and make a recommendation; however, only the chief executive officer can make the appointment. Once staff members are appointed, they are responsible and accountable to the chief executive officer. We differ on this; however, I favour school communities' playing a role in the recruitment of staff. Clearly the education district directors and central office people would also be involved. We have a difference: We want to allow more freedom and let the system devolve with more authority to grow its school levels; those opposite do not.

Clause put and a division taken with the following result -

Ayes (28)

Mr Ainsworth	Dr Constable	Mr Johnson	Mrs Parker
Mr Baker	Mr Court	Mr MacLean	Mr Pendal
Mr Barnett	Mr Cowan	Mr Marshall	Mr Sweetman
Mr Barron-Sullivan	Mrs Edwardes	Mr McNee	Mr Trenorden
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Minson	Dr Turnbull
Mr Board	Mrs Holmes	Mr Nicholls	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Omodei	Mr Osborne *(Teller)*

Noes (14)

Ms Anwyl	Mr Kobelke	Mr McGowan	Mrs Roberts
Mr Brown	Ms MacTiernan	Mr Riebeling	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Ripper	Mr Cunningham *(Teller)*
Mr Graham	Mr McGinty		

Pairs

Dr Hames	Dr Edwards
Mr Prince	Mr Grill
Mr Shave	Mr Carpenter
Mr Day	Mr Thomas

Clause thus passed.

Clauses 126 to 133 put and passed.

Clause 134: Regulations -

Mr RIPPER: I move -

Page 91, line 17 - To insert after "co-opted" the following -

provided that no co-opted member shall have any voting rights on the Council to which she or he is co-opted

This clause provides power for regulations to be made in respect of the functions, powers and duties of school councils and, in particular, regulations enabling councils to co-opt the members of the local community as members of council. Parents are very concerned to preserve their influence in school councils and they have asked me to move this amendment. They do not oppose the co-option of members of the local community to school councils, but they want those co-opted members not to upset the voting balance on the council. If this amendment is passed, the council will be able to co-opt members for their expertise, but that will not deprive the parents of their ability to exercise the influence that they expect to have on the school council.

Mr BARNETT: I want to understand the Opposition's intent. The previous clause debated dealt with the composition of the council, which included community members. The member's concern is that once the council, properly constituted, decides to co-opt another community member, for whatever reason, that co-opted person should not have a vote.

Mr Ripper: That is correct.

Mr BARNETT: I do not have a difficulty with that.

Mr RIPPER: The Minister is correct. This relates to a council, having been properly constituted, moving to co-opt other people for their expertise. They should feel free to do that without worrying about whether that will disturb the voting balance on the council.

Mr BARNETT: The Government accepts the amendment but reserves the right to make any necessary drafting changes.

Amendment put and passed.

Mr BROWN: Paragraph (b) enables councils to allow students to attend meetings and to take part in discussions, but not to have the right to vote or be counted in determining a quorum. Clause 122(1) provides that the membership of a council is to be drawn from the parents of students at the school or, where the majority of the students are aged

18 years or more, students at the school. This clause suggests that students will not be members of the council or voting members.

Mr BARNETT: That is correct. We have student members on the council and this enables councils to have other students attend for whatever reason. However, they would not have the rights of full council members.

Clause, as amended, put and passed.

Clauses 135 and 136 put and passed.

Clause 137: Objects etc. -

Mr KOBELKE: What is the intention and the Minister's understanding of subclause (3) which provides that a P & C association is not to expend its funds that are in excess of administrative costs otherwise than for the benefit of students at a government school? Recently there was some difficulty with a chief executive officer giving a direction that government funds for schools should not be spent on entertainment, or on flowers for funerals, and so on. That situation has been resolved in a reasonably satisfactory way. However, P & C associations may wish to put on, say, an afternoon tea, and people may argue that such a function does not relate to the benefit of students. Similarly, flowers may be sent to a funeral of perhaps a close relative of someone who has been very involved with the P & C association, and in that case it could be argued that the expenditure is not a direct benefit to students at a government school. We do not want to see money wasted. However, in some circumstances, the expenditure of small amounts on something not directly related to the benefit of the students could be very much about looking after the school community, and fostering the school community and the people contributing to it indirectly benefits the students.

Mr BARNETT: I understand the point. The subclause refers to the expenditure of funds in excess of administrative costs. One could argue that an afternoon tea, or any other minor expense, could be part of the general administration of the P & C association. I hope the provision will be interpreted relatively liberally, because it is appropriate to purchase flowers for retiring teachers or for someone who is in a stressful situation.

Mr Kobelke: It is within the guidelines of commonsense and would benefit the overall community.

Mr BARNETT: Perhaps that can be handled by way of regulations to make it clear. I agree with the sentiments expressed.

Clause put and passed.

Clauses 138 and 139 put and passed.

Clause 140: Transitional provision -

Mr RIPPER: This clause applies to the rules governing P & C associations. Subclause (2) requires a P & C association to become an incorporated association. I move -

> Page 94, after line 26 - To insert the following -
>
> (7) An association to which this section applies is not liable for the payment of any government fee or charge which might otherwise be required in order to fulfil the provisions of this section.
>
> (8) The Minister shall ensure that arrangements are put in place for the waiving of all government fees and charges referred to in subsection (7).

The amendment is almost self-explanatory. The clause requires P & C associations to become incorporated, and a charge is applied. P & C associations do not think that as a result of a government requirement they should be required to meet those charges. I hope the Minister will agree that if he is imposing an obligation on P & C associations he should meet the costs of that obligation.

Mr BARNETT: This amendment is based on the original provision in the Green Bill, which placed a requirement on associations to rely on their constitutions. Out of the consultation process it would recognise that that would impose obligations on P & C associations, including financial obligations and costs.

The redrafted Bill before the House compels only new associations or those not previously incorporated to become incorporated. The amendment has been overtaken by the changes that have been made to the Green Bill.

Mr RIPPER: I am grateful for the Minister's explanation, but it is not clear from the wording of clause 140 that it will apply only to new associations. Subclause (2) appears to back up my argument.

Mr BARNETT: Subclause (2) states -

> An association that is not incorporated at the commencement of this Division is to become an incorporated association . . .

It will apply to associations that have never been incorporated or that are newly formed. That will overcome the problem in the Green Bill.

Mr Ripper: Are many P & C associations not incorporated?

Mr BARNETT: I understand that the majority are incorporated. I cannot provide exact figures; I imagine the Western Australian Council of State School Organisations will be able to do that if the Education Department cannot. I understand that the majority are incorporated, and in the future we hope that progressively all new P & C associations will become incorporated bodies. It will be in their interests to do so.

Mr RIPPER: The Opposition will take the Minister's comments and consult with WACSSO, because the position the Minister has put is somewhat different from the advice I have received. Fortunately we have a bicameral system of government, and if we are required to revisit this matter, we will do so in the upper House. I will take at face value the Minister's assurance that he has attended to the matter which was originally complained about by WACSSO and that its existing constituent associations will not incur fees as a result of this transitional provision.

Mr BARNETT: We want them to be incorporated, and it is in the interests of members of P & Cs for that to be the case.

Mr RIPPER: Is the Minister telling me that the overwhelming majority of P & C associations will not incur fees as a result of this transitional provision?

Mr BARNETT: Not by compulsion, but certainly by persuasion we will continue to encourage P & Cs to be incorporated.

Mr RIPPER: If the Minister can tell me that this Bill will not require P & Cs to pay additional fees, I will not proceed with my amendment, but the Minister seems reluctant to give me that assurance, which makes me want to proceed with the amendment.

Mr BARNETT: The Bill requires P & Cs to be incorporated. The amendment will exempt P & Cs from paying an incorporation fee. The Green Bill required all P & C associations to align their constitutions with the standard constitution, which might have caused them to incur additional costs. The redrafted Bill compels new associations, or those not previously incorporated, to become incorporated. That is perhaps the distinction. The Bill requires, and WACSSO supports, that P & Cs be incorporated. That does not necessarily require the standard constitution.

Mr RIPPER: I will rely on my advice from the Western Australian Council of State School Organisations and persist with this amendment. If the Minister is sticking to his explanation, he may defeat the amendment but, in view of the uncertainty, I would appreciate it if the Minister would re-examine the issue before the Bill is finalised in the other place.

Mr BARNETT: If there is any uncertainty, I will do that. The effect of the exemption is to waive the $80 cost, which the Government will not agree to. The associations must be incorporated and it will cost $80.

Mr RIPPER: I will continue with my amendment if it will save each parents and citizens association $80.

Amendment put and negatived.

Clause put and passed.

Clauses 141 and 142 put and passed.

Clause 143: Other associations -

Mr RIPPER: I move -

> Page 96, after line 27 - To insert the following -
>
> > (6) An association referred to in this section may not be formed for the purposes of duplicating or countering any of the objects of an existing association already formed under section 136 except where in the opinion of the chief executive officer such existing association does not or is unable to properly represent the interests of any particular section of the community.

This amendment is moved to prevent the formation of rival parents and citizens associations at any school. The parents and citizens associations provide a forum for all parents associated with a school, and it would be destructive to the sense of cohesion in the school community if different bodies performed the same functions as a PCA. I am

mindful that there might be some reason for other groups of parents to get together. The amendment is not intended to prevent the organisations of Aboriginal parents which are established at schools. Those organisations play a very valuable role in supporting the education of Aboriginal children. However, I do not think there should be different associations for different age levels at the school, as occurs in some schools in which there is one association for the kindergarten and preprimary area, and another for the mainstream area of the primary school.

The amendment is intended to prevent the formation of rival parents and citizens associations, to reinforce the pre-eminence of the PCA as the principal representative of the parents. The Opposition does not want to frustrate the formation of associations of parents of Aboriginal children or parents of children with a disability who may be attending a support centre at the school.

Mr BARNETT: The Government does not support this amendment, although it does not want to limit the ability of parents and citizens associations to grow as an organisation. The member referred to associations of Aboriginal parents and community groups, and that is acknowledged. There may also be associations of ex-students, such as the Perth Modern ex-students association, which supports the interests of the school but is not a parent group or a PCA in the normal sense of the word. Associations may be formed around schools for the purpose of supporting schools.

Mr Ripper: You do not think my amendment would ban that?

Mr BARNETT: No, but the Government will not agree to the amendment because it does not want to restrict whatever might evolve in the future in terms of parent or community organisations around the school. The Government has confidence in and supports the PCAs and, at the same time, it will not put limitations on what might evolve.

Mr KOBELKE: I have real concerns about the wording of this clause, because if those provisions were abused they would be undemocratic. I am not assuming that is the intent of the current Minister. However, there will be times when education becomes a matter of keen public interest and debate, and groups will take a strong position on something which the Minister of the day of whatever political complexion will not be happy about. I am concerned that the Minister could be given powers that could be undemocratic; for example, the defence of government schools group which was prominent in the 1970s could be an organisation as defined in subclause (1). If the Minister of the day judges that the association is being carried on in a way that is not in the interests of schools, the Minister can direct the organisation to comply with his directions or be wound up. That action would be coloured by the political complexion of and line taken by the Minister. Although I understand that is not the Minister's intention, I am concerned about the extreme measures that are possible under clause 143. The wording is fairly loose. I am not saying that it could be applied in that way, because I am not clear what will be the final determination of this clause.

Subclause (3)(a) refers to an association defined in subclause (1) that is being carried on in a way that is not in the interests of the school. I do not know whether legally the word "school" will be interpreted in the plural. Would an association that applied across a number of schools for a particular purpose be caught by that, or is it intended to be limited to a school by school basis - for example, in the case of rival P & C associations or a ginger group in one area that is creating problems for one school? Let us take the current problems with local area planning. If an association in one district was opposed to local area planning and the Minister believed it was being carried on in a way that was not in the interests of the school, this clause gives power to the Minister to close down that group whether it is incorporated or not. That is totally undemocratic. I do not assume that this Minister will use those powers. However, the Minister of the day could use this power against a group that was politically active and had a strong power base in a group of schools and was campaigning on an educational issue of political significance and prominence. I am not clear whether this clause could be used in that way, but I have concerns about it.

Amendment put and negatived.

Mr KOBELKE: Is the Minister prepared to respond on the question of schools? What is the power of the Minister to take action and could it be applied, for instance, with a group that was formalised and not incorporated and ran a campaign against the local area planning?

Mr BARNETT: The intent does not relate to a school or a small group of schools. I note the member's point regarding, for example, local area planning. We will clarify that. If it is necessary to make an amendment, we will prepare one before it gets to the other House to make sure it is covered.

Clause put and passed.

New clause 144 -

Mr RIPPER: I move -

Page 96, after line 27 - To insert the following -

144. (1) For the purposes of this Subdivision the Western Australian Council of State School Organisations (Inc.) ("WACSSO") shall be regarded as the peak parent body in relation to government schools.

(2) The chief executive officer shall within 6 months from the day on which this section commences enter into an agreement with WACSSO to enable WACSSO to -

(a) operate as a representative body to the Western Australian Education Department and the government;

(b) provide guidance, support and training for its affiliated members and parents in general;

(c) participate effectively in panels, committees and councils constituted under this Act;

(d) seek subsidisation for the activities of WACSSO from the government; and

(e) do such things as are necessary generally to pursue WACSSO's objects.

(3) Any Council or any Parents and Citizens' Association has a right to affiliate with WACSSO.

New clause 144 would establish, for the purpose of the subdivision under consideration, the Western Australian Council of State Schools Organisation as the peak parents' body in relation to government schools. The clause further provides for the Western Australian Council of State Schools Organisation to enter into an agreement with the chief executive officer of the Education Department establishing the operation of the council as the representative body of parents and providing for the council to have a variety of functions. It also provides in subclause (3) for any council of any parents and citizens association to have the right to affiliate with WACSSO.

It will come as no great surprise to the Minister that the new clause is moved at the suggestion of WACSSO, which already has an established presence in Western Australian government school education. I am not sure of the level of funding received from the Education budget, but it certainly supports WACSSO. Its role as the peak body for parents and citizens associations in all government schools in Western Australia already has defacto recognition.

A similar organisation is the peak body in the non-government welfare sector - the Western Australian Council of Social Service, which also is funded by the State Government. It also has a defacto position in the non-government welfare sector and in the operations of the overall community services sector. That organisation was threatened with the loss of its government funding by a former Minister for Family and Children's Services. In fact, the threat did not come to pass because the Government took fright of the political implications of de-funding that peak body in the community service sector. Later the Minister who made the suggestion was removed from the portfolio in a reshuffle. That indicates that even a long-established defacto presence of a peak representative body in a sector can be suddenly threatened by the Government withdrawing funding. I imagine that the former Minister for Family and Children's Services who made the threat to withdraw the funding to the Western Australian Council of Social Service did so because, like previous Ministers, he was irritated by the council's criticism of the Government's policy.

Likewise I can imagine that a Minister for Education might become irritated with criticisms of government policy engaged in by WACSSO and might move to limit its influence by reducing its funding. Part of the benefit of a peak representative body like this is that it is prepared to blow the whistle on Governments. It is uncomfortable for Governments when that is done, but it is a role for them.

Mr Johnson interjected.

Mr RIPPER: When I was speaking about WACSSO and the irritation it caused Ministers I had in mind my period as the Minister responsible for that portfolio. I too suffered some irritation with the council's criticism. However, unlike the present Government did at one stage, I did not seek to impose my will by withdrawing its funding. A de facto presence in policy making can be undermined by a Government withdrawing funds. I would like to see the council's role recognised in the legislation so it can withstand retribution if it takes a political attitude that the Government does not like.

Mr BARNETT: The Government does not agree with the recognition of WACSSO in the Bill. This Bill does not represent WACSSO, the Parents and Friends Federation, the State School Teachers Union, the Principals Association or any other peak body. That is appropriate. In a practical sense WACSSO is the peak body for parent associations in government schools. If it is to retain that position, it will do so by its conduct and performance.

Mr Ripper: That is what I am saying - Governments might become unhappy with its conduct.

Mr BARNETT: The council is not a creation of government. It reflects, and has constituent membership of, parent and citizen associations. If it does not perform to the satisfaction of those associations, they will form something else or it will split. That is a direct measure on the performance of WACSSO. We provide support for WACSSO through a component of the salary of the director and with accommodation at 151 Royal Street.

In a similar way we provide a grant to the Parents and Friends Federation representing non-government schools. The council is an incorporated association and the Minister has no power to influence it or to appoint or remove directors or whatever else. It has a responsibility to perform and to represent its constituent P & Cs. If it decides to behave in a political way, the community will judge it accordingly.

That is the danger of a body like WACSSO. It must be careful with its comments and behaviour. It is a weakness of WACSSO that it depends on government financial support. It continually makes claims for additional government support. That makes it dependent on government and raises a concern. I suspect some members on this side of the House think we should not continue to provide financial support and I have some sympathy with that point of view.

Mr Marlborough: You are just being unkind as the night wears on.

Mr BARNETT: Too right. As a Government we want to see a peak organisation of parent associations. The council holds that position because of its membership. It will not be enshrined in that position through legislation. We will not confer that recognition or monopoly status on WACSSO, the State School Teachers Union or any other group. If they are good, they will have the membership and an influence on policy and the community. If they are not good, they will lose membership. If they behave in a political way, they will be seen and treated accordingly.

Mr JOHNSON: I support the comments of the Minister for Education and I accept the comment made by the member for Belmont that WACSSO is a very important organisation. However, does the member agree that WACSSO should not be seen to be politicised? Does he know who is the president of WACSSO and who is her employer?

Mr RIPPER: Yes, I am aware of that.

Mr Johnson: Could you tell us who they are?

Mr RIPPER: Yes, I am aware of that.

Mr Johnson: Could you tell us who they are? I am asking the question.

Mr RIPPER: The member for Hillarys should go ahead if he wants to put those personal matters on the record.

The DEPUTY CHAIRMAN (Ms McHale): Order!

Mr Johnson: I think your answer would probably embarrass you to some extent.

Mr RIPPER: If the member for Hillarys thinks it will embarrass me, he should go ahead.

Mr Johnson: You are asking for this parent body to be inserted in place of the one that has been suggested by the Minister when you know full well that the president of that body was a political candidate at the last election, continually speaks on behalf of West Australian Council of State School Organisations and I believe is employed by one of your colleagues. Is that correct?

Mr RIPPER: The member for Hillarys seems to know all about it, if he wants to put things on the record.

The DEPUTY CHAIRMAN: The member for Hillarys knows well to direct his comments to the Chair.

Mr Johnson: Madam Chair, I was directing my comments through you to the member for Belmont. However, I think his silence gives us the answer.

Mr RIPPER: I want the new clause inserted in the legislation, because the moment WACSSO throws up as its president someone with whom the member for Hillarys does not agree politically, the member for Hillarys is suspicious of the association. Perhaps if he were the Minister for Education, the future role and funding of the association might be at risk.

Mr Marlborough: The last woman I remember who made a name for herself on education matters is now working for the Attorney General. Is that not right?

Mr Barnett: Did she receive government funding?

Mr Marlborough: So what? She made a name for herself. She has been the Attorney General's right-hand person.

Mr Barnett: What office did she hold? She did not hold any office.

The DEPUTY CHAIRMAN: Order! The member for Belmont has the floor.

Mr RIPPER: I thank the member for Peel for his assistance. The dispute that has broken out between the backbench of the Government and members of the Opposition shows the problem which I am trying to deal with by amendment. The Government is suspicious of WACSSO unless WACSSO throws up as its leaders people with whom the Government has political sympathy.

Having listened to the member for Hillarys and the Minister for Education, WACSSO had better behave itself from the point of view of the Government, otherwise WACSSO might have some problems. The Minister said words to the effect that there will be trouble for WACSSO if it is seen to take a political role. The trouble is that one person's proper representative function is another person's political role. Government school education is, naturally, a political issue from time to time. It is inevitable that WACSSO will be required to take positions on matters that are in political dispute. I accept though that one would not expect the council to be a partisan body in a party political sense. I know that, despite the innuendo of the member for Hillarys, the current president of WACSSO is careful to recognise the distinction between the various roles that she occupies. Given the composition of that body, she would not continue to occupy the presidency of that body if she were not careful to distinguish between the different roles which she plays.

If the member for Hillarys wishes to put on the record for whom a person works to cast doubt over the bona fides of the representative organisation in which that person has a role, he can get up and make the allegation and say why he thinks it is relevant to this education debate; because what he is trying to argue is that that person is not doing her job and is not behaving with integrity because she has a political affiliation with which he does not happen to agree.

I do not accept that. I do not accept the Minister's implied threats to WACSSO that it had better not take a political role, otherwise he might not be able to hold back the unrest or the lack of sympathy on the government benches. I want to see the role of this peak representative body protected from actions like that. I want to see that reflected in the legislation.

Mr BARNETT: I really do not want to pursue this, but I will make an observation which the Opposition probably will not like. The other side of the issue raised by members opposite is this: The President of WACCSO holds two positions which, at least potentially, raises a serious conflict. I do not reflect on the President of WACSSO or her conduct. Even she will concede that I have been very fair, open and reasonable right through the election campaign, perhaps to the annoyance of some candidates. Because she has two positions - I do not reflect on her; perhaps I reflect on myself - in the next week or so it will directly affect what I will discuss with WACSSO and what I will not. That is the reality of the conflict that exists.

Mr RIPPER: I am not sure what the Minister is saying.

Mr Barnett: I am making an observation.

Mr RIPPER: I think he is saying that he does not trust the President of WACSSO, that he is not prepared to divulge certain information to her. I do not know quite what he is saying. The implication is that she would misuse that information. That is outrageous allegation. Has the Minister any evidence that she has misused information he has given to her in the past? In my experience of dealing with the person in question, she has been very honourable in the way in which she has approached any potential conflict of roles she has. I absolutely reject any assertion by the Government that her position compromises the organisation in any way.

Mr BARNETT: I will not pursue this. As I said, I do not reflect on the person concerned. The observation I make is that my choice as to the amount of information or the level of consultation that will take place with WACSSO, the teachers' union or any group will be influenced by that fact. That is the reality, and we cannot get away from that.

Mr RIPPER: Is this retribution for the Opposition having taken up a significant number of amendments to this Bill proposed by WACSSO?

Mr Barnett: No.

New clause put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Mr Kobelke	Mr McGowan	Mr Thomas
Mr Brown	Ms MacTiernan	Mr Riebeling	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Ripper	Mr Cunningham *(Teller)*
Mr Graham	Mr McGinty	Mrs Roberts	

Noes (27)

Mr Ainsworth	Dr Constable	Mr Johnson	Mrs Parker
Mr Baker	Mr Court	Mr MacLean	Mr Sweetman
Mr Barnett	Mr Cowan	Mr Marshall	Mr Trenorden
Mr Barron-Sullivan	Mrs Edwardes	Mr McNee	Dr Turnbull
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Minson	Mrs van de Klashorst
Mr Board	Mrs Holmes	Mr Nicholls	Mr Osborne *(Teller)*
Mr Bradshaw	Mr House	Mr Omodei	

Pairs

Dr Edwards	Dr Hames
Mr Grill	Mr Prince
Mr Carpenter	Mr Day

New clause thus negatived.

Clause 144: Definitions -

Mr RIPPER: This clause provides a number of definitions with regard to the operations of the non-government school sector. I refer to the definition of "school system". There is also the definition of "system agreement". I am concerned that school systems could be quite small under the arrangements in this Bill. I am not sure of the number of schools that are required to make up a system. If the Minister makes a system agreement with any system, substantial functions are devolved from the Minister to the system. That is perfectly appropriate when we are dealing with the Catholic Education Office, which is a substantial organisation in its own right and could well accept the devolved responsibility from the Minister. Is it not the case that some systems recognised under this Bill and with which potentially system agreements could be reached, would be too small to accept the devolution of the powers which could be provided for under a system agreement?

Mr BARNETT: That is the case. An obviously large and well operating school system is the Catholic school system, to which we have already devolved quite a lot of administrative detail; for example, the allocation of low interest loans in that school system. There are two elements to this: First, there would need to be sufficient numbers of schools and a sufficient coordination between those schools, and perhaps a central organisation, for it to be recognised as a school system. That would be the first hurdle to overcome. Second, once recognised as a school system, there is no automatic devolution; in fact, there is no prescribed amount of devolution that might take place. The concern is not warranted. There would have to be a significant group of schools and significant coordination in administration for them to be recognised as a school system. Even once recognised, there is no laid down amount of devolution of responsibility that might take place. Merely recognising a group of schools as a school system does not mean anything about the extent that responsibility might be devolved to it.

Mr Ripper: Under this Bill, how many schools would we need before we would have a school system?

Mr BARNETT: It is a minimum of two. The only school system formally recognised in that way immediately will be the Catholic school system. We are not talking about loose groups of two or three schools, but significant organisations.

Mr RIPPER: The Minister has advanced a proposed administrative approach about which it is difficult to argue. However, the Bill does not match that approach. Theoretically another Minister could recognise a system with only two schools, reach a system agreement and devolve many powers to it. The Bill is more loosely framed than the proposed administrative policy. Although I do not intend to move an amendment, I would prefer it if school systems were required to be somewhat more substantial than this Bill appears to allow before these arrangements could come into effect.

Mr BARNETT: I agree. However, once we try to prescribe that sort of thing in legislation we might rule out something admirable. We might have a very small, well run and coordinated, specialised school system providing for Aboriginal children. It might be appropriate to recognise such a system. This clause allows many variations. The intent is to recognise significant school systems, but we might get a boutique school system in some areas. However, the criteria will be their professionalism and ability to manage their affairs before they would be recognised, let alone have responsibilities devolved.

Mr RIPPER: What school systems and system agreements are likely to be dealt with in the next two or three years?

Mr BARNETT: The Catholic school system would be recognised immediately. I refer members to clause 167, which outlines the content of the system agreement. The requirements to be recognised as a school system are exacting;

a loose affiliation of schools will not qualify. It must be a well run and coordinated system in itself. The Catholic education system has 154 schools; the Anglican Schools Commission has four schools; the Swan Christian Education Association has six schools; and the Seventh Day Adventists organisation has nine schools.

Clause put and passed.

Clause 145: References to chief executive officer -

Mr RIPPER: This legislation seems to provide for a separate Department of Education Services to monitor the non-government school sector and to administer the Government's relationship with it. Nowhere is a department with that name mentioned in the Bill. Is the Bill structured to provide for two separate departments? It is not possible to determine whether we must have two separate departments or whether that is the way it operates at the moment.

Mr BARNETT: They could be the same and they could be different. Indeed, if the system is restructured, it may well change. My preference, and it is appropriate for the future, is for the Education Department to run a large government school system. The non-government schools are happy with the arrangement whereby their administrative responsibilities are channelled through the Department of Education Services. It is separate from the Education Department and therefore avoids potential conflicts of interest between government and non-government schooling.

Clause put and passed.

Clause 146 put and passed.

Clause 147: Offence of carrying on unregistered school etc. -

Mr KOBELKE: I would like to make some general comments on this and following clauses, in the hope of obtaining a clear view of what is or what is not a school. Clause 4 defines a school as a government school or a non-government school. We have dealt with a non-government school which is declared as such by the Minister. This clause defines an establishment that carries out an educational program; and makes it an offence to do that if certain requirements are not met.

Under clause 149 the Minister may register non-government schools. I take that as a determination of what is a non-government school; that is, an organisation which is carrying out educational programs and is registered. What will be registered to be called a non-government school?

Clause 147 states that a person must not establish or carry on an establishment that provides an educational program for children in their pre-compulsory education period, compulsory education period, or post-compulsory education period unless the establishment is registered. That registration occurs under clause 149 which also applies a penalty of $10 000 and a daily penalty of $50.

This matter should be taken seriously to ensure that someone does not set up and call an establishment a "school" which is not in accordance with reasonable standards and the requirements of this Bill. However, many educational programs may or may not be called schools. Ballet schools run educational programs, which would be picked up under "educational programme" in clause 4 as an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student's individual needs. Although clause 147 relates to the pre-compulsory education period etc, it does provide a requirement for the amount of time involved. Therefore, it appears that one could have to register as a school, a ballet school which runs dance classes. I do not say this should not be done, but it must be clear how far the provision will go.

Currently many educational programs are run to help children with special needs. There are tutoring-type schools which help students to pick up in areas where they have difficulty. Many educational development programs are available which help students who have different types of learning difficulties or psycho-motor development needs. Many programs are offered - some call themselves "tutoring"; others call themselves "reading assistance"; some call themselves "schools". The secondary question is whether the organisations could use the schools now. Can a dance school still be called a dance school or will it be required to be registered?

Proposed subsection (2)(c) is the key; that is, an establishment that provides an educational program of a kind prescribed by the regulations is allowed as an out. If an educational program is that which is provided by an establishment prescribed by regulation as opting out, we do not need to have a registration as a school.

I am not sure whether the Minister already has a clear view about when a school would be required to be registered. In the post-compulsory area, a training program might be offered at what was called the Osborne Park school of welding. Would such a school be required to be registered?

Mr BARNETT: I recognise that the definition of a school for this purpose is a complex matter and that all sorts of

possibilities arise. The regulations will describe in detail the characteristics of a school and will address the number of children, the nature of the educational program and the duration of instruction, and will lay down the minimum criteria. That is not easily done. The member is right; it may sound simple to define a school, but in practice it is not. We recognise that, and that will be dealt with in the regulations.

Mr KOBELKE: Will the regulations prescribe schools that will be exempt because they run educational programs that are limited in nature and not part of the mainstream education system, such as dance schools that offer only part time tuition, or some of the post-compulsory and trade related schools? The regulations need to set aside immediately schools that offer tutoring or specialised assistance for children with special needs so that they can continue to offer their educational programs and not be caught up with the requirements of the Bill.

Will the use of the word "school" in this Bill prohibit organisations such as driving schools from using the word "school"; and, if so, what will be the extent of that restriction?

Mr BARNETT: We will, through regulations, immediately exclude a range of organisations that are defined as not being schools. This Bill does not address the use of the word "school". That is a general term that can be used in a variety of areas. The use of a word such as that is prescribed in the regulations and generally comes under the companies law. People are not entitled to register words such as "university" or "chamber of commerce", because they have limited application. The word "school" is not within that category and can be used widely.

Clause put and passed.

Clauses 148 to 151 put and passed.

Clause 152: Matters to be considered by Minister -

Mr RIPPER: This clause details the matters that must be considered by the Minister in determining an application for registration, or for the renewal of registration, of a school. Paragraph (e) refers to the qualifications of the teachers. Subclause (2) states that -

> The Minister may determine standards in respect of the matters referred to in subsection (1) and is to determine any standard in accordance with consultation procedures prescribed by the regulations.

I am interested to know whether the standards the Minister will determine with regard to the qualifications of teachers in the non-government system will be the same as the standards provided for in clause 223(2) for the government school system; that is, a person is not to be employed as a member of the teaching staff unless the person holds a qualification recognised by the chief executive officer as being an appropriate qualification.

The Bill provides two different provisions and two different mechanisms for determining the teaching qualifications required. One mechanism in the government school system is a determination by the chief executive officer, and the other mechanism for the non-government sector is a ministerial determination of the qualifications of the teachers required before a school will be registered or before its registration will be renewed. Is it anticipated that the two standards will be the same? If not, why not?

Mr BARNETT: The process for registration of schools and the criteria are broadly similar to what happens currently. It is done in a very exacting way, and I am always impressed by the diligence with which the task is undertaken. I recently formed a non-government schools committee which will look into issues we have discussed previously, such as the number and location of schools. It will also look at the registration of new schools. Through the formation of the Department of Education Services, there is a very positive and constructive relationship between non-government schools and government. I commend the officers in that department for the way that has been developed, and I also commend the non-government sector. It is a good and professional relationship, from my observations and experience.

With regard to the standards, particularly with reference to teacher qualifications, I acknowledge the reality that in some non-government schools teachers may not have the qualifications required in either government school systems or the larger school systems. That issue is being dealt with through consultation. The Government is conscious of standards, but there may be differing standards of teacher qualification in the government system and some parts of the non-government system. Generally, that stage is passing, as qualifications and qualified teachers are spread throughout the system, although there are some existing cases.

Mr RIPPER: Is it anticipated that eventually the qualifications of teachers necessary to satisfy the registration requirements will be the same as those required in the government school system? Is that the aim of policy in this area?

Mr BARNETT: We shall debate this at some stage with regard to teacher registration. From my perspective, if

minimum standards are required, I would like them to apply in all schools, and certainly all schools receiving government funding, whether as government schools or through per capita grants to non-government school systems. That is desirable but, in reality, we must recognise the circumstances and location of some schools, and some of the cultural issues that may impact on some schools. I am not talking necessarily about Aboriginal issues, but about some of the European and ethnic groups running schools.

Mr KOBELKE: There is a major problem embedded in clauses 152 and 153 in that the provisions address two issues that should be kept separate. They may have been run together for drafting convenience. These two issues are the need to ensure, first, that non-government schools provide the required quality and standard of education and, second, that government funding is efficiently spent in supporting such non-government schools.

They are two different issues but they are caught up together. If a group wanted to set up a small community school without government funding it should not have to meet the criterion of location of the premises. The premises should be of a standard to meet the health and safety requirements of children and teachers. However, the location should not be a matter of concern to the Minister granting or refusing registration. Clause 153(f) states that a school will not have a detrimental effect on the ability of an existing school to function as a school. The main issue is that if a school were established in an area where it would take students from an existing school and therefore create inefficiencies and perhaps waste government money, the Minister would not want to register that school for the purpose of funding, but not necessarily for the purpose of ensuring that it provides a quality education. On the whole, this confusing of the two issues will not create a problem. That is because most established schools will be a strong political lobby if the provisions in clause 152 were used in a way which they considered inappropriate. However, I am fearful that small community based schools, which have a place even though they educate only a small number of students, would not have the political muscle to stand up for their rights. It would be open to the Minister of the day to close a school down because it was being effective and drawing students from another school which might become uneconomical to operate. The Minister should be able to take economic grounds into account. He should be able to refuse funding to a non-government school because the viability of a quality non-government school in the area would be threatened. This clause and the following clause go beyond that by saying that a school will not be allowed to function on the basis that it is a threat to the viability of another school. We should not give the Minister that power. If non-government schools are a matter of choice, we should not close them on such economic grounds when they are providing a quality education for the children who attend that school.

Mr BARNETT: From a government perspective registration performs an assurance that the school provides an appropriate education; it has the appropriate staff, facilities, curriculum and the like. From the school's point of view registration gives access to both commonwealth and state funding, which is critically important. I have yet to come across a non-government school that has not sought registration and government funding. The scenario the member for Nollamara gives that location is important is correct. The Non-government Schools Committee looks carefully at location so the Government does not devalue existing expenditure whether by government schools, or by partly government funded non-government schools, by the proliferation of other schools. If a school operates and it has not sought or received registration and it continues to operate, it is not that the Minister will close it down. The issue is the basis under which the children are being educated. If it is not a government school or registered non-government school, it amounts to home education and those children's education will be required to meet the home education provisions.

Effectively, it might be in the form of group home education. The Plymouth Brethren might be an example of something approaching that situation. That would be allowable under the requirements of home education. People can hire a hall and run a school - no-one will stop them doing that - but they cannot expect government money if the school is not registered. At least they must meet the requirements of home education.

Mr KOBELKE: I accept the Minister's indication that one option for such a group would be to establish it as with non-school education. If a group of parents wanted to establish a school of 30 to 50 students, but did not meet the criteria for location - it will not be a common event - and it appeared to be an inefficient use of government funds, would the Minister be willing under clause 147(2)(c), by regulation, to provide an exemption so an education program could be run without receiving funds? It might open up a range of other problems with the Bill's construction. Does that provide another means by which parents can provide a real school, but one not meeting certain criteria in relation to funding? Could they find a mechanism to operate as a school while not receiving government funding?

Mr BARNETT: We are entering hypothetical situations. We would look to examples such as the Plymouth Brethren. The Government is supportive of it, although it has not operated as a registered school as such. We would look at it on its merits. Ultimately, it is the quality of the education program which counts.

Mr KOBELKE: I have taken an interest and had some minor involvement with schools such the Steiner school, Montessori schools and small community schools set up by groups of parents. I understand that the Minister for

Health and his wife were very much involved in a community school in Albany about which I have heard good reports. The school may want to run very good programs. Such schools are run on the energy and enthusiasm of parents, and consequently do not necessarily have a long life. The Minister properly does not want to provide for a school if it were to be detrimental to the quality of education in the area generally. A mechanism should be created for such schools if they meet all other criteria relating to the quality of education. The only problem is that they present economic issues for the viability of schools in the area.

Clause put and passed.

Clause 153: Grant or refusal of registration -

Mr RIPPER: This provision deals with the grant or refusal of registration for non-government schools. Significantly subclause (2)(f) reads -

> the school will not have a detrimental effect on the ability of an existing school to function as a school; . . .

This is where the operation of the new non-government schools committee will come into effect. Who has been appointed to that committee, and what are its reporting arrangements? Will the Parliament, for example, receive any information about the way in which that committee works and the decisions it makes? Also, clause 161(3) makes reference to a non-government school registration advisory panel. Is that panel the same body as the new non-government schools committee, which we have been discussing?

If it is not the same body, what is the difference in functions between the two bodies?

Mr BARNETT: I will happily provide a list of the membership of the Non-government Schools Committee. The non-government school registration advisory panel does not exist. It is one of the advisory - almost appeal - processes in this legislation. If a dispute arose over the refusal of the Minister to register a non-government school, that panel would be established to review the situation. It is a panel to be established on a needs basis; it will not be a permanent fixture.

Mr RIPPER: Will there be an annual report from the new Non-government Schools Committee? Will the Parliament and the public find out whether the committee has refused registration to a school and the basis on which it has been refused?

Mr BARNETT: There is no formal reporting process. It is advisory, to help the Minister make decisions on registration or non-registration of non-government schools. There is no mystery about it. If the member cares to write detailing what information he would like, I would be happy to provide it. It is an advisory group comprising membership from both government and non-government education. It seems to be working very well, albeit for a brief period so far.

Clause put and passed.

Clauses 154 to 159 put and passed.

Clause 160: Cancellation of registration -

Mr RIPPER: The grounds for cancellation of registration do not seem to be as specific or comprehensive as the grounds for registration. The point I am making is that the Minister must consider a specific and comprehensive list of matters before a school can be registered or have its registration renewed. However, when it comes to cancellation, the provisions do not seem to be as all-encompassing. Will the Minister assure us that all the matters considered when a school is registered will be considered when the possibility of cancelling its registration is considered?

Mr BARNETT: Registration will be cancelled when a school breaches the Act or fails to meet the school registration criteria. It obviously would not be a decision made lightly. From my experience an enormous amount of consultation would be undertaken and a huge amount of effort put in to help the school before it reached that position.

Mr Ripper: Have you cancelled the registration of a school in recent times?

Mr BARNETT: I could stand corrected, but I do not think we have cancelled a registration. In one or two cases schools have needed some counselling and advice to avoid the loss of registration. Those preventive mechanisms naturally arise. It is important we have the ability within the Act to cancel registration if a school is not performing.

Mr KOBELKE: That matter was debated some time ago on another clause. I have concerns about subclause (3), that the matter must be "in the opinion of the Minister" only for the cancellation of registration. The cancellation of registration requires notification in subclause (2); however, in subclause (3) it does not require that notification if the health or welfare of persons may be at risk if the registration is not cancelled immediately. That is quite right and proper. However, if there were a risk to the health or welfare of persons, the Minister would close it without the

notice. If people were aggrieved by that and felt that there was no risk to health or welfare, they would have a right to challenge the matter in the court. However, because it is in the opinion of the Minister, they have no basis for challenge.

The Minister does not need the words "in the opinion of the Minister" because he would take that step only in exceptional circumstances. The exceptional circumstances would be where he, or any other Minister, had evidence that the health or welfare of persons were at risk. If the Minister of the day got it wrong, legal redress would be available to the parties involved with the school. As it is worded in that clause, the Minister of the day would simply cancel the registration on the basis of his opinion, which means the matter could not be challenged and held up for any form of objective verification that there was a basis for fearing that the health and welfare of persons were at risk.

Mr BARNETT: We understand the point the member makes, though he is lacking in trust and confidence in Ministers.

Mr Kobelke: Not about this Minister. We do not know who will come after.

Mr BARNETT: This is discretionary, and it needs to be discretionary. The reality is that the Minister would act only on advice and with care. If that decision is not well received, there are appeal processes, either through this Act or through the courts. However, there may be a situation - it happens to Ministers all the time in many areas - where a judgment must be made, someone must make a decision. An example in this context might be, despite controversy and differing opinions in the community, where a Minister might close a school, say at Wittenoom; or the Burekup situation where the termites ate the school. There was dispute about whether the school was going to fall down. A Minister may decide, "I do not care. You can have that dispute. However, I will not risk it; I will close the school." We should not make it too prescriptive that we take away that ability of judgment. Perhaps wrong decisions will be made from time to time, but there must be an ability to assess the situation and make a judgment, even if there is dispute over medical evidence, health requirements, safety of buildings, or whatever else. We need to allow that to stay.

Mr Kobelke: In both of the examples given by the Minister, there was clear objective evidence on which the Minister could take that stand. If the Minister had been challenged in court, he would have been able to defend it; whereas when the words "in the opinion of the Minister" are inserted, there are no grounds for challenging the decision if a bad decision is made.

Mr BARNETT: I dispute that. We in this Chamber may say there was clear evidence, hence the Government acted. However, the history and the debate on Wittenoom shows there were differing opinions among the community as to that. Similarly, there were differing opinions at Burekup about the school. The power will not be exercised lightly; however, a judgment must be allowed. In a portfolio such as Education, from time to time situations occur where a Minister must act. It is important that ultimately someone must have the power to make decisions.

Clause put and passed.

Clauses 161 to 166 put and passed.

Progress reported.

BILLS (3) - APPROPRIATIONS

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Port Authorities Bill.

2. Gas Pipelines Access (Western Australia) Bill.

3. Fire and Emergency Services Authority of Western Australia Bill.

House adjourned at 10.45 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

SALE OF GOVERNMENT ASSETS OVER $1M

3411. Dr GALLOP to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

Will the Premier provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of $1 million or more -

(a) name and nature of the asset;
(b) date sold;
(c) nature of sale and name of buyer;
(d) proceeds received from the asset;
(e) associated revenue from the sale, such as stamp duty;
(f) the application of the funds received; and
(g) any associated costs incurred in the sale process?

Mr COURT replied:

Sale of BankWest:

(a) Bank of Western Australia Ltd (BankWest).

(b) 1 December 1995.

(c) BankWest was sold in a trade sale to Scottish Western Australia Holdings Pty Ltd (a subsidiary of the Bank of Scotland) and the Bank of Scotland. The Bank of Scotland subsequently offered 49% of BankWest to the public in a float in February 1996.

(d) BankWest was sold for $900 million.

(e) in addition to the proceeds received for the sale of BankWest:

BankWest repaid $220 million in perpetual and term subordinated debt which formed the bulk of the bank's tier 2 capital;

the State received $200 million from the Commonwealth as compensation for the State no longer having the capacity to receive payments in lieu of income tax from BankWest;

the State received $120 million for dividends, interest and payments in lieu of income tax up to the time of privatisation and upside of the float of BankWest shares;

stamp duty of $2.6 million was received on the subsequent float of BankWest shares;

(f)-(g) the application of the $900 million sale proceeds was a payment to the Consolidated Fund of $600 million, $295 million to repay borrowings to the Western Australian Treasury Corporation and a contribution of $5 million toward the expenses of the sale. The repayment of $220 million in perpetual and term subordinated debt by BankWest was used to repay borrowings from the Western Australian Treasury Corporation. The $200 million in compensation from the Commonwealth was used to reduce the State's debt to the Commonwealth under the Financial Agreement. Of the $120 million in dividends, interest and tax equivalent payments received by the State, $102 million has been paid into the Consolidated Fund to date with the balance of these funds remaining within R&I Holdings to assist in meeting privatisation expenses and warranty payments. Privatisation expenses to date have been approximately $10 million and warranty payments approximately $16 million.

ZERA MEDICAL CLINIC BURGLARY

3596. Ms ANWYL to the Minister Health:

I refer to the break-in which occurred at the Zera Medical Clinic in Midland where confidential medical records relating to terminations of pregnancy were stolen and released publicly and ask -

(a) does Government policy support this action;

(b) what actions has the Minister taken to protect the interests of other women whose medical records may be stolen and made public; and

(c) does the Minister consider that a special criminal offence should be created to deter this type of action as it relates to women who have undergone terminations of pregnancy?

Mr PRINCE replied:

Please refer to answer 3597.

GOVERNMENT VEHICLES WITH PERSONALISED NUMBER PLATES

3736. Mr MASTERS to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

(1) Have any of the Government agencies or departments within the Premier'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 COURT replied:

(1) No.

(2) Not applicable.

KEMERTON SILICON SMELTER

Jarrah Logs

3758. Mr MASTERS to the Minister for the Environment:

Have there been any occasions in the past five years when jarrah logs cut from native forests and stockpiled awaiting transport to the Simcoa silicon smelter at Kemerton have been so badly affected by the elements, including fungal and termite attack, that the logs have been rendered unusable for any worthwhile purpose?

Mrs EDWARDES replied:

No. Jarrah logs would invariably take a significantly longer time than 5 years to degrade beyond the point that they do not meet the charlog specifications.

KEMERTON SILICON SMELTER

Jarrah Logs

3759. Mr MASTERS to the Minister for the Environment:

Have there been any occasions in the past five years when jarrah logs cut from native forests and stockpiled awaiting transport to the Simcoa silicon smelter at Kemerton have been burnt in wildfires, prescribed burns or regeneration burns, such that the logs have been rendered unusable for any worthwhile purpose?

Mrs EDWARDES replied:

No. No jarrah logs (dry or green char) stockpiled awaiting transport to SIMCOA have been lost to fire during the last 5 years. Reject sawlogs from integrated harvesting operations are piled at the front of bush landings in some supply areas. These logs may become saleable as firewood or charlogs in the future as they dry and the bark loosens and falls off. A small quantity of such logs have been burnt during prescribed burning operations.

CARNARVON TOURIST BUREAU INC FUNDING

3880. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) What funds were made available to the Carnarvon Tourist Bureau Inc through the Western Australian Tourism Commission in the-

(a) 1996-97 financial year; and
(b) 1997-98 financial year?

(2) Is the Minister aware how much will be made available to the Carnarvon Tourist Bureau Inc through the Western Australian Tourism Commission in the 1998-99 financial year?

(3) How much will be made available to the Bureau?

(4) Why have funds to the Bureau been cut?

(5) Has the Western Australian Tourism Commission examined the capacity of the Carnarvon Tourist Bureau Inc and other tourist bureaus to make up the shortfall in funding through other activities?

(6) If so, when was that examination conducted?

(7) What was the result of the examination?

(8) Who conducted the examination?

(9) When was the examination conducted?

(10) Is the Minister aware the reduction in funding to the Carnarvon Tourist Bureau will threaten the level of service it provides?

(11) If not, will the Minister have that matter examined and, if proved to be correct, reinstate the level of assistance previously provided to the Bureau?

(12) If not, why not?

(13) Does the Minister/Government want to see the Bureau open fewer hours and/or days per week than is currently the case?

(14) If not, how does the Government envisage the Bureau will meet those operating expenses in the absence of the same level of funding from the Government?

Mr BRADSHAW replied:

(1) In 1996, the Western Australian Tourism Commission (WATC) undertook to review the Regional Tourism Policy 1994 - 1997, which provided guidelines for the allocation of funds directly to Regional Tourism Associations (RTAs) and country tourist bureaux (TBX). The outcome of the review was to replace the Policy with new fee for service based agreements with each of the State's 10 RTAs. The review was developed by the WATC and endorsed by the Regional Tourism Review Board (RTRB), a WATC sub-committee comprising representatives from RTAs, TBX, WATC, local government and private tourism operators and approved by the WATC Board of Commissioners. Under the terms of the agreement, each of the RTAs is required to deliver a number of services, including support for an appropriate level of visitor servicing. As visitor servicing is an integral part of regional marketing, a decision was made to make the RTAs responsible for decisions about the allocation of financial support to the TBX. This was considered appropriate given that one of the objectives of the shift from the old Policy was to increase the efficiency of the operation of regional tourism and eliminate duplication.

Through the elimination of the duplication of activities between the WATC and RTAs an additional 35.5% in funds was available for allocation to the RTAs over a 3 year period. It was anticipated that similar efficiencies could be achieved by eliminating the duplication of activities between RTAs and TBX, particularly in the area of external marketing activity such as the production of brochures. Through the introduction of the new fee for service based agreements, funds available for direct allocation to RTAs (including tourist bureaux) have increased as outlined below:

1995/96	$1.07 million
1996/97	$1.15 million
1997/98	$1.37 million
1998/99	$1.45 million

While the WATC no longer allocated monies directly to the TBX, the WATC's overall commitment to RTAs (including tourist bureaux) has increased, against a decreasing overall budget. Decisions with respect to the amount of monies allocated to the TBX are not those of the WATC but the GTA.

Prior to a RTA entering into this new agreement with the WATC, it had to have written support from its TBX and local government in the region. This support was provided by all the TBX, including Carnarvon, in the Gascoyne region. As a result of the shift from the old Policy to the new agreements, no money was allocated directly from the WATC to the Carnarvon Tourist Bureau (CTB) in either 1996/97 or 1997/98. The Gascoyne Tourism Association (GTA) though, allocated the following monies to the CTB:

(a) 1996/97 $20,477

(b) 1997/98 $18,000

(2) The GTA has the responsibility for determining the amount of money to be allocated to the CTB in the 1998/99 financial year, and I understand this determination is yet to be made.

(3) I understand the amount is yet to be determined by the GTA.

(4) Funding decisions in relation to the CTB are the responsibility of the GTA and the GTA Board will need to consider the impact of any financial arrangements. The CTB provided its support for the new agreement when it was implemented in the 1996/97 financial year and it can only be assumed that it was aware of the future ramifications of such support. Staff of the WATC regularly attend meetings in the Gascoyne and the CEO met with industry representatives in Carnarvon earlier this year.

(5) The CTB has received a reasonably consistent level of funding over the last three years, even though the funding decisions are now made by the GTA. When the RTRB was reviewing the Policy, it was identified that local government had a key role to play in support for the visitor servicing function carried out by the TBX. The role of local government is critical given that the major beneficiary of the activity of TBX are local ratepayers, remembering that tourism expenditure is not just limited to main stream tourism businesses but extends to fuel stations, restaurants, supermarkets and other local businesses. Any shortfall in funding, should the RTA decide to reduce monies available to TBX, would need to be met by local government or increased commercial activity. The role of local government in this process was acknowledged and they were required to provide written support for the shift from the old Policy to the new agreement. There are many examples throughout the State of TBX that have either increased the financial support from local government or increased their commercial activity.

(6) The review of the Regional Tourism Policy 1994-1997 was undertaken in the 1995/96 financial year.

(7) The review of the Policy was undertaken by the RTRB, and required support from both TBX and local government before it could be implemented. This was to ensure all parties had a clear understanding of their current and future responsibilities.

(8) WATC developed the recommendations and the RTRB was entrusted with undertaking the review of the recommendations and subsequent direction to the Board of Commissioners. Its membership comprised:-

Annette Knight	Chairperson
Simon Walsh	WATC Executive
Lesley Briscoe	President Country Tourism Association and Manager Albany Tourist Bureau
Sandra Marks	CEO Geraldton Region Tourism Association and Manager Geraldton Tourist Bureau
Marg Mason	Marketing Manager Goldfields Travel Association
David Kirkland	CEO Pilbara Tourism Association
Andrew Hammond	CEO Shire of Wyndham and East Kimberley
Bob Mason	CEO Skywest Airlines
Bart Boelen	Northern Development Manager WATC

(9) In the 1995/96 financial year.

(10) Funding decisions in relation to the CTB are the responsibility of the GTA and the GTA Board will need to consider the impact of any financial arrangements. The CTB provided its support for the new agreement when it was implemented in the 1996/97 financial year and it can only be assumed that it was aware of the future ramifications of such support. Staff of the WATC regularly attend meetings in the Gascoyne and the CEO met with industry representatives in Carnarvon earlier this year. No issues have been raised with the WATC with respect to the level of support extended by the GTA to the CTB.

(11)-(12) The matter will not be examined as it is an issue between the GTA and the CTB.

(13) Opening hours and the level of service provided by CTB are issues for its Board and the GTA.

(14) The State Government has not provided direct funding to the CTB since 1995/96. As stated funding decisions are the domain of the GTA and CTB.

REGIONAL TOURIST BUREAUS' OPENING INCENTIVE GRANT

3881. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Did regional tourist bureaus previously receive an "Opening incentive grant" or similar sounding grant to assist with the cost of opening on Saturday afternoons, Sundays and/or public holidays?

(2) When did that type of grant cease?

(3) What was the reason for such grants being abolished?

(4) By abolishing the grants, did the Government want to send a signal to tourist bureaus not to open on Saturday afternoons, Sundays and/or public holidays?

(5) If not, exactly how did the Government expect bureaus to meet the cost of opening at those times?

Mr BRADSHAW replied:

(1) Under the Regional Tourism Policy 1994 - 1997, there was an Opening Hours Incentive Grant (OHIG) payable to tourist bureaux (TBX).

(2) When the Regional Tourism Policy 1994 - 1997 expired and the WATC entered into fee for service based agreements with the State's 10 Regional Tourism Associations (RTAs), the OHIG was terminated and the responsibility for the level of support to be provided by the RTAs to their TBX was vested in the RTA. Some RTAs opted to enter into the new Agreements in the 1996/97 financial year, while the remainder commenced at the beginning of the current year. It should be noted though that the overall funding did not decrease. Rather, it was increased.

(3) The WATC's decision to enter into new fee for service based arrangements was designed to increase the amount of funding available for direct allocation to RTAs, eliminate duplication and to provide for greater local decision making.

(4)-(5) No. The government increased the overall level of funding to RTAs but as to how those funds were expended, was left to the local associations to determine.

TOURIST BUREAUS' FUNDING

3882. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) How much was made available to each tourist bureau in the State through funding allocated to the Western Australian Tourism Commission in the -

  (a) 1996-97 financial year; and

  (b) 1997-98 financial year?

(2) How much will be allocated to each tourism bureau throughout the State through funding provided to the Western Australian Tourism Commission in the 1998-99 financial year?

(3) Is the level of funds to be provided to one or more tourist bureaus in the 1998-99 financial year less than the previous financial year?

(4) If so, what is the reason for the decrease?

(5) By decreasing funding to tourist bureaus, does the Government expect tourist bureaus to open less hours or less days per week than they did in the previous two financial years?

(6) If not, how does the Government expect the bureaus to meet the additional costs in opening the same hours?

Mr BRADSHAW replied:

(1) (a) In 1996, the Western Australian Tourism Commission (WATC) undertook to review the Regional Tourism Policy 1994 - 1997, which provided guidelines for the allocation of funds directly to Regional Tourism Associations (RTAs) and country tourist bureaux (TBX). The outcome of the review was to replace the Policy with new fee for service based agreements with each of the State's

10 RTAs. The review was developed by the WATC and endorsed by the Regional Tourism Review Board (RTRB), a WATC sub-committee comprising representatives from RTAs, TBX, WATC, local government and private tourism operators and approved by the WATC Board of Commissioners.

Under the terms of the agreement, each of the RTAs is required to deliver a number of services, including support for an appropriate level of visitor servicing (generally carried out by the tourist bureau). As visitor servicing is an integral part of regional marketing, a decision was made to make the RTAs responsible for decisions about the allocation of financial support to the TBX. This was considered appropriate given that one of the objectives of the shift from the old Policy was to increase the efficiency of the operation of regional tourism associations, eliminate duplication and foster more local decision making.

Through the elimination of the duplication of activities between the WATC and RTAs an additional 35.5% in funds was available for allocation to the RTAs over a 3 year period. It was anticipated that similar efficiencies could be achieved by eliminating the duplication of activities between RTAs and TBX, particularly in the area of external marketing activity such as the production of brochures.

Through the introduction of the new fee for service based agreements, funds available for direct allocation to RTA's (including tourist bureaux) have increased as outlined below:

1995/96	$1.07 million
1996/97	$1.15 million
1997/98	$1.37 million
1998/99	$1.45 million

While the WATC no longer allocated monies directly to the TBX, the WATC's overall commitment to RTAs (including tourist bureaux) has increased, against a decreasing overall budget. Decisions with respect to the amount of monies allocated to the TBX are not those of the WATC but the respective RTA.

In the 1996/97 financial year, the Great Southern, the Kimberley, the Pilbara, the Mid West and the Gascoyne RTAs all made a decision to shift to the new agreements early. This resulted in the WATC making direct payments to only 40 TBX at a value of $449,692.

(b) In the 1997/98 financial year, all RTAs shifted to the new agreements and no money was paid directly by the WATC to TBX in regional areas.

(2) The allocation of financial support to TBX is now the responsibility of RTAs with no direct payments made by the WATC to TBX. However, the WATC has allocated an increased amount of funding to the RTAs.

(3) No. The level of funds provided directly by the WATC to bureaux will not change.

(4) Not applicable.

(5)-(6) The financial arrangements between RTAs and TBX is by agreement between the two parties. Before entering into the new agreements, each RTA was required to provide the written support of both TBX and local government. In many regions, the WATC is aware that some TBX agreed on a certain level of financial support for 3 years prior to signing the letters of support.

"DISCOVER WEST HOLIDAYS" PUBLICATION

3884. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Did the Western Australian Tourism Commission and/or the Government make any contribution towards the publication *Discover West Holidays*?

(2) Is the publication divided into a number of parts such as the Kimberley, North West, South West and so on?

(3) Is the publication structured in a chronological way so that tourists can identify the attractions as they travel through each area of the State?

(4) Is it true that in the "North West" section of the publication the attractions are listed from South to North?

(5) Does the publication list Kalbarri, Monkey Mia, Shark Bay and Exmouth?

(6) Why was Carnarvon excluded in this section of the publication?

Mr BRADSHAW replied:

(1) Yes.

(2) Yes. The brochure is divided into broad sections titled: Perth; South West; North West; Kimberley; West Coast Touring.

(3) Yes. The brochure has been designed to follow the logical path most tourists would take when starting their exploration of regional areas from Perth. For example, the South West section covers Coach Tours, Safari Tours, Self Drive Holidays and then lists the major areas in a circular nature from Perth to Mandurah to Dunsborough to Margaret River to the Blackwood Valley and Tall Timber Country to Walpole to Albany to Esperance to Kalgoorlie to York.

(4) Yes. If a tourist was to travel from Perth to the Northern parts of the State then he would reach each of the Northern attractions, starting with the southern most first.

(5) Yes. The headings in the North West section cover a range of destination grouped as follows: Gingin to Geraldton; Kalbarri to Shark Bay; Shark Bay to Coral Bay; Exmouth and Pilbara.

(6) Carnarvon accommodation is featured on page 70 of the publication and while the name Carnarvon is not specifically mentioned in the title, it is referred to in many areas of the brochure including a number of safari tours and is featured on a number of maps, including the main fold out map. When Discover West Holidays was planning the pagination of the brochure, it was not feasible to have a separate title page for Carnarvon, similarly other areas, such as the Pilbara are grouped together as opposed to mentioning all major towns.

EXMOUTH-PERTH AIR FARE

3888. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Is the Minister aware the cost of an air fare from Perth to Exmouth is $276.00 compared to the cost of an air fare from Exmouth to Perth at $324.00?

(2) Is the Minister aware of the reason for the price differentiation?

(3) If not, will the Minister make enquiries in this regard?

(4) If not, why not?

(5) What action does the Government intend to take to seek to reduce this differential?

Mr BRADSHAW replied:

(1)-(4) No because there is no cost differential between the published airfares set by Skywest for travel between Perth and Exmouth and for travel between Exmouth and Perth. Skywest offers a range of one-way airfares, applicable in either direction, ranging from $162 for a Seniors Fare to $324 for a Full Economy Fare. To increase the viability of operating the air service, the airline has a yield management system in place that allocates a certain number of seats to each particular airfare type. Once the seats allocated to a particular airfare type are sold, then the airline will generally not sell any more at that airfare level. This can give rise to a situation whereby a consumer rings the airline and is told the best available airfare for travel Perth - Exmouth is $276 because there are still seats available for sale at that airfare yet a consumer making an enquiry about travel from Exmouth - Perth may be told the best available airfare is $324 because all the cheaper seats have been sold.

(5) Even though there is a logical explanation for the difference in the airfares quoted in this case, the Government does not intervene with the commercial operations of private enterprise. While the Tourism Commission could, and does, make recommendations to airlines about pricing policies to ensure there are competitive airfares available in the market, ultimately the pricing policies of airlines and any transport operator are driven by the commercial reality of operating the service.

MID WEST REGION MAP, WITHDRAWAL

3897. Mr BROWN to the Minister for Lands:

(1) Is the Minister aware the streetsmart touring map of the Mid-West (outback Gascoyne - Murchison) produced by the Land Data Services Branch of the Department of Land Administration (DOLA) had to be withdrawn?

(2) What cost was incurred in having the map withdrawn?

(3) When will the new map be produced and distributed throughout the region?

(4) Is the Minister aware that until a new map is made available, potential tourism dollars will be lost to the region?

(5) When will the new map be published and available?

Mr SHAVE replied:

(1) The Department of Land Administration has advised that it was advised in February 1998 by the WA Tourism Commission that there was a risk of litigation associated with identifying the Wilgie Mia ochre mine as a tourist feature, as the mine had become unsafe. Legal opinion was sought and appropriate action included withdrawal of the map from sale. The Department did not inform me.

(2) The Department of Land Administration has advised that as a result of withdrawing the map from sale, costs of approximately $5,300 plus postage will be incurred for reprocessing, reprinting and distribution.

(3)-(5) The Department of Land Administration has advised that the reprinted map was received on 22 May 1998. Affected agents were sent flyers advising that the reprint had been received and stock is in the process of being replaced. DOLA and those associated with the promotion and distribution of the map have acted quickly and responsibly to minimise impact on the region.

PILBARA REGION MAP, AVAILABILITY

3898. Mr BROWN to the Minister for Lands:

(1) Is the Minister aware the touring map of the Pilbara Region has been out of print for some time and consequently not available at certain tourist bureaus for up to eight months?

(2) When will the new map be printed and available?

Mr SHAVE replied:

(1) The Department of Land Administration has advised that the stock from the last reprint (29 August 1996) of the Pilbara Touring Map was rapidly absorbed by the distributing agencies. The Department became aware of the need for more stock in late 1997 and did not inform me.

(2) I have been advised that the Department of Land Administration's maps are constantly under review and, as usual, preparation for reprint of this map has included extensive revision and consultation with agencies in the region such as the Pilbara Development Commission, CALM, tourism organisations and local government. Printing will take place in the week commencing 19 June 1998. Delivery and distribution are scheduled to follow immediately.

SEXUAL ASSAULT REFERRAL SERVICES BEST PRACTICE REVIEW

3955. Ms WARNOCK to the Minister for Health:

In relation to the Government two year plan for women (1996-98) -

(a) has the Government progressed appropriate recommendations of the Best Practice Review of Sexual Assault Referral Services;

(b) if yes, what practices have been progressed;

(c) in what way;

(d) if not, why not; and

(e) if not, when does the Government intend to honour the promise?

Mr PRINCE replied:

(a) Yes.

(b) Quality management and the expansion of specialists services.

(c) The following specific recommendations have been progressed:

funding for specialist programs remains ongoing;

a purchasing plan for the development of services in the Kimberley and the Lower Great Southern is currently being considered;

where appropriate trained staff offer crisis support services;

also where appropriate, services have been expanded to meet the needs of children; and

outreach services continue to be provided at women's health centres.

(d)-(e) Not applicable.

WOMEN'S HEALTH INFORMATION PROMOTION

4016. Ms WARNOCK to the Minister for Health:

In relation to the Government's Two Year Plan for Women (1996-1998) -

(a) has the Government continued to identify innovative ways to promote public health information to women;

(b) if yes, what ways have been identified;

(c) have any of these innovative ways been implemented;

(d) if yes, what and when;

(e) if not, why not; and

(f) if not, when does the Government intend to honour this pledge?

Mr PRINCE replied:

(a) Yes.

(b) The Health Department of Western Australia has a range of strategies to promote public health information for women. These include: provision of information to health professionals, local government, community health centres and to individuals using a range of different media such as print media (pamphlets and posters), radio, television and the media generally and using other techniques such as bus-backs. The Government has continued to identify innovative ways such as a direct approach to women's groups and organisations, business and professional women's groups, funding of specific community programs to employ women to provide public health information to women and other innovative strategies including home safety parties directed mainly at young mothers.

In addition the Women's Cancer Screening continues to produce and distribute publications in languages other than English and culturally appropriate resources for Aboriginal women. Media campaigns aimed at recruiting women to breast screening and cervical examination are run and resources are produced for general practitioners.

(c) Yes.

(d) The Health Department has numerous public health programs and a range of publications aimed specifically to women. These include:

Diabetes in pregnancy - Am I at risk? (Aboriginal Health)
Let's look at … Breast feeding
Let's look at … Multiple births
Pregnancy and drugs
Nutrition during pregnancy and lactation
Constipation in pregnancy
Vegetarian pregnancy
Breastfeed and shape up
Women and smoking fact sheet
Girls talk about smoking
Young women and smoking campaign summaries
Premenstrual syndrome
Pelvic floor exercises
Menopause
Osteoporosis
Sexuality after your baby
Postnatal depression
Advice and exercises in pregnancy

Advice and exercises after your baby is born
Listeria, infection and pregnancy

Campaigns to encourage women to take Folate for the prevention of neural tube defects, women's cancer - both breast cancer and cervical cancer, Rubella, sexually transmitted diseases and most recently, Chlamydia have also been undertaken. These programs have been undertaken at various times and are mostly ongoing.

(e)-(f) Not applicable.

WOMEN'S HEALTH PROMOTION ALLOCATIONS

4017. Ms WARNOCK to the Minister for Health:

In relation to the Government's Two Year Plan for Women (1996-1998) -

(a) has the Government, through Healthway, increased allocations to projects promoting women's health issues;

(b) if yes to (a) above -

(i) what increased allocations have been made;

(ii) what has been the total (in dollar terms) of allocations made; and

(iii) what -

A. percentage;
B. dollar term; and
C. increase;

does that represent?

(c) if no to (a) above -

(i) why not; and

(ii) does the Government intend to honour the pledge it made?

Mr PRINCE replied:

(a) Yes.

(b) (i)-(ii) Allocations to projects targeted to women:

1996	$877,737
1997	$897,288
1998	$988,686

(iii) A Percentage of total funding:

1996	8.1%
1997	8.0%
1998	9.8%

B Dollar increase:

96-97	$19,551
96-98	$91,398

C Increase:

96-97	2.2%
96-98	10.2%

(c) (i)-(ii) Not applicable.

NURSES WORKING IN NURSING HOMES

4036. Dr CONSTABLE to the Minister for Health:

(1) Is it correct that registered nurses working in nursing homes are paid approximately 10 per cent less than registered nurses employed in other areas of nursing?

(2) If yes to (1) above, why is this?

(3) If no to (1) above, is there any discrepancy in the payment of registered nurses employed in nursing homes and those employed in other areas and if so, what is the discrepancy and why does it exist?

Mr PRINCE replied:

(1) Yes.

(2) The disparity relates to nurses employed in the aged care sector which is wholly funded by the Commonwealth Government.

Re-examination of the funding arrangements is a commitment only the Federal Government can provide. In the circumstances I recommend that you take up this matter with the Commonwealth Minister for Family Services.

ROBINSON UNIT, BENTLEY HEALTH SERVICE

4087. Dr GALLOP to the Minister for Health

With regard to the provision of health care provided at the Robinson Unit at the Bentley Health Service -

(a) are any changes proposed in the level of service delivery at the Unit; and

(b) if yes, what changes are proposed and when will they be implemented?

Mr PRINCE replied:

(a) Yes.

(b) Changes are proposed which will markedly improve the access of clients to the currently limited child programme by:

Increasing the flexibility, entry and exit points of the current weekday residential service according to clinical need

Replacing the weekend residential programme with a more therapeutic day programme, utilising evidence based on clinical practice and international trends

Moving towards a more community based focus which keeps children in their homes and at school with support mechanisms

Changes to the programme will begin at the commencement of the school term in July.

OFFICE OF HEALTH REVIEW

4088. Dr GALLOP to the Minister for Health:

With regard to the Office of Health Review -

(a) when was the Office established;

(b) how many staff are employed at the Office;

(c) how many complaints has the Office received (in 6 month intervals) since it was established; and

(d) of these complaints, how many were successfully resolved?

Mr PRINCE replied:

(a) The Office of Health Review was established by the *Health Services (Conciliation and Review) Act 1995* and was proclaimed and came into operation on 16 September 1996.

(b) 8.

(c) Complaints received in 6-month intervals are as follows:

01-09-96 to 31-12-96	325
01-01-97 to 30-06-97	347
01-07-97 to 31-12-97	484
01-01-98 to 12-06-98	492

(d) The matter is more complex than the question suggests. Account must be taken of the independent and impartial status of the Office of Health Review, as well as of its dual roles of investigating and conciliating complaints. From the perspective of the OHR, an investigation would be successful if it achieved a fair

outcome based upon evidence arising from thorough enquiry and if recommendations made were accepted. Where complaints are conciliated, success might hinge on the extent to which both parties accept that the outcomes are fair and reasonable, and on the avoidance of unnecessary litigation. The new Director of the Office of Health Review has implemented changes that will enable specific outcomes to be more readily identified under various categories, but these will not be able to be reported on until the next financial year. The Director has offered to brief the Leader of the Opposition on the Office's role and future directions.

OFFICE OF HEALTH REVIEW

4089. Dr GALLOP to the Minister for Health:

With regard to the Office of Health Review what legislative power does the Office have to ensure that medical practitioners who have had complaints lodged against them -

(a) respond to the complaint; and

(b) respond in a reasonable time to the complaint?

Mr PRINCE replied:

The Act does not give the Director a discrete power to compel a medical practitioner, or any health provider, to provide a response or to do so within a specified time. In exceptional circumstances, however (of which the Parliament must be informed), the Act gives the Director formal powers to summons a provider, to seize documents, execute warrants and require a person to take oath. These are clearly powers of last resort and it is desirable that they be exercised only where the circumstances are such that they warrant those powers being invoked. The Office prefers a co-operative approach with providers and there have been few instances where this has not been effective. Those rare instances where a provider has failed to respond have not prevented the Office from pursuing the complaint.

QUESTIONS WITHOUT NOTICE

ONE NATION

1281. Dr GALLOP to the Premier:

Will the Premier join with Jeff Kennett and condemn One Nation and its policies?

Mr COURT replied:

I never thought I would see the day when the Leader of the Opposition wanted me to join with Jeff Kennett. I have made it clear that I am a strong opponent of many of the policies that are put forward by One Nation. I join all politicians who are opposed to race being introduced into politics in this country. I will not go through One Nation's policies. I find it abhorrent that any political party would try to capitalise on a scare campaign which has a racist background. That will not do this country any good.

MEMBER FOR GERALDTON

1282. Dr GALLOP to the Premier:

Given the Premier's response, what will he do about the member for Geraldton who is quoted in the newspaper as saying "Hanson is right"?

Mr COURT replied:

I will have to watch the member for Geraldton. I have been around for long enough, firstly to read an article before commenting on it; and, secondly, to find out whether it is correct. I will not go through One Nation's policies.

Several members interjected.

The SPEAKER: Order! The member for Armadale has not been in the Chamber very much over the past few days, so perhaps she has missed the point. I am allowing some interjections, particularly if they are relevant and from people who have asked questions. However, when interjections do not relate to the question at hand and can perhaps be considered to be idiotic, it is my responsibility to start hauling members up and bringing this place to order. The member for Armadale should take note and not interject.

Mr COURT: Investment in any State is dependent on the level of confidence in that State. I found it outrageous that the Labor Mayor of Brisbane said that a Taiwanese company had withdrawn from Brisbane because of what was taking place in Queensland when that was not the case. I listened to an interview with a representative of Taiwan Sugar who made it clear that the company saw Queensland and the rest of Australia as an attractive place to invest.

HARVEY AGRICULTURAL SENIOR HIGH SCHOOL

1283. Mr BRADSHAW to the Minister for Education:

What progress is being made in the proposal to relocate the Harvey Agricultural Senior High School to Wokalup?

Mr BARNETT replied:

I thank the member for some notice of this question. For some time now he has actively promoted the concept of the Harvey Agricultural Senior High School relocating to the now unused Wokalup research station. That land is still vested in Agriculture Western Australia. There would be a number of advantages in that: A larger site and some excellent agricultural based facilities. However, that must be weighed against the cost of relocating and rebuilding residential accommodation. Work is progressing and recently a firm of consultants, Doug McGee and Associates, was appointed to investigate and report on the proposed relocation and that is expected to be available at the end of next month. That will be of great interest to the people in the Harvey area.

TAXATION REFORM PACKAGE

1284. Dr GALLOP to the Premier:

I refer the Premier to the Federal Government's tax reform package as outlined on the front page of *The Australian* newspaper today.

(1) Did the Prime Minister outline his reform proposals to the Premier when they met last week?

(2) Has the Prime Minister rejected the Premier's income tax sharing proposal as today's article implies?

Mr COURT replied:

(1) No; he did not outline his tax package to me. I am not aware that what is reported on the front page of that newspaper is the tax package.

(2) The Prime Minister said that he had gone through WA's submission in some detail and was aware of the proposals that we had put forward.

Dr Gallop: You are not pressing Western Australians interests very strongly, Premier.

Mr COURT: Does the Leader of the Opposition want me to talk about the Labor Party's tax campaign?

Dr Gallop: I'm happy to.

Mr COURT: That tax policy is to scare everyone. It is like putting out a statement about a dam on the Fitzroy River. The aim is to scare people.

Dr Gallop: You are on the run about that, too.

Mr COURT: The Government is working constructively to encourage irrigated agriculture in that area. I am glad the Leader of the Opposition mentioned the positive work that was being undertaken there in his press statement. The member for Kimberley summed it up in his press statement yesterday, and I suggest all members read it as a reflection of what the Labor Party is doing. Gareth Evans said that the economy is in awful shape, that it is all doom and gloom and it will collapse etc and the Leader of the Opposition is running a scare campaign on taxation. The Leader of the Opposition must come up with some positive policy initiatives and move away from running a scare campaign. The Leader of the Opposition accuses One Nation of running scare campaigns, but he should look at his own tactics.

SAND DUNES, WHITEHILLS AND TIMS THICKET AREA

1285. Mr MARSHALL to the Minister for the Environment:

The Mandurah Coastal Committee, and in particular the Bouvard group, is concerned about the decimation of sand dunes in the Whitehills and Tims Thicket area by trail bikes and four wheel drive vehicles. What authority is available to rangers and volunteer rangers to apprehend and even fine the culprits?

Mrs EDWARDES replied:

I thank the member for some notice of this question.

I ask the member to pass on to his constituents and members of that group our thanks for the work they do in helping us preserve the coastline and sand dunes in that area. Both the Control of Vehicles (Off-road Areas) Act and the Conservation and Land Management Act apply in that area. Under the national park regulations vehicles must stay on formed roads. They will incur a fine of $500 if they are successfully prosecuted. Honorary rangers can be appointed to report breaches of the regulations. That is something about which I would be pleased to talk to the member.

Effectively, we need a better mechanism for issuing on the spot fines and we are working towards that at present. We hope new regulations will be allowed so that this can occur.

GOODS AND SERVICES TAX

1286. Dr GALLOP to the Minister for Small Business:

(1) Has the Small Business Development Corporation completed its report on the implications of a goods and services tax for small business?

(2) If yes, will the Minister table the report before the close of parliamentary business today?

(3) If not, when does he expect the report to be completed and will it be made public?

Mr COWAN replied:

(1)-(3) I am very pleased the Leader of the Opposition asked me this question because it gives me a chance to correct an answer I gave earlier. I was sure the Small Business Development Corporation was presenting a report on the cost of taxation to small business, particularly associated with compliance. I was wrong. The SBDC has completed the report and it is in the public domain.

I am sure the Leader of the Opposition will be able to procure that report. However, I will ensure he receives a copy. Whether I can table one today is a matter of conjecture; nonetheless, I will see to it that for the sake of formality the report is tabled.

The report finds that most small businesses in Western Australia would prefer a goods and services tax was applied because they believe it will reduce the cost of compliance.

ACCESS ECONOMICS INVESTMENT MONITOR

1287. Mr BLOFFWITCH to the Premier:

Please advise the House on the latest survey findings of the Access Economics investment monitor.

Mr COURT replied:

The latest Access Economics investment monitor has both a good news and a bad news story.

Mr Graham: Is this the good news that tells us we are in good shape?

Mr COURT: I am sure the member for Pilbara will be pleased to hear that the March quarter report contains encouraging news about the Western Australian economy. Western Australia's share of existing and future business investment in this State now stands at 34 per cent.

Several members interjected.

Mr COURT: I have just been told we are destroying the country. I am telling members opposite what is happening in Western Australia.

Mr Ripper interjected.

Mr COURT: The member for Belmont should let me finish.

Dr Gallop: Show a bit of leadership, like Jeff Kennett, on this issue.

Mr COURT: On this issue? The projects under construction committed or being planned are valued at $66.4m.

Mr Ripper interjected.

Mr COURT: I will tell the member for Belmont about risk in a minute. Over the past year business investment in Western Australia has increased by 14 per cent. Western Australia has 24 per cent of the projects under construction. Our investment under construction this year is $9.8b - the highest of any State, even New South Wales in the middle of construction for the Olympic games.

A warning is apparent in this report because $14b worth of projects are facing delays as a result of native title problems.

Dr Gallop: John Howard can fix that tomorrow.

Mr COURT: He is certainly trying. The area of concern in this State is that exploration activity is being severely affected now as a result of the delays caused by native title. We are living on borrowed time as a result of these delays. When exploration is flat the ramifications are felt two to four years later. Much of the investment is on land and mining titles that have already been approved.

In summary, nearly 5 000 mining titles have been delayed by the Native Title Act processes. Almost 2 500 titles are being held up in the right to negotiate process. Only 208 titles have been granted following agreements since 1995. More than half the exploration titles are being objected to. Evidence in the past month or so suggests that 80 per cent or more of titles are now being objected to. Only three leases have been granted after determination by the national Native Title Tribunal.

Hundreds of companies and individuals are being forced to deal with claimants despite their having no proof of their claims. These people are forced to pay out large sums of money to get mining titles granted even though the claimants have not provided any proof that they have native title or any accountability for where the money goes.

The good news is that Western Australia continues to lead with investment growth in this nation. However, we must be warned that if we put obstacles in the way of projects such as exploration, delays and problems will occur in approximately three or four years down the track.

Mr Ripper: Will you deal with what Hanson is doing to investment?

Mr COURT: The Federal Leader of the Opposition and the Labor Party in general have decided to obstruct a compromise arrangement that would make the native title legislation workable. Mr Beazley and his team must make a decision. They can run their scare campaign on tax, but they must explain to the Australian people why they have obstructed a genuine attempt to make that legislation workable.

CANCER PATIENTS, SUBSIDISED DRUGS

1288. Dr GALLOP to the Premier:

I refer to the Premier's promise to deliver a social dividend to the people of Western Australia.

(1) Is the Premier aware that Sir Charles Gairdner Hospital is no longer providing subsidised drugs to cancer patients in a move to cut costs?

(2) Is this mean spirited move a result of his decision to impose productivity dividends on an already cash starved public health system?

Mr COURT replied:

(1)-(2) I am not aware of the detail of the provision of those funds. If the member wants to put the question on notice I will get the detail and provide an answer.

STREET LIGHTS, JOONDALUP-CONNOLLY

1289. Mr BAKER to the Minister representing the Minister for Transport:

I was recently contacted by the executive of the Connolly Residents Association requesting that street lights be installed along the pathway connecting the Joondalup business park with the suburb of Connolly.

Will the Department of Transport investigate the need for these lights and, if appropriate, make provision for them in its current budget?

Mr OMODEI replied:

The Minister for Transport has provided the following response.

I am pleased to advise the member that Main Roads Western Australia has investigated the need for street lighting on this pathway and considers that it should be installed. The funds will be provided from the Main Roads' program in 1998-99.

SPICE GIRLS POSTER MAGAZINE CLASSIFICATION

1290. Mr THOMAS to the Minister for the Environment:

This is addressed to the Minister in her capacity as Minister responsible for censorship. I refer to the Minister's reply to my letter regarding unrestricted classification in the Spice Girls poster magazine containing nude pictures of the group.

Given the Minister's acknowledgment that the poster is primarily aimed at young children, why has she not used her power under section 17 of the Censorship Act to reclassify the publication so that it is restricted to persons of 18 years or older? Surely the Minister does not believe that this trash is suitable for younger children.

Mrs EDWARDES replied:

I thank the member for having sent me a copy of the Spice Girls' poster. Within my portfolio I have responsibility for the censorship advisory committee which provides recommendations to me on the classifications for publications. When I received this complaint, I referred the poster and the magazine to that committee which came back to me with advice that it falls within the guidelines as being unrestricted. The guidelines state that publications in this category may be displayed or sold without any restriction. As one would imagine, the category is very diverse and some of the material in it is recommended for only mature readers. The Spice Girls Movie was primarily targeting primary school children. I was talking to some secondary school students today who are very strong Spice Girls supporters. I am the mother of an 11 year old boy and I am concerned at a couple of depictions in this magazine. As such, I have sent it back to the censorship advisory committee to reconsider its advice in relation to the categories -

Mr Ripper: By the time you act, it will be sold out.

Mrs EDWARDES: It was released in 1996. Not many copies would be available now; however, once this matter hits the Press, I am sure quite a few more will be on sale. In light of the general, unrestricted classification, I have asked the censorship advisory committee to come back to me about whether any note should be placed on the outside of the publication, saying that it should be restricted to mature audiences only.

YOUTH TRAINING PROGRAMS

1291. Mrs HOLMES to the Minister for Youth:

The member for Bassendean recently raised the issue of funding for youth training programs in the community, other than cadets. As this is a very important youth training area can the Minister advise what other youth training programs he is supporting?

Mr BOARD replied:

I thank the member for Southern River for raising this question and I also thank the member for Bassendean for raising this issue a couple of weeks ago. Coincidentally today I met with Dr Jacques Moreillon, the Secretary General of the World Organisation of Scouts movement; Mr Graeme Stickland, Chief Commissioner of Scouts; and John McKechnie, Chairman of Scouts Australia, who are looking at involving the scout movement in more of what the State Government is doing, particularly in its youth leadership program. I assure the member for Bassendean and members opposite that the cadet movement is only one way in which we are encouraging young people into youth training. We are funding the scouts, Guides Western Australia, Boys' Brigade, Girls' Brigade, the YWCA of Perth, the YMCA of Perth, the Duke of Edinburgh's Award, Fairbridge Western Australia, *Leeuwin* -

Mr Brown: To the same level?

Mr BOARD: Yes.

Mr Brown: Do you mean $350 and $500 per child per year? Is that right?

Mr BOARD: I have increased funding to these youth training programs by 30 per cent this year.

Mr Brown: Does that compare with the cadet program?

Mr BOARD: In fact, the funding for the scouts movement has increased from $156 000 to $210 000 for the year. The same applies to the guides. Funding is being increased for all the other youth training programs. They will all

be linked to the leadership program in Western Australia. I am continuing to involve the youth programs in much of what the State is trying to achieve in the general youth training area. The scouts, the guides and other youth programs are doing outstanding work and will continue to work with the Western Australian Government in encouraging more young people into youth training.

CONVENTION CENTRE

1292. Mr BROWN to the Premier:

I refer to the Premier's decision to allocate $100m towards a dedicated convention centre in Perth and the recent announcement by the Burswood Resort Casino that it plans to build a convention centre without the need for taxpayers' money.

(1) Has the Burswood organisation advised the Government that it is prepared to build a convention centre?

(2) If so, what are the essential differences between the convention centre proposed by the Government and that proposed by the Burswood casino?

(3) If the Burswood group has advised the Government that it is prepared to build a convention centre, can the Premier explain the financial benefits that will be derived by the State from a state funded, as opposed to a privately funded, convention centre?

Mr COURT replied:

(1)-(3) The Burswood organisation already has a convention centre. It has been dealing with the Government for some years about its plans to expand its convention facilities. The Government has been concerned that currently we do not have a dedicated convention and exhibition facility that enables us to attract a wide range of conventions to the State. Burswood will shortly be briefing the Government on its proposals to expand its facilities.

Mr Ripper: This convention centre will not run at a profit, will it?

Mr COURT: I ask the Deputy Leader of the Opposition to let me finish. A few years ago Burswood outlined its proposals to build a second hotel, expand the car parking facilities which are inadequate, expand and improve the ballroom facilities, and possibly provide some of the exhibition space. A study was done, which has been tabled in this place. The tourism industry is very keen to have suitable facilities in the central business district area for conventions and exhibitions. That would enable those conventions to capitalise on the facilities in the city, such as the retailing outlets, Northbridge, etc.

Mr Brown: Is the intention to provide it at the same size?

Mr COURT: As I said, in the five years we have been in government - I do not know what they did with the previous Government - Burswood has spoken to us a lot about what will happen, but nothing has happened yet. Burswood has a monopoly on a casino in this town until 2001, I think. Surely commercially it would be in Burswood's interests to reinforce its strengths in the marketplace before that exclusivity runs out. That has not occurred.

The Government intends to call for expressions of interest, and that will be done shortly. We will outline what we want to see in proposals. We will seek details of a number of facilities the State needs, different theatres and the like, and would like to see incorporated in that complex. We will then examine the proposals that come forward. In the meantime, if Burswood put forward a proposal, we will see what it is doing and whether it makes sense for our project to proceed.

Mr Brown: It may not proceed at this stage?

Mr COURT: There is a 95 per cent chance that a project will proceed, which will be a huge asset to the State. The question is whether it will make money.

Mr Brown: Are you saying that if Burswood puts up a proposal to build a centre and expand its facilities, it will lose money?

Mr COURT: The member cannot understand that the range of facilities about which we are talking could well be quite different from what is being proposed by Burswood. We have had huge support from those in the hospitality industry for these facilities, particularly if they are located in the CBD. Members opposite have fallen into this trap: They have been negative from day one of this proposal. They have not even bothered to see -

Dr Gallop: We were told there was a lot of negativity in your Cabinet, too.

Mr COURT: There was absolutely zilch negativity. Members opposite have difficulty understanding what we are trying to do. We are giving people the opportunity to put together a magnificent new complex for this city that will involve, we hope, hundreds of millions of dollars of private sector investment in facilities that are needed by this State.

I was asked by interjection whether Burswood would lose money. Convention exhibition facilities lose money everywhere. That is why it must be part of a larger complex that has a commercial up side to it. The overall benefits that flow from having world class facilities to attract conventions to this community demonstrate that the payback for such a facility comes in a very short time. Before the Opposition gets too negative on this issue, I urge it to wait until expressions of interest come in to see what proposals are put to the Government and whether they are accepted by the Government.

MINISTER FOR LABOUR RELATIONS

Australian Industrial Relations Commission

1293. Mr MASTERS to the Minister for Labour Relations:

The Opposition made claims on Tuesday that the Minister showed contempt for the Australian Industrial Relations Commission. Is that claim true, and does the Minister have any real examples of where contempt for the commission has been shown?

Mr KIERATH replied:

I have always advocated the rule of law. I believe that people should abide by AIRC decisions. If they do not, they can appeal them and then abide by the outcome. The member for Willagee said the other day he would turn up to a commission hearing, even if he was not a Minister of the Crown. That implies that he respects the commission and thinks the decisions of the commission should be adhered to. He was arguing about something that had not been served on me. I presume the Leader of the Opposition also believes that the decisions of the commission should be adhered to.

Dr Gallop: You are so far in the hole that there is no air and no light! That is how deep you are!

Mr KIERATH: Where are the cries of outrage from the Opposition when someone from their side of politics thumbs his nose at decisions of the commission? Do we hear members opposite criticising them? On Monday of this week, the Construction, Forestry, Mining and Energy Union defied an order of the Australian Industrial Relations Commission and went on strike. Did the Opposition raise a matter of public interest on that? They did not! Not one word of criticism on that. This is the problem with members over there; when one of their side do it - complete silence!

I bring the attention of the House to a quote from the WA construction worker magazine in 1996; it is very interesting. It is attributed to Kevin Reynolds and relates to the onslaught on Parliament House in Canberra when people did all sorts of terrible things. He said -

> If we start sacking people because they have a past criminal conviction, we will probably have to get rid of quite a few members, and that would be a gross injustice.

This is a classic case of the Opposition's industrial relations style. When it was in government, it did not enforce the law. When unions broke the law, it did not enforce the law; when employers broke the law, it enforced the law. In other words, it chose when it would obey the law and enforce it, and when it would not. That is the reason the Labor Party was a failure in government and why it is on the opposition benches today.

NURSES' WAGES CLAIM

Arbitration

1294. Mr KOBELKE to the Premier:

Did Cabinet approve of the nurses' wages claim going to arbitration; if so, on what date was the approval granted?

Mr COURT replied:

I will have to check Cabinet minutes. The Minister for Health provides regular updates of a dispute such as this to Cabinet. However, I am not aware that Cabinet made a decision about arbitration. I will check the Cabinet advice so my information is absolutely correct, but the process is that we get a regular update of what is taking place.

NURSES' WAGES CLAIM

Government Wages Policy

1295. Mr KOBELKE to the Premier:

Given that the Premier's government wages policy in clause 41 requires Cabinet approval for a claim to go to arbitration, does this mean that the Government has abandoned its wages policy; or, alternatively, is the nurses' wages claim to be settled outside the wages policy of the Government?

Mr COURT replied:

The Government has not abandoned the policy. In relation to a proposal for the nurses, if there is a negotiated solution or an arbitrated decision, the matter comes to Cabinet. The Government receives a report, usually weekly, from its labour relations subcommittee. That is why I want to check the minutes. I do not want to mislead the member on this matter.

DAWESVILLE DEVIATION

1296. Mr MARSHALL to the Minister representing the Minister for Transport:

Now that the urgent need to prioritise the Peel deviation has been recognised, will the proposed Dawesville deviation for 2001 and improvements to Old Coast Road through Dawesville still stay on track?

Mr OMODEI replied:

The Dawesville deviation is fully funded in Main Roads' 10 year program and construction is scheduled to commence in 2000-01. In the meantime, planning, design and land acquisition are proceeding. It is also important that people are aware that a study group will examine priorities for the Peel deviation. This major route will take through traffic away from the existing route through Mandurah, and therefore improve safety and amenity for people who live in the areas concerned.

NATIONAL PARTY

Privatisation Policy

1297. Dr GALLOP to the Deputy Premier and the Leader of the National Party:

Does the National Party in Western Australia, as a matter of policy, support the privatisation of Western Power, AlintaGas, Westrail and the remaining two-thirds of Telstra?

Mr COWAN replied:

I generally indicate to the Leader of the Opposition that with respect to those issues, a significant difference exists between corporatisation and privatisation, as most members would know. In that sense, the National Party has indicated very clearly by supporting the corporatisation of Western Power, and some of the other bodies the Leader of the Opposition mentioned, that it does support corporatisation.

Dr Gallop: I asked you about privatisation.

Mr COWAN: The Leader of the Opposition now asks whether the National Party supports privatisation. They are matters that may at some time in the future have to be considered.

Dr Gallop: They are being considered now by the public.

Mr COWAN: I am pleased to learn that the public might be considering matters in advance of the Government, but at this moment I think the National Party is still evaluating the positive and negative benefits that have accrued as a consequence of corporatisation.

I assure all members that the National Party, with the Government as a whole, will be fully assessing and evaluating the benefits that have been brought to this State and identifying some of the disbenefits through the process of corporatisation, before we take any further steps towards privatisation.
